Hill (MT)	Miller (FL)	Shaw
Hilleary	Miller, Gary	Shays
Hilliard	Moran (KS)	Sherwood
Hobson	Morella	Shimkus
Hoekstra	Murtha	Shows
Horn	Myrick	Shuster
Hostettler	Nethercutt	Simpson
Hulshof	Ney	Skeen
Hunter	Northup	Smith (MI)
Hutchinson	Norwood	Smith (NJ)
Hyde	Nussle	Smith (TX)
Isakson	Ose	Souder
Istook	Oxley	Spence
Jenkins	Packard	Stearns
John	Paul	Stump
Johnson (CT)	Pease	Stupak
Johnson, Sam	Peterson (PA)	Sununu
Jones (NC)	Petri	Sweeney
Kasich	Pickering	Talent
Kelly	Pitts	Tancredo
King (NY)	Pombo	Tauzin
Kingston	Porter	Taylor (MS)
Knollenberg	Portman	Taylor (NC)
Kolbe	Pryce (OH)	Terry
Kucinich	Quinn	Thomas
Kuykendall	Radanovich	Thornberry
LaHood	Rahall	Thune
Largent	Ramstad	Tiahrt
Latham	Regula	Toomey
LaTourette	Reynolds	Traficant
Lazio	Riley	Upton
Leach	Rogan	Vitter
Lewis (CA)	Rogers	Walden
Lewis (KY)	Rohrabacher	Walsh
Linder	Ros-Lehtinen	Wamp
LoBiondo	Roukema	Watkins
Lucas (KY)	Royce	Watts (OK)
Lucas (OK)	Ryan (WI)	Weldon (FL)
Manzullo	Ryun (KS)	Weldon (PA)
McCollum	Salmon	Weller
McCrery	Sanford	Whitfield
McHugh	Saxton	Wicker
McInnis	Scarborough	Wilson
McIntosh	Schaffer	Wise
McKeon	Sensenbrenner	Wolf
Metcalf	Sessions	Young (AK)
Mica	Shadegg	Young (FL)

NAYS—189

Abercrombie	Eshoo	Maloney (NY)
Ackerman	Etheridge	Markey
Allen	Evans	Martinez
Andrews	Farr	Mascara
Baird	Fattah	Matsui
Baldacci	Filner	McCarthy (MO)
Baldwin	Ford	McCarthy (NY)
Barrett (WI)	Frank (MA)	McDermott
Becerra	Frost	McGovern
Bentsen	Gejdenson	McIntyre
Berkley	Gephardt	McKinney
Berman	Gonzalez	McNulty
Berry	Green (TX)	Meehan
Blagojevich	Gutierrez	Meek (FL)
Blumenauer	Hall (OH)	Meeks (NY)
Bonior	Hastings (FL)	Menendez
Borski	Hill (IN)	Millender-McDonald
Boswell	Hinchey	Miller, George
Boyd	Hinojosa	Minge
Brady (PA)	Hoeffel	Mink
Brown (FL)	Holden	Moakley
Brown (OH)	Holt	Mollohan
Capps	Hooley	Moore
Capuano	Hoyer	Moran (VA)
Cardin	Inslee	Nadler
Carson	Jackson (IL)	Napolitano
Clay	Jackson-Lee (TX)	Neal
Clayton	Jefferson	Oberstar
Clement	Johnson, E. B.	Obey
Clyburn	Jones (OH)	Olver
Condit	Kanjorski	Ortiz
Conyers	Kaptur	Pallone
Costello	Kennedy	Pascrell
Coyne	Kildee	Pastor
Cramer	Kilpatrick	Payne
Crowley	Kind (WI)	Pelosi
Cummings	Kleczka	Peterson (MN)
Davis (FL)	Klink	Phelps
DeFazio	LaFalce	Pickett
DeGette	Lampson	Pomeroy
Delahunt	Larson	Price (NC)
DeLauro	Lee	Rangel
Deutsch	Levin	Reyes
Dicks	Lewis (GA)	Rivers
Dixon	Lipinski	Rodriguez
Doggett	Lofgren	Roemer
Dooley	Lowey	Rothman
Doyle	Luther	Roybal-Allard
Edwards	Maloney (CT)	Rush
Engel		

Sabo	Spratt	Udall (NM)
Sanchez	Stabenow	Velazquez
Sanders	Stark	Vento
Sandlin	Stenholm	Visclosky
Sawyer	Strickland	Waters
Schakowsky	Tanner	Watt (NC)
Scott	Tauscher	Waxman
Serrano	Thompson (CA)	Weiner
Sherman	Thompson (MS)	Wexler
Sisisky	Thurman	Weygand
Skelton	Tierney	Woolsey
Slaughter	Towns	Wu
Smith (WA)	Turner	Wynn
Snyder	Udall (CO)	

NOT VOTING—6

Brown (CA)	Gordon	Lantos
Davis (IL)	Houghton	Owens

☐ 1218

Mr. ROEMER changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material into the RECORD on H.R. 1501 and H.R. 2122, the legislation we are about to consider.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to House Resolution 209 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1501.

☐ 1218

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise this morning in strong support of H.R. 1501, the Consequences of Juvenile Offenders Act of 1999. On a day when there may be more than occasional partisanship, I think it is important to note that the base text for our deliberations today and the base text for what we will probably be considering tomorrow and maybe even the next day is truly bipartisan.

Indeed, all the members of the Subcommittee on Crime, Republican and Democrat alike, are original cosponsors of this bill, as are the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS), the chairman and the ranking member of the full Committee on the Judiciary.

Mr. Chairman, this legislation is the outcome of years of field hearings, committee hearings and earlier legislative efforts. It reflects the input of countless men and women who are daily in the trenches of juvenile justice around the country; the juvenile court judges, probation officers, prosecutors, police officers and educators who have the tremendous challenge of trying to make juvenile justice a reality by redirecting the lives of troubled youngsters into productive paths.

Perhaps most importantly, this legislation responds directly and in a positive common sense way to the central question that we are all grappling with today. What can we do about youth and violence? How can we, as legislators, contribute to safer, healthier communities for our kids and our families?

Our youth are America's finest resource. We have an obligation to protect this valuable national treasure. As a Congress, we may disagree on how to accomplish this objective. However, we are all focused on one thing. We must protect our young people.

Mr. Chairman, the tragic events at Columbine High School on April 20 have left us all asking tough questions, looking for real answers. The senseless suicidal rampage by those two teenagers leading to the brutal deaths of 12 of their classmates and one teacher cast a fearful shadow over our country.

As a father of three sons, one of them a high school graduate only three weeks ago, my wife and I have known the weighty concerns of school violence and, sadly, I think we all know that the determined acts of individuals on a massacre and suicide mission are rarely preventable through even the best of laws.

We have now learned that these two teenagers felt rejection by their peers, were filled with hatred and had been planning their violent massacre and suicide for a year. It seems to me that the key to preventing such tragedies is to foster and strengthen those values and convictions that make even contemplating such madness inconceivable.

Yes, our Nation's laws do play a part in fostering such values, but I think the role our laws play in all of this pales in comparison to the combined roles of family, churches, civic institutions and the media. These are what truly shape the character of our youth.

This very important point was eloquently made at the Subcommittee on Crime hearing last month by Darrell Scott, whose daughter Rachel was

killed in the Columbine shooting and whose son Craig was wounded there.

Mr. Scott said, and I quote, no amount of gun laws can stop somebody who spends months planning this type of massacre.

As we begin consideration of measures to better protect our children on the school grounds, playgrounds and the streets of America, and to stop the violent youth movement that seems to be going on in this country, we need to put our endeavors and the tragedy of Columbine in perspective. The vast majority of our teenagers are healthy, bright kids who have been instilled with basic values and in our great, free Nation will have the opportunity to have a good education and seek to achieve their highest aspirations.

There are an alarming and growing number of disturbed and often rejected and isolated youth who are turning to violence, which is not only self-destructive but puts at risk all of our children. Our job is to understand the causes of this youth violence, and while recognizing their limits use our laws in a constructive manner to help our families and communities identify and redirect these disturbed teenagers before they engage in some violent and tragic act.

Mr. Chairman, since the tragedy at Columbine, many have focused almost exclusively on restricting teenagers' access to guns and gun control. I share virtually everyone's belief that no child should have access to a gun. No doubt, some of our gun laws are too lax and loopholes need to be closed, and we will properly address these matters in the next day or two.

It is also true that gun laws already on the books have not been adequately enforced by the Justice Department, but youth violence is about a whole lot more than gun issues and we do a disservice to the American public and our children if we fail to recognize and address the more fundamental underlying causes of teenage violence.

Lack of proper parental attention, lack of discipline and overcrowding in our schools, exposure to repetitive, extreme violence on television, in the movies, in video games and over the Internet, and a broken juvenile justice system are among the root causes of this epidemic of juvenile violence.

Of all of these, the one that by legislation we can have the most impact on is repairing our Nation's broken juvenile justice system, which is the subject of the base text of H.R. 1501; and yet all of the debate, since Littleton, in all of this time, this bipartisan product which sociologists and expert after expert have told us is one of the most crucial and important steps that we can take to protect America's children, has gone virtually unnoticed.

In most of our urban and suburban communities today first-time teenage vandalism goes unpunished. Police who catch kids slashing tires, key scratching cars or spray painting graffiti on warehouse walls often do not even take these kids before juvenile authorities because they do not expect that they will receive any meaningful punishment. This is so because our juvenile courts around the Nation are overworked and understaffed. There simply are not enough juvenile judges, probationary officers, diversion programs and detention facilities.

Most of our juvenile courts are focused principally on repeat offenders and the very bad. As a result, the kids do not get the messages that there are any consequences for their criminal acts. These kids do not get disciplined at home or in the school or in the juvenile justice system.

Juvenile judges, probation officers, police officers, educators and sociologists have all told the Subcommittee on Crime again and again that kids who receive little or no consequences for their misbehavior are far more likely candidates for teenage violence as they get older.

H.R. 1501 addresses this problem. It establishes a grant program over 3 years to provide much needed resources to State and local juvenile justice systems to help them do more to focus on the youthful first-time offender. It goes to the States based upon their population and their rate of juvenile crime. They can use this money any way they see fit to improve their juvenile justice systems, including hiring more judges or probation officers or creating more diversion programs or building more juvenile detention facilities, or providing more safety measures in schools.

It ties these additional resources to graduated sanctions, an approach that seeks to ensure meaningful proportional consequences for juvenile wrongdoing, starting with the first offense and intensifying with each subsequent, more serious offense. Each State's funding would be based on its juvenile population.

I want to make this point very clearly. There is only one condition that States must meet in order to receive the funds under this program, and that is to establish a system of graduating sanctions. The system must ensure that sanctions are imposed on juvenile offenders for the very first offense, starting with the first misdemeanor, and that sanctions escalate in intensity with each subsequent, more serious delinquent offense.

Common sense and research both make it clear that ensuring early appropriate sanctions for wrongdoing is the best way to direct youngsters away from a life of crime and into a life of productive citizenship.

At the same time, the bill calls for graduated sanctions. It provides flexibility. It ensures that a court's disposition is tailored to the individual juvenile. It allows for the imposition of graduated sanctions to be discretionary. That is, a State or locality can still qualify even if its system of graduated sanctions allows juvenile courts to opt out. The bill simply provides that when there are such opt-outs a record must be sent at the end of the year explaining why a sanction was not imposed. This is working well in certain States and localities and is not an undue burden.

The juvenile justice systems of the Nation are principally a State responsibility. The Federal Government cannot begin to adequately fund these long neglected programs, but we can provide the seed money in the incentive grants in H.R. 1501 that will hopefully stimulate all 50 States to repair their broken juvenile justice systems. There is nothing more important to addressing the question of child safety and youth violence that we can do today than to pass this bill.

□ 1230

I am convinced that whatever else we do in the next couple of days, it will pale in comparison to the significance of enacting this base bipartisan bill that was drafted long before Littleton.

Holding youth accountable for their acts, giving them consequences, is the best prevention possible that we as legislators can enact to stop the flood of youth violence and restore a safe environment for our children in our schools, on the playgrounds, and on our streets.

Mr. Chairman, meaningful juvenile justice reform is within our reach. Our young people deserve nothing less.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, I am deeply disappointed to see the abandonment of bipartisanship with reference to the juvenile justice legislation, that we abandon the orderly process to pursue legislation by ambush, and abandon our commitment to the American people, and follow instead the lead of special interests.

Now, how do we know the Republican majority has played politics with juvenile justice? They now advocate policies that, just weeks ago, they even acknowledged lack merit. In March, the Subcommittee on Crime chairman stated, ''Taking consequences seriously is not a call for locking all juveniles up, nor does it imply the housing of juveniles, even violent hardened juveniles, with adults. I for one am opposed to such commingling.''

Yet, today, the majority is pushing legislation which tries more children as adults, houses more juveniles as adults, imposes a whole slew of new mandatory minimum penalties, and, yes, the death penalty that Republicans shunned only a month ago and which clearly will not work.

What is really extraordinary about these proposals is just how meaningless they are. There are fewer than 150 prosecutions in the Federal system each

year, and such changes are likely to affect only a small percentage of these cases.

So these proposals do not represent serious attempts at legislation. Rather, they are a transparent attempt to legislate by sound bite and kill a bill that they themselves only recently agreed was the best approach to juvenile justice.

Housing juveniles in adult prison facilities means more kids likely to commit suicide, to be murdered, physically or sexually abused, than their counterparts in juvenile facilities. As a matter of fact, children in adult jails or prison have been shown to be 5 times more likely to be assaulted and 8 times more likely to commit suicide than children in juvenile facilities.

So the repeated studies of prosecuting juveniles as adults indicate that rather than serving as a deterrent to juvenile crime, prosecuting more juveniles as adults merely leads to greater and more serious recidivism.

If we are truly interested in juvenile justice reform, we must begin by rejecting unprincipled amendments allowed by the rule that would cut the heart out of this bill and stick to the principles of H.R. 1501. This was the bill produced by a bipartisan process, unanimously approved by the Subcommittee on Crime.

In the wake of the recent school tragedies in Littleton, Colorado, Conyers, Georgia, and other places, the American people now deserve and expect reform. We cannot and should not allow false arguments about getting tough on crime and prosecuting juveniles as adults to prevent us from achieving these important goals.

Let us carefully review and reject most of these amendments that will send us further backwards instead of moving us forward as the American people would wish.

Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if I might, I want to make sure it is very clear that the gentleman from Michigan (Mr. CONYERS), despite his criticism and concern about pending amendments, he does and has all along supported this underlying bill, H.R. 1501, that is out here right now, unamended. Am I not correct?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, he is absolutely correct. We support H.R. 1501. But we have never had hearings on any of the other accompanying amendments.

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I just wanted to make the point again that we start today with a very bipartisan product that Democrats, Republicans alike, support on juvenile justice.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DeLAY. Mr. Chairman, I appreciate the gentleman from Florida yielding me this time.

Mr. Chairman, I just think it is sort of ironic that the very ones that wanted us to come straight from the Senate with a bill to the floor with no consideration are now complaining because there was not enough consideration.

Mr. Chairman, I just want to say that the truth will make us free if we admit what the truth is. Every once in a while, I read something or hear something that blows away all that smoke that clouds a particular issue. A letter written by a Mr. Addison Dawson to the San Angelo Standard-Times is just such a statement. In fact, after I make this statement, I do not think anybody else needs to speak. We just need to vote.

The following is Mr. Dawson's letter, which Paul Harvey read on his radio show: ''For the life of me, I can't understand what could have gone wrong in Littleton, Colorado. If only the parents had kept their children away from the guns, we wouldn't have had such a tragedy. Yeah, it must have been the guns.

''It couldn't have been because half our children are being raised in broken homes. It couldn't have been because our children get to spend an average of 30 seconds in meaningful conversation with their parents each day.

''After all, we give our children quality time. It couldn't have been because we treat our children as pets and our pets as children.

''It couldn't have been because we place our children in day care centers where they learn their socialization skills among their peers under the law of the jungle, while employees who have no vested interest in the children look on and make sure that no blood is spilled.

It couldn't have been because we allow our children to watch, on average, 7 hours of television a day filled with the glorification of sex and violence that isn't even fit for adult consumption.

''It couldn't have been because we allow (or even encourage) our children to enter into virtual worlds in which, to win the game, one must kill as many opponents as possible in the most sadistic way possible.

''It couldn't have been because we have sterilized and contracepted our families down to sizes so small that the children we do have are so spoiled with material things that they come to equate the receiving of the material with love.

''It couldn't have been because our children, who historically have been seen as a blessing from God, are now being viewed as either a mistake created when contraception fails or inconveniences that parents try to raise in their spare time. It couldn't have been because we give 2-year prison sentences to teenagers who kill their newborns.

''It couldn't have been because our school systems teach the children that they are nothing but glorified apes who have evolutionized out of some primordial soup of mud.

''It couldn't have been because we teach our children that there are no laws of morality that transcend us, that everything is relative and that actions do not have consequences. What the heck, the President gets away with it.

''Nah, it must have been the guns.''

Mr. CONYERS. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK), the senior member of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Chairman, this has been a hard bill to follow because the majority has been kind of playing a legislative shell game. We started with this bill and that bill, and this bill became part of that bill, and that bill went into that bill, and this amendment was pulled out to be offered by a Member who might have a little political difficulty.

So I am not familiar with everything that is in here. But after listening to the majority whip, I have to read it more closely, because I may have missed the part in which we ban the teaching of evolution.

I know we have had a lot of discussion of what was causing the problems here, but I just heard the majority whip say it was Charles Darwin's fault. It is apparently evolution. It is teaching children that they are the products of evolution that is the cause of this.

So I will have to watch more carefully for the amendments when we get the amendment of the gentleman from Texas (Mr. DELAY), the majority whip, correcting the teaching of evolution.

I have to say, as I listened to him, I have not heard such an angry denunciation of the American people since SDS used to pick at me 30 years ago. I guess there is a degree of anti-Americanism here that I had not anticipated. It is the American people's fault. They are involved in family planning. They are teaching evolution. They are doing all these things.

Plus, I guess somebody ought to arise to defend the States. The gentleman from Florida (Mr. MCCOLLUM) said the States' juvenile justice is broken down. The gentleman from Texas (Mr. DELAY) is mad at the States. The poor States. I guess the States rights movement we should officially inter today.

What we have today is an announcement. Hey, States, you do not know to handle your local criminal business. We, the all-knowing Congress, will take care of it. So we will abolish the teaching of evolution, and we will diminish States rights, and we will solve the problem.

I guess I wished they had stopped at that, though, because I am now looking at the amendment that has been made in order by the gentleman from Illinois (Mr. HYDE), the chairman of the committee, and I must say I am impressed by the gentleman's discretion. I have not seen him here all morning. I am not surprised that he does not want to be associated with all of this.

But the gentleman's amendment, I was going to ask, Mr. Chairman, if we

could have the debate on the Hyde amendment after 10 o'clock tonight. I know we are going to be in late. As I read this amendment, I do not think it is a fit subject to be discussing when children are listening. There are some graphic physical descriptions here of the human body that I do not know that we will want to talk about.

I must say, I think if anybody simply read this bill on the floor of the House during family viewing hours, if it were not for our constitutional immunity of which we have really heard, he or she could be in trouble. But I have some problems.

It does say that one cannot show, for instance, and it includes sculpture. One cannot show sculpture of the breast below the top of the nipple. I have seen some statues which I think do that. Now, it says one cannot show them to a minor. So I guess we are going to start having 17 or over only into sculpture gardens.

One cannot show other physical parts. I suppose old enough statues to have parts broken off may be okay. But intact statues are probably going to be a problem. We are discriminating against modern sculptures because one can only show these kids a statue that has fallen apart.

It says one cannot show to someone under 17 a narrative description of sexual activity. I guess Mr. Starr may be in trouble. I do not know about his prosecutorial immunity. But as I read the Hyde amendment, we will have to stop selling the Starr report.

Now, it does say it is okay to sell it if it has serious literary, artistic, political, or scientific value. I guess in the case of the Starr report, people thought it was going to have some political value for their side. It turned out not to have any.

But if someone under 17 read that because of his or her prurient, shameful, or morbid interest, so now we are outlawing shameful interest, it is not shown. I mean, this is really very, very serious.

The problem is this, the original version of this sweeping censorship was introduced on June 8. No unit of the House Committee on the Judiciary has been able to vote on it, to amend it, to study it. We now, 8 days later, have a new version. I think it is about the third version.

We are no longer going to mandate that every seller of recorded music in America give out copies of the lyrics. Congress is only going to recommend this to every retailer in America in our infinite wisdom and disregard for local autonomy.

□ 1245

I do not think we understand this fully. This is a broad assault on the first amendment. We cannot show in here, for instance, physical contact with a person's clothed buttocks. So all those pats of congratulations in athletic contests I guess we will have to avert the cameras for. Now, maybe that is not true, but there is nothing in here that says it is not.

Mr. Chairman, I understand the political bind the other side is in, but to use the first amendment to get out of it on 8 days notice is very inappropriate.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, I thank the gentleman for yielding me this time, and I also want to thank the chairman for working with me in this last year and including the Schoolyard Safety Act in the outlines of this bill.

After the shooting in Springfield, Oregon, the gentleman from Oregon (Mr. DEFAZIO) and I teamed up to introduce this legislation, the Schoolyard Safety Act, which provides a 24-hour holding period for students who bring guns to school.

In my State, these students are automatically expelled, but the Schoolyard Safety Act would also require that they be detained. This holding period is incredibly important. It provides for the protection and the safety of both our children in the classroom and relatives at home who might be targets of the student's anger, as happened in the Springfield, Oregon, shooting. It also provides an intervention for those juveniles who bring a gun to school but who may need mental health treatment or counseling.

Yesterday, I had a visit from some very special women in my district. They belong to a group called Mothers Against Violence in America. There was a young woman and her mother in this group. The young woman, Rachel, was shot at Garfield High School in Seattle, Washington. The other mothers who came to my office had lost sons or daughters in school shootings, including one mother whose son was killed in the school shooting in Moses Lake, Washington. And these women are the reason that the gentleman from Oregon (Mr. DEFAZIO) and I introduced the Schoolyard Safety Act and why I worked so hard to get this 24-hour holding provision into the juvenile justice bill.

In addition to this effort at the Federal level, the State of Washington recently passed a new law requiring a 24-hour holding period for young people who bring guns on to school grounds. I simply in this colloquy, Mr. Chairman, want to thank the chairman and clarify this new Washington State law will be consistent with the provisions that are included in this bill.

Mr. MCCOLLUM. Mr. Chairman, will the gentlewoman yield?

Ms. DUNN. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I would certainly say that they are consistent. The gentlewoman has done admirable service in providing the base legislation of what she has just described, and that under the various purposes that a State or local community is allowed to use the grant money in 1501 to improve the juvenile justice system, those purposes would include those which she has described in her legislation. They would be included particularly under the 13th provision in the present bill.

Ms. DUNN. Mr. Chairman, I thank the gentleman for those assurances.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. Mr. Chairman, I thank the gentleman, my colleague from Michigan and the ranking member, for yielding me this time.

I am pleased to see the level of interest in juvenile justice on this floor today. I strongly support these efforts to address the increasing problems of youth violence. With an estimated 1500 gangs and 120,000 gang members, juvenile crime is a genuine concern and it is critical that the Congress address this issue.

For a number of years, we have supported providing funds to the Boys and Girls Clubs of America, which have been so instrumental in keeping kids off the streets and out of trouble. Since 1995, $95 million has been provided by Congress to help expand the program to reach as many children as possible. And I am proud to say that much of this money came about because we in the Congress fought for it. We did put our money where our mouth is.

I would like to especially thank the gentleman from Kentucky (Mr. ROGERS), the gentleman from West Virginia (Mr. MOLLOHAN), and members of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations who not only supported these funds but fought to increase the amount we provide to this incredibly successful program.

As a result of our support, and through the dedicated efforts of Robbie Calloway, Senior Vice President for the Boys and Girls Clubs of America, four new clubs have opened each week for the past 3 years, and an additional 200,000 young people were served each year.

Certainly we all know that young people need meaningful and caring guidance. They need to find outlets that help insulate them from inappropriate peer pressure, while at the same time work to change the culture that results in that inappropriate peer pressure. Programs like the Boys and Girls Clubs have made a difference, and we can do much more if we help them.

Some of my colleagues have worked with me on this issue in the past, and I welcome all of those others who join us today in a constructive effort to be sure that our young people have the right opportunities to be productive individuals.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROGAN), a member of the committee.

Mr. ROGAN. Mr. Chairman, I thank the chairman of the Subcommittee on Crime for yielding this time to me.

Mr. Chairman, the halls of Congress are hallowed. The men and women who preceded us left a legislative heritage for the ages: landmark civil rights legislation, education reform bills, declarations of war and of peace. Often these bills opened doors paving the way for great change in our country. Today, we come together knowing that our work on juvenile justice may well save lives in the future, but it regrettably cannot change the outcome of recent tragedies in our Nation's schools.

While the wounds inflicted in Littleton and Conyers still leave us reeling, we can do something now. We can join together with schools, churches, parents and students to work to prevent similar tragedies from ever again occurring. As we move forward this morning, I echo the sentiments of the distinguished chairman of the Committee on Rules, who yesterday reminded us that our legislative focus must be to protect our Nation's students now and in the future.

Young people today are required to work harder and learn faster. They grapple with more than we ever did at their age, yet they still make time for their faith, their families and their neighborhoods. The isolated tragic headlines aside, young people give us hope. Today, Congress is called upon to act in their name.

Mr. Chairman, I am proud to join with the distinguished chairman of the full Committee on the Judiciary, and the distinguished chairman of the Subcommittee on Crime to support this important legislation.

H.R. 1501 will attack the problem of youth violence at the source. This bill will send the resources of the Federal Government directly to State and local officials and bypass unnecessary bureaucracies. This legislation will empower local officials to hire more prosecutors, more counselors and more intervention experts. It will provide for additional law enforcement training, drug rehabilitation programs, and innovative school safety programs. This legislation will also provide resources for correctional facilities.

Mr. Chairman, for 10 years I was a prosecutor and a judge in Los Angeles County. I saw more often than I prefer to recall the effects of violence in the home, in the schools and on our streets. It is right to punish criminals swiftly and severely to send a message that this violence will not be tolerated. But we must not stop there.

We must attack youth violence from all fronts. One of the best ways we can do this is at the local level. ''Band-Aid'' Federal bureaucratic policies are worth little when violence infects a local community. H.R. 1501 gives local experts the tools to ensure safe schools and safe communities.

Communities are working together to beat the problem of drugs and gangs and violence. I have seen local programs that give me hope, from the Hillsides Home in Pasadena to the after-school programs at the Burbank YMCA in my district. Neighborhoods are teaming with schools and teachers who work with students to ensure that they appreciate the effects of antisocial behavior before it escalates into tragedy. This proposed legislation empowers these programs and will give State and local programs new weapons in their violence prevention arsenals.

Mr. Chairman, the Consequences for Juvenile Offenders Act received broad bipartisan support in committee and is supported by families across this country. I support it as a member of the Committee on the Judiciary, as a Member of Congress, but most importantly I support it as the father of two young children. I look forward to seeing this bill make its way to the President's desk. I urge my colleagues to join us today to support this landmark legislation.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the subcommittee, who is the coauthor of the underlying bill, H.R. 1501.

Mr. SCOTT. Mr. Chairman, I would like to point out that 1501 was actually cosponsored by all of the members of the subcommittee, both Democratic and Republican, and it came through a deliberative process.

We had hearings and discussions about what needed to be done to reduce juvenile crime. We had hearings, and in one hearing judges and advocates and researchers pointed out that graduated sanctions would be very helpful to judges in helping with the reducing of juvenile crime.

What they said was that many judges are relegated to a choice between incarceration and probation with very little in between, and what they needed were other services and punishments that could be individualized. In the bill it says that drug rehabilitation and counseling and community services and other punishments could be used and funded through this bill, and that the punishment or additional services had to be individualized for the particular child. That is the bill. That is what went through the regular order of hearings and subcommittee markup, and it was unanimously adopted.

Now look at where we are. We are considering additional amendments that did not go through the regular process. And the reason they could not have made it through the regular process is they could not have withstood scrutiny.

Look at the idea that we are going to try more juveniles as adults. That is in one of the amendments. It ignores the studies. We have many studies that show that the adult time that they would get in adult court would actually be shorter than the juvenile time. All of the studies show that the crime rate will go up if we treat for juveniles as adults. We could not have gone through a regular process with that, because it would have been defeated in the committee. But if we are out here just slinging sound bites at each other, then obviously there is a chance of getting that provision through.

Like mandatory minimums. We could not get that through a regular process because we would have to defend against the studies, like the RAND study that showed that mandatory minimums are a waste of the taxpayers' money. There is a lot we can do with the taxpayers' money other than mandatory minimums if our goal is to reduce crime. Also, that attacks the very foundation of what we heard in subcommittee, and that is that the punishment must be individualized to the particular child. Mandatory minimum is a one-size-fits-all. This is what everybody gets regardless of the particular needs.

Then we add on to that all the constitutional amendments posing as amendments to a bill that have significant speech and religious implications. None of those received deliberation.

We ought not consider this kind of legislation; sound bites going back and forth without any deliberation. We started out and ought to go back to the original bill, 1501, and after that the bipartisan bill that was reported out of the education subcommittee, 1150, and stick with those rather than this process that is totally out of control.

Mr. MCCOLLUM. Mr. Chairman, may I inquire how much time remains on each side?

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 10 minutes remaining; and the gentleman from Michigan (Mr. CONYERS) has 15½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS), a member of the Committee on the Judiciary and the past chairperson of the Congressional Black Caucus.

Ms. WATERS. Mr. Chairman, I would like to commend the gentleman from Michigan (Mr. CONYERS), our ranking member, and the gentleman from Virginia (Mr. SCOTT) for the tremendous work they did in the Committee on the Judiciary on H.R. 1501 to really put forth before this House a real bill to deal with the problems of young people and the juvenile justice system.

Unfortunately, it is now all threatened because there is some attempt to try and divert people's attention away from the gun safety issue and to literally take this piece of legislation and pile on it everybody's wild thoughts about every issue that they have been concerned about, I guess, all of their lives.

We have people who would destroy the Constitution by piling on here all kinds of amendments that will undermine our first amendment rights. We have people who have decided they are going to take this bill and force the Ten Commandments to be posted somewhere. We have every kind of thought in over 40 amendments piled on top of this bill that will simply destroy the bill.

□ 1300

The American public and families want some assistance. They want some help. We can do a better job of crime prevention. And we do not need to do it with these kinds of outrageous amendments, nor do we need to talk about locking up young people and killing them with mandatory minimum sentencing. I think we are better public policymakers than that and we can do a better job.

I think the New York Times got it right when it said, ''Republican mischief on gun control.'' What they basically describe is how they have undermined the system of this House and how they have confused everybody, divided these bills, taken a good bill and destroyed it, and they are attempting to do the work of the NRA with a second bill where they will water down what was done on the Senate side.

This is outrageous. We should not have to put up with it. We should not destroy the work of the committee that was done in order to have a good juvenile justice bill. And we need to stop it right now. We need to stop it. We need to take the juvenile justice bill that was heard in committee and hear it and pass it out without all of these amendments, and then we need to deal with the gun safety legislation coming from the Senate side and vote it up or down.

I am absolutely outraged by the idea that mandatory minimum sentencing for 13- or 14-year-olds in this bill would create not only new Federal crimes but simply take away the discretion of judges, lock up kids 14 years old, put them in the Federal system, create more people in our prisons, and do nothing to reduce crime.

We know what mandatory minimum sentencing is doing. It is simply filling up the prisons and throwing away America's youth. We can do better than this. This is outrageous. Please do not let them get away with this.

Mr. CONYERS. Mr. Chairman, I yield 3¼ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think it is important to focus on what we are trying to do here on behalf of America's children.

So many of us have gathered around these issues in our capacity as members of the Committee on the Judiciary, members of organizations that promote children's issues. I work with Members who are interested in children's issues on a national level, Members of Congress who have joined together in the Congressional Children's Caucus.

Just a week ago, many of us spent time with Mrs. Tipper Gore, with individuals from around this Nation, in the first ever in the history of this Nation's White House Conference on Mental Health. I co-chaired the meeting section that dealt with children's mental health.

It was clear there by experts from around the Nation that there were other ways to address the concerns of our troubled youth throughout this country. I was gratified that, even before that conference and the wisdom of Mrs. Gore, the excellence of that conference, the focus on children, the deliberation around children and providing resources to listen to children, as was told to many of us who engaged our young people in our districts, went to the schools, that we had to do something other than locking children up.

We know the tragedy of Eric Harris and his associate and the tragedy of Columbine. But we also know the tragedy of killing young people in our urban centers for years and years. And clearly, we find out that trying juveniles as adults will suggest not a decrease in crime but an increase in crime. It endangers kids. It federalizes State juvenile offenses.

When we went through the committee process, it was very clear that the myriad of studies and witnesses on H.R. 1501 told us that locking up juveniles in Federal penitentiaries was not the way to solve the problem. They are subject to rape and abuse. It is tragic.

I thought that we had a meeting of the minds that would focus us on prevention programs like athletics and mentoring programs, job training, community-based activities such as the Fifth Ward Enrichment Program that takes children out of inner-city Houston and gives them an opportunity, inasmuch as they will be traveling to Africa this summer, giving them an incentive to be something else.

I thought that we had focused ourselves on mental health resources, guidance counselors, school nurses, and individuals who are available to listen to children, hot lines. I thought that we could work on the study by the Surgeon General to determine whether or not our children are torpedoed with violent entertainment and so we could come up with reliable solutions. I thought that we would understand, as we had done before, that prisons, Federal prisons, and juveniles do not work.

Unfortunately, we have an amendment offered by the chairman of the Subcommittee on Crime, with whom I have worked and who I have respect for, that takes all of our opportunity to solve these problems, deal with violence and guns, and particularly this 1501, away from us. It locks up our juveniles. It throws away the key. And it does not focus us on rehabilitation and preventive programs.

I rise here today to speak in support of the Juvenile Justice bill, H.R. 1501, the Consequences for Juvenile Offenders Act of 1999. This bill was a bipartisan effort in the Judiciary Committee. I am a cosponsor of this bill, which passed unanimously out of the Subcommittee on Crime.

H.R. 1501 offers a balanced approach that encompasses both punishment and prevention of juvenile offenders. We must enact stiff penalties for repeat violent offenders, but we must not forget the needs of other youth who can be rehabilitated through means other than punishment.

I am a strong supporter of prevention programs for young people who are risk. I believe that these programs—after school athletics, mentoring programs, job training, community-based activities and mental health services are vital to keeping children away from crime.

There is strong evidence to support that prevention programs work. Athletic programs prepare young people for success in life through encouraging teamwork, leadership and personal development. Mentoring programs pair young people with adults who work to encourage individuals to develop to their fullest potential.

Job training programs instill responsibility and encourage a strong work ethic. Community-based activities encourage respect for others and the local environment.

Each of these prevention methods provide alternatives to criminal activity. If young people are taught to respect themselves and their communities, they are less likely to get involved in violent behavior.

I am particularly interested in providing more mental health services for children. Mental health programs that screen, detect and treat disorders are crucial to preventing children from ending up in the juvenile justice system. Almost 60% of teenagers in juvenile detention have behavioral, mental or emotional disorders.

It is estimated that two-thirds of all young people are not getting the mental health treatment they need. There are 13.7 million or 20% of America's children with diagnosable mental or emotional disorder. These disorders range from attention deficit disorder and depression to bipolar disorder and schizophrenia.

We also need to put mental health professionals in the schools—counselors, psychologists and social workers that can help recognize the needs before it is too late. I am currently working on a bill that will place mental health services in the schools. By making these services available in the schools, we can spot mental health issues in children early before we have escalated incidents in the schools.

Each of these methods of prevention provides alternatives to simply warehousing juveniles in prison. Again, we clearly want to send a message to America that we want to develop productive, responsible citizens. Young people who commit violent crime must be punished, but we must do our part to make crime unattractive.

Given the recent violent incidences in Littleton, Colorado and Conyers, Georgia, the time could not be more urgent for this Congress to pass this legislation.

This debate should be centered on how we can save our children from violence and from committing violent acts. This legislation is a first step in that direction.

This first step gives us the chance to offer some solutions for preventing crime. It also enables us to articulate punishments for violent offenders. But, alone this bill is not enough. We also need to adopt provisions that will address the issue of guns in the hands of our children and the effect of our popular culture.

I thank you for the opportunity to speak on this bill. As I stated earlier, I was an original

cosponsor of this legislation in the Subcommittee on Crime. It is unfortunate that we were unable to present this bill through the proper Committee channels, namely through a markup.

However, we must use this opportunity to pass meaningful Juvenile Justice legislation. We cannot afford to waste this opportunity. If we do, it could be a matter of life and death for our children.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. HUTCHINSON), a distinguished member of the committee.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding me the time. I want to express my deep appreciation to him for his leadership on this very, very important issue.

Before I go into the substance of the legislation, I want to respond first of all to the gentlewoman from California who put out the idea that, under this legislation, there is going to be mandatory minimums for 13- and 14-year-olds that are going to go to prison. And the gentlewoman from Texas raised, basically, the same argument that we cannot lock up juveniles.

And, of course, that is not in the base bill that we are speaking of today, but it will be offered later on in an amendment. But that amendment, which the chairman certainly can address more appropriately than me, it requires before there is any prosecution of a juvenile in the Federal system that the Attorney General of the United States has to approve that.

I believe, whether it is Attorney General Janet Reno or another attorney general, that they would use their discretion very carefully so that, in the normal case where we have got a delinquent juvenile, that they are going to be handled in the juvenile court system, as they always have been.

So I think we have to be careful in this debate not to go down that path of fear of just putting out that we are going to be locking up juveniles, because that is not the design of this.

We are getting ahead of ourselves in this debate. We need to come back to the accountability block grant proposal that is in H.R. 1501. There are going to be a number of amendments that are going to be offered down the road. In fact, I had my staff put together the whole stack of them. It is going to be a fair debate. The Democrats offered amendments. The Republicans offered amendments.

The will of this House will work, just like we did in campaign finance reform, when there were over 200 amendments offered. I believe that is how democracy works, and we will be able to work that through the will of this House with what I believe will be a very good product. If people do not like an amendment, they get to vote against it. If it is something that is good, they get to vote for it.

Now let us come back to what is very, very important; and that is what the gentleman from Florida (Mr. MCCOLLUM) has prepared for us in this bill, the juvenile accountability block grant proposal.

First of all, it deals with the serious problem of violent juvenile crime. It gives the flexibility to the States to address this issue. It gives resources to them. We all want to deal with the problem of violence, as we saw in Columbine High School in Colorado.

One of the problems, I think, about that difficult circumstance of the probation officer who had these young people to deal with who were errant, who were a problem and they ultimately resorted to violence, if that person perhaps had had more resources, less of a caseload, perhaps he could have done more.

What this bill does is to provide $1.5 billion in grant money so the States can apply for that money. They can apply what works in their jurisdiction. It gives them creativity. It gives them flexibility. It gives them resources so they can deal with the juveniles, not by sending them to prison, locking them up, but by having accountability in the juvenile court system. And accountability is important.

I went to a county, Washington County, Arkansas, and talked to the juvenile delinquents who were actually incarcerated there; and it was clear to me in talking to them that what caught their attention was whenever they knew they could not manipulate the system anymore. And so, whenever they are held accountable, it makes a difference and they start getting their lives straightened out.

I look at this bill that the gentleman from Florida (Mr. MCCOLLUM) has authored and it says that one criteria for getting this grant money is that we have a system of graduated sanctions. And I read the bill and it says that the States should ensure that the sanctions are imposed on juvenile offenders for every offence. That is right, that sanctions escalate in intensity with each subsequent, more serious delinquent or criminal offence.

That is the way it should be. When we deal with our teenagers, we have one offence. If they do it again, it is a stronger offence. And that is exactly what this block grant program will encourage the States to do. It is a terrific start to dealing with the culture of violence, the difficulty that our teenagers face day in and day out. But again, it does give them the flexibility in each State to address the programs as they see fit.

If my colleagues look in Arkansas, it dramatizes the seriousness of this problem. In 1998, almost 10 percent of all criminal arrests in Arkansas were juveniles. But what is even more frightening, when we compare that 10 percent of all arrests for juveniles, 24 percent of the arrests for violent crime, including murder, rape and aggravated assault, were juveniles. Twenty-four percent of violent crime in my State was committed by juveniles.

And for that reason, this bill, this block grant program, gives Arkansas, gives New York, the authority to tailor the programs, to have the resources to address this. This is a staggering problem that needs to be addressed, and this legislation will do this.

I will later on offer an amendment that will provide restorative justice programs for these juveniles, and I ask my colleagues to consider this as well.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

(Mr. ROTHMAN asked and was given permission to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I am a cosponsor of H.R. 1501. I cosponsored this legislation because I believe that the grant programs it contains will be effective in helping our States and local governments combat juvenile crime. It adds the money necessary for antidrug, youth gang and youth violence programs. It provides more money for youth probation officers and prosecutors, more money for drug courts and gun courts, and more money for valuable after-school programs.

But, unfortunately, there are those in this body who would try to amend this bill with poison pill amendments that should be, at the very least, debated and voted on separately from our juvenile justice bill.

I do applaud what my chairman, the gentleman from Illinois Mr. HYDE), is trying to do by offering amendment number 112. I respect the gentleman from Illinois Mr. HYDE) greatly. Unfortunately, that bill goes too far in trying to protect our children from explicit sexual or violent material.

On the whole, it does some good things. But its cure is so extreme as to practically kill the patient. It does not strike the common-sense balance between protections for our children and retaining our constitutional liberties. It is so broad as to be unconstitutional and unenforceable.

We cannot ban parents from singing ''Rockabye Baby'' because it contains the image of a child falling out of a tree. Nor can we ban books like Tom Sawyer or Huckleberry Finn because they contain some levels of violence.

No, I do believe that there is too much violence, cruelty, and sadism in our culture; and I do believe that it occurs too frequently on television, in movies, in video games, and even in the lyrics of songs on the radio.

But parents have to get involved and do their jobs to monitor what our kids watch on television and how long they can watch television, to keep children out of movies that they are not old enough to see in the first place, to keep them from renting R-rated or PG–13-rated movies if they are not old enough, to install smut-blocking censoring devices on their own home computers, and to keep guns out of their own children's hands.

Yes, we must get the parents involved as one key element in addressing youth violence, as well as keeping guns out of the kids' hands. We can protect our children without outlawing everything from nursery rhymes to classic books and movies.

The juvenile justice bill that I cosponsored did so many wonderful and important things. It was adopted in a bipartisan fashion by Democrats and Republicans.

Unfortunately, my Republican colleagues are now about to impose poison pill amendments on a bipartisan juvenile justice bill for some ideological reason or perhaps some other good-faith reason. But it is the wrong thing to do.

Let us debate these other amendments separately and pass a clean, bipartisan juvenile justice bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. FOWLER), the vice-chairman of the Republican Conference.

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Chairman, as we discuss our competing solutions to this serious problem of violence in our society, we must remember what is truly important: our children.

It is our children who are at ground zero of this epidemic of violence. As a mother, I cannot think of anything more frightening than just that image.

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We must consider the consequences for their future. There are too many negative forces acting on our children and our families today.

Years ago the words and actions that we see so casually used today in music, television, movies and everyday conversation would have horrified this Nation. As Senator DANIEL MOYNIHAN noted in a 1993 article, we have defined deviancy down. The easy answer, of course, is to focus solely on weapons, but easy answers are rarely the complete solution. We must look at the entire picture, which clearly includes examining these negative influences and discovering a way to eliminate or counteract them while enforcing the concept of right and wrong and holding people responsible for their actions.

Let us remove politics from the equation and focus on our children and on instilling responsibility while counteracting these negative influences.

I want to commend the gentleman from Florida (Mr. MCCOLLUM) for introducing this excellent bill which will provide critical resources to our States to assist in their efforts to combat juvenile crime.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, I think today is really a sad day. It is a sad day for this institution, and it is a sad day for America.

In 1 year firearms killed not a single child in Japan, 19 in Britain, 57 in Germany, 109 in France, 153 in Canada and 5,285 in the United States. We had an opportunity to do something about that. The gentleman from New Jersey (Mr. PASCRELL) had introduced an amendment, an amendment which would have initiated and authorized the funding and the resources for the development of technology which would have created and designed a firearm which could not have been discharged by anyone other than the owner, by anyone other than the owner.

Now out of that more than 5,000 children that are killed every year in this Nation by firearms, 1,800 of them, 1800 children, our children, are killed either accidentally or by self-inflicted wounds, and we, the majority in this Congress, the Committee on Rules, could not find it, did not have the political will to make that amendment in order, and yet we see amendment after amendment, such as mandatory sentences which have again and again proved ineffective in terms of deterring crime and reducing violence in the United States, but we could not find it in this institution to save 1,800 children a year who die as a result of self-inflicted wounds because of accidental shootings. We could not do it.

Mr. Chairman, it says something about the priorities of this institution.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would like to speak to my colleagues, and I do not think they will disagree with what I am going to say. The majority of people in our jails today, most of them is drug related.

First of all, I want to thank my colleagues, including the gentleman from Michigan (Mr. CONYERS), that when my own son was involved with it, many of my colleagues from the other side of the aisle in the Judiciary came forward and offered to help, and I cannot tell my colleagues what that meant. And I do support strong minimum mandatories, the gentleman spoke a minute ago, even though it is on my own son, and I hope that it is the most important thing that has ever happened and life threatening in his life, and I think it will make a change, talking to him, and I do not think he will ever do it again.

But when we are talking about gun legislation, there are things that are reasonable. I made a statement once that I used to fly an F–14. It would put out 3,000 rounds a minute. In a half a second I could disintegrate this building, with a half-a-second burst, and I was trusted with that. I have never killed anybody outside of war, never robbed a bank, never shot anybody, and I want to protect the rights of people like myself that lawfully want to own a handgun.

I went to Mr. SCHUMER's district, and I understand why he hates guns. They have all the projects, and they shoot each other, and they do drugs, and they kill each other, and that is bad. But the answer is not just to be negative, but to look and see what is reasonable.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN), a member of the Committee on the Judiciary.

Mr. MEEHAN. Mr. Chairman, I thank the ranking member for having yielded this time to me.

I rise in opposition to the McCollum amendment to H.R. 1501. I think this amendment undermines the bipartisan consensus reached on this bill, a bill that was cosponsored by every single member of the Subcommittee on Crime and reported unanimously to the full committee where unfortunately we never considered this bill. Can my colleagues imagine the Committee on the Judiciary Subcommittee on Crime meets, all the Members cosponsor a bill, report it out unanimously, and we cannot get a vote in the full committee. It is kind of puzzling why this would happen, but rather than leave this very good piece of juvenile justice legislation alone, the Republicans have taken the opportunity to introduce poison pill amendments to guarantee its defeat, and I must admit that I find this strategy frustrating. If the bill was good enough 8 months ago when it was first drafted by the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT), then why is it suddenly not good enough now? Why do we need to ruin a good bipartisan bill that includes the right amount of prevention dollars for the States while not attaching too many conditions to the States' use of that money? In a momentary fit of bipartisanship did the Republicans forget to include all of their mean-spirited, counterproductive, juvenile justice measures now that they want to add to the bill?

First, this bill transfers too many juveniles to adult court even though studies have shown that transferring juveniles to adult court can increase juvenile crime. Now a 1996 study in Florida found that youth transferred to adult prisons re-offended approximately 30 percent more frequently than youth who stayed in the juvenile justice system. So if the goal is to move more juveniles to adult prisons and it is to target violent offenders, then studies prove that this has not worked. More juveniles are transferred for nonviolent offenses than for violent offenses, and that is exactly the wrong outcome. If we can see that at least some of the nonviolent juvenile offenders can be rehabilitated, then placing more of them in adult prisons is standing logic on its head.

In addition, holding juveniles in adult facilities is dangerous. Children in adult facilities are five times more likely to be sexually assaulted, twice as likely to be beaten by staff and 50 percent more likely to be attacked with a weapon and eight times more

likely to commit suicide than juveniles in a juvenile facility.

There are too many examples of horrible results by locking up kids with adults, but I will provide just one example. Seventeen-year-old Christopher Peterman was held in an adult jail in Boise, Idaho, for failing to pay $73 in traffic fine. For over 14 days he was tortured and finally murdered by other prisoners, a death penalty for $73 in traffic tickets.

We can do better than this, we have got to treat kids appropriately. This amendment should be defeated.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if we are truly interested in juvenile justice reform, we must begin by rejecting the amendments that have been stuck on to the very fine principles contained in H.R. 1501, a bipartisan bill that came out of the Subcommittee on Crime, and I remind the gentleman, the chairman of the committee, and I praise this bill, this is a measure that has been very carefully vetted, but all of the other amendments that have been approved, some 44, have never been in the Committee on the Judiciary. In other words, the Committee on Rules has become the original committee of jurisdiction for a juvenile justice bill, and for that reason those amendments must be rejected.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of the time that I have remaining.

We have had quite a debate here on the general debate today on 1501. Many of the topics brought up were about amendments rather than about the base bill. We have heard a number of myths, including one I just heard then, that somehow this legislation or subsequent amendment will involve incarcerating juveniles with adults. No amendment I know of that I am going to offer, has anything to do with, would do that, and certainly this base bill does not touch that subject.

I come back to the fact that whatever else is discussed out here, the single most important thing we are going to be doing in my judgment with respect to protecting our children, the safety of our children on the streets and the schools and the playgrounds of this Nation and to prevent violence by youth, is the underlying proposition in 1501, the bill we are considering, that is bipartisan, that everybody supports, that all the experts say we should pass, and that is the grant program to the States to help them improve broken juvenile justice systems. They need the money for more probation officers, judges, diversion programs and so forth. They do not have it. And because they do not have those judges and probation officers in diversion programs we have got a lot of problems. We do not have kids that are receiving any kind of consequence or accountability for the most minor of crimes that they used to always receive some punishment for.

This bill will say to the States here is money to hire more of these judges, et cetera, if you just agree to one thing, and that is to punish from the very first misdemeanor crime every juvenile in this country, and if they agree in your state to do that and to institute a system of graduated sanctions where we intensify for the more serious offense then you can have the money to improve the system. That is what everybody says will send a message of consequences to kids so they do not start down the path of believing that when they do something bad nothing is going to happen because the experts say when they get to believing that, then it is going to lead on to violent crime later very frequently and that is the root cause and one of the most significant root causes of violent crime in the Nation.

So 1501, the underlying bill we are debating today, getting little attention because of all the other discussions after Littleton about guns and everything else, is by all experts I have talked to as chairman of the Subcommittee on Crime and heard from over the past few most, the single most important thing we can do to help our kids, to make sure there is child safety and to make sure that we prevent violent youth crime in the future. So I strongly urge the adoption of this bill, and I look forward to debating the amendments as they come out here.

Mr. BLILEY. Mr. Chairman, I share the strong concerns of all my colleagues about the rise in youth violence, as evidenced by the tragedy at Columbine High School recently.

I am also concerned, however, that our reaction to such tragedies be appropriate and measured. It seems to me that many of the amendments that we are considering today border on a knee-jerk reaction, designed more for political appeal than solid law-making.

A number of these amendments fall within the jurisdiction of my committee but unfortunately have not had the benefit of the normal committee process and procedures. For instance, I have concerns that the Franks/Pickering amendment, which deals with Internet filtering for schools and libraries, is being dealt with outside the jurisdiction of the Commerce Committee. The committee has been conducting aggressive oversight of this program, known as the E-rate program, and we intend to continue that oversight. The committee has also been involved in myriad issues related to the growth and development of the Internet and electronic commerce. I anticipate that the committee will be addressing this issue of protecting children online later this Congress, with the goal of creating sound, sensible, and rational policy that protects children while recognizing the vast potential of the Internet in aiding education.

Similarly, an amendment to be offered by Mr. WAMP would grant the FTC expansive new authority to approve or establish labeling standards for all audio and video products. There may be constitutional problems with this amendment—problems that would have been eliminated, I am sure, if the legislation had proceeded under regular order.

In addition to the filtering and labeling amendments, a number of amendments were made in order that call for studies and commissions on a variety of society's ills. None of these ideas has passed through my committee, which has the expertise to determine whether Federal tax dollars should be put to use for these purposes.

As this legislation goes to conference with the other body, I will insist that my committee be appointed conferees on provisions within its jurisdiction. In conference, I will seek to ensure that the Congress not only responds to the public call for action, but also crafts sound public policy as well.

Mr. VENTO. Mr. Chairman, today's problem of juvenile crime is so complex that it defies easy solutions. However, in the drive to increase public safety and reduce juvenile crime, several of the amendments offered to this piece of legislation have lost sight, not only of the complexity of the juvenile crime problem, but also the success of existing local enforcement agencies and community initiatives in keeping juveniles out of gangs and crime free.

There are numerous policy choices that we could implement to combat juvenile crime and delinquency if Congress chooses to provide funds and help. We must continue to focus on early intervention and prevention programs rather than ''get tough'' punitive measures that do little to reduce crime or address its root causes. Our primary goal should be a proactive approach rather than reactionary measures.

Given the alarming rate of crime and the disproportionate amount committed by juveniles, punitive provisions and ''get tough'' provisions are widely attractive and politically appealing. Yet, such ''get tough'' measures fail to deliver the results promised by their proponents. Evidence points out that trials of juveniles as adults actually result in repeat criminal behavior and activities. For example, states with higher rates of transferring children to adult court do not have lower rates of juvenile homicide. Finally, children in adult institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked with a weapon that children in a juvenile facility. Treating more children as adults in the criminal justice system does not move us any closer to our common goal—it does not create safer communities. The consequence of such action is surely not positive.

I think that Members on both sides of the aisle should agree with the common facts; that when it comes to addressing the unique public safety concerns of our districts, the programs and responses must be built on the unique situations within our community. Different problems and populations require specific solutions. Prescribing inflexible federal solutions does not resolve issues that are specific problems of state or local jurisdictions. Local governments need more flexibility, not more federal mandates which imply the same solution for every jurisdiction. Federally imposed strategies which limit the ability of local governments to respond to community needs, ensure that the war on crime is not fought with the efficiency or effectiveness that is necessary to reduce the incidence of crime and attain the safe environment our constituents seek.

I will continue to support legislation that recognizes that states and localities are taking the lead in implementing innovative solutions to local crime problems, and provides for cost

effective and proven initiatives. Such legislation would enable local governments to accomplish what the federal government has limited ability to do—reduce the rate and incidence of juvenile crime.

The one thing that the federal government can do is assist state and local governments in any way possible to make sure their solutions are achievable, with programs that put police on the street and take the guns off the street. I believe we have an obligation to do all that is possible to make our communities safe. This includes helping to get guns off the streets and out of the hands of juveniles and criminals. It is unfortunate that events such as the tragedy in Colorado had to occur in order to spur congressional action, however the availability of assault weapons used by the students to inflict this violence and death upon this community and many others must be curtailed.

With the combined efforts of federal, state, and local governments we can successfully combat juvenile delinquency and crime.

Ms. STABENOW. Mr. Chairman, I rise today to express my support for the amendment offered by Representative STUPAK and Representative WISE to H.R. 1501, ''Child Safety and Protection Act.'' This important amendment builds on legislation which I introduced, H.R. 1898, which would authorize a national hotline for reporting school violence.

While I offered my bill as an amendment to H.R. 1501, it was not made in order. Therefore, I would like to express my strong support for this amendment. This important initiative will provide tremendous support to our states by authorizing them to develop and operate confidential toll-free telephone hotlines. These hotlines will operate 24 hours a day, seven days a week in order to provide students, school officials and others the ability to report specific threats of imminent school violence or other suspicious or criminal conduct by juveniles. These reports would be directed to the state or local authorities to be addressed. Mr. Speaker, with the recent school shootings we must do everything we an to provide our states the tools they need to handle school violence. The amendment offered my colleagues from Michigan takes an important step toward not only addressing violence in our schools, but preventing it. By giving students a direct line to report violence we have the opportunity to intervene before an act of violence occurs in our communities.

Mr. Chairman, I believe the best way to confront violence in our schools is to commit the resources we have available at the federal level to our states and local communities. There is no more important issue at stake than the welfare of our children. One way we can ensure their safety is to provide states with tools to confront violence in schools. This hotline is important because it builds on existing programs and calls for partnerships between state and local units of government.

While it is unfortunate that I was not able to offer my amendment, I am grateful that this important program was adopted as part of H.R. 1501.

Education is the key to a productive future for our children. We need to make sure our schools are safe so that our children have the skills they need to succeed in the competitive global economy of the 21st century, and I believe that this initiative will move us toward this goal.

Mr. BARCIA. Mr. Chairman, today's children face more obstacles and danger than ever before. Often children are singled out by adult predators because they are weak and unable to defend themselves. We owe it to our children to do all we can to protect them.

That is why I strongly support the Cunningham amendment, which will amend federal sentencing guidelines to increase the penalties for those violent offenders who commit crimes against children. Additionally, the amendment will help local law enforcement to catch and convict criminals by authorizing the Federal Bureau of Investigation to assist local and state authorities in murder investigations involving children. Matthew's Law, named after a little boy who was brutally murdered in California, sends a strong message to those who prey on innocent children. It sends a message that we will not tolerate crimes of violence against children and predators who prey on those innocent victims deserve severe punishment.

In combination with the truth in sentencing resolutions that have passed this House, this amendment will keep violent offenders away from our children. It makes our streets safer. It makes our neighborhoods safer and most importantly, it makes our children safer.

Mr. NUSSLE. Mr. Chairman, all American children have the right to receive a quality education in a safe learning environment. Teachers and principals should be given the tools needed to provide their students with that quality education and safe learning environment. Unfortunately, federal regulations are standing in the way of allowing education officials in our communities from doing just that.

Under current discipline provisions in the Individuals with Disabilities Education Act (IDEA), a special-needs student who is in possession of a weapon at school may only be suspended for up to 10 days or be placed in an alternative education setting for up to 45 days. If the student's behavior is determined to be a direct result of his or her disability, the student could return to school immediately.

Over the past year and a half, I have been meeting with school administrators, principals, and teachers throughout Iowa's 2nd District to discuss this problem. Time and time again, they have told me how difficult it is to provide a safe learning environment for their students because of the two separate discipline codes they must live under—one for the main-stream students and one for the special-needs students. Together, we worked to write the Freedom to Learn Act which is very similar to this amendment we are discussing.

For instance, if my son, Mark, who is a main-stream student, were to bring a gun into school he could be expelled from school immediately. If my daughter, Sarah, who is a special-needs student, were to bring a gun into school she could either be suspended for a short time or return back to her classroom. But at home, there is only one set of rules for both of my children. If Sarah and Mark get into a fight, they both receive the same punishment. What I am trying to teach my kids at home is being contradicted with how they are treated at school. A two-track discipline system does not work at home—and it does not work at school either.

I offer this amendment with my colleagues because it will allow state and local education officials to establish uniform discipline policies that will apply to all students who bring weapons to school. This amendment will give school officials the freedom to protect the safety of every student in their charge without interference from the federal government.

We must amend the burdensome, bureaucratic control over our local school agencies. We must allow school officials to establish disciplinary procedures and consequences that would best meet their individual needs. And, most importantly, we must provide all students with the right to learn in a safe education environment.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 1501 is as follows:

H.R. 1501

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 ''Consequences for Juvenile Offenders Act of 1999''.

SEC. 2. GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''SEC. 1801. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

''(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State or a unit of local government under this part shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes—

''(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

''(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

''(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

''(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;

''(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

''(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

''(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

''(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

''(9) establishing and maintaining a system of juvenile records designed to promote public safety;

''(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

''(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies.

''(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders; and

''(13) establishing and maintaining accountability-based programs that are designed to enhance school safety.

''SEC. 1802. GRANT ELIGIBILITY.

''(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by rule, including assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

''(b) LOCAL ELIGIBILITY.—

''(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

''(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 1803(e), except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

''(c) GRADUATED SANCTIONS.—A system of graduated sanctions, which may be discretionary as provided in subsection (d), shall ensure, at a minimum, that—

''(1) sanctions are imposed on juvenile offenders for every offense;

''(2) sanctions escalate in intensity with each subsequent, more serious delinquent or criminal offense;

''(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

''(4) appropriate consideration is given to public safety and victims of crime.

''(d) DISCRETIONARY USE OF SANCTIONS.—

''(1) VOLUNTARY PARTICIPATION.—A State or unit of local government may be eligible to receive a grant under this part if—

''(A) its system of graduated sanctions is discretionary; and

''(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

''(2) REPORTING REQUIREMENT IF GRADUATED SANCTIONS NOT USED.—

''(A) JUVENILE COURTS.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

''(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

''(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in 1 or more specific cases, to submit an annual report that explains why such court did not impose graduated sanctions in each such case.

''(B) UNITS OF LOCAL GOVERNMENT.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

''(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'discretionary' means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

''(2) The term 'sanctions' means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

''SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

''(a) STATE ALLOCATION.—

''(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate—

''(A) 0.25 percent for each State; and

''(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

''(2) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

''(3) INCREASE FOR STATE RESERVE.—

''(A) IN GENERAL.—Subject to subparagraph (B), if a State demonstrates and certifies to the Attorney General that the State's law enforcement expenditures in the fiscal year preceding the date in which an application is submitted under this part is more than 25 percent of the aggregate amount of law enforcement expenditures by the State and its eligible units of local government, the percentage referred to in paragraph (1)(A) shall equal the percentage determined by dividing the State's law enforcement expenditures by such aggregate.

''(B) LAW ENFORCEMENT EXPENDITURES OVER 50 PERCENT.—If the law enforcement expenditures of a State exceed 50 percent of the aggregate amount described in subparagraph (A), the Attorney General shall consult with as many units of local government in such State as practicable regarding the State's proposed uses of funds.

''(b) LOCAL DISTRIBUTION.—

''(1) IN GENERAL.—Except as provided in subsection (a)(3), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

''(A) the sum of—

''(i) the product of—

''(I) three-quarters; multiplied by

''(II) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

''(ii) the product of—

''(I) one-quarter; multiplied by

''(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

''(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

''(2) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

''(3) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

''(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditures for a unit of local government is insufficient or inaccurate, the State shall—

''(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

''(2) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditures for the relevant years for the unit of local government.

''(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $5,000.—If under this section a unit of local government is allocated less than $5,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

''(e) DIRECT GRANTS TO SPECIALLY QUALIFIED UNITS.—

''(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

''(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as

a basis for awarding grants under this section.

"SEC. 1804. REGULATIONS.

''(a) IN GENERAL.—The Attorney General shall issue regulations establishing procedures under which a State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

''(b) ADVISORY BOARD.—The regulations referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to review the proposed uses of such funds. The board shall include representation from, if appropriate—

''(1) the State or local police department;

''(2) the local sheriff's department;

''(3) the State or local prosecutor's office;

''(4) the State or local juvenile court;

''(5) the State or local probation officer;

''(6) the State or local educational agency;

''(7) a State or local social service agency; and

''(8) a nonprofit, religious, or community group.

"SEC. 1805. PAYMENT REQUIREMENTS.

''(a) TIMING OF PAYMENTS.—The Attorney General shall pay to each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than—

''(1) 90 days after the date that the amount is available, or

''(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c),

whichever is later.

''(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, or a unit of local government shall repay to the State by not later than 27 months after receipt of funds from the Attorney General, any amount that is not expended by the State within 2 years after receipt of such funds from the Attorney General.

''(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

''(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

''(c) ADMINISTRATIVE COSTS.—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

''(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

''(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

"SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

''Funds or a portion of funds allocated under this part may be utilized to contract with private, nonprofit entities, or community-based organizations to carry out the purposes specified under section 1801(a)(2).

"SEC. 1807. ADMINISTRATIVE PROVISIONS.

''(a) IN GENERAL.—A State or specially qualified unit that receives funds under this part shall—

''(1) establish a trust fund in which the government will deposit all payments received under this part;

''(2) use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State or specially qualified unit;

''(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

''(4) spend the funds only for the purposes under section 1801(b).

''(b) TITLE I PROVISIONS.—Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

"SEC. 1808. DEFINITIONS.

''For purposes of this part:

''(1) The term 'unit of local government' means—

''(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

''(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

''(2) The term 'specially qualified unit' means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

''(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

''(4) The term 'juvenile' means an individual who is 17 years of age or younger.

''(5) The term 'law enforcement expenditures' means the expenditures associated with prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

''(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

''(1) $500,000,000 for fiscal year 2000;

''(2) $500,000,000 for fiscal year 2001; and

''(3) $500,000,000 for fiscal year 2002.

''(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 2000 through 2002 shall be available to the Attorney General for evaluation and research regarding the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

''(c) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.''.

(b) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the item relating to part R and inserting the following:

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''Sec. 1801. Program authorized.
''Sec. 1802. Grant eligibility.
''Sec. 1803. Allocation and distribution of funds.
''Sec. 1804. Regulations.
''Sec. 1805. Payment requirements.
''Sec. 1806. Utilization of private sector.
''Sec. 1807. Administrative provisions.
''Sec. 1808. Definitions.
''Sec. 1809. Authorization of appropriations.''.

The CHAIRMAN. No amendment is in order except those printed in part A of House Report 106–186. Except as otherwise specified in House Resolution 209, each amendment may be offered only in the order printed in part A of the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report and shall not be subject to a demand for division on the question.

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The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in part A of the report out of the order printed, but not sooner than 1 hour after the Chairman of the Committee on the Judiciary or a designee announces from the floor a request to that effect.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Mr. MCCOLLUM. Mr. Chairman, pursuant to the rule you have just outlined for us, I hereby give 1 hour's notice of my request to consider the amendment No. 31, the Hyde amendment, out of order, immediately after consideration of the McCollum amendment No. 6, and any amendments thereto.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part A of House report 106–186.

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. KUCINICH:

Page 3, strike lines 23 and 24, and insert the following:

''(9) establishing and maintaining an automated system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult, that—

''(A) is equivalent to the system of records that would be kept of adults arrested for such conduct, including fingerprint records and photograph records;

''(B) provides for submitting such juvenile records to the Federal Bureau of Investigation in the same manner as adult criminal records are so submitted;

''(C) requires the retention of juvenile records for a period of time that is equal to the period of time for which adult criminal records are retained; and

''(D) makes available, on an expedited basis, to law enforcement agencies, to courts, and to school officials who shall be subject to the same standards and penalties that apply under Federal and State law to law enforcement and juvenile justice personnel with respect to handling such records and disclosing information contained in such records;

The CHAIRMAN. Pursuant to House resolution 209, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

I wish to offer an amendment to this bill that would assist States in compiling the records of juveniles and establishing statewide computer systems for their records. In addition, States would have the option of making these records available to the NCIC at the FBI where they would be accessed by law enforcement officials from other States. Similar language for such a system of records already exists in the Senate-passed juvenile justice bill.

The reason I offer this amendment is a tragic story from my own district. A Cleveland police detective, Robert Clark, was killed in July 1998 while attempting to arrest a drug dealer. The individual who shot Detective Clark had accumulated a considerable criminal record between Ohio and Florida. Although he was only 19 years old at the time of the shooting, he had been arrested 150 times since the age of 8. There had been 62 felony charges laid against him between 1995 and 1998. However, officials in Ohio were unaware of his criminal activities in Florida, and vice versa. In addition, there was an outstanding warrant for this individual's arrest in Florida at the time of the shooting. Had an automated records system been in place when he first appeared before a juvenile court in Ohio, law enforcement officials in Ohio would have had access to this extensive criminal record in Florida.

I remain a strong supporter of civil liberties for all citizens. Therefore, it is important that access to these records be strictly controlled to maintain the privacy rights of every citizen. In addition, States should not be mandated to share juvenile records information with the FBI. Rather, they would have the option of sharing their juvenile records information should they choose.

My amendment has received the endorsement of the Fraternal Order of Police in which they say, ''The ability to share and obtain information about criminals' records is crucial to the law enforcement mission. This legislation addresses the pressing need for better and more efficient recordkeeping on violent juveniles, information that would stop crimes and save lives.''

Mr. Speaker, at this time I will include the above-referenced letter for the RECORD.

FRATERNAL ORDER OF POLICE,
Washington, DC, June 15, 1999.

Hon. DENNIS KUCINICH,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KUCINICH: I am writing on behalf of the more than 277,000 members of the Fraternal Order of Police to advise you of our strong support for your amendment to H.R. 1501, the ''Consequences for Juvenile Offenders Act of 1999.'' Your amendment will enable law enforcement officials to improve record-keeping and record-sharing on juvenile offenders.

Your bill would enable States to apply for Federal grants to establish, develop, update or upgrade State and local criminal history record systems to include the conviction records of violent juveniles. These grants will assist State and local law enforcement authorities in compiling and computerizing statewide systems with the records of violent juvenile offenders with the option to make this data available to the Federal Bureau of Investigation and law enforcement authorities in other States.

The ability to share and obtain information about criminals' records is critical to the law enforcement mission. Your legislation addresses the pressing need for better and more efficient recordkeeping on violent juveniles—information which could stop crimes and save lives.

On 1 July 1998, Detective Robert Clark of the Cleveland Police Department and Correy Major, a 19-year-old from Florida were killed in a gun battle. Major was first arrested at the age of eight. By the time he was killed last July, he had amassed over one hundred and fifty prior incidents with police on his record. Major was arrested on yet another offense the night before he killed Detective Clark, but because law enforcement officers in Cleveland, Ohio were unaware of his extensive criminal record as a juvenile in Florida, he was released from custody. Because Ohio and Florida were unable to share information about this dangerous and violent criminal, only hours later a brave and dedicated officer was dead.

I commend you for your leadership on this important issue on behalf of the membership of the Fraternal Order of Police. If I can be of any further help, please do not hesitate to contact me or Executive Director Jim Pasco through my Washington office at (202) 547–8189.

Sincerely,

GILBERT G. GALLEGOS,
National President.

Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I do not oppose the amendment; however, I ask unanimous consent to take the 5 minutes if no Member is opposing it.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply want to support the amendment of the gentleman from Ohio (Mr. KUCINICH) and take the time to say what it really does in my view, which is a very positive thing. It takes one of the conditions of use of the money in grant program for these improvements of the juvenile justice system, which are very broadly written; there are 13 of them in the bill, and it very specifically tailors that one use which has to do with having juvenile records available by saying that not only do we establish and maintain those juvenile records in the case of public safety, but that we have an automated system of records that we establish and maintain for juveniles less than 18 years of age or who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult.

In other words, the gentleman from Ohio (Mr. KUCINICH) spells out what we are concerned with here and then goes into detail, very similar to what was in legislation that I authored in the last Congress on this subject matter and did not include in this particular bill, H.R. 1501, as a specific provision in that much detail because I thought the general language covered it.

Mr. Chairman, I really believe that the gentleman is doing a service to put this specific language in. I think this is a good amendment because it does outline these details, and does spell out that which the rules would be, and we will not have any questions about it after that, I believe.

So it is again in furtherance of a bipartisan bill that throughout this has been that way.

Mr. Chairman, I reserve the balance of my time.

Mr. KUCINICH. Mr. Chairman, I want to thank the gentleman from Florida (Mr. MCCOLLUM) for his kind remarks regarding this amendment. It seeks to build on the intentions that he had in the last Congress, and I certainly appreciate his support and the support of all of my colleagues on this.

Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part A of House Report 106–186.

AMENDMENT NO. 2 OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 2 offered by Mr. HUTCHINSON:

Page 4, after line 21, insert the following:

(14) establishing and maintaining restorative justice programs.

(c) DEFINITION.—For purposes of this section, the term ''restorative justice program'' means a program that emphasizes the moral accountability of an offender toward the victim and the affected community, and may include community reparations boards, restitution, and mediation between victim and offender,''

The CHAIRMAN. Pursuant to House resolution 209, the gentleman from Arkansas (Mr. HUTCHINSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment adds a new category of permissive uses for the grant money authorized under the juvenile accountability block grants in H.R. 1501. This new authority will allow States and localities to use funds in the bill to implement restorative justice programs.

Restorative justice is a concept that incorporates the community, the victim, and the offender in the restitution and rehabilitation process. Programs in existence today include local community reparation boards, offender restitution programs, and victim-offender mediation. This new authorized use of funds will provide judges with an important tool to hold juveniles accountable for their wrongdoing.

Mr. Chairman, I believe it is important not only to hold juveniles accountable to the State for their wrongdoing, but also to their victims. Restitution programs and mediation programs emphasize the responsibility of the offender, in this case the juvenile, to those he or she has wronged.

The Senate-passed juvenile crime bill includes similar language, but does not define the term ''restorative justice.'' So my amendment improves upon the Senate approach by defining restorative justice to mean a program that emphasizes the moral accountability of an offender toward the victim and the affected community. I might add, Mr. Chairman, that the American Bar Association has previously adopted a resolution recommending that the government look into these types of victim-offender mediation programs in the criminal justice system and possibly incorporating them.

An example of this also would be Marty Price, who mediated a session between juvenile offenders who had thrown rocks from an overpass and actually caused physical harm, but also some personal injuries. That was mediated, the victims participated in it, there was not any recidivism. The juveniles learned from that experience, and the victims were happy as well. I will not go into all the details of this, but it is something that really works.

Mr. Chairman, I yield to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, we have no objection to this amendment. However, I would like to yield when it is appropriate to the gentleman from Maine (Mr. BALDACCI).

Mr. HUTCHINSON. Mr. Chairman, I yield to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding. I just want to rise in support of this amendment. It establishes a new criteria under the uses for the grant monies in this bill. It is the 14th one. We just talked about amending one of the earlier ones in the list of 13. This 14th one is in no way restrictive and actually adds to the opportunity for the local authorities and States to be able to improve their juvenile justice systems. As the gentleman so eloquently explained, it does so by establishing and maintaining restorative justice programs, and the gentleman has defined those to mean a program that emphasizes the moral accountability of an offender toward the victim and the affected community.

Mr. Chairman, I think this is very significant. I think that it is a good clarification of the broad-based nature of what we are proposing in that there are lot of things, as long as it is within the juvenile justice system of a State, that one can use this grant money for. So I commend the gentleman for offering it and I urge its adoption.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman, and I reserve the balance of my time.

Ms. DEGETTE. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The CHAIRMAN. The gentlewoman from Colorado (Ms. DEGETTE) is recognized for 5 minutes.

Ms. DEGETTE. Mr. Chairman, I yield 5 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I would like to thank the gentlewoman from Colorado for yielding me this time. I am not in opposition to the amendment that has been offered, but because of the constraints that have been presented, it will allow us an opportunity to be able to speak in regards to this issue at this time.

I do support the efforts of the gentleman from Arkansas in trying to create this opportunity for restorative justice, and I would look to support it.

But at this time also, on the larger issue, I wanted to point out that there are no easy answers to the problems of youth violence. Tightening gun laws, providing increased mental health counseling to youth and placing renewed emphasis on family values may all be part of the solution, but no one of these steps alone will be enough. I think a few guiding principles are in order.

First, increased communication must be a focus. Students need to be able to report incidences or rumors that concern them. Education and law enforcement officials need to be able to share information about troubled or troublesome youth, and parents need to be able to talk to their kids and children and friends of teachers and teachers themselves.

Second, we must start thinking and acting like families and communities, rather than solely as individuals. I think in some of the cases we have lost sight of the common good and we need to regain that. Third, we must take prudent steps to ensure that guns are not in the hands of our youth. While we must maintain a careful balance, I do believe that some modest further regulation may be in order.

Finally, and perhaps most importantly, we need to take increased steps to ensure that our youth have the resources to deal with the challenges they face. Whether they find strength in their families, in their church, or in their teachers or simply in themselves, young people need to be able to face the rejection, the volatility and pressures that can accompany adolescence.

Time and again, I have heard from people in my district that the best way to deal with juvenile delinquency is to prevent it from happening in the first place. The boys and girls club, after school activities, sports programs, mentoring and programs like Outward Bound have all proven effective in keeping kids out of trouble. They help youth to build the skills they need and provide caring, nurtured environments for children to spend their time in.

We have all heard the adage that an ounce of prevention is worth a pound of cure, and when it comes to dealing with our youth, I do not believe that any phrase could be more true. I commend the committee for focusing on prevention in the underlying legislation, and I urge my colleagues not to lose that focus as we go through the amendment process.

Ms. DEGETTE. Mr. Chairman, as I stated, we have no objection to this amendment. We thank the gentleman for raising it.

Mr. Chairman, I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY), who has been very supportive of this effort.

The CHAIRMAN. The gentleman from Arkansas has 1 minute remaining.

Mr. HUTCHINSON. Mr. Chairman, I ask unanimous consent that the gentlewoman be given 2 minutes.

The CHAIRMAN. The Chair would inform the gentleman that under the rule, such a request cannot be granted by the Committee of the Whole.

Does the gentleman seek to yield 1 minute to the gentlewoman from Oregon?

Mr. HUTCHINSON. Yes, I would like to do that, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Oregon is recognized for 1 minute.

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in support of the gentleman's amendment.

This amendment stresses that juveniles must be held accountable for their actions and allows communities to engage in innovative and nontraditional ways of holding juveniles accountable.

Too often our juvenile system provides delayed accountability to our people by not acting for 2 or 3 months, or by not acting until after a person has committed a second or third or even fourth violation.

Accountability programs have been enormously successful in my district in Oregon. In Clackamas County, the local juvenile authorities have been working with nonviolent first- and second-time juvenile offenders to come up with punishments that do not justify, fit the crime, but fit the offender.

County officials assess and evaluate the offender and work with parents, local police, and school officials to come up with proper sanctions, treatment, and an immediate consequence to that offense, so that the offender understands that there is a connection. As a result, juveniles are often required to provide restitution, to meet with their victims and provide service to the community.

□ 1345

Providing these types of immediate sanctions have been so successful in my district. This is the kind of program this would fund, and I would support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in Part A of House Report 106–186.

AMENDMENT NO. 3 OFFERED BY MR. DREIER

Mr. DREIER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 3 offered by Mr. DREIER:

Page 4, line 11, strike the period and insert the following: ‘‘, and accountability-based, proactive programs, including anti-gang programs, developed by law enforcement agencies to combat juvenile crime;’’.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. DREIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me at the outset say that I am very pleased to be joined in offering this amendment with my good friend, the gentleman from Arizona (Mr. HAYWORTH) and my good friend, the gentleman from California (Mr. HORN).

This issue really centers around the question of local control. As we confront the issue of violent juvenile crime, it seems to me that it is very important for us to do everything we possibly can to empower local community-based agencies, particularly sheriffs and police, to fight gang crime.

We all know how these horrible gangs that have been out there have been involving themselves in illegal commerce, primarily in the area of drug trafficking, and it goes across both State lines and national borders.

This proposal first came to me from Lee Baca, who is the Chairman of Los Angeles County. They have spent a great deal of time looking for creative, locally-based solutions to what obviously is a very serious problem.

I hope very much my colleagues will join in strong support of this effort.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. MCCOLLUM), distinguished chairman of the Subcommittee on Crime.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding time to me. I want to support this amendment. I compliment the gentleman on it.

Mr. Chairman, I want to assure everybody, from what I understand from the discussions and from reading the amendment, the gentleman is adding to already existing number 11.1 for the conditions for the use of the money, and in that process, all the gentleman is doing is saying if a kid comes in contact, a juvenile, with some portion of the system, in this case, the law enforcement portion, before the judge ever sees the case, and it is one of these anti-gang programs or whatever, they can receive some of this money.

That is part of the system, by definition. I assure the gentleman it is.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, the gentleman is absolutely right. So basically what we are doing is providing another opportunity, a greater degree of flexibility, so we can deal with this very pressing problem.

Again, this came to our attention from the Los Angeles County Sheriff's department. In my State, Pasadena, California, has been very involved in this. We have, I think, what is a creative, flexible solution, or at least a help for a very serious problem.

Mr. Chairman, I yield such time as he may consume to my good friend, the gentleman from Arizona (Mr. HAYWORTH), with whom I am pleased to be joined as a cosponsor of this amendment.

Mr. HAYWORTH. Mr. Chairman, I thank my friend, the honored chairman of the Committee on Rules, for yielding time to me.

I would simply address my colleagues by reminding them of the situation we find ourselves in the Sixth Congressional District in Arizona, an area in square mileage almost as big as the commonwealth of Pennsylvania, a district of many contrasts, part of urban Phoenix, and a sprawling rural area in which the counties are actually larger than many States on the East Coast.

While in the past, and as my colleague from California capably pointed out, while urban areas we often associate with gang violence and the rise of street crime and gang activity, we also see it in the rural areas of States like Arizona.

Just yesterday a young man from Winkelman, Arizona, there on the Pinal-Gila county line came to see me. He spoke of incredible activities in his rural community, concentrations of gangs, concentrations of drug activity. That was followed up with a visit from another rural county by a narcotics officer saying the same thing.

What we are doing in this amendment is allowing local law enforcement agencies to use some of the $1.5 billion in Federal assistance that is set aside over the next 3 years to help combat juvenile crime.

As my friend, the distinguished subcommittee chairman from Florida just pointed out, this allows a portion of those proceeds to go to anti-gang activities which are so essential to combatting youth violence, so essential to combatting the scourge of drugs, and so essential to rural law enforcement, where we have seen the incredible rise of gangs along the interstates now in Arizona, even going into what we would consider more pastoral and placid scenes. There crime is rising, gang activity is up.

This amendment allows flexibility, and the underlying principle is this: That those closest to the problem, those who have to fight the problem, should be given maximum flexibility to do so.

That is why I am so pleased to join my colleague, the chairman of the Committee on Rules and my other colleague, the gentleman from California (Mr. HORN), as well in offering this amendment. I urge its passage by this body.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek to control the time in opposition?

Mr. CONYERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN), a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Chairman, as a member of the committee, I certainly do not object to the proposed amendment because I think, in fact, although the amendment makes clear this is an eligible activity, I think that is already clear from the underlying bill.

We want to do this, the amenders want to do this. Therefore there is no harm in saying it still again, that we want this to be an eligible activity.

However, I do think it is important to put in context what it is we are doing here today in the House of Representatives. We have struggled on the Committee on the Judiciary with a juvenile justice bill that was way too extreme, and due to the efforts of the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT), the ranking member, we came up with a bipartisan bill, H.R. 1501, that all of us agree would help in the juvenile justice arena.

We had hoped in the committee that we would take that bipartisan bill that we knew would pass, we knew the President would sign, and added the simple gun safety measures that the other body approved prior to the recess.

Instead, what we have here in this process today is that bipartisan bill and some innocuous amendments, such as the current one, that I believe are being used as cover for the killer amendments that will be offered later in the day that will sink the entire measure. I think that is a darned shame.

This is being done as prelude to what I fear will be a very unproductive effort tomorrow, unproductive from the point of view of those who want gun safety measures, modest ones, commonsense ones such as the Senate has passed, but productive for those who wish to kill commonsense gun safety measures.

This amendment is fine, but let us not be fooled by what we are doing here today. This entire effort is devised by those who oppose any efforts to adopt what the American people want, which is modest, moderate, commonsense gun safety measures. I think that is a terrible shame, and really, in so doing we will disappoint the legitimate hopes of the American people for these modest steps.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this amendment is certainly consistent with the underlying bill, especially one of the amendments that will be presented later, which would incorporate H.R. 1150. The localities would do a plan and determine whether or not this particular program would fit into their plan, if they have determined they need this kind of program.

It would certainly be eligible under that portion of the bill. It is forward-thinking, and I would urge its adoption.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would simply like to express my appreciation, not only to the gentleman from Florida (Mr. MCCOLLUM) for accepting the amendment, but to my chief colleague, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Virginia (Mr. SCOTT) and the gentleman from Michigan (Mr. CONYERS).

We were very pleased to make the gentleman's amendment in order as we proceeded with this rule. I appreciate the gentleman's kindness in accepting this very, very balanced amendment that the gentleman from California (Mr. HORN) and the gentleman from Arizona (Mr. HAYWORTH) and I are offering.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to let the gentleman from California (Chairman DREIER) know that I appreciate the courtesy that he afforded me in terms of a substitute on the other bill. Had he not come forward as he did, it would have created almost a precedent in the House, that we on our side could not bring forward a substitute, and I am happy that the rethinking or rereview of that led the gentleman to his unparalleled generosity. I want the gentleman to know that I thank him for it.

I also support the amendment offered by the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, and his two colleagues.

This amendment, dealing with juvenile accountability, block grants, and dealing with a proactive program that really interacts among youngsters and gangs developed by law enforcement agencies to combat juvenile crime, is clearly on the money. I hope that it will be agreed to by all of the membership.

Mr. HORN. Mr. Chairman, I would like to thank the gentleman from California, Mr. DREIER, for ensuring consideration of this amendment, and the gentleman from Arizona, Mr. HAYWORTH, for cosponsoring it.

As currently written, H.R. 1501 provides $1.5 billion in grants for use by states and local governments to strengthen the juvenile justice system through a wide variety of programs and initiatives. This amendment would ensure that anti-gang programs run by local law-enforcement agencies are eligible for these grants. Under this amendment, federal assistance would be available for proactive programs, including anti-gang programs, based on the principle of accountability and developed by law enforcement to combat juvenile crime. This amendment has been endorsed by the National Sheriffs' Association.

Local anti-gang programs play a critical role in reducing juvenile crime in our nation's urban areas. The city of Downey has an excellent Gangs Out of Downey program. Los Angeles County, which includes my district and the district represented by Mr. DREIER, has more than one thousand gangs. Gang-related crime often requires a different law-enforcement approach compared to other types of crime. Gangs—their activities, their internal culture, their way of life—can vary from city to city, even from neighborhood to neighborhood, making a localized approach critical to any anti-gang effort. Moreover, anti-gang programs must address the role that gangs play in the lives of their members. Many gang members come from broken homes, and their gang acts as a surrogate family for them. Anti-gang efforts must be proactive in providing alternatives to gang life, in keeping young men and women from joining a gang before they get pulled into one. A most effective program is the Police Athletic League [PAL]. They have been effective throughout the United States.

The threat that gangs pose to our urban communities—and to the young men and women who join them—makes it critical that this bill specifically allow funding for anti-gang programs. I urge my colleagues to vote for this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. DREIER).

The amendment was agreed to

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in Part A of House Report 106–186.

AMENDMENT NO. 4 OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. CAPUANO: Page 3, after line 10, insert the following (and redesignate any subsequent paragraphs accordingly):

''(6) providing funding to prosecutors for the purpose of establishing and maintaining juvenile witness assistance programs;''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, earlier this year Jason Sadler, a 14-year-old from my district, witnessed an armed robbery. When questioned by the police, he did what his mother told him to do. He stood up and he told the truth. He identified the perpetrators and he agreed to testify.

In return for his actions, Jason has received death threats, along with the rest of his family, from the perpetrators and their cohorts. Because funding for juvenile witness assistance programs must compete for priority with the need to hire assistant district attorneys, investigators, stenographers, and the like, Jason's mother has been forced to remove her son from school for the last 5½ months and place him in hiding.

For doing the right thing, Jason will have to repeat the eighth grade, and for quite a while will have to hide in fear for his life.

Shortly before Jason's case, in January of this year, another young boy, Leroy B.J. Brown from Bridgeport, Connecticut, stepped forth to do the right thing in his time, to assist local authorities in prosecuting drug dealers.

Eight-year-old B.J. was scheduled to testify about a shooting that he had witnessed, but before he could testify, he and his mother were murdered.

Both of these kids were good, law-abiding citizens who were willing to step forth and do something many adults are not ready to do, stand up against crime in their community.

Our State and local prosecutors should be encouraged to develop programs to support such kids when they do the right thing. This amendment will do just that, and I hope it is adopted.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Florida (Mr. MCCOLLUM) seek recognition?

Mr. MCCOLLUM. Mr. Chairman, I ask to claim the time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes in opposition.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not oppose this amendment, I support it. I just want to clarify a few things about it.

First of all, it is a big problem right now in this country, witness intimidation. It is a problem not only with juveniles, but across-the-board. A significant section in my amendment, a larger comprehensive amendment I am going to offer in a few minutes, deals with witness intimidation, bribery, crossing State lines. It even has a death penalty if you murder somebody in a witness intimidation setting under those circumstances.

□ 1400

What the gentleman is offering here perhaps is included in our already existing No. 5 provision in our grant program, the underlying 1501 use provisions; that is, what the States can use the money for. But I think it amplifies and makes it very clear that we are not just doing what provision No. 5 says; that is, States may do more than simply provide funds to enable prosecutors to address drug, gang and youth violence problems more effectively, and for the technology, equipment and training to assist the prosecutors in identifying and expediting the prosecution of violent juvenile offenders, which No. 5 provides for in the existing bill, but it also will now, with the gentleman's amendment that I support, make certain that States can use the money to provide funding to prosecutors for the purpose of establishing and maintaining juvenile witness assistance programs.

That might have been interpreted to be included in the one I read earlier, No. 5, but it is not clear, as clear as now with this amendment. So I think this is a good amendment. We should be helping prosecutors protect witnesses in juvenile programs.

I encourage the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CAPUANO. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, following the gentleman from Florida (Mr. MCCOLLUM), this amendment I think if we had had an opportunity to consider it in committee, although we did not have an opportunity but had we had an opportunity, I think it certainly would have been included because this kind of activity was anticipated to be covered by the bill.

I thank the gentleman for offering it and only wish that we had had an opportunity to consider it in committee, but we did not have a full committee consideration so the gentleman had to introduce it on the floor, and I thank him for that.

Mr. CAPUANO. Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part A of House Report 106–186.

AMENDMENT NO. 5 OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, on behalf of the gentleman from Michigan (Mr. STUPAK) and myself, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. Wise:

Page 4, line 18, strike ''and'' at the end.

Page 4, line 21, strike the period at the end and insert a semicolon.

Page 4, after line 21, insert the following (and make such technical and conforming changes as may be appropriate):

''(14) supporting 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;

''(15) ensuring proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (14);

''(16) assisting in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (14), including the utilization of Internet webpages or resources;

''(17) enhancing State efforts to offer appropriate counseling services to individuals who call a hotline described in paragraph (14) threatening to do harm to themselves or others; and

''(18) furthering State efforts to publicize the services offered by the hotlines described in paragraph (14) and to encourage individuals to utilize those services.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from West Virginia (Mr. WISE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. STUPAK), the cosponsor of the amendment.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from West Virginia (Mr. WISE) for yielding me this time.

Mr. Chairman, I rise today to support my amendment to create new school violence hotlines. Both the gentleman from West Virginia (Mr. WISE) and I have been working on this important amendment to help our communities prevent acts of violence at schools. I thank my colleague, the gentleman from West Virginia (Mr. WISE) for his efforts and his hard work on this and urge my colleagues to adopt this amendment.

Our amendment allows States to create and operate confidential, toll free, telephone hotlines that operate 24 hours a day, 7 days per week, in order to provide students, parents, school officials and others the opportunity to report specific threats of imminent school violence to appropriate State and law enforcement entities.

Our amendment also ensures that the States properly train people to answer and respond to telephone calls and assist States in the acquisition of technology to administer the hotlines.

Mr. Chairman, hotlines will provide parents and students an important tool in our effort to reduce school violence. As chair of the Democratic Crime and Drug Task Force, we have met over the last year with school officials and they have detailed to us how these hotlines are particularly valuable because they allow students to report anonymously, avoiding much of the peer pressure that so often affects their behavior.

No kid wants to be considered a snitch in their school and many times potential acts of violence go unreported because of the pressure students feel from their peers.

Additionally and most importantly, students often fail to report potential violence because of fear that the weapons or the violence that they are to report may be used against them if they are found out to be the one who reported to authorities. These hotlines will eliminate the pressure and allow kids to come forward without fear of retaliation.

Mr. Chairman, I urge my colleagues to support this important amendment. The Senate adopted a similar provision sponsored by Senators ROBB and SESSIONS. We can make this easier for our children to report potential violent acts at school and we can provide a valuable tool to our communities to help reduce school violence.

I would like to thank my staff, in particular Dave Buchanan, for all of his hard work on this.

Mr. MCCOLLUM. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment. I think it is a good amendment. It adds one more provision to this bill that is really a complimentary thing with respect to what the funds in the grant program for the juvenile justice systems improvement can be used for. In other words, there is a very important hotline issue here about schools and training folks to be able to use that hotline to report potential violence in the school and criminal conduct in the school among juveniles, and it strikes me that that is indeed at this point, whenever one sees something such as a threat of violence by a teenager in a school occurring, at that point in time the juvenile justice system is enacted, it is in contact, it is a part of this system at that point that we want to see these funds used to improve.

So it strikes me, again, that this is at the very initial stage of where we want the line to be drawn for the money to be used in this legislation. That is, when the juvenile justice system first comes into play, when that first telephone ring comes about, 911 or through the hotline that is established here as a special hotline, to the local authorities about something that is going on in a school, I think that is extremely important. So I support this amendment and urge its adoption to make sure that the use of money in this respect under this bill is allowable. I think it is already, but if it is not that certainly clarifies it.

Mr. Chairman, I yield back the balance of my time.

Mr. WISE. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from West Virginia (Mr. WISE) for yielding me this time.

Mr. Chairman, I think this is an excellent amendment. I wanted to praise the gentleman from Michigan (Mr. STUPAK) for joining the gentleman from West Virginia (Mr. WISE) on it. He is one of the Members in the Michigan delegation that is standing up to incredible scrutiny and he is standing tall as we consider juvenile justice and gun safety measures here during the week and into next week. I thought that this would be an appropriate place to make that observation.

Mr. WISE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, as I listened to people across the State at four school violence hearings last summer, several good ideas emerged and one of them is the creation of a statewide toll free school violence hotline. Today the amendment that the gentleman from Michigan (Mr. STUPAK) and I are offering to the juvenile justice bill specifies that the block grant funds in this bill can be used to create a hotline and to train and support the personnel to operate it.

This toll free hotline is a place where students and teachers or anyone else can call to report suspicious behavior, to make this call anonymously, without fear of exposure or retaliation.

Students have told me that many times they hesitate to alert others of potentially violent situations because they are afraid of being labeled a snitch or they are afraid of retaliation. This hotline would allow authorities to review the information without putting the person passing it along in danger. This is going to be vital for many of our smaller counties that might not be able to take this on by themselves. But check with Harrison County in West Virginia, for instance, or Berkeley County or others that have implemented such a hotline to see how important they think it is, as other States have done across the country.

We have investigated many ways that one can have such a hotline and each State can take its own means, but it is important that we put this in the bill so that States know that they can use these block grant monies to create a toll free, statewide school violence hotline that can protect many of our young people from violence and give them the opportunity to report what they consider to be a violent situation.

When our school doors reopen this fall, with this in the bill, we will have made our schools safer, and I appreciate greatly the chairman of the subcommittee and the chairman of the full committee for agreeing to this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. WISE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part A of House Report 106–186.

AMENDMENT NO. 6 OFFERED BY MR. MCCOLLUM.

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 6 offered by Mr. MCCOLLUM:

Page 1, beginning on line 4, strike ''Consequences for Juvenile Offenders'' and insert ''Child Safety and Youth Violence Prevention''.

Page 1, after line 5, insert the following:

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE VII—PUNISHING GANG VIOLENCE AND DRUG TRAFFICKING TO MINORS

TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

SEC. 101. SHORT TITLE.

This title may be cited as the ''Consequences for Juvenile Offenders Act of 1999''.

Page 2, line 1, strike ''**2**'' and insert ''**102**''.

Page 4, line 11, strike the period and insert a semicolon.

Page 6, line 10, strike ''juvenile'' and all that follows through ''every'' on line 11 and insert the following: ''a juvenile offender for each delinquent''.

Page 6, line 13, strike ''or criminal''.

Page 16, line 16, strike ''utilized'' and insert the following: ''used by a State or unit of local government that receives a grant under this part''.

Page 16, line 18, strike ''(a)(2)'' and insert ''(b)''.

Page 20, strike line 4, and insert the following:

(b) CLERICAL AMENDMENTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(16) of the Omnibus Crime Control and Safe Streets Act of 1965 is amended by striking subparagraph (E).

(2) TABLE OF CONTENTS.—The table of contents

At the end of the bill, insert the following:

TITLE II—JUVENILE JUSTICE REFORM

SEC. 201. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

Section 5032 of title 18, United States Code, is amended to read as follows:

''§ 5032. Delinquency proceedings or criminal prosecutions in district courts

''(a)(1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State or Indian tribal authorities, but if not so surrendered, shall be proceeded against as a juvenile under this subsection or tried as an adult in the circumstances described in subsections (b) and (c).

''(2) A juvenile may be proceeded against as a juvenile in a court of the United States under this subsection if—

''(A) the alleged offense or act of juvenile delinquency is committed within the special maritime and territorial jurisdiction of the United States and is one for which the maximum authorized term of imprisonment does not exceed 6 months; or

''(B) the Attorney General, after investigation, certifies to the appropriate United States district court that—

''(i) the juvenile court or other appropriate court of a State or Indian tribe does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to the alleged act of juvenile delinquency, or

''(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

''(3) If the Attorney General does not so certify or does not have authority to try such juvenile as an adult, such juvenile shall be surrendered to the appropriate legal authorities of such State or tribe.

''(4) If a juvenile alleged to have committed an act of juvenile delinquency is proceeded against as a juvenile under this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, and shall be open to the public, except that the court may exclude all or some members of the public, other than a victim unless the victim is a witness in the determination of guilt or innocence, if required by the interests of justice or if other good cause is shown. The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

''(b)(1) Except as provided in paragraph (2), a juvenile shall be prosecuted as an adult—

''(A) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult; or

''(B) if the juvenile is alleged to have committed an act after the juvenile attains the age of 14 years which if committed by an adult would be a serious violent felony or a serious drug offense described in section 3559(c) of this title, or a conspiracy or attempt to commit that felony or offense, which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

''(2) The requirements of paragraph (1) do not apply if the Attorney General certifies to the appropriate United States district court that the interests of public safety are best served by proceeding against the juvenile as a juvenile.

''(c)(1) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General.

''(2) The Attorney General shall not delegate the authority to give the approval required under paragraph (1) to an officer or employee of the Department of Justice at a level lower than a Deputy Assistant Attorney General.

''(3) Such approval shall not be granted, with respect to a juvenile who has not attained the age of 14 and who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

''(4) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act which is not described in subsection (b)(1)(B) after the juvenile has attained the age of 14 years and which if committed by an adult would be—

''(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

''(B) an offense described in section 844(d), (k), or (l), or subsection (a)(4) or (6), (b), (g), (h), (j), (k), or (l) of section 924;

''(C) a violation of section 922(o) that is an offense under section 924(a)(2);

''(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

''(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

''(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

''(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c), and a determination to file or not to file, and the contents of, a certification under subsection (a) or (b) shall not be reviewable in any court.

''(e) In a prosecution under subsection (b) or (c), the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.

''(f) The Attorney General shall annually report to Congress—

''(1) the number of juveniles adjudicated delinquent or tried as adults in Federal court;

''(2) the race, ethnicity, and gender of those juveniles;

''(3) the number of those juveniles who were abused or neglected by their families, to the extent such information is available; and

''(4) the number and types of assault crimes, such as rapes and beatings, committed against juveniles while incarcerated in connection with the adjudication or conviction.

''(g) As used in this section—

''(1) the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized tribe; and

''(2) the term 'serious violent felony' has the same meaning given that term in section 3559(c)(2)(F)(i).''.

SEC. 202. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

Section 5033 of title 18, United States Code, is amended to read as follows:

''§ 5033. Custody prior to appearance before judicial officer

''(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

''(b) The juvenile shall be taken before a judicial officer without unreasonable delay.''.

SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking ''The'' each place it appears at the beginning of a paragraph and inserting ''the'';

(2) by striking ''If'' at the beginning of the 3rd paragraph and inserting ''if'';

(3)(A) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(B) by moving such designated paragraphs 2 ems to the right; and

(4) by inserting at the beginning of such section before those paragraphs the following:

''In a proceeding under section 5032(a)—''.

SEC. 204. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

''§ 5035. Detention prior to disposition or sentencing

''(a) A juvenile alleged to be delinquent or a juvenile being prosecuted as an adult, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Whenever appropriate, detention shall be in a foster home or community based facility. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

''(b) To the maximum extent feasible, a juvenile prosecuted pursuant to subsection (b) or (c) of section 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

''(c) A juvenile who is proceeded against under section 5032(a) shall not be detained prior to disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

''(d) Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.''.

SEC. 205. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended by—

(1) striking ''If an alleged delinquent'' and inserting ''If a juvenile proceeded against under section 5032(a)'';

(2) striking ''thirty'' and inserting ''45''; and

(3) striking ''the court,'' and all that follows through the end of the section and inserting ''the court. The periods of exclusion under section 3161(h) of this title shall apply to this section.''.

SEC. 206. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

(a) DISPOSITION.—Section 5037 of title 18, United States Code, is amended to read as follows:

''§ 5037. Disposition

''(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering the sanctions recommended pursuant to subsection (f), the court shall impose an appropriate sanction, including the ordering of restitution pursuant to section 3556 of this title. The court may order the juvenile's parent, guardian, or custodian to be present at the dispositional hearing and the imposition of sanctions and may issue orders directed to such parent, guardian, custodian regarding conduct with respect to the juvenile. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to chapter 207.

''(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

''(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

''(1) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

''(2) ten years; or

''(3) the date when the juvenile becomes twenty-six years old.

Section 3624 is applicable to an order placing a juvenile in detention.

''(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 apply to an order placing a juvenile on supervised release.

''(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a study of all matters relevant to the alleged or adjudicated delinquent behavior and the court's inquiry. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036.

''(f)(1) The United States Sentencing Commission, in consultation with the Attorney General, shall develop a list of possible sanctions for juveniles adjudicated delinquent.

''(2) Such list shall—

''(A) be comprehensive in nature and encompass punishments of varying levels of severity;

''(B) include terms of confinement; and

''(C) provide punishments that escalate in severity with each additional or subsequent more serious delinquent conduct.''.

(b) EFFECTIVE DATE.—The Sentencing Commission shall develop the list required pursuant to section 5037(f), as amended by subsection (a), not later than 180 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT TO ADULT SENTENCING SECTION.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

''(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(1)(B).''.

SEC. 207. JUVENILE RECORDS AND FINGERPRINTING.

Section 5038 of title 18, United States Code, is amended to read as follows:

''§ 5038. Juvenile records and fingerprinting

''(a)(1) Throughout and upon the completion of the juvenile delinquency proceeding under section 5032(a), the court shall keep a record relating to the arrest and adjudication that is—

''(A) equivalent to the record that would be kept of an adult arrest and conviction for such an offense; and

''(B) retained for a period of time that is equal to the period of time records are kept for adult convictions.

''(2) Such records shall be made available for official purposes, including communications with any victim or, in the case of a deceased victim, such victim's representative, or school officials, and to the public to the same extent as court records regarding the criminal prosecutions of adults are available.

''(b) The Attorney General shall establish guidelines for fingerprinting and photographing a juvenile who is the subject of any proceeding authorized under this chapter. Such guidelines shall address the availability of pictures of any juvenile taken into custody but not prosecuted as an adult. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult offenders.

''(c) Whenever a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 924(a)(6), the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

''(d) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.''.

SEC. 208. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

(a) ELIMINATION OF PRONOUNS.—Sections 5031 and 5034 of title 18, United States Code, are each amended by striking ''his'' each place it appears and inserting ''the juvenile's''.

(b) UPDATING OF REFERENCE.—Section 5034 of title 18, United States Code, is amended—

(1) in the heading of such section, by striking ''**magistrate**'' and inserting ''**judicial officer**''; and

(2) by striking ''magistrate'' each place it appears and inserting ''judicial officer''.

SEC. 209. CLERICAL AMENDMENTS TO TABLE OF SECTIONS FOR CHAPTER 403.

The heading and the table of sections at the beginning of chapter 403 of title 18, United States Code, is amended to read as follows:

''CHAPTER 403—JUVENILE DELINQUENCY

''Sec.
''5031. Definitions.
''5032. Delinquency proceedings or criminal prosecutions in district courts.
''5033. Custody prior to appearance before judicial officer.
''5034. Duties of judicial officer.
''5035. Detention prior to disposition or sentencing.
''5036. Speedy trial.
''5037. Disposition.
''5038. Juvenile records and fingerprinting.
''5039. Commitment.
''5040. Support.
''5041. Repealed.
''5042. Revocation of probation.''.

TITLE III—EFFECTIVE ENFORCEMENT OF FEDERAL FIREARMS LAWS

SEC. 301. ARMED CRIMINAL APPREHENSION PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish in the office of each United States Attorney a program that meets the requirements of subsections (b) and (c). The program shall be known as the ''Armed Criminal Apprehension Program''.

(b) PROGRAM REQUIREMENTS.—In the office of each United States Attorney, the program established under subsection (a) shall—

(1) provide for coordination with State and local law enforcement officials in the identification of violations of Federal firearms laws;

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the Bureau of Alcohol, Tobacco, and Firearms and the United States Attorney for prosecution of persons arrested for violations of chapter 44 of title 18, United States Code, or section 5861(d) or 5861(h) of the Internal Revenue Code of 1986, relating to firearms;

(3) require that the United States Attorney designate not less than 1 Assistant United States Attorney to prosecute violations of Federal firearms laws;

(4) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, and Firearms to investigate violations of the provisions referred to in paragraph (2); and

(5) ensure that each person referred to the United States Attorney under paragraph (2) be charged with a violation of the most serious Federal firearm offense consistent with the act committed.

(c) PUBLIC EDUCATION CAMPAIGN.—As part of the program, each United States Attorney shall carry out, in cooperation with local civic, community, law enforcement, and religious organizations, an extensive media and public outreach campaign focused in high-crime areas to—

(1) educate the public about the severity of penalties for violations of Federal firearms laws; and

(2) encourage law-abiding citizens to report the possession of illegal firearms to authorities.

(d) WAIVER AUTHORITY.—

(1) REQUEST FOR WAIVER.—A United States attorney may request the Attorney General to waive the requirements of subsection (b) with respect to the United States attorney.

(2) PROVISION OF WAIVER.—The Attorney General may waive the requirements of subsection (b) pursuant to a request made under paragraph (1), in accordance with guidelines which shall be established by the Attorney General. In establishing the guidelines, the Attorney General shall take into consideration the number of assistant United States attorneys in the office of the United States attorney making the request and the level of violent youth crime committed in the district for which the United States attorney is appointed.

SEC. 302. ANNUAL REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of Senate and House of Representatives a report containing the following information:

(1) The number of Assistant United States Attorneys deisgnated under the program under section 301 and cross-deisgnated under section 304 during the year preceding the year in which the report is submitted in order to prosecute violations of Federal firearms laws in Federal court.

(2) The number of individuals indicted for such violations during that year by reason of the program.

(3) The increase or decrease in the number of individuals indicted for such violations during that year by reason of the program when compared with the year preceding that year.

(4) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(5) The average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under section 301 $50,000,000 for fiscal year 2000, of which—

(1) $40,000,000 shall be used for salaries and expenses of Assistant United States Attorneys and Bureau of Alcohol, Tobacco, and Firearms agents; and

(2) $10,000,000 shall be available for the public relations campaign required by subsection (c) of that section.

(b) USE OF FUNDS.—

(1) The Assistant United States Attorneys hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall prosecute violations of Federal firearms laws in accordance with section 301(b)(3).

(2) The Bureau of Alcohol, Tobacco, and Firearms agents hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with section 301(b)(4).

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 301(c) should, to the maximum extent practicable, be matched with State or local funds or private donations.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts made available under subsection (a), there is authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out this title.

SEC. 304. CROSS-DESIGNATION OF FEDERAL PROSECUTORS.

To better assist state and local law enforcement agencies in the investigation and prosecution of firearms offenses, each United States Attorney may cross-designate one or more Assistant United States Attorneys to prosecute firearms offenses under State law that are similar to those listed in section 301(b)(2) in State and local courts.

TITLE IV—LIMITING JUVENILE ACCESS TO FIREARMS AND EXPLOSIVES

SEC. 401. INCREASED PENALTIES FOR UNLAWFUL JUVENILE POSSESSION OF FIREARMS.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking ''Whoever'' and inserting ''Except as provided in paragraph (6) of this subsection, whoever''; and

(2) by striking paragraph (6) and inserting the following:

''(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

''(i) the juvenile shall be fined under this title, imprisoned not more than 5 years, or both, if—

''(I) the offense of which the juvenile is charged is a violation of section 922(x); and

''(II) the violation was also with the intent to possess the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in a school zone, or knowing that another juvenile intends to possess the handgun, ammunition, large capacity feeding device, or semiautomatic assault weapon giving rise to the violation in a school zone;

''(ii) the juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

''(I) the offense of which the juvenile is charged is a violation of section 922(x); and

''(II) the violation was also with the intent also to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in the commission of a violent felony, or knowing that another juvenile intends to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in the commission of a serious violent felony.

''(B) For purposes of this paragraph, the term 'serious violent felony' has the meaning given the term in section 3559(c)(2)(F).

''(C) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to penalties under subparagraph (A)(ii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile attains 18 years of age.''.

SEC. 402. INCREASED PENALTIES AND MANDATORY MINIMUM SENTENCE FOR UNLAWFUL TRANSFER OF FIREARM TO JUVENILE.

Section 924(a)(6) of title 18, United States Code, is further amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following:

''(B) A person other than a juvenile who knowingly violates section 922(x)—

''(i) shall be fined under this title, imprisoned not more than 5 years, or both;

''(ii) if the person violated section 922(x)(1) knowing that a juvenile intended to possess the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation of section 922(x)(1) in a school zone, shall be fined under this title and imprisoned not less than 3 years and not more than 20 years; and

''(iii) if the person violated section 922(x)(1) knowing that a juvenile intended to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation of

section 922(x)(1) in the commission of a serious violent felony, shall be imprisoned not less than 10 years and not more than 20 years and fined under this title.''.

SEC. 403. PROHIBITING POSSESSION OF EXPLOSIVES BY JUVENILES AND YOUNG ADULTS.

Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(r)(1) It shall be unlawful for any person who has not attained 21 years of age to ship or transport any explosive materials in interstate or foreign commerce or to receive or possess any explosive materials which has been shipped or transported in interstate or foreign commerce.

''(2) This subsection shall not apply to commercially manufactured black powder in bulk quantities not to exceed five pounds, and if the person is less than 18 years of age, the person has the prior written consent of the person's parents or guardian who is not prohibited by Federal, State, or local law from possessing explosive materials, and the person has the prior written consent in the person's possession at all times when the black powder is in the possession of the person.''.

TITLE V—PREVENTING CRIMINAL ACCESS TO FIREARMS AND EXPLOSIVES

SEC. 501. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(p)(1) For purposes of this subsection:

''(A) The term 'destructive device' has the same meaning as in section 921(a)(4).

''(B) The term 'explosive' has the same meaning as in section 844(j).

''(C) The term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

''(2) It shall be unlawful for any person—

''(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

''(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.''.

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''person who violates any of subsections'' and inserting the following: ''person who—

''(1) violates any of subsections'';

(2) by striking the period and inserting ''; and'';

(3) by adding at the end the following:

''(2) violates section 842(p)(2), shall be fined under this title, imprisoned not more than 20 years, or both.''; and

(4) in subsection (j), by inserting ''and section 842(p),'' after ''this section,''.

SEC. 502. REQUIRING THEFTS FROM COMMON CARRIERS TO BE REPORTED.

(a) Section 922(f) of title 18, United States Code, is amended by adding at the end the following:

''(3)(A) It shall be unlawful for any common or contract carrier to fail to report the theft or loss of a firearm within 48 hours after the theft or loss is discovered. The theft or loss shall be reported to the Secretary and to the appropriate local authorities.

''(B) The Secretary may impose a civil fine of not more than $10,000 on any person who knowingly violates subparagraph (A).''.

(b) Section 924(a)(1)(B) of title 18, United States Code, is amended by striking ''(f),'' and inserting ''(f)(1), (f)(2),''.

SEC. 503. VOLUNTARY SUBMISSION OF DEALER'S RECORDS.

Section 923(g)(4) of title 18, United States Code, is amended to read as follows:

''(4) Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter shall appropriately reflect such facts and shall be delivered to the successor. Upon receipt of such records the successor licensee may retain the records of the discontinued business or submit the discontinued business records to the Secretary. Additionally, a licensee while maintaining a firearms business may voluntarily submit the records required to be kept by this chapter to the Secretary if such records are at least 20 years old. Where discontinuance of the business is absolute, such records shall be delivered within thirty days after the business is discontinued to the Secretary. Where State law or local ordinance requires the delivery of records to another responsible authority, the Secretary may arrange for the delivery of such records to such other responsible authority.''.

SEC. 504. GRANT PROGRAM FOR JUVENILE RECORDS.

(a) PROGRAM AUTHORIZATION.—The Attorney General is authorized to provide grants to States to improve the quality and accessibility of juvenile records and to ensure juvenile records are routinely available for background checks performed in connection with the transfer of a firearm.

(b) ELIGIBILITY.—

(1) IN GENERAL.—A State that wishes to receive a grant under this section shall submit an application to the Attorney General that meets the requirements of paragraph (2).

(2) ASSURANCE.—The application referred to in paragraph (1) shall include an assurance that the State has in place a system of records that ensures that juvenile records are available for background checks performed in connection with the transfer of a firearm, in which such system provides that—

(A) an adjudication of an act of violent juvenile delinquency as defined in section 921(a)(20)(B) is not expunged or set aside after a juvenile reaches the age of majority; and

(B) such a juvenile record is available and retained as if it were an adult record.

(c) ALLOCATION.—Of the total funds appropriated under subsection (e), each State that meets the requirements of subsection (b), shall be allocated an amount which bears the same ratio to the amount of funds so appropriated as the population of individuals under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of such individuals of all the States that meet the requirements of subsection (b) for such fiscal year.

(d) USES OF FUNDS.—A State that receives a grant award under this section may use such funds to support the administrative record system referred to in subsection (b)(2).

(e) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

TITLE VI—PUNISHING AND DETERRING CRIMINAL USE OF FIREARMS AND EXPLOSIVES

SEC. 601. MANDATORY MINIMUM SENTENCE FOR DISCHARGING A FIREARM IN A SCHOOL ZONE.

Section 924(a)(4) of title 18, United States Code, is amended—

(1) by striking ''922(q) shall be fined'' and inserting ''922(q)(2) shall be fined''; and

(2) by inserting after the first sentence the following: ''Whoever violates section 922(q)(3) with reckless disregard for the safety of another shall be fined under this title, imprisoned not more than 20 years, or both, except that if serious bodily injury results, shall be fined under this title, imprisoned not more than 25 years, or both, or if death results and the person has attained 16 years of age but has not attained 18 years of age, shall be fined under this title, sentenced to imprisonment for life or for any term of years, or both, or if death results and the person has attained 18 years of age, shall be fined under this title, sentenced to death or to imprisonment for any term of years or for life, or both. Whoever knowingly violates section 922(q)(3) shall be fined under this title, imprisoned not less than 10 years and not more than 20 years, or both, except that if serious bodily injury results, shall be fined under this title, imprisoned not less than 15 years and not more than 25 years, or both, or if death results and the person has attained 16 years of age but has not attained 18 years of age, shall be fined under this title, sentenced to imprisonment for life, or both, or if death results and the person has attained 18 years of age, shall be fined under this title, sentenced to death or to imprisonment for life, or both.''.

SEC. 602. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED VIOLENT CRIMINALS.

(a) PRETRIAL DETENTION FOR POSSESSION OF FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking ''and'' at the end of subparagraph (C) and inserting ''or''; and

(3) by adding at the end the following:

''(D) an offense that is a violation of section 842(i) or 922(g) (relating to possession of explosives or firearms by convicted felons); and''.

(b) FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(A) Except as provided in subparagraph (B), any person who''; and

(2) by adding at the end the following:

''(B) Notwithstanding any other provision of law, the court shall not grant a probationary sentence for such a violation to a person who has more than 1 previous conviction for a violent felony (as defined in subsection (e)(2)(B)) or a serious drug offense (as defined in subsection (e)(2)(A)), committed under different circumstances.''.

SEC. 603. INCREASED PENALTIES FOR POSSESSING OR TRANSFERRING STOLEN FIREARMS.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''(i), (j),''; and

(B) by adding at the end the following:

''(8) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.'';

(2) in subsection (i)(1), by striking ''10'' and inserting ''15''; and

(3) in subsection (l), by striking ''10'' and inserting ''15''.

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

SEC. 604. INCREASED MANDATORY MINIMUM PENALTIES FOR USING A FIREARM TO COMMIT A CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking ''10 years.'' and inserting ''12 years; and''; and

(C) by adding at the end the following:

''(iv) if the firearm is used to injure another person, be sentenced to a term of imprisonment of not less than 15 years.''; and

(2) in subsection (h), by striking ''imprisoned not more than 10 years'' and inserting ''imprisoned not less than 5 years and not more than 10 years''.

SEC. 605. INCREASED PENALTIES FOR MISREPRESENTED FIREARMS PURCHASE IN AID OF A SERIOUS VIOLENT FELONY.

(a) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a serious violent felony, shall be—

''(i) fined under this title, imprisoned not more than 15 years, or both; or

''(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

''(B) For purposes of this paragraph—

''(i) the term 'juvenile' has the meaning given the term in section 922(x); and

''(ii) the term 'serious violent felony' has the meaning given the term in section 3559(c)(2)(F).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 606. INCREASING PENALTIES ON GUN KINGPINS.

(a) INCREASING THE PENALTY FOR ENGAGING IN AN ILLEGAL FIREARMS BUSINESS.—Section 924(a)(2) of title 18, United States Code, is amended by inserting '', or willfully violates section 922(a)(1),'' after ''section 922''.

(b) SENTENCING GUIDELINES INCREASE FOR CERTAIN VIOLATIONS AND OFFENSES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review and amend the Federal sentencing guidelines to provide an appropriate enhancement for a violation of section 922(a)(1) of title 18, United States Code; and

(2) review and amend the Federal sentencing guidelines to provide additional sentencing increases, as appropriate, for offenses involving more than 50 firearms.

The Commission shall promulgate the amendments provided for under this subsection as soon as is practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 607. SERIOUS RECORDKEEPING OFFENSES THAT AID GUN TRAFFICKING.

Section 924(a)(3) of title 18, United States Code, is amended by striking the period and inserting ''; but if the violation is in relation to an offense under subsection (a)(6) or (d) of section 922, shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 608. TERMINATION OF FIREARMS DEALER'S LICENSE UPON FELONY CONVICTION.

Section 925(b) of title 18, United States Code, is amended by striking ''until any conviction pursuant to the indictment becomes final'' and inserting ''until the date of any conviction pursuant to the indictment''.

SEC. 609. INCREASED PENALTY FOR TRANSACTIONS INVOLVING FIREARMS WITH OBLITERATED SERIAL NUMBERS.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking ''(k),''; and

(2) in paragraph (2), by inserting ''(k),'' after ''(j),''.

SEC. 610. FORFEITURE FOR GUN TRAFFICKING.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

''(9) The court, in imposing a sentence on a person convicted of a gun trafficking offense, as defined in section 981(a)(1)(G), or a conspiracy to commit such offense, shall order the person to forfeit to the United States any conveyance used or intended to be used to commit such offense, and any property traceable to such conveyance.''.

SEC. 611. INCREASED PENALTY FOR FIREARMS CONSPIRACY.

Section 924 of title 18, United States Code, is further amended by adding at the end the following:

''(q) Except as otherwise provided in this section, a person who conspires to commit an offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which is the object of the conspiracy.''.

SEC. 612. GUN CONVICTIONS AS PREDICATE CRIMES FOR ARMED CAREER CRIMINAL ACT.

(a) Section 924(e)(1) of title 18, United States Code, is amended—

(1) by striking ''violent felony or a serious drug offense, or both,'' and inserting ''violent felony, a serious drug offense or a violation of section 922(g)(1), or a combination of such offenses,''; and

(2) by adding at the end the following: ''No more than two convictions for violations of section 922(g)(1) shall be considered in determining whether a person has three previous convictions for purposes of this subsection.''.

SEC. 613. SERIOUS JUVENILE DRUG TRAFFICKING OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(C) of title 18, United States Code, is amended by inserting ''or serious drug offense'' after ''violent felony''.

SEC. 614. FORFEITURE OF FIREARMS USED IN CRIMES OF VIOLENCE AND FELONIES.

(a) CRIMINAL FORFEITURE.—Section 982(a) of title 18, United States Code, is further amended by adding at the end the following:

''(10) The court, in imposing a sentence on a person convicted of any crime of violence (as defined in section 16 of this title) or any felony under Federal law, shall order that the person forfeit to the United States any firearm (as defined in section 921(a)(3) of this title) used or intended to be used to commit or to facilitate the commission of the offense.''.

(b) DISPOSAL OF PROPERTY.—Section 981(c) of title 18, United States Code, is amended by adding at the end the following flush sentence:

''Any firearm forfeited pursuant to subsection (a)(1)(H) of this section or section 982(a)(10) of this title shall be disposed of by the seizing agency in accordance with law.''.

(c) AUTHORITY TO FORFEIT PROPERTY UNDER SECTION 924(d).—Section 924(d) of title 18, United States Code, is amended by adding at the end the following:

''(4) Whenever any firearm is subject to forfeiture under this section, the Secretary of the Treasury shall have the authority to seize and forfeit, in accordance with the procedures of the applicable forfeiture statute, any property otherwise forfeitable under the laws of the United States that was involved in or derived from the crime of violence or drug trafficking crime described in subsection (c) in which the forfeited firearm was used or carried.''.

(d) 120-DAY RULE FOR ADMINISTRATIVE FORFEITURE.—Section 924(d)(1) of title 18, United States Code, is amended by adding ''administrative'' after ''Any'' in the last sentence.

(e) SECTION 3665.—Section 3665 of title 18, United States Code, is amended—

(1) by redesignating the first undesignated paragraph as subsection (a)(1) and the second undesignated paragraph as subsection (a)(2); and

(2) by adding at the end the following:

''(b) The forfeiture of property under this section, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsection 413(d) which shall not apply to forfeitures under this section.''.

SEC. 615. SEPARATE LICENSES FOR GUNSMITHS.

(a) Section 921(a)(11) of title 18, United States Code, is amended to read as follows:

''(11) The term 'dealer' means (A) any person engaged in the business as a firearms dealer, (B) any person engaged in the business as a gunsmith, or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.''.

(b) Section 921(a) of title 18, United States Code, is amended by redesignating paragraphs (12) through (33) as paragraphs (14) through (35), and by inserting after paragraph (11) the following:

''(12) The term 'firearms dealer' means any person who is engaged in the business of selling firearms at wholesale or retail.

''(13) The term 'gunsmith' means any person, other than a licensed manufacturer, licensed importer, or licensed dealer, who is engaged in the business of repairing firearms or of making or fitting special barrels, stocks or trigger mechanisms to firearms.''.

(c) Section 923(a)(3) of title 18, United States Code is amended to read as follows:

''(3) If the applicant is a dealer who is—

''(A) a dealer in destructive devices or ammunition for destructive devices, a fee of $1,000 per year;

''(B) a dealer in firearms who is not a dealer in destructive devices, a fee of $200 for 3 years, except that the fee for renewal of a valid license shall be $90 for 3 years; or

''(C) a gunsmith, a fee of $100 for 3 years, except that the fee for renewal of a valid license shall be $50 for 3 years.''.

SEC. 616. PERMITS AND BACKGROUND CHECKS FOR PURCHASES OF EXPLOSIVES.

(a) PERMITS FOR PURCHASE OF EXPLOSIVES IN GENERAL.—Section 842 of title 18, United States Code, is amended—

(1) by amending subparagraphs (A) and (B) of subsection (a)(3) to read as follows:

''(A) to transport, ship, cause to be transported, or receive any explosive materials; or

''(B) to distribute explosive materials to any person other than a licensee or permittee.''; and

(2) in subsection (b)—

(A) by adding ''or'' at the end of paragraph (1);

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

(C) by striking paragraph (3).

(b) BACKGROUND CHECKS.—Section 842 of title 18, United States Code, is further amended by adding at the end the following:

''(q)(1) A licensed importer, licensed manufacturer, or licensed dealer shall not transfer explosive materials to any other person who is not a licensee under section 843 of this title unless—

''(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103(d) of the Brady Handgun Violence Prevention Act;

''(B)(i) the system provides the licensee with a unique identification number; or

''(ii) 5 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of explosive materials by such other person would violate subsection (i) of this section;

''(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1038(d)(1) of this title) of the transferee containing a photograph of the transferee; and

''(D) the transferor has examined the permit issued to the transferee pursuant to section 843 of this title and recorded the permit number on the record of the transfer.

''(2) If receipt of explosive materials would not violate section 842(i) of this title or State law, the system shall—

''(A) assign a unique identification number to the transfer; and

''(B) provide the licensee with the number.

''(3) Paragraph (1) shall not apply to the transfer of explosive materials between a licensee and another person if on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

''(A) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

''(B) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in section 922(s)(8)); and

''(C) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

''(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of explosive materials by such other person would violate subsection (i) or State law, and the licensee transfers explosive materials to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

''(5) If the licensee knowingly transfers explosive materials to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 843 and may impose on the licensee a civil fine of not more than $5,000.

''(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

''(A) for failure to prevent the sale or transfer of explosive materials to a person whose receipt or possession of the explosive materials is unlawful under this section; or

''(B) for preventing such a sale or transfer to a person who may lawfully receive or possess explosive materials.''.

(c) ADMINISTRATIVE PROVISIONS.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f), by inserting ''or explosive materials'' after ''firearm''; and

(2) in subsection (g), by inserting ''or that receipt of explosive materials by a prospective transferee would violate section 842(i) of such title, or State law,'' after ''State law,''.

(d) REMEDY FOR ERRONEOUS DENIAL OF EXPLOSIVE MATERIALS.—

(1) IN GENERAL.—Chapter 40 of title 18, United States Code, is amended by inserting after section 843 the following:

''§ 843A. Remedy for erroneous denial of explosive materials

''Any person denied explosive materials pursuant to section 842(q)—

''(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act; or

''(2) who was not prohibited from receipt of explosive materials pursuant to section 842(i),

may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.''.

(2) TECHNICAL AMENDMENT.—The section analysis for chapter 40 of title 18, United States Code, is amended by inserting after the item relating to section 843 the following:

''843A. Remedy for erroneous denial of explosive materials.''.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue final regulations with respect to the amendments made by subsection (a).

(2) NOTICE TO STATES.—On the issuance of regulations pursuant to paragraph (1), the Secretary of the Treasury shall notify the States of the regulations so that the States may consider revising their explosives laws.

(f) LICENSES AND USER PERMITS.—Section 843(a) of title 18, United States Code, is amended—

(1) by inserting '', including fingerprints and a photograph of the applicant'' before the period at the end of the first sentence; and

(2) by striking the second sentence and inserting, ''Each applicant for a license shall pay for each license a fee established by the Secretary that shall not exceed $300. Each applicant for a permit shall pay for each permit a fee established by the Secretary that shall not exceed $100.''.

(g) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) by redesignating subsection (a) as subsection (a)(1); and

(2) by inserting after subsection (a)(1) the following new paragraph:

''(2) Any person who violates section 842(q) shall be fined under this title, imprisoned for not more than 5 years, or both.''.

(h) EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), (d), and (g) shall take effect 18 months after the date of enactment of the Act.

SEC. 617. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVES.

(a) DISTRIBUTION OF EXPLOSIVES.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period and inserting ''or who has been committed to a mental institution;''; and

(3) by adding at the end the following:

''(7) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in subsection (q)(2), 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)));

''(8) has been discharged from the Armed Forces under dishonorable conditions;

''(9) having been a citizen of the United States, has renounced his citizenship;

''(10) 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; or

''(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;

''(11) has been convicted in any court of a misdemeanor crime of domestic violence; or

''(12) has been adjudicated delinquent.''.

(b) POSSESSION OF EXPLOSIVES.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (3), by striking ''or'' at the end; and

(2) by adding at the end the following:

''(5) who, being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in subsection (q)(2), has been admitted to the United States under a non-immigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

''(6) who has been discharged from the Armed Forces under dishonorable conditions;

''(7) who, having been a citizen of the United States, has renounced his citizenship;

''(8) who 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; or

''(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;

''(9) who has been convicted in any court of a misdemeanor crime of domestic violence; or

''(10) who has been adjudicated delinquent.''.

(c) DEFINITION.—Section 841 of title 18, United States Code, is amended by adding at the end the following:

''(r)(1) Except as provided in paragraph (2), 'misdemeanor crime of domestic violence' means an offense that—

''(A) is a misdemeanor under Federal or State law; and

''(B) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

''(2)(A) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

''(i) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

''(ii) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

''(I) the case was tried by a jury; or

''(II) the person knowingly and intelligently waived the right to have the case tried by jury, by guilty plea or otherwise.

''(B) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

''(s) 'Adjudicated delinquent' means an adjudication of delinquency based upon a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious drug offense or violent felony (as defined in section 3559(c)(2) of this title), on or after the date of enactment of this paragraph.''.

(d) ALIENS ADMITTED UNDER NONIMMIGRANT VISAS.—Section 842 is amended by adding at the end the following:

''(r)(1) For purposes of 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) Sections (d)(7)(B) and (i)(5)(B) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

''(3)(A) Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (i)(5)(B), if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

''(ii) the Attorney General approves the petition.

''(B) Each petition under subparagraph (B) 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 acquire explosives and certifying that the alien would not, absent the application of subsection (i)(5)(B), otherwise be prohibited from such an acquisition under subsection (i).

''(C) The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (i)(5)(B) with respect to the petitioner—

''(i) would be in the interests of justice; and

''(ii) would not jeopardize the public safety.''.

(e) CONFORMING AMENDMENT.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding any other provision of this section, no person convicted of a misdemeanor crime of domestic violence may ship or transport any explosive materials in interstate or foreign commerce or to receive or possess any explosive materials which have been shipped or transported in interstate or foreign commerce.''.

TITLE VII—PUNISHING GANG VIOLENCE AND DRUG TRAFFICKING TO MINORS

SEC. 701. INCREASED MANDATORY MINIMUM PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (c), by striking ''one year'' and inserting ''5 years''.

SEC. 702. INCREASED MANDATORY MINIMUM PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''one year'' and inserting ''5 years''.

SEC. 703. INCREASED MANDATORY MINIMUM PENALTIES FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''three years'' each place that term appears and inserting ''5 years''.

SEC. 704. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Section 521 of title 18, United States Code, is amended—

(1) in subsection (a), in the second undesignated paragraph—

(A) by striking ''5'' and inserting ''3'';

(B) by inserting '', whether formal or informal'' after ''or more persons''; and

(C) in subparagraph (A), by inserting ''or activities'' after ''purposes'';

(2) in subsection (b), by inserting after ''10 years'' the following: ''and such person shall be subject to the forfeiture prescribed in section 412 of the Controlled Substances Act (21 U.S.C. 853)'';

(3) in subsection (c)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon;

(C) by adding at the end the following:

''(3) that is a violation of section 522 (relating to the recruitment of persons to participate in criminal gang activity);

''(4) that is a violation of section 844, 875, or 876 (relating to extortion and threats), section 1084 (relating to gambling), section 1955 (relating to gambling), or chapter 73 (relating to obstruction of justice);

''(5) that is a violation of section 1956 (relating to money laundering), to the extent that the violation of such section is related to a Federal or State offense involving a controlled substance (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

''(6) that is a violation of section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, or 1328) (relating to alien smuggling); and

''(7) a conspiracy, attempt, or solicitation to commit an offense described in paragraphs (1) through (6).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3663(c)(4) of title 18, United States Code, is amended by striking ''chapter 46'' and inserting ''section 521, chapter 46,''.

SEC. 705. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS A GANG MEMBER.

(a) DEFINITION OF CRIMINAL STREET GANG.—In this section, the term ''criminal street gang'' has the meaning given that term in section 521(a) of title 18, United States Code.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for any Federal offense described in section 521(c) of title 18, United States Code, if the offense was both committed in connection with, or in furtherance of, the activities of a criminal street gang and the defendant was a member of the criminal street gang at the time of the offense.

(2) FACTORS TO BE CONSIDERED.—In determining an appropriate enhancement under this section, the United States Sentencing Commission shall give great weight to the seriousness of the offense, the offender's relative position in the criminal gang, and the risk of death or serious bodily injury to any person posed by the offense.

(c) CONSTRUCTION WITH OTHER GUIDELINES.—The amendment made by subsection (b) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

SEC. 706. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.

(a) TRAVEL ACT AMENDMENT.—Section 1952 of title 18, United States Code, is amended to read as follows:

''§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

''(a) PROHIBITED CONDUCT AND PENALTIES.—

''(1) IN GENERAL.—Whoever—

''(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

''(i) distribute the proceeds of any unlawful activity; or

''(ii) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and

''(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), performs, attempts to perform, or conspires to perform an act described in clause (i) or (ii) of subparagraph (A);

shall be fined under this title, imprisoned not more than 10 years, or both.

''(2) CRIMES OF VIOLENCE.—Whoever—

''(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to commit any crime of violence to further any unlawful activity; and

''(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), commits, attempts to commit, or conspires to commit any crime of violence to further any unlawful activity;

shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be sentenced to death or be imprisoned for any term of years or for life.

''(b) DEFINITIONS.—In this section:

''(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

''(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(3) UNLAWFUL ACTIVITY.—The term 'unlawful activity' means—

''(A) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances, or prostitution offenses in violation of the laws of the State in which the offense is committed or of the United States;

''(B) extortion, bribery, arson, burglary if the offense involves property valued at not less than $10,000, assault with a deadly weapon, assault resulting in bodily injury, shooting at an occupied dwelling or motor vehicle, or retaliation against or intimidation of witnesses, victims, jurors, or informants, in violation of the laws of the State in which the offense is committed or of the United States; or

''(C) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.''.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

(2) UNLAWFUL ACTIVITY DEFINED.—In this subsection, the term ''unlawful activity'' has the meaning given that term in section 1952(b) of title 18, United States Code, as amended by this section.

(3) SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for a person who, in violating section 522 of title 18, United States Code, recruits, solicits, induces, commands, or causes another person residing in another State to be or to remain a member of a criminal street gang, or crosses a State line with the intent to recruit, solicit, induce, command, or cause another person to be or to remain a member of a criminal street gang.

SEC. 707. GANG-RELATED WITNESS INTIMIDATION AND RETALIATION.

(a) INTERSTATE TRAVEL TO ENGAGE IN WITNESS INTIMIDATION OR OBSTRUCTION OF JUSTICE.—Section 1952 of title 18, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) Whoever travels in interstate or foreign commerce with intent by bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding, and thereafter engages or endeavors to engage in such conduct, shall be fined under this title or imprisoned not more than 10 years, or both; and if serious bodily injury (as defined in section 1365 of this title) results, shall be so fined or imprisoned for not more than 20 years, or both; and if death results, shall be so fined and imprisoned for any term of years or for life, or both, and may be sentenced to death.''.

(b) CONSPIRACY PENALTY FOR OBSTRUCTION OF JUSTICE OFFENSES INVOLVING VICTIMS, WITNESSES, AND INFORMANTS.—Section 1512 of title 18, United States Code, is amended by adding at the end the following:

''(j) Whoever conspires to commit any offense defined in this section or section 1513 of this title shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.''.

(c) WITNESS RELOCATION SURVEY AND TRAINING PROGRAM.—

(1) SURVEY.—The Attorney General shall survey all State and selected local witness protection and relocation programs to determine the extent and nature of such programs and the training needs of those programs. Not later than 270 days after the date of the enactment of this section, the Attorney General shall report the results of this survey to Congress.

(2) TRAINING.—Based on the results of such survey, the Attorney General shall make available to State and local law enforcement agencies training to assist those law enforcement agencies in developing and managing witness protection and relocation programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraphs (1) and (2) for fiscal year 2000 not to exceed $500,000.

(d) FEDERAL-STATE COORDINATION AND COOPERATION REGARDING NOTIFICATION OF INTERSTATE WITNESS RELOCATION.—

(1) ATTORNEY GENERAL TO PROMOTE INTERSTATE COORDINATION.—The Attorney General shall engage in activities, including the establishment of a model Memorandum of Understanding under paragraph (2), which promote coordination among State and local witness interstate relocation programs.

(2) MODEL MEMORANDUM OF UNDERSTANDING.—The Attorney General shall establish a model Memorandum of Understanding for States and localities that engage in interstate witness relocation. Such a model Memorandum of Understanding shall include a requirement that notice be provided to the jurisdiction to which the relocation has been made by the State or local law enforcement agency that relocates a witness to another State who has been arrested for or convicted of a crime of violence as described in section 16 of title 18, United States Code.

(3) BYRNE GRANT ASSISTANCE.—The Attorney General is authorized to expend up to 10 percent of the total amount appropriated under section 511 of subpart 2 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 for purposes of making grants pursuant to section 510 of that Act to those jurisdictions that have interstate witness relocation programs and that have substantially followed the model Memorandum of Understanding.

(4) GUIDELINES AND DETERMINATION OF ELIGIBILITY.—The Attorney General shall establish guidelines relating to the implementation of paragraph (4) and shall determine, consistent with such guidelines, which jurisdictions are eligible for grants under paragraph (4).

(d) BYRNE GRANTS.—Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking ''and'' at the end of paragraph (25);

(2) by striking the period at the end paragraph (26) and inserting ''; and''; and

(3) by adding at the end the following:

''(27) developing and maintaining witness security and relocation programs, including providing training of personnel in the effective management of such programs.''.

(e) DEFINITION.—As used in this section, the term ''State'' includes the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Florida (Mr. MCCOLLUM), and a Member opposed, each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over the last several weeks there has been a great deal of debate about ways to protect our children from violence. We have talked about provisions to keep guns out of the hands of criminals, and that is the right thing to do. We have talked about the influence of our culture on kids and how we can encourage responsibility from those who have the potential to influence them, and that is the right thing to do.

We have talked about reaching kids early when they make mistakes so that they will not fall into a spiral of increasing crime, and that is also the right thing to do.

We must also not lose sight of the fact that there have always been and always will be people who ignore the laws. We have to admit that there are people in this country whose hate for those around them is so overpowering they will commit acts of violence on their neighbors, on children, in our schools, even on the houses of worship in their own communities. We have to face the fact that there are people whose greed for money and power lead them to poison our children with drugs and destroy our families through violence.

We cannot simply allow those who would destroy our communities to do so. We must deter them, if we can, by making them aware that there will be severe punishment for their crimes, and we have to impose those punishments if they commit those crimes. We

must do this if we are to protect our children and our grandchildren.

Mr. Chairman, the amendment I offer adds provisions to H.R. 1501 to ensure that those who violate our laws and endanger our children and families will be punished. My amendment will increase the punishment for criminals who put guns in the hands of our children and those who commit crimes using firearms. It will increase the penalties on juveniles who use guns to harm others. It will increase the punishments on gang members who commit serious crimes and those who push drugs on to our young people, and it will punish those who put explosives into the hands of juveniles.

We have to send a message. If someone intends to harm our children, we will punish them and punish them severely.

Here is what this amendment will do. It will strengthen the present Federal juvenile justice system by providing increased protection for the community and holding juveniles accountable for their actions.

I must say at the outset that there are very few children who are ever tried in a juvenile setting in the Federal system, but those on Indian reservations and elsewhere are, and this particular provision, this set of provisions, deal only with that limited Federal role and not with the State or the grant program we have been discussing under the underlying bill.

The amendment strengthens the juvenile system that the Federal Government deals with by the following: Giving prosecutors rather than the courts the discretion to charge a juvenile alleged to have committed certain serious felonies as an adult or as a juvenile, which is consistent with what most States do; by making fines and supervised release which are not presently sentencing options in the Federal system available for adjudicated delinquents in addition to probation and detention; and by providing that the records of juvenile proceedings are public records to the same extent that the records of adult criminal proceedings will be public and that such records are to be made available for official purposes, including disclosure to victims and school officials.

The second area my amendment deals with will encourage the Justice Department to prosecute gun crimes. We have found at hearings recently, unfortunately, that many times the Federal Government has not been prosecuting the crimes already on the books dealing with guns. I think that is very, very sad and it is a very serious problem.

So this amendment will require the Justice Department to establish a program in each United States Attorney's Office where one or more Federal prosecutors are designated to prosecute firearms offenses and to coordinate with State and local authorities for more effective enforcement, and permit U.S. attorneys to use Federal prosecutors to prosecute State firearms offenses in State courts.

The third area that my amendment deals with will help ensure that juveniles do not gain access to firearms and explosives illegally. It does this by increasing the maximum penalty that may be imposed on juveniles who possess a firearm. Also, it increases the maximum penalty for illegal possession of a firearm with the intent to take it to a school zone or knowing that another juvenile will take it to a school zone.

It increases the maximum penalty that may be imposed on adults who illegally transfer firearms to juveniles.

□ 1415

It provides for a mandatory minimum sentence for an adult who illegally transfers a firearm to a juvenile, knowing that a juvenile intended to take it to a school zone or commit a serious violent felony.

It enacts a new provision to prohibit any person under 21 from sending, receiving, or possessing explosive materials. Under current law, the distribution of explosive materials to persons under 21 is prohibited, but there is no punishment for the possession of such materials for persons under 21.

The next area this amendment deals with will help deter criminals from gaining access to firearms and explosives by prohibiting the distribution through the Internet and elsewhere of information relating to explosives, destructive devices, and weapons of mass destruction when the person distributing the information knows that the recipient intends to use them to harm others; and by requiring common carriers like UPS or FedEx or a number of others, or other contract carriers such as trucking companies, to report the theft or loss of a firearm it is shipping within 48 hours after the theft or loss is discovered.

Another part of this amendment will help to ensure that criminals are held accountable for their use of firearms and explosives and to deter others from illegally possessing and using these weapons by increasing the penalties for the discharge of a firearm in a school zone and by providing for mandatory minimum punishments for the knowing discharge of a firearm in a school zone. It increases those punishments if physical harm results, and it allows for the death penalty if somebody uses a gun to kill in a school zone.

Secondly, it increases the maximum penalties for transporting stolen firearms in interstate commerce and for selling, receiving, and possessing stolen firearms.

It increases the mandatory minimum penalty for discharging a firearm during a Federal crime of violence or drug trafficking crime and establishes a mandatory minimum penalty if the firearm is used to injure another person.

It increases the maximum punishment for making false statements to a licensed dealer in order to illegally obtain a firearm if the purchase was to enable another person to carry or possess it in the commission of a serious violent felony. It provides for a minimum mandatory punishment if the person procuring the firearm did so for a juvenile.

It prohibits Federal firearm licensees to continue to operate their licensed businesses after a felony conviction.

It increases the penalty for persons who illegally deal in firearms.

It raises the maximum penalty for knowingly transporting, shipping, possessing, or receiving a firearm with an obliterated or altered serial number.

It establishes, for the first time, criminal background checks prior to the sale of explosive materials by nonlicensed purchasers by licensed dealers.

These checks, similar to the Brady gun background checks, will reduce the availability of explosives to felons.

This is another instant-check type of system, but this one is designed as it should be for explosives and the sale of explosives.

We all know from the Columbine experience that there were not just guns involved there, but there were certainly explosives as well.

In the last provisions in my amendment, we address further the punishment of gang violence and drug trafficking to minors and witness intimidation. It will increase, this amendment, the existing mandatory minimum penalty that is imposed on adults convicted of using minors to distribute drugs.

It will increase the existing mandatory minimum penalty that must be imposed on adults convicted of distributing drugs to minors.

It will increase the existing mandatory minimum penalty that must be imposed on any person convicted of distributing, possessing with the intent to distribute, or manufacturing drugs in or within 100 feet of a school zone.

It will increase the punishment in current law for certain crimes if they were committed by a person as a part of a criminal street gang and adds new crimes for which the increase may be applied; among them, crimes involving extortion and threats, gambling, obstruction of justice, money laundering, and alien smuggling.

It addresses the problem of gang-related witness intimidation by making it a crime to travel in interstate or foreign commerce with the intent to delay or influence the testimony of a witness in a State criminal proceeding by bribery, force, intimidation, or threat. It allows for the death penalty if a person kills another to keep them from testifying in such a setting.

I think this is extremely important. We have a lot of witness intimidation, unfortunately, in this country today, and we do not have good law provisions at the Federal level to deal with it.

We also have in this legislation provisions encouraging a memorandum of understanding as sort of a suggested

format, a model format that States might use for witness protection programs among the States to avoid some complications we have seen such as existed in my State of Florida recently with respect to it and Puerto Rico.

These are tough provisions, all of them that I have outlined. They are intended to be. But the harm that is being done through illegal guns, through explosives, and through drugs cannot be ignored. Our young people deserve nothing but our fullest efforts to protect our children at home, at school, and during play.

I ask all of my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek to control the time in opposition?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SCOTT) for 20 minutes.

Mr. SCOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the committee.

Mr. CONYERS. Mr. Chairman, this proposal by the gentleman from Florida (Mr. MCCOLLUM), the subcommittee chairman, actually openly reneges on his pledge to pursue a substantive bipartisan juvenile justice bill.

He is now, with one amendment, loading this bill, H.R. 1501, up with more than two dozen criminal penalties, including the death sentence. It is now clear that these provisions were rejected and certainly not supported during the orderly subcommittee process that he himself chaired.

I want to bring forward now one part of this that cannot be unremarked as we go forward. I want to thank Senator PAUL WELLSTONE and David Cole for their assistance.

Because what the gentleman from Florida (Mr. MCCOLLUM) is doing is repealing the Federal law that requires States to identify and improve disproportionate incarceration of members of minority groups, a law that has been in place since 1992 and has had more than 40 States develop programs to reduce minority involvement in the juvenile justice system. It is now under attack.

The resulting Republican juvenile justice bill with this amendment would repeal the existing mandate, effectively closing our collective eyes to racial disparity in the juvenile justice system. Consider with me for one moment, although African American juveniles ages 10 through 17 are 15 percent of the population, they are 26 percent of the arrests, 32 percent of the referrals to juvenile court, 41 percent of the juveniles detained in delinquency cases, 46 percent of juveniles in correctional institutions, and 52 percent of juveniles transferred to adult criminal courts after judicial hearings. In short, African American youths start off overrepresented in juvenile justice, and the problem gets worse at every step. With this amendment, it will continue to proceed in the wrong direction.

This policy of creating a long-term custody rate for African American youth five times the rate of white youth must stop in the House of Representatives. I suggest to my colleagues that we do not even address the problems but plan to make them far worse.

In addition, and I will conclude on this note, the McCollum amendment requires the implementation of the armed criminal apprehension program, similar to the one in Richmond, Virginia that has been described by a United States district court judge as expensive, unnecessary, racially biased, and a misuse of the Federal court system.

Now, if we do nothing else here today, I urge that we reject the McCollum amendment, which will begin to increase the racial disparity of youngsters that are caught up in this process in a huge way, more than two dozen criminal penalties. It is the wrong way. It is too much. It was not accepted even in his own committee.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I simply want to say to the gentleman from Michigan (Mr. CONYERS), with all due respect, I understand he disagrees with this amendment, but a couple of things he pointed out I do not think were quite accurate, and I am sure unintentionally so.

The subcommittee considered H.R. 1501, but the full committee has never considered any of this process, nor did any of the provisions of this amendment get considered in this Congress as we brought this bill to the floor, as the gentleman knows, the main bill, with all of these other provisions to be discussed and debated in amendment process. So they have not been rejected by the committee. They just never have been brought up or considered.

Secondly, I believe the gentleman, if he would carefully read my amendment, which is a pretty thick thing, I know, would find there is no mention in here of the Office of Juvenile Justice's delinquency prevention programs where the racial mandate, the racial composition mandate exist. We do not touch that in my amendment. I know there is concern about that. There may be other provisions in somebody else's amendment, but this amendment does not touch that. I just want to be sure everybody understands that.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, may I inquire how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 9 minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 16 minutes remaining.

Mr. SCOTT. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I hope my colleagues were listening carefully to the comments that were made by the gentleman from Florida (Mr. MCCOLLUM) in support of his proposed amendment.

What he said is that his proposed amendment would strengthen the Federal juvenile justice system. It is that point that I want to spend my time talking about, because my question to my colleagues is: What Federal juvenile justice system is he talking about? We do not have one juvenile counselor at the Federal level. We do not have one juvenile judge at the Federal level. We do not have one juvenile facility in the Federal system. What juvenile justice system is the gentleman from Florida (Mr. MCCOLLUM) talking about?

What he is talking about is federalizing juvenile justice for the first time in this country. Now, why is there no Federal juvenile justice system? For the same reason we do not have any Federal school system in this country. We do not have a Federal juvenile justice system, because, historically, throughout the whole history of this country, juvenile justice has been handled as a State and local issue. They have juvenile courts. They have juvenile judges. They have juvenile facilities. They have counselors. They deal with local juvenile issues as a local issue, which it is and should be.

Local communities are closer to our juveniles and the children, just like the local school systems, are closer to juveniles and the system.

So is not it ironic that my colleagues who profess to believe in States rights would come and say we are here to strengthen and take over the juvenile justice system?

Let me tell my colleagues one final reason that we do not have a juvenile justice system at the Federal level, and that is that we have not done an especially good job of handling the Federal adult justice system. Here we go, saying, those of us who say that we believe in States rights, my Republican colleagues in particular, would have us now come and say we know more about juvenile justice than local communities know about it.

This is a bad idea. It is a revolutionary idea. We should not march into this territory without knowing exactly what we are doing. We should reject this amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply have to respond to the gentleman from North Carolina (Mr. WATT). I do not know if the gentleman has really seriously read chapter 403 of the United States Code with respect to criminal law. But chapter 403 is nothing but about a juvenile justice system at the Federal level.

□ 1445

There are several hundred juveniles who are adjudicated as delinquents every year in the Federal system, most

of them on Indian reservations, and there are several hundred more that are prosecuted in the Federal system for violent crimes. So there certainly is a juvenile justice system, and it certainly needs improvement, and that is what the first section of my amendment does.

And the administration has requested every single line and every single word that is in my amendment related to improving this system. The Clinton administration has requested this. The gentleman's own party President has requested it.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, would the gentleman tell me, is he proposing that we apply the same juvenile justice system at the Federal level that we are applying on Indian reservations? Is that what the gentleman is proposing, instead of allowing local communities to handle their own juvenile justice system?

Mr. MCCOLLUM. Mr. Chairman, I reclaim my time to say that we have a Federal juvenile justice system and it applies to any juvenile brought into the system, whether on an Indian reservation or not. It is all the same. It is this Federal juvenile justice system that we are applying here and amending in chapter 403.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, here it is, it is one of the poison pills for this bill, H.R. 1501. I think we all knew on the Committee on the Judiciary that the amendment being offered by the gentleman from Florida (Mr. MCCOLLUM) could not become law and should not become law. That is why H.R. 1501 was devised with the broad bipartisan support that it had, at least, until the slaughter in Columbine High School. That incident changed our common understanding of what we should do here in America about juvenile crime.

This amendment would make it easier to prosecute a 13-year-old as an adult. And, actually, to be clear, it would make it easier for the less than 300 children prosecuted in the Federal system to be prosecuted as adults. So let us be more specific. It would make it easier to prosecute a 13-year-old Native American child as an adult.

What has that got to do with the murders at Columbine High School? I am sorry, who are we fooling with this? There are assorted other portions of the amendment, things about the Internet and guns, which I think are serious issues, but the boys at Colorado bought their guns through gun shows, not on the Internet. There are things about enhancing the penalties if a firearm was discharged in a school. Well, those two boys who killed those kids in school in Colorado, they committed suicide. So I do not think that the 5-year enhanced penalty would do one darn thing to deter those two boys from the slaughter that they wrought on their classmates and the families.

What we need to do is to focus on the ability of a child to commit such damage if a child is so disturbed that he or she wants to kill others. And that focus is what we are avoiding through this really very disturbing setup, considering amendments calculated to sink this bill, tomorrow's bill, and so the American people will not get what they are asking for: Sensible, modest, moderate gun safety measures that will prevent future tragedies such as those all the parents in America observed saw and cared about at Columbine High School and cared deeply to cure.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), a member of the committee.

Mr. CHABOT. Mr. Chairman, it is unfortunate that violence occurs throughout our Nation every day. In our classrooms, in schoolyards and playgrounds, children are all too often at the mercy of violent criminals.

Nationally, we are faced with staggering statistics. The Bureau of Justice statistics report that for 1997 there were 2500 juveniles arrested for murder. That is a 90 percent increase from 1986. Our Nation's youth are now among the most likely to fall victim to violent crimes, crimes often committed, unfortunately, by their own peers.

To me, these numbers indicate an epidemic of youth violence, one which must be confronted head on. We must pass stronger laws that target and punish violent juvenile offenders. Stiffer sentencing guidelines, trying for violent juveniles as adults and opening those juveniles' criminal records would be a good start. The amendment of the gentleman from Florida (Mr. MCCOLLUM) would enact some of these important provisions.

For example, this amendment gives Federal prosecutors rather than judges the discretion to prosecute violent juvenile felons as adults. This provision would send a clear message to juveniles that if they commit serious crimes, they will do adult time. No more slaps on the wrist, no more short sentences followed by a quick release. So I commend the gentleman for offering this important amendment.

Over 6,000 kids were expelled for bringing guns to schools during the 1996–97 school year, but only nine of them were prosecuted by the Clinton administration, by the U.S. Attorney's Office under this administration. That is a travesty.

Mr. Chairman, regardless of what we accomplish here today, we must acknowledge that the juvenile violence problem in this country is not simply the product of laws or lack thereof. It is a societal one. Our children are inundated every day with negative images, violent messages, and much less than positive role models, unfortunately. Parenting has become a struggle in a country where the government taxes an inordinate amount of a family's paycheck and forces parents to spend more time at work and less time raising and supervising their own kids.

We should not lose sight of the fact that most of our parents are doing a good job, and an overwhelming majority of the kids in this country are good kids who go to school to learn and to make friends and to participate in positive activities. We could help these families by cutting their taxes and helping parents spend more time with their own kids.

There are a lot of things we can do, and I commend the gentleman from Florida (Mr. MCCOLLUM) and the other members of the committee for a job well done and look forward to the debate on this particularly important issue to our country.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I am from Colorado, and Columbine High School is just a few blocks from my district. My constituents in Colorado and our constituents across the country are very sensitive about the conclusions that we take from the terrible Columbine shootings of just a few weeks ago. They are very sensitive that their political leaders do not use this tragedy as an excuse to pass some legislation that will really do very little, if nothing, to solve the problem of youth violence in our country today.

The truth is that under 300 kids per year in the entire country, most of them Native Americans, are even prosecuted under the Federal laws. So the truth is amendments like this will do nothing to stop the kind of youth violence that we saw at Columbine and that we have seen so tragically at high schools across this country.

I suppose that we could send Dylan Klebold and Eric Harris to jail for extra time, if they were not dead at this point. I suppose we could give them the death penalty for shooting all these people on the school grounds of Columbine, but that would be little comfort to the parents of the students and the families of the teacher who were killed there. Instead, our constituents demand that we take action in this Congress to help prevent youth violence in a way that will work across the country for the many tens of thousands of kids in this country who need help every year.

That is why we need different programs to help across the board. We need to reauthorize the COPS program, we need to fund school safety programs, we need prevention block grants, we need to do the things that will actually help instead of giving the American people the illusion that because we are increasing sentences and doing a few things that will work around the edges on a few Indian reservations that we are doing something.

The other thing that my constituents and our constituents are demanding is common sense child gun safety legislation; legislation that will stop the multiple round ammunition cartridges that Klebold and his colleague used; legislation that will stop people from getting guns at gun shows, because these kids got all four of their guns from a gun show, not from the Internet; legislation that will have child safety locks on guns. This is the kind of common sense legislation that begins to help, that we can use as a legislative tool in conjunction with our community action that is nonlegislative that we so desperately need in this solution.

Please, let us not marginalize this issue, let us do something that will really help.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the McCollum amendment.

I think we all agree that there are multiple factors playing a role in youth violence and we are going to be trying to address several of those over the course of this day as we debate this juvenile justice bill. We are all familiar with what some of those issues are. Certainly violence in the media is a factor.

We have seen more than 3,000 studies on this issue, the majority of which have concluded there is a relationship. Drugs is a factor and certainly dysfunctional families. Indeed, one of the highest correlates of youth violence in any community is the incidence of fatherlessness in that community. We are going to try to address some of these things. Obviously, the issue of fatherlessness in the community we cannot address, but I do rise in support of this amendment.

There are several features of this amendment that I think are good. It gives prosecutors rather than the courts the discretion to charge a juvenile alleged to have committed a felony. It makes fines and supervised release available. It also, very importantly, provides that the records of these juvenile proceedings will become public records and available to the community. This is a very, very important factor.

The amendment is a big one. It has a lot of features, but I think we need to take a comprehensive look at the problem that we are trying to address, which is the terrible problem of youth violence, and look at all these different areas. And, yes, there are some weaknesses in our criminal justice system, but the McCollum amendment here is a good amendment that tries to shore up those weaknesses and strengthen the underlying bill, and I encourage my colleagues to support the amendment.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, today we are going to witness a lot of rhetoric about what causes juvenile crimes. If we were to accept the majority's position, one would think that it is access to the Power Rangers that kill our children, not the access to guns.

The rhetoric is tired. Let us be clear. We know that prevention works. Despite this common knowledge, we have witnessed time and time again the Republicans' failure to properly fund education, Head Start programs and other programs we know that work. Instead, the majority wants to rush our children from the crib to the jails.

The McCollum amendment allows Federal prosecutors rather than judges the discretion to try children as adults, lowers the age to 13 in some cases at which children can be tried as adults in the Federal system, and broadens the scope of Federal crimes for which juveniles can be tried as adults.

This provision would mean that more children would be placed in adult jails, and children are not specifically prohibited from contact with adults. This places children at serious risk of abuse and assault and flies in the face of current studies which indicate that trying children as adults increases rather than decreases youth crime.

The McCollum amendment allows children to come in contact with adults in adult jails in the Federal system. Children as young as 13 years old would be allowed to be in the same jail cell with adults. Allowing contact between juveniles and adults in adult jails would place children at risk of assault and abuse, as children are 8 times more likely to commit suicide, 5 times more likely to be sexually assaulted, and twice as likely to be assaulted by even staff in the adult jails than in juvenile facilities.

The McCollum amendment imposes new mandatory minimum sentences for children who are convicted of certain offenses. These new draconian mandatory minimums would likely impose harsher penalties on youthful offenders than adult criminals guilty of the same offenses under the current law.

Let me say this. Because I am an African American woman, I have had to pay attention to the disproportionate sentencing of minorities. When we take a look at what is going on according to the September 1998 Juvenile Justice Bulletin, it was estimated in two States that one in seven African American males would be incarcerated before the age of 18.

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This statistic is compared with one in 125 white males. And then I come here today and find that there is a bill being produced that talks about putting more Indian children, more Native American children, in jail because of the way the Federal system is constructed.

According to the September 1998 Juvenile Justice Bulletin, minority youth represented 68 percent of the juvenile population in secured detention and 68 percent of those in secured institutional environments such as training schools, even though minority youth constituted about 32 percent of the population at the time of the study. I could go on and on and on.

Let me just say that I am absolutely worried and concerned that we are going in the direction of placing more minority youth in prisons and in the Federal system. It is not right and we should not allow it.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SCOTT. Mr. Chairman, I have an amendment that has been made in order by the rule to the McCollum amendment. Do I have to offer that before the time runs out?

The CHAIRMAN. The gentleman may offer his amendment at any time up until the time that the question is posed on the underlying McCollum amendment.

Mr. SCOTT. Mr. Chairman, I would just notify the chair that I would like to introduce the amendment at the end of the debate.

Mr. Chairman, I yield 10 seconds to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I say to my colleagues, listen up. Federalizing juvenile justice without federalizing with funds the resources necessary to hire additional judges, prosecutors, probation officers, and for the very first time Federal juvenile counselors, this is absolutely ridiculous. It has no impact study with it. They cannot do this and do it safely.

Mr. SCOTT. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) has 3¾ minutes remaining.

Mr. SCOTT. Mr. Chairman, I yield 2¼ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I think it is important to focus on the acknowledgment by the Chair of the subcommittee that these particular provisions apply only to Native Americans who reside on reservations for all intents and purposes.

I think it is very, very important that the American people do not be misled into thinking that these measures will have any impact on the rest of the United States. I submit that there will not be an iota's worth of difference in terms of the violence in the streets if this amendment should pass. They should not be misled.

I am just surprised. I was unaware of the fact that there is a substantial problem of juvenile crime on Native American reservations. I would be willing to hear from the Chair of the subcommittee if there had ever been a

hearing on a Native American reservation. Has there been any consultation with State's attorneys that deal with Native American reservations?

This is about imposing the most severe sanctions on Native Americans, mandatory sentences, the death penalties, remedies that have been proven over and over again do not work. Let us follow the example of the States and maybe, maybe, we will have some good results.

For example, because of the leadership by the States, not by the Federal Government, not by Washington, this is what has occurred. The juvenile homicide rate has dropped by more than 50 percent since 1993. And for those of my colleagues that are not aware of that, that was the date that President Clinton was inaugurated and began the initiative on crime to work with the States. The States have the answer.

Another interesting statistic: Juvenile arrest rate for all violence is down 37 percent in the past 5 years. And lastly, the percentage of violent crimes attributable to juveniles is at its lowest point since 1975.

Let us follow the lead of the States. Defeat this amendment.

Mr. SCOTT. Mr. Chairman, I yield the balance of the time to the gentlewoman from Texas (Ms. JACKSON-LEE).

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 1½ minutes

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me the time.

I guess we ask the question again, whose side are we on as we work in the United States Congress? Let me associate my remarks with that of the gentleman from Florida (Mr. HASTINGS) and my colleague the gentleman from North Carolina (Mr. WATT). We are creating something with nothing.

What we really should be doing is supporting H.R. 1501. I would like to share very briefly with my colleagues what we are talking about here. We are simply talking about a system that responds to juveniles where they find them. They are children. And we have to find a way to rehabilitate children.

We have an amendment that takes away from the underlying premises of the bill that we can, in fact, rehabilitate children. In the system that we are trying to create by this amendment, we are not really putting into place the kinds of resources that are needed, juvenile judges, prosecutors who are sensitive to juveniles, counseling officers, individuals in schools who are sensitive to juveniles, a mental health system that intervenes and assesses juveniles as to whether or not they need mental health services.

The American Pediatrics Association says, ''We do not support any amendments. We support H.R. 1501.'' Because they know what happens when they incarcerate children with adults. One, they increase crime, they endanger children, and they certainly federalize State juvenile laws.

What we are hoping for, Mr. Chairman, is that we can come to our senses, pass H.R. 1501 without any amendments, provide the resources for our children, and begin to really rehabilitate children and give them a future in America.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I want to clarify a few things. First of all, I have heard some of the other side say some things that are simply not in this amendment. Probably they do not understand that but I want to make it very, very clear that there is nothing in the amendment I am proposing today that will in any way allow a child to be put in the same cell with an adult. There never has been and, as a matter of fact, never will be under any amendment or offering that I propose.

In fact, this amendment explicitly sets forth in the Federal system where no child may be incarcerated with an adult under any circumstances.

It is also wrong to say, as some have just alleged, that the Federal juvenile procedures only apply to Indian reservations. This is only one area of Federal jurisdiction for juveniles. All Federal drug laws and all Federal gun laws, crimes, can be prosecuted anywhere in the United States that they occur in the Federal system if a juvenile is involved and the juvenile may be prosecuted in that system maybe as an adult or otherwise.

It is also wrong to suggest that there is nothing in this amendment that deals with the Columbine situation. The illegal possession of a firearm by somebody not licensed or allowed to own a firearm certainly applies there, and we increase the maximum penalty for that. We have a provision in here for adults who illegally transfer a firearm to a juvenile knowing that the juvenile intends to take it to a school zone or to commit a serious, violent felony, and quite a number of others.

But the one thing I want to point out that is in this amendment and a lot of focus has been on the very first section of a very comprehensive amendment that simply deals with improving the Federal juvenile justice system, which is a very small portion of this debate today. The biggest thing that is in here that has not been thought about a lot is the provision that requires a prosecutor, an assistant U.S. Attorney at every U.S. Attorney's office in the Nation in any every district of this country to be set aside to prosecute gun crimes.

I want to put a chart up here that shows that in 1997, and I understand a comparable number last year, there were over 6,000 juveniles expelled for possession of a firearm on school grounds. There could have been prosecutions for the possession of guns on school grounds under Federal law this year last year, et cetera, but the Federal Government only prosecuted a handful of them. I think in 1997, as another chart will show, there were only, like, five that were prosecuted. And last year I think there were 13 prosecutions.

Where has the U.S. Attorney General's office and U.S. Attorney's offices been under this administration in prosecuting Federal gun laws dealing with children in schools when we have all of these guns having been possessed in those schools and only a handful of prosecutions versus the 6,000 or so that we know were recorded?

So the amendment I am offering does a lot of things. It increases penalties where they should be increased, especially in the firearms section. Fifteen of the sections in this amendment were proposed by the President himself in addition to those dealing with the question of Federal juvenile justice.

So I strongly urge the adoption of this amendment.

Mr. FORBES. Mr. Chairman, I rise in strong support of the McCollum amendment which amongst other things increases and mandates severe penalties for violating Federal firearms regulation.

According to the Bureau of Justice Statistics, 82 percent of Federal offenders convicted of firearms offenses in addition to other more serious offenses such as homicide or robbery, used or carried a firearm during another crime. 36 percent of Federal offenders involved with firearms had been incarcerated in the past for at least 13 months.

The fact is too many prisoners are violent or repeat criminals and if they've misused a firearm to commit a crime are likely to do in the future.

Our first order of business if we are to protect ourselves and our loved ones from adult or juvenile violent criminals, armed with firearms, must be restraining those criminals. Long term mandatory penalties are required to do the job.

Under the McCollum, amendment for example, the penalty for discharging a firearm in connection with a Federal crime of violence or drug trafficking will be raised to 12 years, from the existing 10. The bill also establishes a mandatory minimum penalty of 15 years if you discharge the weapon and cause injury to another person during the commission of a crime.

Again, while I support the McCollum Amendment, we should have gone a step further. I offered an amendment that I hoped would have been made in order, that would have increased the penalty for discharging a firearm from 10 years to 25 years and imposed a 30 year sentence for injuring another person.

In addition, my amendment would have imposed severe penalties of 10 years for possessing a firearm during the commission of a crime and 20 years for brandishing for threatening individuals with the weapon. Similar provision, although not as severe, were passed by the House in March of 1996 and exist in Federal law.

Empirical studies and common sense clearly suggest, if we freed any significant number of imprisoned felons tonight, we would have more murder and mayhem on the streets tomorrow. Millions of violent crimes are averted each year by keeping convicted criminals behind bars.

Keep firearms felons behind bars—support the McCollum Amendment.

The CHAIRMAN. All time for debate on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM) has expired.

It is now in order to consider Amendment No. 8 printed in Part A of House Report 106–186.

AMENDMENT NO. 8 OFFERED BY MR. SCOTT TO AMENDMENT NO. 6 OFFERED BY MR. MCCOLLUM

Mr. SCOTT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Part A amendment No. 8 offered by Mr. SCOTT to Part A amendment No. 6 offered by MCCOLLUM:

Strike title II.

Redesignate succeeding titles and sections, and amend the table of contents accordingly.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Hyde-McCollum amendment before us and to offer an amendment to strike a major portion of it.

Unfortunately, the underlying amendment to the Hyde-McCollum amendment seeks to amend a bill containing only sound bipartisan juvenile justice policy by adding policies that have been shown to actually increase crime and violence against the public and the youth involved in policies which were specifically rejected by the sponsors of the amendment when we were working together to put together H.R. 1501.

One of the problems with the underlying amendment is that it provides for trying more juveniles as adults without any judicial review. Under current law, a judge must decide whether the public interest requires a child to be tried as an adult, with just very limited exceptions.

Now, there are numerous studies which indicate that trying more juveniles as adults will probably result in them being treated more leniently in an adult court and all of those studies show that the crime rate will increase with new crimes being committed sooner and more likely to be violent.

Now, the judge in adult court is confined to two options. He can put the person on probation or he can lock that person up with adult murderers, robbers, and drug dealers. Juvenile court judges have other options, and that is why the juveniles coming out of the juvenile system are much less likely to commit crime. If they treat a juvenile as an adult for trial, if they are incarcerated, they will be locked up with adults. And it does not take a brain surgeon to know that they will not only be endangered but they will be more likely to commit a crime when it is all over.

Mr. Chairman, in March we had hearings on what we need to do to reduce juvenile crime and delinquency. And H.R. 1501, without the Hyde-McCollum amendment, was the result. No one presented any coherent information to lead us to believe that trying more juveniles as adults was a responsible action.

Now, one of the other problems this underlying amendment needs to be struck by my amendment is that, without my amendment, we will be federalizing juvenile crime.

Now, Chief Justice Rehnquist has talked for years about the problem of federalizing crime. And I am sure he would look at this bill and say, there they go again. Obviously, if we had pursued the regular order, the provision that federalizes juvenile crime would not have been in the underlying bill.

Mr. Chairman, the underlying bill also contains numerous mandatory minimum sentences. Mandatory minimum sentences have been studied. In fact, the Rand study considered mandatory minimums, regular sentences, and drug treatment. And for every $1 million that they would spend, they could reduce crime by 13 with mandatory minimums. The $1 million could reduce crime by 27 with traditional law enforcement. Or they could reduce crime by 100 if they used drug treatment.

Obviously, mandatory minimums came up last and almost a waste of money and, therefore, would not have survived the regular legislative process.

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H.R. 1501, without the Hyde-McCollum amendment, constitutes responsible, effective juvenile justice legislation, the product of extensive hearings and thoughtful deliberations within the Subcommittee on Crime of the House Committee on the Judiciary. It is legislation which is unique because it was responsive to the problems and concerns of all of the experts who testified and enjoys the full support of all of the subcommittee members.

Mr. Chairman, remember we began this process with two bipartisan bills, one in Judiciary, one in Education. Both bills were drafted as a result of extensive hearings, and now we are in the middle of participating in a political charade where we consider slogans and sound bites which might score well in political polls but never would have made it through the regular legislative process.

Now in the wake of Littleton, Colorado, and Conyers, Georgia, this sudden change in approach is both a spectacle and an embarrassment.

For these reasons, Mr. Chairman, I believe that the committee should reject the underlying Hyde-McCollum amendment so we do not counteract the effective, sensible and proven policies in H.R. 1501 and replace them with counterproductive proposals in the pending Hyde-McCollum amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Florida (Mr. MCCOLLUM) seek time in opposition to the amendment?

Mr. MCCOLLUM. I do seek time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) is recognized for 10 minutes.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I strongly oppose this amendment. It would strike the title of the amendment, the portion of the amendment which I am offering, which deals with improving the Federal juvenile justice system, and strike it all together. We do have a juvenile justice system at the Federal level. Only a few hundred are ever tried in a given year, juveniles in the Federal system, but it is antiquated, it is out of date.

For example, juvenile judges simply do not have the discretion that most State court judges have in their sentencing. They have fewer options with juveniles, and we would give them the full range of discretion that one would expect all courts to have in dealing with juveniles. The amendment of the gentleman from Virginia (Mr. SCOTT) would strike that provision that the administration has urged on us for a number of years.

With regard to the question that seems to be the central focus of his discussion with me over time and including today, and that is with respect to the question about the authority of trying a juvenile as an adult, what we are doing is not mandating that any juvenile who happens to come into contact with the Federal system be tried as an adult, and I want to make it perfectly clear that this proposal I am offering today has nothing to do with the State juvenile systems, only those handful of juveniles that may be tried in the Federal system. But what we are doing is taking away from the judges the discretion they have today under my amendment; that is, under the current law with my amendment we are talking that discretion they have to decide which children are tried as adults and which are not in the Federal system and giving that to the prosecutors, which is the most common thing one finds in most of the States today. That is not an unreasonable thing to do, and they were only giving that discretion, by the way, up to the most serious violent crimes that have been committed by juveniles.

So it is in May, it is permissive, not mandatory, it is a discretion being given to prosecutors to try the juvenile as an adult instead of the judge, which is present in most State juvenile systems, and it is limited only to very serious crimes. Let me read the list:

Murder, manslaughter, assault with intent to commit murder or rape, aggravated sexual abuse, abusive sexual contact, kidnapping, aircraft piracy, robbery, carjacking, extortion, arson or any attempt, conspiracy or solicitation to commit one of those offenses,

and any crime punishable by imprisonment for a maximum of 10 years or more that involves the use or threatened use of physical force against another.

So we are talking only about very serious crimes that a juvenile would commit, and then we are allowing discretion in the prosecutor's hands that is common in the State systems all over the country if there is a Federal prosecutor dealing with those limited number of Federal cases of juveniles that come before us in our Federal court system. This is long overdue. The amendment offered by the gentleman from Virginia (Mr. SCOTT) should be defeated, and we should let an antiquated Federal juvenile system be improved.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise to strongly support the Scott amendment and adamantly against the McCollum amendment. The McCollum, for example, this amendment would negatively impact children by placing children at risk of assault and abuse in adult jails. The McCollum amendment allows Federal prosecutors rather than judges the discretion to try children as adults. The McCollum amendment would lower the age to 13 in some cases at which children can be tried as adults in the Federal system. This amendment, the McCollum amendment broadens the scope of Federal crimes in which juveniles can be tried as adults. Simply put, more children will be placed in adult jails, and they will be as young as 13.

I am extremely concerned because the McCollum amendment will also make it easier to put more children, and just tell it like it is, more black and brown children in jail. Children of color make up one-third of all children nationwide, but two-thirds of all incarcerated juveniles are considered ethnic minorities. African American youth aged 10 to 17 constitutes 15 percent of United States population in that age group, but they account for 26 percent of juvenile arrests, 32 percent of delinquency referrals to juvenile court, 41 percent of juvenile detained in delinquency cases, 46 percent of juveniles in correction institutions and 52 percent of juveniles transferred to adult criminal court after judicial proceedings.

Minority youth are much more likely to end up in prisons with adult offenders. In 1995, nearly 10,000 juvenile cases were transferred to adult criminal courts by judicial waiver. Of those proceedings, cases involving African American children were 50 percent more likely to be waived than cases involving Caucasian. Mandatory minimum sentencing will enable our children to be at serious risk of abuse and assault. This, the McCollum amendment, goes against current studies which indicate that trying children as adults increases rather than decreases youth crime. Allowing contact between juveniles and adults in adult jails would make children eight times more likely to commit suicide, five times more likely to be sexually assaulted and twice as likely to be assaulted by staff in adult than in juvenile facilities.

I support the Scott amendment.

By the McCollum amendment imposing new mandatory minimum sentences for children who are convicted of certain offenses—mandatory minimums will impose harsher penalties on youthful offenders than adult criminals guilty of the same offenses under current law.

For example, under the McCollum amendment any juvenile who discharges a firearm in a school zone would get a minimum 10-year sentence. An adult currently charged with the same offense would not be subject to the same mandatory penalty.

Let me remind you that mandatory sentences are expensive, unfair, and often ineffective. A 1997 Rand study shows that mandatory minimum sentences are not cost effective in reducing drug-related crimes. Even Chief Justice Rehnquist had criticized mandatory minimum sentences as unduly harsh punishment for first-time offenders.

We must help our children when they are charged of a crime. We must provide education and counseling services to rehabilitate them back into society. We must not write them off! We must remember that they are still children and we must try harder to help them because they are the future.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume. I just want to make it very clear, and I do not know where this idea of commingling children with adults in facilities, prison facilities, is coming from. There is no change in my amendment to the current law with respect to prohibiting commingling. It cannot happen. Under Federal law today it is impermissible to mingle a juvenile with an adult. Whether that juvenile is waiting for trial and sentencing or even after a child has been tried as an adult in an adult court and they are still under the legal age of 18, they may not be housed with or commingled with adults. There is nothing in my amendment that would change that in any way, shape or form, and I want to make that again very clear.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, as difficult as we try to make this, it is not rocket science. We know what works and what does not work. Every single study that has ever been done indicates that juveniles as adults and locking them up as adults increases crime, does not decrease crime, and I thought we were here today to talk about what decreases crime and what was effective.

Here is the thing. Lock up a 13-year-old with a murderer, a rapist and a robber, and guess what he will want to be when he grows up? We know what he will want to be when he grows up. He will want to be a murderer, he will want to be a rapist, and he will want to be a robber, and that is what this amendment proposes to do. It wants to treat young 13-year-old kids as adults. Every single study in America that has ever been done says it is counterproductive. This is politics and we got to quit playing politics with the futures of our children.

Mr. SCOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, I rise in support of the Scott amendment.

In the wake of a series of tragic incidents at high schools in Colorado and Georgia, Democrats and Republicans came together to craft H.R. 1501. We put aside the politics of polltested sound bites—''do the crime do adult time;'' mandatory minimums; ''3 strikes you're out''—to hold thoughtful deliberations that yielded a unique piece of legislation responsive to the concerns of experts in the field and supported by all members of the subcommittee, both Democrat and Republican.

This is why I am deeply disappointed to see the Republican majority abandon bipartisanship to play politics with juvenile justice; abandon orderly legislative process to pursue legislation by ambush; and abandon its commitment to the American people to follow the lead of special interests.

How do we know the Republican Majority has decided to play politics with juvenile justice? They now advocate policies that just weeks ago even they acknowledged lacked merit. Listen to their own words.

On March 11, 1999 Crime Subcommittee Chairman MCCOLLUM stated: ''Taking consequences seriously is not a call for locking all juveniles up, nor does it imply the housing of juveniles, even violent hardened juveniles, with adults. I, for one, am opposed to such commingling.''

On April 22, 1999 he repeated: ''I believe the bill we move today [represents] a balanced effort to strengthen juvenile justice systems so that they are able to insure appropriate measured consequences for delinquent acts of the most youthful offenders who because of their age are amendable to being directed away from later, more serious wrong doing.''

Yet today, the Majority is pushing legislation which tries more children as adults, houses more juveniles as adults, and imposes a whole slew of new mandatory minimum penalties and death penalties.

What's really extraordinary about these proposals is just how meaningless they really are. Fewer than 150 prosecutions in the federal system each year, and such changes are likely to affect only a small percentage of those cases. These proposals do not represent serious attempts at legislation. Rather they are a transparent attempt to legislate by sound bite and kill a bill that they themselves agreed was the best approach to juvenile justice.

Housing juveniles in adult prison facilities means more kids are likely to commit suicide, or be murdered or physically or sexually abused than their counterparts in juvenile facilities. As a matter of fact, children in adult jails or prisons have been shown to be five

times more likely to be assaulted and eight times more likely to commit suicide than children in juvenile facilities in adult prisons.

Judiciary Committee hearings have turned up numerous instances of such abuse. In Ironton, Ohio, a 15 year-old girl ran away from home overnight, then returned to her parents. A juveile court judge put her in a county jail to ''teach her a lesson.'' The girl was sexually assaulted by a deputy jailer on her fourth night in jail. In Boise, Idaho, 17 year-old Christopher Petermen was held in adult jail for failing to pay $73 in traffic fines. Over a 14 hour period, he was tortured and finally murdered by other prisoners in the cell. In LaGrange, Kentucky, 15-year-old Robbie Horn was confined in an adult facility for refusing to obey his mother. Soon after he was placed in jail he used his own shirt to hang himself.

Repeated studies of prosecuting juveniles as adults indicates that rather than serving as a deterrent to juveile crime prosecuting more juveniles as adults merely leads to greater and more serious recidivism. This is because adult jail facilities have little capacity to offer the educational, counseling, and mental health services needed to deal with juvenile offenders.

Other aspects of the Majority's juvenile justice proposals are just as misguided. For example, a Rand commission study showed that mandatory minimum sentences reduced crime less and cost much more money when compared to discretionary sentencing and release laws. Increased death penalties are also problematic—in addition to the increasing problem of prosecutor error, capital punishment diminishes the value of all life and could not begin to deter suicide killers like those at Columbine High School.

The reality is that a continuum of services aimed at-risk youth—such as teen pregnancy prevention, Head Start, recreational programs, drop-out prevention programs, summer jobs, drug treatment, mental health services, and education and treatment programs during incarceration—are needed to significantly reduced juvenile crime. This is the approach found in H.R. 1501, but is subsequently abandoned by the Majority.

If we are truly interested in juvenile justice reform, we must begin by rejecting unprincipled amendments allowed by the Rule that would cut out the heart of this bill and stick to the principles of H.R. 1501. This was a bill produced by a bipartisan process and unanimously approved by the Crime Subcommittee. In the wake of the recent school yard tragedies in Littleton, Colorado and Conyers, Georgia, the American people deserve and expect reform. We cannot and should not allow false arguments about ''getting tough on crime'' and prosecuting juveniles as adults to prevent us from achieving these important goals.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I and others who have taken to the floor to speak about this attempt by the gentleman from Florida (Mr. MCCOLLUM) to open up the Federal system to youth and try them as adults is very serious with us because of what we already know about how the system works. Let me continue with some of the statistics that we have begun to roll out. Black youth are much more likely to end up imprisoned as adult offenders. In 1995 nearly 10,000 juvenile cases were transferred to adult criminal court by judicial waiver. Of these proceedings, cases involving black youth were 52 percent of all the children and adolescents waived to the adult court.

Youth Law Center, America's assault on minority youth, the problem of over representation of minority youth in the justice system; we are telling the gentleman from Florida (Mr. MCCOLLUM) aside from the problem with minority youth we are exacerbating the problem for Native Americans. As my colleagues know, what they are doing is going to have a disproportionate impact on them, and let me just say that minorities do fare worse in this system because they do not have the contacts, and people acting on their behalf and tweaking the system; Mr. MCCOLLUM, he has used his influence to get off people in the system who have committed serious charges. Black youth and minority youth do not have that opportunity to have that kind of support.

Mr. SCOTT. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding this time to me, and there is one provision that I do support, one out of all of the provisions that I support in the McCollum amendment, and that is the one that designates an Assistant United States Attorney to focus in on the issue of guns. However, I say to the gentleman from Florida (Mr. MCCOLLUM), what he fails to do in the amendment is to provide an authorization for the funding for the additional Assistant United States Attorney. Myself and the former attorney general of the State of Arizona, who now serves in this body, the gentleman from Colorado (Mr. UDALL) had that amendment before, before the Committee on Rules, and it was not ruled in order, and I would hope that the gentleman would consider unanimous consent to adopt that amendment.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Virginia is recognized for 30 seconds.

Mr. SCOTT. Mr. Chairman, the Hyde-McCollum amendment was not subjected to the regular process and therefore we do not know what is wrong with the present law in trying juveniles as adults or what is wrong or why the mandatory minimums need to be imposed. I point out on page 12, line 14 of the amendment there are changes in incarceration with adults where the protections of juveniles are very seriously jeopardized.

Finally, Mr. Chairman, I will ask unanimous consent at the end of the time for the gentleman from Florida that I be able to ask unanimous consent to withdraw the amendment and go right to the vote on the McCollum amendment. I will make that unanimous consent request at the end of his time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman. I will not consume by any means all of it. I just want to respond to a couple things that have been said out here today. One of those concerns, the issue of again this commingling question. There is no commingling at all that would be allowed in this legislative proposal that I have. But I understand there are concerns that other Members on the other side of the aisle have with allowing prosecutors the discretion in these very serious criminal cases in the Federal system to try juveniles as adults. I find that to be one of those kinds of things where we just have a disagreement because most of the States have that option for prosecutors. That is all my amendment does, is to revise very old and antiquated Federal laws dealing just with those limited handful of juvenile cases that come before the Federal system every year to revise those laws, to let them comply with the State laws where there is often and most often a prosecutor's discretion allowed when we deal with murder, rape, robbery, those really serious crimes, and only with those, and it is discretionary again, and again no commingling.

And last, the gentleman from Massachusetts is making a point, we did not authorize any funding for an additional prosecutor in the underlying amendment dealing with prosecuting gun crimes where we require a separate U.S. Attorney, Assistant U.S. Attorney, to be set aside to prosecute those crimes.

☐ 1515

But I did not intend that we hire a new assistant U.S. prosecutor. The amendment contemplates that every U.S. Attorney in this country set aside one of the existing ones with no additional funds. That is what was done in the Bush administration. A priority was set among the existing prosecutions in the country so that gun crime prosecutions had high priority, such a high priority that I think should be here with this administration to prosecute gun crimes as we have had so few prosecuted.

That is the sole purpose of that provision. No additional prosecutors are necessary and no additional money need be authorized in this setting.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, my colleague and I are from Florida. Am I correct that Florida has a law that allows for us to be able to prosecute juveniles who commit even the heinous crimes that the gentleman's measure calls for? If that is true, why, then, federalize this particular process?

So many times, I say to my colleague, we come to the floor saying, leave things in the hands of local authorities. How is it all of a sudden the Federal system is going to be better?

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I know that the gentleman probably misunderstands my amendment, because the gentleman has been a former Federal judge and I respect the gentleman a lot on this. The amendment I am proposing in no way Federalizes those crimes that the States are involved with. It does not add any new dimension to Federal jurisdiction.

Where Federal law already allows for prosecutions such as in drug cases and in gun cases, which it does, there could be prosecutions of juveniles as adults if prosecutors decided. Today, as the gentleman knows, there could be prosecutions of juveniles as adults in the Federal system in those kinds of cases if the judges, Federal judges decide.

So I am not really adding any new crimes or going into the State jurisdictions with my amendment, I say to the gentleman. I was very careful not to do that. So I am glad the gentleman pointed that out, because it should be clarified. I thank the gentleman for doing so.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding.

I would point out to the gentleman that since 1993 there have been innumerable burdens deposited on United States Attorneys' offices. If we are going to be really serious about the issue of guns and violence in a realistic approach in terms of the appropriate role for the Federal Government, I dare say a price tag of $8 million to save lives, to reduce violence in our streets, is something that ought to occur. We have got to pay for it. We cannot do it on the cheap, I say to my colleague from Florida.

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I would say that the Bush administration, the previous administration did this with the existing resources and made it a priority. I think that should be done first. I am certainly willing to go with the gentleman to add more prosecutors, generally speaking, whether they are designated or not. I think we do have a lower number of Federal prosecutors and too few Federal judges, especially in Florida, my State, and there may be an opportunity later on in this bill to do something about that with some of the other amendments. But I respect the fact that the gentleman wants to see more Federal prosecutors. That in no way diminishes the fact that my amendment proposes that an existing prosecutor in every Federal district be set aside to prosecute gun cases and be given that as a top priority with existing resources. That is what my amendment does; that is what should be done.

Mr. Chairman, I oppose the Scott amendment, I urge that it be defeated, if it is not withdrawn. If the effort is going to be made to withdraw it, I will not oppose it.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The question is on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249, noes 181, not voting 4, as follows:

[Roll No. 211]

AYES—249

Aderholt	Duncan	Largent
Andrews	Dunn	Latham
Archer	Edwards	Lazio
Armey	Ehrlich	Leach
Bachus	Emerson	Lewis (CA)
Baird	English	Lewis (KY)
Baker	Etheridge	Linder
Ballenger	Evans	LoBiondo
Barcia	Everett	Lowey
Barr	Ewing	Lucas (KY)
Barrett (NE)	Fletcher	Lucas (OK)
Bartlett	Forbes	Luther
Barton	Fowler	Maloney (CT)
Bass	Franks (NJ)	Mascara
Bateman	Frelinghuysen	McCarthy (NY)
Bereuter	Frost	McCollum
Berkley	Gallegly	McCrery
Berry	Ganske	McHugh
Biggert	Gekas	McInnis
Bilbray	Gibbons	McIntosh
Bilirakis	Gilchrest	McIntyre
Bishop	Gillmor	McKeon
Bliley	Gilman	Mica
Blunt	Goodlatte	Miller (FL)
Boehlert	Goodling	Miller, Gary
Boehner	Gordon	Minge
Bono	Goss	Moore
Borski	Graham	Moran (KS)
Boswell	Granger	Myrick
Boucher	Green (TX)	Nethercutt
Boyd	Green (WI)	Northup
Brady (TX)	Greenwood	Norwood
Bryant	Gutknecht	Nussle
Burr	Hall (OH)	Ortiz
Burton	Hansen	Ose
Buyer	Hastings (WA)	Oxley
Callahan	Hayes	Packard
Calvert	Hayworth	Pallone
Camp	Hefley	Pascrell
Canady	Herger	Peterson (MN)
Capps	Hill (IN)	Peterson (PA)
Castle	Hilleary	Petri
Chabot	Hobson	Phelps
Chambliss	Holden	Pickering
Clement	Holt	Pitts
Collins	Hooley	Pomeroy
Combest	Horn	Porter
Condit	Hulshof	Portman
Cook	Hunter	Quinn
Costello	Hutchinson	Radanovich
Cox	Isakson	Ramstad
Cramer	Istook	Regula
Crane	Jenkins	Reyes
Cubin	John	Reynolds
Cunningham	Johnson (CT)	Riley
Davis (FL)	Johnson, Sam	Roemer
Davis (VA)	Jones (NC)	Rogan
Deal	Kelly	Rogers
DeLay	King (NY)	Rohrabacher
DeMint	Kingston	Ros-Lehtinen
Deutsch	Knollenberg	Rothman
Diaz-Balart	Kolbe	Roukema
Dickey	Kuykendall	Royce
Doyle	LaHood	Ryan (WI)
Dreier	Lampson	Ryun (KS)
Salmon	Spence	Udall (NM)
Sanchez	Stabenow	Upton
Saxton	Stearns	Vitter
Schaffer	Stump	Walden
Sensenbrenner	Sununu	Walsh
Sessions	Talent	Watkins
Shadegg	Tancredo	Watts (OK)
Shaw	Tauscher	Weiner
Shays	Tauzin	Weldon (FL)
Sherwood	Taylor (MS)	Weldon (PA)
Shimkus	Taylor (NC)	Weller
Shows	Terry	Wexler
Shuster	Thomas	Whitfield
Simpson	Thompson (CA)	Wicker
Skelton	Thune	Wolf
Smith (MI)	Toomey	Wu
Smith (TX)	Traficant	Young (AK)
Smith (WA)	Turner	Young (FL)

NOES—181

Abercrombie	Hilliard	Oberstar
Ackerman	Hinchey	Obey
Allen	Hinojosa	Olver
Baldacci	Hoeffel	Owens
Baldwin	Hoekstra	Pastor
Barrett (WI)	Hostettler	Paul
Becerra	Hoyer	Payne
Bentsen	Hyde	Pease
Berman	Inslee	Pelosi
Blagojevich	Jackson (IL)	Pickett
Blumenauer	Jackson-Lee (TX)	Pombo
Bonilla	Jefferson	Price (NC)
Bonior	Johnson, E. B.	Pryce (OH)
Brady (PA)	Jones (OH)	Rahall
Brown (FL)	Kanjorski	Rangel
Brown (OH)	Kaptur	Rivers
Campbell	Kennedy	Rodriguez
Cannon	Kildee	Roybal-Allard
Capuano	Kilpatrick	Rush
Cardin	Kind (WI)	Sabo
Carson	Kleczka	Sanders
Chenoweth	Klink	Sandlin
Clay	Kucinich	Sanford
Clayton	LaFalce	Sawyer
Clyburn	Lantos	Scarborough
Coble	Larson	Schakowsky
Coburn	LaTourette	Scott
Conyers	Lee	Serrano
Cooksey	Levin	Sherman
Coyne	Lewis (GA)	Sisisky
Crowley	Lipinski	Skeen
Cummings	Lofgren	Slaughter
Danner	Maloney (NY)	Smith (NJ)
DeFazio	Manzullo	Snyder
DeGette	Markey	Souder
Delahunt	Martinez	Spratt
DeLauro	Matsui	Stark
Dicks	McCarthy (MO)	Stenholm
Dingell	McDermott	Strickland
Dixon	McGovern	Stupak
Doggett	McKinney	Sweeney
Dooley	McNulty	Tanner
Doolittle	Meehan	Thompson (MS)
Ehlers	Meek (FL)	Thornberry
Engel	Meeks (NY)	Thurman
Eshoo	Menendez	Tiahrt
Farr	Metcalf	Tierney
Fattah	Millender-McDonald	Towns
Filner	Miller, George	Udall (CO)
Foley	Mink	Velazquez
Ford	Moakley	Vento
Fossella	Mollohan	Visclosky
Frank (MA)	Moran (VA)	Wamp
Gejdenson	Morella	Waters
Gephardt	Murtha	Watt (NC)
Gonzalez	Nadler	Waxman
Goode	Napolitano	Weygand
Gutierrez	Neal	Wilson
Hall (TX)	Ney	Wise
Hastings (FL)	Oberstar	Woolsey
Hill (MT)	Obey	Wynn

NOT VOTING—4

Brown (CA)	Houghton
Davis (IL)	Kasich

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Messrs. COBURN, BONILLA, FOSSELLA, and DOOLITTLE changed their vote from ''aye'' to ''no.''

Mr. BACHUS, Mrs. CUBIN, Mr. UPTON, and Mr. MORAN of Kansas changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to notice to the Committee, it is now in order to consider amendment No. 31 printed in Part A of House Report 106–186.

AMENDMENT NO. 31 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 31 offered by Mr. HYDE:

Add at the end the following new title:

TITLE ___—PROTECTING CHILDREN FROM THE CULTURE OF VIOLENCE

SEC. ___. PROTECTING CHILDREN FROM EXPLICIT SEXUAL OR VIOLENT MATERIAL.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"§ 1471. Protection of minors

''(a) PROHIBITION.—Whoever in interstate or foreign commerce knowingly and for monetary consideration, sells, sends, loans, or exhibits, directly to a minor, any picture, photograph, drawing, sculpture, video game, motion picture film, or similar visual representation or image, book, pamphlet, magazine, printed matter, or sound recording, or other matter of any kind containing explicit sexual material or explicit violent material which—

''(1) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal or pander to the prurient, shameful, or morbid interest;

''(2) the average person, applying contemporary community standards, would find the material patently offensive with respect to what is suitable for minors; and

''(3) a reasonable person would find, taking the material as a whole, lacks serious literary, artistic, political, or scientific value for minors;

shall be punished as provided in subsection (c) of this section.

''(b) DEFINITIONS.—As used in subsection (a)—

''(1) the term 'knowingly' means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of—

''(A) the character and content of any material described in subsection (a) which is reasonably susceptible of examination by the defendant; and

''(B) the age of the minor;

but an honest mistake is a defense against a prosecution under this section if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor;

''(2) the term 'minor' means any person under the age of 17 years; and

''(3) the term 'sexual material' means a visual depiction of an actual or simulated display of, or a detailed verbal description or narrative account of—

''(A) human male or female genitals, pubic area or buttocks with less than a full opaque covering;

''(B) a female breast with less than a fully opaque covering of any portion thereof below the top of the nipple;

''(C) covered male genitals in a discernibly turgid state;

''(D) acts of masturbation, sodomy, or sexual intercourse;

''(E) physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person be a female, breast;

''(4) the term 'violent material' means a visual depiction of an actual or simulated display of, or a detailed verbal description or narrative account of—

''(A) sadistic or masochistic flagellation by or upon a person;

''(B) torture by or upon a person;

''(C) acts of mutilation of the human body; or

''(D) rape.

''(c) PENALTIES.—The punishment for an offense under this section is—

''(1) a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense which does not occur after a conviction for another offense under this section; and

''(2) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense which occurs after a conviction for another offense under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding at the end the following new item:

''1471. Protection of minors.''.

SEC. ___. PRE-PURCHASE DISCLOSURE OF LYRICS PACKAGED WITH SOUND RECORDINGS.

(a) IN GENERAL.—It is the sense of Congress that retail establishments engaged in the sale of sound recordings—

(1) should make available for on-site review, upon the request of a person over the age of 18 years, the lyrics packaged with any sound recording they offer for sale; and

(2) should post a conspicuous notice of the right to review described in paragraph (1).

''(b) DEFINITION.—The term 'retail establishment' means any physical place of business which sells directly to a consumer, but does not include mail order, catalog, or online sales of sound recordings.

SEC. ___. STUDY OF EFFECTS OF ENTERTAINMENT ON CHILDREN.

(a) REQUIREMENT.—The National Institutes of Health shall conduct a study of the effects of video games and music on child development and youth violence.

(b) ELEMENTS.—The study under subsection (a) shall address—

(1) whether, and to what extent, video games and music affect the emotional and psychological development of juveniles; and

(2) whether violence in video games and music contributes to juvenile delinquency and youth violence.

SEC. ___. TEMPORARY ANTITRUST IMMUNITY TO PERMIT THE ENTERTAINMENT INDUSTRY TO SET GUIDELINES TO HELP PROTECT CHILDREN FROM HARMFUL MATERIAL.

(a) FINDINGS.—Congress makes the following findings:

(1) Television is seen and heard in nearly every United States home and is a uniquely pervasive presence in the daily lives of Americans. The average American home has 2.5 televisions, and a television is turned on in the average American home 7 hours every day.

(2) Television plays a particularly significant role in the lives of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Hundreds of studies have proven conclusively that children who are consistently exposed to violence on television have a higher tendency to exhibit violent and aggressive behavior, both as children and later in life.

(6) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(7) A growing body of social science research indicates that sexual content on television can also have a significant influence on the attitudes and behaviors of young viewers. This research suggests that heavy exposure to programming with strong sexual content contributes to the early commencement of sexual activity among teenagers.

(8) Members of the National Association of Broadcasters (NAB) adhered for many years to a comprehensive code of conduct that was based on an understanding of the influence exerted by television and on a widely held sense of responsibility for using that influence carefully.

(9) This code of conduct, the Television Code of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) ''In selecting program subjects and themes, great care must be exercised to be sure that the treatment and presentation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity.''.

(B) ''Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the sound, balanced development of children to help them achieve a sense of the world at large and informed adjustments to their society.''.

(C) ''Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.''.

(D) ''The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly, but with sensitivity.''.

(E) ''Above and beyond the requirements of the law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.''.

(10) The National Association of Broadcasters abandoned the code of conduct in 1983 after three provisions of the code restricting the sale of advertising were challenged by the Department of Justice on antitrust grounds and a Federal district court issued a summary judgment against the National Association of Broadcasters regarding one of the provisions on those grounds. However, none of the programming standards of the code were challenged.

(11) While the code of conduct was in effect, its programming standards were never found to have violated any antitrust law.

(12) Since the National Association of Broadcasters abandoned the code of conduct, programming standards on broadcast and cable television have deteriorated dramatically.

(13) In the absence of effective programming standards, public concern about the impact of television on children, and on society as a whole, has risen substantially. Polls routinely show that more than 80 percent of Americans are worried by the increasingly graphic nature of sex, violence, and vulgarity on television and by the amount of programming that openly sanctions or glorifies criminal, antisocial, and degrading behavior.

(14) At the urging of Congress, the television industry has taken some steps to respond to public concerns about programming standards and content. The broadcast television industry agreed in 1992 to adopt a set of voluntary guidelines designed to ''proscribe gratuitous or excessive portrayals of violence''. Shortly thereafter, both the broadcast and cable television industries agreed to conduct independent studies of the violent content in their programming and make those reports public.

(15) In 1996, the television industry as a whole made a commitment to develop a comprehensive rating system to label programming that may be harmful or inappropriate for children. That system was implemented at the beginning of 1999.

(16) Despite these efforts to respond to public concern about the impact of television on children, millions of Americans, especially parents with young children, remain angry and frustrated at the sinking standards of television programming, the reluctance of the industry to police itself, and the harmful influence of television on the well-being of the children and the values of the United States.

(17) The Department of Justice issued a ruling in 1993 indicating that additional efforts by the television industry to develop and implement voluntary programming guidelines would not violate the antitrust laws. The ruling states that ''such activities may be likened to traditional standard setting efforts that do not necessarily restrain competition and may have significant procompetitive benefits . . . Such guidelines could serve to disseminate valuable information on program content to both advertisers and television viewers. Accurate information can enhance the demand for, and increase the output of, an industry's products or services.''.

(18) The Children's Television Act of 1990 (Public Law 101–437) states that television broadcasters in the United States have a clear obligation to meet the educational and informational needs of children.

(19) Several independent analyses have demonstrated that the television broadcasters in the United States have not fulfilled their obligations under the Children's Television Act of 1990 and have not noticeably expanded the amount of educational and informational programming directed at young viewers since the enactment of that Act.

(20) The popularity of video and personal computer (PC) games is growing steadily among children. Although most popular video and personal computer games are educational or harmless in nature, some are extremely violent. One recent study by Strategic Record Research found that 64 percent of teenagers played video or personal computer games on a regular basis.

(21) Game players of violent games may be cast in the role of shooter, with points scored for each ''kill''. Similarly, advertising for such games often touts violent content as a selling point—the more graphic and extreme, the better.

(22) Due to their increasing popularity and graphic quality, video games may increasingly influence impressionable children.

(23) Music is another extremely pervasive and popular form of entertainment. American children and teenagers listen to music more than any other demographic group. The Journal of American Medicine reported that between the 7th and 12th grades the average teenager listens to 10,500 hours of rock or rap music, just slightly less than the entire number of hours spent in the classroom from kindergarten through high school.

(24) Teens are among the heaviest purchasers of music, and are most likely to favor music genres that depict, and often appear to glamorize violence.

(25) Music has a powerful ability to influence perceptions, attitudes, and emotional state. The use of music as therapy indicates its potential to increase emotional, psychological, and physical health. That influence can be used for ill as well.

(b) PURPOSES; CONSTRUCTION.—

(1) PURPOSES.—The purposes of this section are to permit the entertainment industry—

(A) to work collaboratively to respond to growing public concern about television programming, movies, video games, Internet content, and music lyrics, and the harmful influence of such programming, movies, games, content, and lyrics on children;

(B) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(C) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics on the development of children in the United States and stimulates the development and broadcast of educational and informational programming for such children.

(2) CONSTRUCTION.—This section may not be construed as—

(A) providing the Federal Government with any authority to restrict television programming, movies, video games, Internet content, or music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics under law as of the date of the enactment of this Act; or

(B) approving any action of the Federal Government to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

(c) EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS.—

(1) EXEMPTION.—Subject to paragraph (2), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(A) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing—

(i) violence, sexual content, criminal behavior; or

(ii) other subjects that are not appropriate for children; or

(B) to promote telecast material, movies, video games, Internet content, or music lyrics that are educational, informational, or otherwise beneficial to the development of children.

(2) LIMITATION.—The exemption provided in paragraph (1) shall not apply to any joint discussion, consideration, review, action, or agreement that—

(A) results in a boycott of any person; or

(B) concerns the purchase or sale of advertising, including restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

(3) DEFINITIONS.—In this subsection:

(A) ANTITRUST LAWS.—The term ''antitrust laws''—

(i) has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(ii) includes any State law similar to the laws referred to in subparagraph (A).

(B) INTERNET.—The term ''Internet'' means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(C) MOVIES.—The term ''movies'' means theatrical motion pictures.

(D) PERSON IN THE ENTERTAINMENT INDUSTRY.—The term ''person in the entertainment industry'' means a television network, any person that produces or distributes television programming (including theatrical motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any person that produces or distributes video games, the Recording Industry Association of America, and any person that produces or distributes music, and includes any individual acting on behalf of any of the above.

(E) TELECAST.—The term ''telecast material'' means any program broadcast by a television broadcast station or transmitted by a cable television system.

(d) SUNSET.—Subsection (d) shall apply only with respect to conduct that occurs in the period beginning on the date of the enactment of this Act and ending 3 years after such date.

(e) REPORT.—The Attorney General shall report to the Congress, not later than 90 days after the period described in subsection (d), on the effect of the exemption made by this section.

SEC. ___. PROMOTING GRASSROOTS SOLUTIONS TO YOUTH VIOLENCE.

(a) ESTABLISHMENT OF NATIONAL YOUTH CRIME PREVENTION DEMONSTRATION PROJECT.—The Attorney General shall, subject to appropriations, award a grant to the National Center for Neighborhood Enterprise (referred to in this section as the ''National Center'') to enable the National Center to award subgrants 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) Dallas, Texas.

(7) Los Angeles, California.

(8) Norfolk, Virginia.

(9) Houston, Texas.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a subgrant under this section, a grassroots entity referred to in subsection (a) shall submit an application to the National Center to fund intervention models that establish violence-free zones.

(2) SELECTION CRITERIA.—In awarding subgrants under this section, the National Center shall consider—

(A) the track record of a grassroots entity and key participating individuals in youth group mediation and crime prevention;

(B) the engagement and participation of a grassroots entity with other local organizations; and

(C) the ability of a grassroots entity to enter into partnerships with local housing authorities, law enforcement agencies, and other public entities.

(c) USES OF FUNDS.—

(1) IN GENERAL.—Funds received under this section shall 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, or other activities to further community objectives in reducing youth crime and violence.

(2) TECHNICAL ASSISTANCE.—The National Center, in cooperation with the Attorney General, shall also provide technical assistance for startup projects in other cities.

(3) FISCAL CONTROLS.—The Attorney General is authorized to establish and maintain all appropriate fiscal controls of sub-grantees under subsection (a).

(d) 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.

(e) DEFINITIONS.—

For purposes of this section—

(1) 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; and

(2) the term ''National Center for Neighborhood Enterprise'' is a not-for-profit organization incorporated in the District of Columbia.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $5,000,000 for fiscal year 2000;

(B) $5,000,000 for fiscal year 2001;

(C) $5,000,000 for fiscal year 2002;

(D) $5,000,000 for fiscal year 2003; and

(E) $5,000,000 for fiscal year 2004.

(2) RESERVATION.—The National Center for Neighborhood Enterprise may use not more than 20 percent of the amounts appropriated pursuant to paragraph (1) in any fiscal year for administrative costs, technical assistance and training, comprehensive support services, and evaluation of participating grassroots entities.

□ 1545

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Illinois (Mr. HYDE), and a Member opposed, each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is an unfortunate fact that it often takes a tragedy such as happened recently in Colorado to get our attention to help us focus on a festering problem.

In the light of the recent rash of school shootings and the continued prevalence of youth violence in America, I think it is crucial that Congress address some of the cultural issues that influence the behavior of America's young people, factors that may actually be causing kids to find a gun and commit a violent act.

The fact is new gun laws and tighter control of the juvenile justice system are not by themselves a cure for the epidemic of youth violence. Although gun legislation has its utility, the real problem is what is going on in our kids' minds and hearts and souls.

The young assailants in Colorado violated 15 Federal gun and explosive laws and 7 State laws. So passing a few more laws and piling them on does not seem to me to get at the heart of the problem.

In order to be truly responsive to the issues of youth violence, Congress must address the cultural influences that cause young people to become violent. We need to get at the issues of the heart.

Part of the problem is that children have been overexposed to violence and, this, coupled with a spiritual vacuum leaves many youngsters desensitized to violence and unable to fully appreciate the consequences of their sometimes brutal actions.

As popular entertainment becomes more violent and more sexually explicit and as it depicts more and more disrespect for life, and the rights and well-being of others, some of our children are starting to believe this behavior is normal and acceptable. They do not seem to understand that acts of violence have real life tragic consequences.

We know as a result of several hundred studies, there is a link between media violence and violent behavior in our country, particularly among young people. Both the American Medical Association and the American Association of Pediatrics have warned against exposing children to violent entertainment. One 1996 AMA study concluded that the link between media violence and real life violence has been proven by science time and time again.

Another American Medical Association study concluded that exposure to violence in entertainment increases aggressive behavior and contributes to America's sense that they live in a mean society. Much of the make-believe violence that kids are exposed to today is presented not as horror with devastating human consequences but simply as entertainment. This is enormously harmful to young people whose values and conscience are still being developed.

Well, what can we do about this? Are we impotent? Are we paralyzed? It is not easy, but I believe my amendment, which includes five specific proposals addressing this cultural breakdown, is a beginning and gets at some of the worst influences on our children.

The first and most important section of my amendment creates a new Federal statute to protect minors from explicit sexual and explicit violent material. The First Amendment is not absolute and does not protect obscenity. That has been the law for 40 years. There is an exception to the First Amendment, and it is obscenity.

Furthermore, under current law, it is constitutionally permissible to adopt an obscenity standard which restricts the rights of minors to obtain certain sexually-related materials that are not considered obscene for adults. In other words, there is a double standard and it is a tougher standard for minors than for adults, and that is the constitutional law.

Currently, many States do this through harmful to minor statutes that prohibit the sale of sexually explicit material to minors that would not necessarily be considered obscene for adults. Thus, in most States with harmful to minor statutes adults can buy certain pornographic magazines but minors cannot.

Right now, there is no Federal law that prohibits the sale of material that is considered too explicit for minors but not for adults. My amendment would change that by creating a Federal law that would prohibit the sale of certain explicit sexual and explicit violent material to minors under the age of 17. My amendment covers violent material because I believe if the Constitution permits us to restrict the type of sexual material kids can purchase, then it makes sense that we can also prohibit the distribution of material to minors that is graphically violent and glorifies this violence to a level that is harmful.

I believe certain extremely violent movies, video games and music can have just as much or more of a detrimental effect on the development of kids than some explicit sexual material that many States currently try to protect them from.

In other words, at their worst, violence and pornography are equivalent evils, especially where minor children are concerned.

This new obscenity for minors statute does not restrict the rights of adults or parents to view certain sexual or violent material. It does not prohibit anyone from producing such items and does not provide an unworkable standard. Rather, it empowers parents to make decisions about what type of material is appropriate for their children.

With enactment of this legislation, parents, not merchants, many of whom are responsible, but there will always be some who without the threat of law will pursue profit over decency and sell harmful materials to minors, will decide whether their kids can see explicit sexual or violent material.

Some, of course, have questioned the constitutionality of this proposal. It is clear that this proposal is going to be challenged in the courts should it become law. However, I submit that those who assert that the statute is patently unconstitutional are engaging

in knee-jerk analysis and have not thoroughly studied the law in this area. This statute, this amendment, was carefully drafted to comply with the Supreme Court's precedent.

First, a detailed definition of sexual and violent material is included to address the constitutional concern of vagueness. The definition of sexual material was taken almost verbatim from a New York statute that was upheld by the Supreme Court in a case known as Ginsberg versus New York. The definition of violent material is new, but I believe it is sufficiently precise that if someone challenges the bill on vagueness grounds it will survive the challenge.

Secondly, the statute incorporates the standard three-prong test validated by the Supreme Court and used to determine if the sexual or violent material as defined by the statute does or does not qualify for First Amendment protection. I am confident the Court will uphold this test.

Third, someone may argue to the courts that violent material can never be obscene. The Supreme Court has never held directly that extremely violent material may not, for that reason only, be banned.

I submit that extreme violence, properly defined, can be obscene. If sexual images may go sufficiently beyond community standards for candor and offensiveness and hence be unprotected, there is no reason why the same should not be true of violence.

I understand some people may disagree with the Court's decision to carve out an exception to the First Amendment freedom of speech for obscenity, but if one believes the Supreme Court is justified in maintaining a First Amendment exception for obscenely sexual material, then what are the policy arguments that justify this exception that do not also apply to violent material?

There are no theories of the First Amendment that justify an exception for sexual obscenity that can't reasonably be extended to justify an exception for violent obscenity.

It is also important to remember that this amendment would not declare any violent materials as obscene for adults only; only for minors under the age of 17.

The Supreme Court has recognized there is a compelling interest in protecting the physical and psychological well-being of minors. This interest extends to shielding minors from the influence of literature that is not obscene by adult standards.

Under my proposed amendment it would still be legal to produce and distribute any explicitly violent material but some of it would not be permitted to be sold to minors.

I think this new provision is exceedingly important. It says that we are on the side of parents and not the purveyors of harmful material to our children.

I realize the big money of the entertainment industry is on the other side of my argument, but I believe the parents of America are on my side.

This legislation is not an attack on the First Amendment, despite what has been charged by many of my colleagues. Rather, it is simply saying that some material is beyond the pale and should not be sold to minors. We are not trying to ban anything or censor anyone. We are just saying one cannot sell some of this horrible stuff to kids.

If my colleagues do not believe that parents should have more control over their kids' access to these harmful materials, then by all means vote against my amendment. However, if they believe we should do something to slow the flood of toxic waste into the minds of our children, then please do vote for my amendment.

There are four other parts to this amendment that will make a difference in addressing the culture of violence, and I would like to take a few moments to explain them.

I have included as a second section a provision whereby Congress, through merely a sense of Congress resolution, asks retail establishments that sell music to allow parents to review, in their store, the lyrics accompanying the sound recordings they offer for sale. This is a simple way for parents to read the lyrics accompanying the CDs they are considering buying for their kids. It is my hope that retailers can take this responsible step on their own and allow parents to review in their store a copy of the lyrics.

We are not asking them to give away copies of lyrics. We are merely asking them to give the parents a right to look at them so they can determine for themselves whether the lyrics are appropriate for their own children.

Many CDs contain foul language. While others contain vulgar and graphic lyrics describing and glamourizing murder, gang violence, suicide and sex, many lyrics are hateful, racist or misogynistic. Although there is a voluntary labeling system within the recording industry that calls for placement of a sticker on CDs that contain explicit language, there is still no way prior to purchase for the parents to review the lyrics in the store.

□ 1600

Hopefully this section will result in establishment of a right to review in the stores.

The third section of this amendment essentially mirrors part of an amendment sponsored by Senator BROWNBACK that was included in the juvenile justice bill passed by the Senate. This section requires the National Institutes of Health to conduct the study of the effects of violent video games and music on child development and youth violence.

The NIH is directed to address in the study whether and to what extent video games and music affect the emotional and psychological development of juveniles and whether violence and video games and music contributes to juvenile delinquency and youth violence.

While numerous studies, one counts it at over 300, have been conducted regarding the impact of violence in television and movies, there have been very few studies done on the impact of music and video games on young people.

The popularity of video games is rapidly increasing. One study, conducted by Strategy Records Research, found that 64 percent of young people play video games on a regular basis, and many are nothing more than a contest to see which competitor can kill the most efficiently.

The graphics are startling. Some advertisements for these games make pitches like ''Psychiatrists say it is important to feel something when you kill.'' This game is ''more fun than shooting your neighbor's cat.'' ''Kill your friends guilt free.''

Determining what impact video games like this might have on the decisions and behavior of young people is clearly in the public interest. By some estimates, the average teen listens to music around 4 hours a day. Between 7th and 12th grade, the average teen is going to listen to around 10,000 hours of music. That is more time than they will spend in school.

Last month, Bill Bennett commented on the possible effects of music lyrics on child development by first quoting Socrates who wrote, ''Musical training is a more potent instrument than any other, because rhythm and harmony find their way into the inward places of the soul, on which they mightily fasten, imparting grace.''

Mr. Bennett then stated that rhythm and harmony are still fastening themselves on to children's souls today. However, much of the music they listen to is imparting mournfulness, darkness, despair, and a sense of death. This is something many parents fear, and we ought to study if some modern music does indeed impart a sense of death upon America's youth.

The fourth section of this amendment is very similar to a Senate amendment providing a limited antitrust exemption to the entertainment industry to enable the entertainment industry to work collectively to develop and implement voluntary programming guidelines that alleviate the negative impact of television programming, movies, Internet content, and music lyrics on the development of children.

Nothing in this amendment curtails freedom of expression in any way. It gives, rather, the entertainment industry the freedom to enter into a voluntary code of conduct.

The fifth section of the amendment, promoting grassroots solutions to youth violence, authorizes the Attorney General to award $5 million annually for 5 years to the National Center for Neighborhood Enterprise for the

purpose of funding direct demonstration operations and program development grants to community organizations in nine cities across the country.

During the 105th Congress, the Committee on the Judiciary held a hearing on a number of inner city programs that have succeeded in reducing youth crime and violence. One of the programs showcased was the National Center for Neighborhood Enterprise, based in Washington, D.C. Since 1981, this organization has successfully dealt with gang violence, teen pregnancy, drug abuse, and fatherless children.

One of the most remarkable successes occurred in 1997, not far from the Capitol, where this organization helped broker a truce between warring gangs that had turned the Benning Terrace neighborhood into a combat zone. That truce has lasted to this day, and Benning Terrace has been transformed into a neighborhood where people can again walk their streets in safety.

The Benning Terrace truce showcased what has made the National Center for Neighborhood Enterprise approach to inner city violence so successful. Faced with an intractable problem, they stepped in, tapped local groups that understood the problem, and helped rival gang members recognize their mutual interests. This provision is an attempt to replicate this approach in nine violence-plagued cities across the Nation.

If Congress is going to spend funds on social programs, it is important for us to try to direct Federal funds to community renewal organizations in our cities that actually have succeeded in reducing violence and putting kids on the right track. The National Center does this, as evidenced by their transformation of the Benning Terrace housing project, and helped prevent countless young persons from engaging in the life-style of violence.

I know Congress does not have all the answers to the terrible problem of youth violence in America. Some of these proposals I have discussed are modest. But we ought to do what we can. Study after study has shown that exposure to violence adversely affects the development of children and leaves some of them more disposed to commit acts of violence.

Even the most caring and responsible parents cannot prevent these influences from reaching their kids. Parents need our help. Let us stand with them. Nothing we do in this life is more important than how we raise our children.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) claim the time in opposition?

Mr. CONYERS. Yes, I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. CONYERS) for 30 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, this is an amendment that I speak to with some disappointment that the chairman of the Committee on the Judiciary would launch an unparalleled assault on the first amendment without committee deliberation.

Now, we are all concerned about the impact of depictions of violence on children, but to try to approach a very difficult cultural problem in this way is, I think, to ignore at least two Federal court decisions, Reno versus ACLU, and yet another, the Video Software Dealers Association versus Webster, cases that clearly make it abundantly plain that creating a vast new Federal cultural police that overlaps with State law enforcement creates, honestly, a logistical nightmare for the Justice Department, which would have to apply local community standards in determining whether the material is sexual or violence.

Also, since the statute does not have a specific intent requirement, the only alternative available for video and drug store clerks who are the poor mensches that will be prosecuted under this and would want to avoid prison, is to watch every movie, read every book to determine their content and then determine whether the community standards would prohibit the sale of these movies or books to minors.

So just briefly, and I have a letter of explanation, the amendment is patently unconstitutional. I would remind my colleagues that, in our substitute, we have both the antitrust exemption and the industry guidelines that would start us on a more normal course of action.

Please reject the amendment.

The letter of explanation I referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 16, 1999.

VOTE NO ON HYDE'S FEDERAL CENSORSHIP AMENDMENT

AMENDMENT IS UNCONSTITUTIONAL, UNWORKABLE, AND UNNECESSARY

DEAR COLLEAGUE: Today, Rep. HYDE will offer an amendment (Amendment 31) providing for a sweeping new Federal censorship regime that generally prohibits the dissemination of ''explicit sexual material'' or ''explicit violent material.'' This is a transparent attempt to turn the focus of the debate away from common-sense gun-safety legislation and instead scapegoat our nation's newspaper, magazine, book, television, movie, and video industries, and I urge a NO vote.

THE HYDE AMENDMENT IS UNCONSTITUTIONAL

The Hyde amendment violates the First Amendment because it is both vague and overbroad. Recently the Eighth Circuit struck down a similar state obscenity statute on vagueness grounds, observing that ''to survive a vagueness challenge, a statute must 'give the person of ordinary intelligence a reasonable opportunity to know what is prohibited' and 'provide explicit standards for those who apply [the statute]'' *Video Software Dealers Ass'n* v. *Webster*, 968 F.2d 684, 689 (8th Cir. 1992). The Hyde amendment is unconstitutionally vague because among other things, it does not define the terms used to reference violence, namely, ''torture,'' ''flagellation,'' or ''mutilation.'' Failing to define ''multilation'' means that even pricking someone with a pin might fall within meaning of the term.

The Supreme court has held that restrictions on speech will be held unconstitutional also where they are overbroad. The Hyde amendment is overbroad in several respects. For example, it goes so far as to prohibit newspapers and magazines from accepting such basic advertisements as those for underwear. The amendment would also preclude minors from seeing a movie such as Home Alone, which contains slapstick violence and appeals to the ''morbid'' interest in minors who want to see people get hurt. Further, because there is no exception in the amendment for parents, the amendment would also subject a parent to prison for up to five years for showing his or her child a movie or book with supposedly—sexually-explicit or violent content. The Majority's track record on these issues are not very good—it was only two years ago that their statutory restriction on Internet access to materials with sexual content in the form of the Communications Decency Act was struck down by the Supreme Court by a vote of 9–0 as being overbroad. *Reno* v. *ACLU*, 117 S. Ct. 2329 (1997).

THE HYDE AMENDMENT IS UNWORKABLE

Creating a vast new Federal ''cultural police'' that overlaps with state law enforcement creates a logistical nightmare for the Justice Department, which would have to apply local ''community standards'' in determining whether the material is sexual or violent. Also, since the statute does not have a specific intent requirement, the only alternative available for video and drug store clerks who want to avoid prison is to watch every movie or read every book to determine their content and then determine whether the ''community standards'' would prohibit the sale of those movies or books to minors.

The creation of a Federal censorship statute threatens to cultivate a generation bereft of literary enrichment and enlightenment. As a matter of fact, there are numerous materials that were at one time considered to have too much sexual or violent content but now are regarded as classic pieces of literature. For example, works that were considered too sexually-explicit include Nathaniel Hawthorne's ''The Scarlet Letter'' in the 1850's by Reverend Arthur C. Coxe (a judge noted that, while the book was criticized when it came out, it was fully accepted in 1949); and J.D. Salinger's ''The Catcher in the Rye'' by school boards in Pennsylvania (1975), New Jersey (1977), Washington (1978), and Iowa (1992). Ernest Hemingway's ''The Sun Also Rises'' was considered ''offensive'' by the school boards of San Jose and Riverside, California (1960's), and by the Watch and Ward Society of Boston (1927); and William Golding's ''Lord of the Flies'' was found to be excessively violent by critics in Texas (1974), South Dakota and North Carolina (1981) and Arizona (1983).

THE HYDE AMENDMENT IS UNNECESSARY

Perhaps the most hypocritical aspect of the Amendment is its internal inconsistency. Other provisions of the proposal would institute an NIH study of the impact of violence on children and grant members of the entertainment industry an antitrust exemption so they could voluntarily agree on appropriate community standards. Yet the censorship proposal would take effect before the study is completed.

Moreover, there are already several guidelines, methods, and studies addressing violence in entertainment. For example, the

Motion Picture Association of America already rates each movie for content and exhibits the rating every time a movie is advertised. The National Association of Theatre Owners has just initiated a new national ID-check policy for admission to ''R''-rated films. And the video game industry puts on its products the ratings that the Entertainment Software Rating Board devises for games so that purchasers of such games can be aware of their content. Some networks have agreed not to air commercials for R-rated movies with violent content before 9 PM. And just recently, the Clinton administration and Democratic Members of Congress successfully pushed for mandating the V-chip on television sets, thereby letting parents block out television programs and movies having certain ratings.

All of these provisions will be redundant and unnecessary if we put the cart before the horse and mandate Federal obscenity and violence standards *before* we give these approaches an opportunity to work. I urge you to vote ''no'' on the Hyde cultural amendment.

Sincerely,

JOHN CONYERS, Jr.,
Ranking Member.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), chair of the Entertainment Caucus.

Mr. FOLEY. Mr. Chairman, I rise in opposition to the Hyde amendment. I understand the concern of the gentleman from Illinois (Mr. HYDE) for what is happening in America. We have had tragic incidents around our country. But like others, we are looking to seek and put the blame on groups rather than reflect on the problems that face society.

Everybody is fingerpointing in our communities, trying to find a scapegoat for the problems in our communities. This solution grows the government ever larger. It will create a police force of what is decent, what is violent, what is excessive.

Who would be the arbiter of those type of standards? Who would set the guidelines? Who will be the first to be prosecuted under this vague law?

The store clerk could be subject to 5 years in prison and a fine for the first offense, 10 years in prison or a fine for the second offense.

Is that a movie like ''Home Alone''? Is that a movie like ''Ben Hur''? Is that a movie like ''Private Ryan''?

Now, I have had discussions with the chairman who suggests those would not be covered under this law, but the chairman will not always be chairman of the Committee on the Judiciary, and the people at the Department of Justice will not always be the ones that we will know what is in their minds, what is in their thoughts, and what is in their hearts.

I do not want the government taking the role of parents. I do not want the government stepping in, telling parents we are going to take care of their problems for them.

Mr. Chairman, how do people under 17 who do not drive cars get to the malls to buy the videos? How do they get the games in their homes? How do they watch the TVs? They are allowed to by their parents. This should not be about the government stepping in, saying we are now their parent, we are Mr. Mom or Mr. Dad.

We are here today debating an amendment that I do believe tramples on the first amendment, that I do believe tries to assume the role of parents in communities. I would regrettably say that while the chairman is well intentioned and is troubled by violence, this will not solve it.

What happens if the videos in the home of a consenting adult person are loaned to the neighbor and the neighbor's children? Now it says ''sale''. It says ''sale''. But it also shows, I believe, in the amendment ''viewing.''

So these amendments cause me great concern, and I would hope the committee and the Members will vote against the amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. BERMAN), the ranking member of the Subcommittee on Courts and Intellectual Property.

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on Judiciary for yielding me this time. My colleagues do not have to be intellectual to be on that subcommittee.

Three points I would like to make in a very short time. This is very uncharacteristic of the gentleman from Illinois (Mr. HYDE), chairman of the committee. He asserts as a matter of belief, but without any case evidence to support it, that he can graft in what I view as a somewhat clumsy and inartful way, the obscenity logic onto the depiction of violence.

This has been tried before; and every single time it has been tried, the courts have knocked it down. They said, the Nassau County Board of Supervisors, this is in the second circuit, Eclipse Entertainment versus Gluota, the Nassau County Board of Supervisors simply adapted the Miller obscenity standard to minors into violence. However, this was not a sufficient measure to shield the law from successful constitutional challenge, because the standards that apply to obscenity are different than those that apply to violence. Obscenity is not protected speech. This is, case after case. Time does not give me the time to make this argument.

Secondly, Ginsberg, yes, Ginsberg allowed a differentiated standard on obsenity to minors. This seeks to track that by doing a different standard on the depiction of violence to minors. But in Ginsberg, there was an exception from any criminal prosecution where there was parental participation or consent.

This measure has absolutely no such exception. The parent can be in the video store, in the theater, with the minor, and be quite willing to have the child, the minor see this. The vendor who sells it, ironically, we do not go after the studio, the author, the distributor, we go after the vendor, the poor guy at the video store, at Blockbusters.

There is no exception whatsoever here for parental consent, and there is no standard that is contained in Ginsberg for utterly without social redeeming value.

☐ 1615

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I rise today as a parent and a legislator to oppose the Hyde amendment.

While the Hyde amendment intends to establish a standard to regulate children's exposure to violence, I believe this legislation will neither protect children nor help parents shield their children from harm. This amendment's overly broad attempts to regulate portrayals of violence raises serious constitutional questions that may result in this law being tied up in the courts for years. While the court battles are waged, not one child will be protected nor one parent's peace of mind enhanced.

We need to truly empower parents with common sense protective measures, such as the V-chip, establish TV ratings, strict enforcement of age requirements at movie theaters, and software filters for the Internet. We all agree our children should be shielded from violence and that parents should have the tools to protect their children. I would rather the industry spend the time in developing these tools than fighting protracted legal battles.

I urge my colleagues to oppose the Hyde amendment and to support common sense and effective measures that will truly protect our children.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROGAN), a member of the Committee on the Judiciary.

Mr. ROGAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, it is with great reluctance that I rise in opposition to the amendment by the distinguished chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE).

I start with the proposition, Mr. Chairman, that it is my responsibility as a parent to make sure that my children are watching age-appropriate material. And if they are watching something that is inappropriate, the responsibility rests with me to correct the deficiency. It is not the responsibility of Congress or Hollywood or any other group to correct that deficiency.

I do not believe the author of this amendment intends to censor movies depicting violence engaged in for a noble, heroic or socially worthy purpose. The problem, Mr. Chairman, is that the severe punitive measures put in this amendment put creators and distributors in a vise. They essentially have to ''gamble'' before they release

material and make a guess whether it fits some vague literary, artistic, political or socially redeeming value test. And should they gamble incorrectly, they could spend 5 years in Federal prison.

There is also something disproportionate about language in a bill that allows a negligent parent who lets their children watch horribly violent material have no acknowledged culpability, but the person who fails to pay attention one day and does not check for I.D. at the local video store could do up to 5 years in prison.

I do not think that is an appropriate response from Congress. I do not think it will solve any of the troubles or the pathologies we are attempting to address. It is with that reluctance, Mr. Chairman, that I rise in opposition to the amendment.

Mr. HYDE. Mr. Chairman, could the Chair tell us how much time is remaining?

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) has 11 minutes remaining; and the gentleman from Michigan (Mr. CONYERS) has 21½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. FROST), the distinguished ranking member of the Committee on Rules.

Mr. FROST. Mr. Chairman, just last week, on June 10, the U.S. Supreme Court, in the City of Chicago vs. Morales, struck down a city ordinance that was intended to stop gang members from loitering. In so doing, the court held the ordinance was overbroad and vague. It failed to give proper notice of what was forbidden and what was permitted.

The language of this bill commits the same fatal error. It fails to explain what is covered in its terms and, in so doing, sweeps up educational and entertaining material that is irrelevant to the sponsor's concerns.

This Hyde amendment stems from a laudable purpose and high hopes. We must stop the prevalence of juvenile violence just as we must stop destruction by gang members. Yet the Constitution tells us we cannot do this by curtailing expression under the First Amendment.

Courts have consistently found definitions for violence to be vague. For instance, in this bill we address ''sadistic or masochistic flagellation.'' Would a film about slavery have to cut scenes of slaves being whipped, creating the appearance that there were no violent acts done towards slaves? Producers most certainly delete these scenes simply to play it safe. Are children to be led to believe that slavery was not cruel? We cannot teach our children about societal issues if we are not allowed to give them a depiction of it. Ignorance is not the answer.

The bill also defines violent material as torture by or upon a person. Again, this vague and overbroad definition steps into a black hole. Every kid likes watching the super hero catch his villain. Look at Spiderman, Wonder Woman and Batman and Robin. Are these the characters the sponsors are really afraid of?

Much of our comedy also includes actions of ''torture'' that few would find any connection with violence. Look at Jim Carey, one of the most popular actors of today. Many of his films contain experiences that most humans would rarely survive. How about other movies, such as Home Alone, in which the child left a home, tarred the robbers, put nails out for them to fall on, and did a variety of other torture activities. Parents and children alike, however, flocked to this film.

This amendment must be rejected. It is unconstitutional on its face, no matter how laudable an objective it seeks to achieve.

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE).

(Mr. PALLONE asked and was given permission to revise and extend his remarks.)

I rise today in strong opposition to the Hyde amendment. It has been almost a month since Littleton and the Republican House has once again fumbled an issue important to the health and safety of America. They bring a bill to the floor today which has had no scrutiny from the Judiciary Committee, much less the whole House and will move amendments which will move us from a debate on gun control in order to engage in a book burning!

The House Republican Leadership has been doing the bidding of the gun lobby since the shots were fired in Littleton. The other body had no problem in engaging this topic head-on and voting on serious legislation. In fact, most Americans are dead serious about keeping their children safe. But not here, my colleagues. Here in the Republican House, they are concerned with the gun lobby. The gun lobby needs time to stall; the Republican Leadership gives them time to stall. The gun lobby needs a little misdirection and scapegoating, no problem. The Republican Leadership is happy to accommodate.

Today, the gentleman from Illinois will move an amendment that is a new twist on the NRA mantra, ''guns don't kill people . . . George Orwell does. Guns don't kill people . . . Steven Speilberg does.'' ''Guns don't kill people . . . Verdi and Puccini do.'' As a parent, I am just as concerned about exposing my children to media violence, but tearing up the Constitution is not the way to do it. I share Chairman Hyde's motives to protect children but let's have a serious discussion on the safety of our children and not a replay of Fahrenheit 451 which, by the way, would be banned under this amendment.

In the end, my colleagues, this House will produce a messy bill, which will have great difficulty clearing the Senate or the President's signature. And this is exactly what the gun lobby and the Republican House wants. Meanwhile, more children will suffer.

I urge my colleagues to reject the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Chairman, it is amazing to me how the Republican leadership seeks to deal with difficult and important issues. Their solution to the campaign finance mess is not to debate reform and limit special interest contributions, but to stonewall action and advocate lifting all spending limits.

How do they deal with the problem of cigarette smoking, where we know 3,000 kids start smoking each day because the tobacco industry targets them in order to get them to smoke? They refuse to bring up any legislation on the subject.

Their solution to the horror of children killing children with guns is not to make it harder for kids to get weapons, but to try to shift the cause of the problem to movies and propose unconstitutional attacks on the First Amendment.

Mr. Chairman, I want to say at the outset that it ought to be clear that movie makers, and many of them are my constituents, have an obligation to think through the consequences of what they offer their audiences, especially impressionable kids. They bear a serious responsibility for their action. But it is important for us to also keep in mind that these films are creative works that audiences line up here and around the world to see, and that is why they are America's largest export.

And other countries see these very same films, but we do not see the level of violence that we do see in America. It is startling to realize that the death rate in the U.S. involving guns was nearly 14 per 100,000 people. Yet when we compare that with Canada, it is four; or Australia, three; Sweden, two; Germany, 1.5; and in Japan, less than 1. Why such a disparity between our country and all these countries that watch our films? Violent films and TV programming are notoriously popular in Japan, yet the Japanese thrive in a society with a very low crime rate.

The obvious answer is the availability of guns and lack of common sense control laws in our country. And it is exactly that which the Republican leadership has contrived to have us not be able to deal with because of the NRA, the tobacco, and other lobbyists that are so supportive of their political efforts.

Mr. BERMAN. Mr. Chairman, could we be advised of the time allotted to both sides?

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) continues to have 11 minutes remaining; and the gentleman from California (Mr. BERMAN) has 17½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I want to express my appreciation to the gentleman from Illinois for his diligent work on a very important issue. I am concerned about the second amendment, but I am also concerned about the first amendment.

If we look at this amendment, it criminalizes the selling or loaning or showing to a minor a book or printed matter that includes explicit violent material, which is defined, in part, by torture by or upon a person, among other things. We have to apply clearly the community standards in applying this definition, which I believe is vague, but this is the type of government chilling effect that is harmful to freedom in our society.

For that reason, I reluctantly oppose this amendment. I do hope that we can have hearings to move forward in this area in a manner that does not violate and do damage to our first amendment.

The book sellers have raised questions about books that it could jeopardize, and they realize there is a harmfulness test. But as pointed out, book sellers would not jeopardize them going to jail in order to make a decision about these books. So there will be a chilling effect, and I think there is certainly a problem that the courts would address.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

The gentleman from Arkansas makes a very good point. Ironically, when we look at the definition of ''depiction of violence,'' the one thing it does not include is murder, mass murder, or bombing. None of those are included. It all gets into sort of bizarre and weird acts of mutilation and flagellation, but nothing about spraying a hundred people with assault weapons.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Chairman, I thank the gentleman for yielding me this time.

The gentleman from Illinois attempts solutions to youth violence which threaten to undermine our basic freedoms. The amendment calls for yet another study of the effects of music on child development. The Smart Symphonies Program, initiated by the National Academy of Recording Arts and Sciences, provides classical music to infants in response to what we already know, that early exposure to classical music increases a child's ability to learn to read, and to be proficient in math and science.

We need not more studies but a national initiative to replicate and expand upon successful programs which further enhance academic excellence and reduce youth violence. We must encourage and allow parents to take an active role in teaching their children right from wrong and allow parents to make the decisions about what children read, listen to and watch.

The Federal Government should support funding for solutions that work, such as arts programs in our schools. The Federal Government should not infringe on individual liberties.

I intend to vote ''no'' on this amendment, and I urge my colleagues to do the same.

As we attempt to reach consensus on how to protect our children, can we rise above partisan rhetoric and focus on the means to reduce youth violence in our country? The gentleman from Illinois attempts solutions which threaten to undermine our basic freedoms.

The Chairman of the House Republican Entertainment Industry Task Force has highlighted the dangerous implications of this amendment which would ''dramatically increase the power of the federal government in far too many areas'' (from Mr. Foley's press release, June 15, 1999). The amendment's definition of violence would affect not only many comic books, video games, and movies, but it would also in fact, keep the Holy Bible out of the hands of children, as the Bible itself includes many narrative accounts of sadistic or masochistic acts, torture by or upon a person, and acts of mutilation of the human body, including, of course, the crucifixion of Jesus Christ. Stifling our expression and cultural experience is not a solution but an equation for isolation and violence.

The amendment calls for a study of the effects of music on child development. Current research indicates that children who are exposed to the arts perform 30% better academically. Another study on high risk elementary students showed that children who participated in an arts program for one year gained 8 percentile points on standardized language arts tests. The Smart Symphonies program initiated by the National Academy of Recording Arts and Sciences (NARAS) provides free CD's of classical music for infants in response to findings that show, among other things, that early exposure to classical music increases a child's ability to learn math and science. We need a national initiative to replicate and expand upon successful programs which further enhance academic excellence and reduce youth violence.

We must encourage and allow parents to take an active role in teaching their children right from wrong, and allow parents to make the decisions about what their children read, listen to, and watch. The federal government should support funding of solutions that work, such as arts programs in our schools. The federal government should not infringe on individual liberties. Therefore, I find it necessary to vote ''no'' on Mr. HYDE'S amendment, and I urge my colleagues to do the same.

Mr. Chairman, I submit for the RECORD documents highlighting the Smart Symphonies program I referred to earlier and other materials important to this issue:

BABIES TO BENEFIT FROM ''SMART SYMPHONIES''

The NARAS Foundation, the non-profit music education and preservation arm of the National Academy of Recording Arts & Sciences, and Mead Johnson Nutritionals, maker of Enfamil infant formula, announced today the launch of Smart Symphonies, a national program designed to raise awareness of the benefits of exposing infants to classical music.

The cornerstone of the program is a new, specially created compact disc entitled Smart Symphonies, which features Grammy-winning classical music. Scientists and early childhood development experts say that recent studies indicate playing classical music can help stimulate brain development in babies. Beginning in early May, the CDs will be included in more than one million Enfamil Diaper Bags given to new mothers as they leave the hospital.

The Enfamil brand is contributing $3 million over the next three years to help establish the Smart Symphonies initiative. The contribution will be used to further research the effect of classical music on brain development in early childhood, and to assist in bringing classical music to more families. This year, more than one million Smart Symphonies CDs will reach parents and newborns throughout the country.

''There are few things more important than giving our children every scientific and cultural advantage possible. The Recording Academy has dedicated itself to aggressively supporting research into the educational and developmental benefits of music and helping to put those findings to practical use,'' said Recording Academy President/CEO Michael Greene. ''Partnering with Enfamil in the Smart Symphonies project is just another example of how the Academy and NARAS Foundation use the power of science and music to give the youngest members of our community a head start.''

Research indicates that babies unconsciously respond to the qualities of classical music—rhythm, melody and harmony. The relationships among these qualities make it easier for infants to understand other kinds of relationships later on—relationships of time, space and sequence—skills that children need to be proficient in science, math and problem solving. Findings also suggest that good pitch discrimination is associated with children learning to read by enhancing the phonemic stage of learning.[1]

''The first year of life is a critical time for development of both a baby's mind and body,'' said Mead Johnson, Vice President of Pediatric Nutritionals, Michael P. Russomano. ''For nearly 100 years, Enfamil has been dedicated to children's healthy growth and development. Through research we continue to strive to provide babies with the best nutrition possible. Now through the Smart Symphonies initiative, we hope to contribute further to babies' brain development.''

The NARAS Foundation and Enfamil consulted numerous experts in music and early childhood development to choose several well-known classical selections for the Smart Symphonies CD. The disc features 16 classical favorites including Beethoven's Symphony No. 8 in F major, Op. 93 (2nd movement), Bach's Prelude in D minor and Mozart's Concerto for 2 Pianos & Orch, K 365 (3rd movement).

''Music enriches our lives and it often touches us emotionally; moreover, music can help our children to think, reason and be creative,'' said John W. Flohr, professor of music at Texas Woman's University, Denton TX. ''Research indicates brain activity is also affected by the style of music.[2,3] Many researchers believe classical may be particularly effective.''

The NARAS Foundation is a non-profit organization dedicated to helping restore music education to all schools across America and works to ensure access to the nation's rich music history. In partnership with the National Academy of Recording Arts & Sciences and its chapters throughout the country, the NARAS Foundation engages in a variety of cultural, professional and educational activities designed to enhance

[1] Lamb, SJ and Gregory AH. The relationship between music and reading in beginning readers. Educational Psychology. 1993; 13:19–26.

[2] Flohr JW and Miller DC. ''What's going on in there? Music and brain research with young children.'' Connections. Austin: Music Educators National Conference, Texas Music Educators Conference. 1998; 12(3):10–13.

[3] Fagen J, Prigot J, Carroll, M, Pioli L, Stein A, and Franco A. Music aids memory retrieval in infants. Child Development. 1997; 68(6):1057–1066.

music education and preserve recorded musical legacy.

Mead Johnson Nutritionals is a world leader in nutrition, recognized for developing and marketing quality products that meet the nutritional and lifestyle needs of children and adults of all ages. Mead Johnson Nutritionals is a Bristol-Myers Squibb Company. Bristol-Myers Squibb is a diversified worldwide health and personal care company whose principal businesses are pharmaceuticals, consumer products, beauty care, nutritionals and medical devices.

FOLEY HIGHLIGHTS DANGEROUS IMPLICATIONS OF GOVERNMENT RESTRICTIONS INCLUDED IN ''CULTURAL'' BILL

Many mainstream films, CDS, video games, books and other materials would be banned for teenagers under legislation about to be considered by the House of Representatives. The Chairman of the Republican Entertainment Industry Task Force, Rep. Mark Foley (R–FL), held a news conference to highlight the dangerous implications various cultural provisions could have on our society.

Foley said the legislation would do little to combat youth violence. ''Most of the provisions in this bill are desperate attempts to make Congress look like it is doing something, no matter how unworkable, to respond to the tragedy in Littleton,'' Foley said. ''In fact, the legislation—while well-intended—is little more than a hodge-podge of phony solutions which won't stop violent activity among America's young people.''

''To suggest that the federal government has a role in manipulating what kind of music kids listen to, what kind of video games they play or what kind of books or magazines they read is unrealistic,'' Foley said. ''Furthermore, the government has no business trying to supplant the role of parents in raising their children.''

Foley pointed out that virtually all of the provisions in the legislation are either unworkable, unconstitutional or simply unnecessary. In many instances, the bill is so broadly drafted it could make it illegal for minors to view or listen to a vast range of films, music, and reading material which few would find inappropriate for teenagers.

''This bill would allow federal authorities to prosecute retail outlets, libraries or video rental stores to lend, sell or rent a teenager great films like Ben Hur, Lawrence of Arabia, and The Color Purple,'' Foley said. ''More recent films like Rocky, Indiana Jones & the Temple of Doom, and Schindler's List would be illegal for minors to view.''

''I find it stunning that some in this Congress would have the federal government make criminals out of those who would allow teenagers to read certain books, listen to certain music or view a broad range of films,'' Foley said. ''It is very likely that the government would be given broad new powers to prosecute a bookstore owner for selling any number of books, the manager of a discount store for selling certain video games or compact discs, or a museum for displaying certain works of art.''

''As a Republican, I thought our party was committed to lessening government interference in the affairs of commerce and our personal lives. Instead, this reckless proposal would dramatically increase the power of the federal government in far too many areas.''

The task force was originally formed by the late Rep. Sonny Bono (R–CA) to forge closer ties between Republicans and the motion picture, music and other entertainment-oriented industries.

HOW MANY OF THESE WORKS COULD BE INCLUDED IN A GOVERNMENT-IMPOSED BAN ON VIOLENT OR SEXUALLY SUGGESTIVE MATERIALS?

1. George Orwell's ''1984'' (depicts torture).
2. ''The Accused'' with Jodie Foster (depicts rape).
3. ''The Autobiography of Miss Jane Pittman'' with Cicely Tyson (depicts sadism)—and, indeed, any work about slavery.
4. ''The Bible'' (depicts mutilation, including the crucifixion itself, as well as rape, torture and sadism).
5. Toni Morrison's ''Beloved'' (depicts sadism, mutilation and rape).
6. Toni Morrison's ''The Bluest Eve'' (depicts rape).
7. Edgar Allan Poe's ''The Cask of Amontillado'' (depicts torture).
8. Stanley Kubrick's ''A Clockwork Orange'' (depicts rape and sadism).
9. Alice Walker's ''The Color Purple'' (depicts rape).
10. Dostoevsky's ''Crime and Punishment'' (depicts sadism)—and indeed, any work about violent crime.
11. ''Death and the Maiden'' (depicts torture)—and, indeed any work about torture as human rights violation.
12. Donizetti's ''Lucia de Lamamoor'' (depicts mutilation) Lucia kills her fiance, appears onstage in a bloody dress, usually with a dagger and kills herself.
13. Waris Dirie's recent account of female genital mutilation.
14. Anthony Mingholla's ''The English Patient'' (depicts torture).
15. ''Ghandi'' (depicts beatings)—and indeed, any work about nonviolent resistance to violence.
16. ''Gone With The Wind'' (depicts rape).
17. ''Hansel and Gretel'' (depicts sadism).
18. Thomas Pynchon's ''Gravity Rainbow'' (depicts sadomasochism).
19. Homer's ''Iliad'' and ''Odyssey'' (depicts sadism).
20. Dante's ''Inferno'' (depicts torture).
21. ''The Killing Fields'' (depicts torture)—and indeed, any work about war.
22. Shakespeare's ''King Lear'' (depicts mutilation).
23. Stephen King's best-selling works (depicts torture and mutilation).
24. Yeat's ''Leda and the Swan'' (depicts rape).
25. ''Life is Beautiful'' (depicts sadism)—and indeed any work about the Holocaust.
26. ''Little Red Riding Hood'' (depicts sadism).
27. ''Marathon Man'' with Dustin Hoffman (depicts torture and sadism).
28. Ovid's ''Metamorphoses'' (depicts rape).
29. Unberto Eco's ''The Name of the Rose'' (depicts self-flagellation).
30. ''Oedipus Rex'' (depicts self mutilation).
31. ''Ordinary People'' (depicts self-mutilation).
32. ''The Old Woman Who Lived in a Shoe'' (depicts flagellation).
33. Kafka's ''The Penal Colony'' (depicts torture).
34. Edgar Allan Poe's ''The Pit and the Pendulum'' (depicts torture).
35. Tina Turner's ''Rock Me, Baby'' (depicts sexual material).
36. Anne Rice's best-selling works (depicts sadomasochism).
37. ''Roots'' (depicts torture and sadism).
38. ''Saving Private Ryan'' (depicts sadism).
39. Nathaniel Hawthorne's ''The Scarlet Letter'' (depicts self-flagellation).
40. ''Schindler's List'' (depicts torture and sadism).
41. Verdi's ''Ostello'' (depicts mutilation) Ostello strangles his own wife with his bare hands.
42. Tennessee Williams ''Streetcar Named Desire'' (depicts rape).
43. Billie Holiday's ''Strange Fruit'' (depicts lynching).
44. Terence Malick's ''The Thin Red Line'' (depicts sadism).
45. Clint Eastwood's ''Unforgiven'' (depicts rape).
46. Frank Sinatra and Kurt Weil's ''Mack the Knife'' (depicts acts of mutilation).
47. Linda Ronstadt's ''Tumbling Dice'' (depicts rape).
49. E.L. Doctorow's ''Ragtime'' (depicts multilation)—character is beaten to death onstage.
50. Puccini's ''Tosca'' (depicts torture and mutilation)—the main character, Cavaradossi, is tortured by Scarpia. Tosca also kills Scarpia by stabbing and commits suicide.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time, and I want to salute him as one of the giants in this body and a Member who has distinguished himself by seeing things many times much more clearly than the rest of us.

Let me just say to all of my colleagues who have talked about those who would be inconvenienced by this legislation. Legislation does tend to inconvenience people. And in determining that we are going to pass legislation and inconvenience some people so that we might do a service for others, we establish a priority list.

I have heard on the other side of this argument an interesting priority list. It seems to be the same time after time. First, we have to worry about the vendor at the 7–Eleven. That is a person we really have to be concerned about. Of course, we do not worry about that vendor when we establish criminal sanctions for selling cigarettes to minors because it might damage their lungs, but we should really worry about that vendor if we are selling stuff that might damage their minds and damage their souls. In that case the vendor has to be the number one person on our priority list to be concerned about.

Secondly, of course, the recording artist. We have to be very concerned about them. We have to be very concerned about the distributors. And I presume we should be very concerned about those who write the PAC checks.

Finally, at the bottom of our concern list, our priority list, are the children and maybe a little bit below them the family.

I understand that this is complex legislation. All of those of us who have tried cases involving freedom of speech understand that. But we can work our way through this. This is excellent legislation. It goes to the heart of the problem that is hurting America right now. Let us pass the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. HULSHOF).

(Mr. HULSHOF asked and was given permission to revise and extend his remarks.)

Mr. HULSHOF. Mr. Chairman, if I believed that passing one additional law or a library filled with law books would prevent incidences of school violence in America, I would stand here and lead the charge.

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But the fact is the answer to school violence in America is not here in Washington. The answer to tragedies like Littleton, Colorado are found in Littleton, Colorado.

Were it in my power, Mr. Chairman, I would urge this body to adjourn and urge all Members to go home to have listening sessions with students home from student breaks, to encourage parents to get more involved in raising their kids.

My sentiment on this issue is just as strong today as it will be during tomorrow's debate. And just as I believe it is inappropriate to point the barrel of the gun at manufacturers or at law-abiding citizens who enjoy the protections of the second amendment, I believe it is equally inappropriate to train the lens of the video camera on the entertainment industry or those that are enjoying their first amendment rights.

Regrettably, I ask for a vote of ''no'' on the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I rise in reluctant opposition to this amendment, and I rise in support of the first amendment. Tomorrow I will be rising in defense of the second amendment.

At the rate this Congress is going, by the Fourth of July, we will probably have successfully trampled upon the entirety of the Bill of Rights.

I do love my good friend the gentleman from Illinois (Mr. HYDE), the author of the amendment. And I want to pay him my great respect and affection, he is a wonderful gentleman and a valuable Member of this body, and also to other Members on both sides of the aisle. I am satisfied that they are doing what they believe is right, and I believe that these are sincere and well-intentioned efforts. But I believe that the amendment is flawed and, in all probability, unconstitutional.

We know the difficulty of trying to define exactly what materials may be offensive or harmful or dangerous. In any event, I do not think it is the business of the Congress to let the courts do our jobs for us. There is a difference between assigning blame and assuming responsibility. Assigning blame is not going to bring back the children who were senselessly and tragically taken from us in Colorado and Georgia. But in assuming responsibility, we might proceed toward better legislation and prevent another Littleton in the future.

Unfortunately, too much of the juvenile justice legislation is about blame and too little about responsibility.

What I would like to see, however, is legislation that does not attack the Bill of Rights but instead deals with the root causes of juvenile crime, including the reduction in poverty, improvement of education and mental health and the development of job opportunities for decent wages.

I would like to see legislation that will attack the problem that our juvenile court judge back home talks about, where he has to release kids to the street who are functionally insane and a threat to the society. I believe that that would be something which we could do that would be really important. We are in the unusual position on the juvenile justice bill of having a legislative process which usually works with the Senate stepping in after the House acts to calm the passions of this body.

Today the House appears eager to join in trouncing the amendments to the Constitution. I ask my colleagues to vote ''no'' and to protect the cherished constitutional rights.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Committee on the Judiciary for yielding me the time.

Mr. Chairman, there is no greater responsibility than raising a child. It does not help parents when children are besieged by graphic violence, promiscuous sex, and foul language on TV, in the movies, in music, and on video games.

Ironically, current laws actually prevent entertainment industry executives from meeting to create a voluntary code of conduct on the grounds that such meetings might hinder competition.

To solve this problem, I introduced bipartisan legislation this Congress that would grant a narrow exception to current laws that bar such meetings. The entertainment industry should have the opportunity to meet and discuss voluntary standards that could help improve the content of television, movies, music, and video games.

I thank the gentleman from Illinois (Mr. HYDE) for including this provision in the amendment to protect children from the culture of violence.

The small screen and CD at home, the large screen in the theaters, and video games wherever they are played, all too often fill young hearts and minds with a poisonous effluent. Violence is glorified and graphic stable families are ridiculed or ignored. Authority figures, including parents, are mocked. Religion is deemed irrelevant. Right and wrong are relative.

Entertainment executives need to assume some responsibility for undermining American values whether they intended to do so or not. They can change our culture for the better simply by agreeing to turn their microphones and cameras in a different direction. This provision gives them that opportunity.

Mr. BERMAN. Mr. Chairman, it gives me special pleasure to yield 1½ minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman for yielding me the time.

I regretfully rise to oppose this amendment, and I do so despite the fact I have the greatest respect for the gentleman from Illinois (Mr. HYDE). Like him, I believe we should have more control over the content of what our children watch. My concern is giving that control to Washington, D.C.

Now, if the gentleman from Illinois (Mr. HYDE) were around to police and interpret these broad guidelines in the future regarding the first amendment, I would be more at ease. Regretfully, though, he will not. I fear the law of unintended consequences will kick in and the Federal Government's further involvement in the first amendment will prove troublesome.

We have the best of intentions today working around the first amendment, just like tomorrow we will have the best of intentions working around the second amendment. But, regretfully, I think both efforts are misguided. And I would hope my friends who are so eagerly defending the first amendment today will just as eagerly defend the second amendment tomorrow, because I believe, like the gentleman from Missouri (Mr. HULSHOF), that the answers to Littleton, Colorado lie not in Washington, D.C., but in listening sessions at home, by more engaged parents and by prayerful communities that once again turn their focus back to God.

Regretfully, I do oppose this amendment and ask my friends to do the same and vote ''no.''

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I think this amendment is a good example of why it is too bad that we have short-circuited the committee process. I actually have a very strong interest in seeing whether we may extend the obscenity statutes to violence.

After all, what is more dangerous, sex or violence?

As the mother of two teenagers, concerned about violence, I have a legitimate interest in an amendment that would deal with violence. But I look at this amendment and I see it will instantly be declared unconstitutional.

Taking a look at the legislative drafting on the first page, as someone who works with the Internet a lot, I can see that this proposal closely patterns the Communications Decency Act, which the Supreme Court declared unconstitutional.

I must say that I am concerned, if this were to pass as written, we would be in the awkward situation of telling my teens that whoever sold them ''Shakespeare In Love'' on a video would be subject to criminal sanctions, and whoever sold them ''Attack D.C. 9'' would not. I think that is preposterous.

Chairman HYDE has asserted that his amendment would not bar the selling of a film like ''Shakespeare in Love'' to minors because the film has ''redeeming social value'', the standard utilized in the analysis of sexually explicit material.

It would appear, however, that Chairman HYDE is not familiar with his own amendment. Nowhere within his amendment may those words be found. Instead, the standard found in section 1471 includes material that, with respect to minors, is designed to appeal or pander to the prurient, shameful or morbid interest, as well as material that is patently offensive and not suitable for minors and material which ''lacks serious literary, artistic, political or scientific value for minors''.

I think it is clear that the winner of this year's academy awards, a movie rated ''R'' for a reason, would run afoul of the Hyde amendment.

I repeat my distress that we would put behind bars those who sell a video of ''Shakespeare in Love'' to a teenager, but continue to allow persons to sell a Tec–DC9 assault weapon to that same teenager.

As a mother of two teens, I have a genuine interest in seeing whether we could extend the obscenity laws to violence. But the Hyde amendment is not a serious effort to do that. Instead, it is a patently political attempt to try to discredit those who would stand up for the First Amendment as political cover for those who, tomorrow, will misuse the Second Amendment in an effort to protect the culture of gun violence and those who profit from gun violence in America.

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) has 7½ minutes remaining. The gentleman from California (Mr. BERMAN) has 10½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Chairman, I want to thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the Hyde amendment. I have great respect for the chairman of the Committee on the Judiciary and his intentions, and I admire him for trying to do something about the violence which pervades our culture and, more particularly, affects our young people. We were all horrified by the shootings in Colorado and Georgia; and, like most people, we must all work to ensure a similar event does not occur again.

The amendment before us has significant constitutional repercussion. And while the chairman raises significant questions, not one hearing on this new legal concept that violence is obscenity has occurred, and that has been particularly disappointing to me.

As a father, I share the chairman's determination to keep violence and obscenity out of the hands of our Nation's children. But look at the volumes of case law on obscenity. All the laws and judges' opinions in the world have not done very well in ridding our society of obscenity. We need to change people's hearts and minds. If we do, the power of consumers and the marketplace will be more powerful than any law we could pass.

The amendment before us tramples on the first amendment. I urge a ''no'' vote.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I have a 14-year-old boy who confronted me with the fact that he was able to get in his hand, because he found some videos, a material that he, as a 14-year-old, knew was obscene violence.

There is going to be a lot of debate about the Bill of Rights today and tomorrow. But all I have got to say is that those of my colleagues that so fear any one of the restrictions on any one of the Bill of Rights, remember that reasonable applications of restrictions do not threaten the Bill of Rights, they reinforce and protect them. And I would ask my colleagues to understand that we have accepted, as a society, that we do not accept sexual obscenity to be sold to our children.

I praise the gentleman from Illinois (Mr. HYDE) for being brave enough to confront us with the fact that violent obscenity should not be sold to our children either.

I hear my colleagues who are outraged at Joe Camel somehow getting our kids to smoke and demanding that that be stopped. But if they would see the videos and the VCRs and the other information that our children are being exposed to, then they would see what a 14-year-old would know; that obscene, violent action should not be sold to our children.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to the Hyde amendment.

Just before coming to Congress, I served as the Cuyahoga County prosecutor. It was my responsibility to prosecute cases much similar to what the gentleman from Illinois (Mr. HYDE) is proposing on this date.

I tell my colleagues, as a prosecutor, I would stop and say, huh, what exactly is it he is asking me to prosecute? How can I prosecute such a case as this?

I am a mother of a 16-year-old, and I am concerned about him, too. But it is my responsibility, not Congress', to decide what violent material we should be taking from our children and not allowing them to see.

So, as a mother and a prosecutor, I rise in opposition to this amendment.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Chairman, today's amendment focuses on the culture of violence that has saturated our society.

While some would argue that television, the Internet, satellite transmissions, movies, and video games have not contributed to this culture of violence, I disagree. I believe their misuse has desensitized all of us by making murder, rape, assault, and mayhem appear commonplace and acceptable through the process of repetition and overexposure.

To claim that the first amendment renders us powerless to deal with this issue is to claim that our Bill of Rights is static, such as never has been the case. Just as the Bill of Rights is flexible enough to prevent the innovative and technology-enhanced intrusions of government on the rights of individuals, it is, likewise, rationale enough to prevent it from being used as a cloak to conceal and protect conduct that is ultimately destructive to society as a whole.

I urge the adoption of the amendment.

Every generation wrestles with the reality that the internal universe of society is constantly expanding. Advances in technology continue to push back the darkness of the unknown and open up new territories that were hidden from the view of our ancestors. Our generation has experienced an explosion of technologies—television, the Internet, satellite transmissions, movies, video games, and cellular telephones, to name a few. These have expanded the scope of our childrens' world far beyond that which existed during our own childhood.

Even though the world in this last decade of the 20th century, as magnified by the information age, is vastly different from the world of our founding fathers in the last decade of the 18th century, we are firmly committed to maintaining the structure of order embodied by our founding fathers in our Constitution and Bill of Rights. Today's debate focuses on a culture of violence that has saturated our society. While some will argue that the new technologies previously enumerated have not contributed to this culture of violence, I disagree. I believe their misuse has desensitized all of us by making murder, rape, assault and mayhem appear commonplace and acceptable through the process of repetition and overexposure. If, therefore, these advanced technologies, which should be the tools for advancing civilization, have in fact nurtured primitive instincts of violence that are not compatible with making us more civilized, the clear questions arises as to what can government do to reverse this process without infringing on the individual liberties of our citizens'

To claim that the 1st Amendment renders us powerless to deal with this issue is to claim that our Bill of Rights is static. Such has never been the case. Just as the Bill of rights is flexible enough to prevent the innovative and technology enhanced intrusions of government on the rights of individuals, it is likewise rational enough to prevent it from being used as a cloak to conceal and protect conduct that is ultimately destructive of the society as a whole.

I commend Chairman HYDE for his amendment which applies the constitutionally sanctioned constraints on obscenity to the matter of violence as directed at children. Since both have adverse effects on society it is altogether appropriate for this Congress to confront our culture of violence in this orderly approach, and I urge adoption of this amendment.

Mr. HYDE. Mr. Chairman, I ask unanimous consent that each side be

granted an additional 2 minutes; 2 minutes for the gentleman from California (Mr. BERMAN) and 2 minutes for us.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1645

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in strong support of the Hyde amendment. Senator MOYNIHAN said a few years ago that we have been defining deviancy down, accepting as a part of life what we once found repugnant. How true this is, and unfortunately it is becoming more so every day.

I remember several months ago coming home one Friday night and hearing Barbara Walters say she was about to show on 20/20 the most important program she had ever presented on television. With her long career, I wondered what this could be. What it turned out to be was a program warning parents about the warped, evil, sick things mainly of a violent or sexual nature available to children over the Internet and on videos and tapes and so forth. We should all do whatever we can, even in a small way, to slow this flood of this toxic mind warping, sick, evil, violent, and obscene material that is reaching our children today.

This is one of the most important amendments we have ever had before us in this House, and it is time to say that enough is enough and that today we started a new and better direction. As a judge who dealt with constitutional issues for 7½ years before coming to Congress, I urge support for this very well-crafted amendment.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I rise today in very strong support of the intent and the purpose and the goals of this legislation, but unfortunately I am unable to support the legislation, as drafted, and urge rather than move forward and vote for H.R. 2036, we defeat this amendment, this bill, and move forward with a long-term study to really get to the bottom of why these pieces of material, why these materials are being marketed, what is the relationship between these materials being marketed and violence so that we can better craft a more narrowly focused and constitutionally sound piece of legislation.

I listened intently to the debate and have studied this issue extensively and find myself also in agreement with my colleague from California (Mr. ROGAN). I cannot, and I do not think any of us can, escape the fact that ultimately it is parents that have the ultimate control over what our children see, hear and do, and we can pass all of the legislation we want that places all sorts of restrictions, labeling, access to materials that we want, but if parents allow their children to watch these materials, if they allow them to listen to these materials, as vile, as disgusting, as disgraceful, as obscene, as pornographic as they may be, it is the parents that have to assume ultimate responsibility, and no amount of legislation that we can pass will do that, and I am afraid that, if we pass this legislation, it will set us back because I do not think there is really any way that this can avoid being struck down, at least provisions of it, as being unconstitutional, and then we are back behind the 8 ball once again.

So I would urge all of our colleagues who want, I believe on both sides of the aisle, to address this problem of youth violence, obscenity, to take a harder look at it, to work together, all of us, to try and craft a sounder piece of legislation, but ultimately recognizing that unless the parents of America's children take more of an interest in ensuring that their children do not watch, hear or read the material that we are trying to reach here, nothing that we do is going to solve the problem.

So, again I urge defeat of this bill and strong support for what it is trying to do for future legislation.

Mr. BERMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, before the gentleman from Georgia leaves the floor, I just wanted to take this opportunity to express my agreement with the gentleman from Georgia to help advance the legislative process and to satisfy all that hunger for civility out there in the country.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN).

(Mr. TAUZIN asked and was given permission to revise and extend his remarks.)

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the Hyde amendment, not because I oppose what the gentleman from Illinois (Mr. HYDE) would like to see in this country. I think all of us would like to see less violence, all of us would like to see less obscenity in movies, all of us would like to see the culture expressed in our media, on the Internet and in the books and games and movies that our children watch to be less violent and less obscene.

The problem basically, as I know has been expressed many times here, but I need to say it again as chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection whose principal responsibility is to protect this free speech society, is that we cannot constitutionally do this. We cannot constitutionally dictate the content of speech in America as much as we would like to, as emotionally as I feel, as deeply as I hurt when I see the scenes on television that we have seen of children killing children.

I am reminded about that child at Columbine who said, look, we all watch the same movies, we all play the same games, but we do not go around killing our classmates. Go check with that family, go check with those kids, go check with that culture that these kids grew up in, and do something about it. But do not think that because we see these same movies we are going to end up killing each other. We need to do something much more basic than regulate free speech.

Mr. HYDE. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

(Mr. WELDON of Florida asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the amendment, and I commend the chairman, the gentleman from Illinois (Mr. HYDE), for including antitrust protection to the entertainment industry in order for them to establish a set of guidelines to help protect children from harmful behavior. I was working on introducing a bill to provide this type of antitrust protection, and I was extremely pleased to see the chairman include this in his amendment.

The National Association of Broadcasters had a code of conduct that they abided by until it was abandoned by the broadcasters in 1983. Since then standards which broadcasters find acceptable have deteriorated. Eighty percent of Americans have expressed concern about the increasingly graphic portrayals of sex, violence, vulgarity and programming that sanctions and glorifies criminal, antisocial and degrading behavior. The Hyde amendment will permit the entertainment industry to work collaboratively to develop a set of voluntary programming guidelines. This system worked well for decades. It was not perfect, but it did put the impetus on Hollywood to refrain from exploiting the American people and producing products that are directed toward the prurient interests of our young people.

Hollywood has cast aside responsibility in recent years, and it is time that they respect traditional values. The reestablishment of a code of conduct will enable the American people to know clearly where the entertainment industry falls on this issue.

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. NADLER).

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Chairman, I rise in opposition to the Hyde amendment, which is a well-intended but flawed proposal that does violence to the First Amendment.

Mr. Chairman, I rise to oppose the Hyde amendment.

While we must take action to address violence in our schools and to save children's lives, some in Congress seem to feel that it should be more difficult to see a picture of a gun, than to go out and buy one.

This amendment is overly broad and unconstitutionally vague.

It would take obscenity, which is removed from First Amendment protections, and expand its definition beyond the limits established by the Supreme Court.

In the process, it would create a federally imposed ban on the sale of certain material. It would challenge retailers to decide whether or not a particular work has redeeming value. This amendment would be incredibly difficult to implement, lead to confusion for both the creators and distributors of artistic works, and could inadvertently chill free speech for adults as well as children.

There is far too much violence in the media today, but we must not compromise the First Amendment in our efforts to protect our children. Parents already have the right to deny their children access to violent movies, music, magazines, and video games that they do not find appropriate for their children. If we stop buying this violent material, people will stop selling it.

Many leaders in the arts and entertainment community care deeply about the proliferation of violent material and are taking steps to address this problem. The media can and should also play a role in promoting nonviolent activities, youth problem solving, and ways to avoid gun violence. We can address excessive violence in the media without trampling on our First Amendment rights.

I will leave you with one final note. We ought not to make the entertainment community the scape goat for the massacre at Columbine High School. Surely, this bill will not effectively address school violence unless it also addresses youth access to guns. Popular films and music lyrics are not the root cause of violence in our society and guns are far more deadly than any CD or video tape could ever be. As one Columbine senior pointed out, if the media was at fault, then every one of the 1,850 students at Columbine would all be killers because they all watch the same movies and share in other types of entertainment. In fact, if films caused violence then one would expect crime rates to rise in every country which imports American movies. However, Japan, which is a heavy importer of American films, has one of the lowest crime rates in the world.

I urge my colleagues to reject the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, far from putting parents in charge, as my esteemed colleague from Illinois has stated, his culture of violence amendment puts big brother squarely in control of the games, art, movies, books and other materials available to our children. No work of art, magazine or CD is exempt from government scrutiny. No sales clerk at Blockbuster, ticket sales at the movies, librarian, museum employee would be free from the threat of a jail term. In fact, even if a parent explicitly consented to the purchase of materials deemed to be too violent or obscene, that sales clerk is at risk.

This is big government at its worst, supported, it seems, by the same individuals who rail against big government. It is intrusion into the personal lives of every American, a threat to educational and artistic freedom, a direct assault on the First Amendment, and above all, this amendment undercuts the freedom which is at the core of our American values.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me time.

It is time for all America to come together collectively and say that we do wish to get rid of the violence, the obscenity, that we see constantly on our television, hear on radio, read in print, but I hope that we would turn away from the proposals that would have us create a new Federal cultural police that would be empowered to determine what is violent and what is sexual in the material that we will see, hear or read.

With all due respect to the chairman of the Committee on the Judiciary whom I respect dearly, this is not the way to go. I have three young children, and it is my responsibility, along with my wife's to make sure that they grow up understanding what is right and what is wrong and knowing when it is right to read, to listen, to watch and hopefully teach them enough that they will make the right decisions as they grow older. But for us to say that the national government can do it better than I can is to completely abandon our values and our responsibilities.

I would hope that we would learn that the message we try to send to America is one of collectively getting together and resolving this issue of violence that we see pervasively invading our communities, but let us not do it by putting the heavy hand of government on top of that.

Vote against this amendment.

Mr. HYDE. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding this time to me. I fully support this amendment and urge my colleagues to vote in favor of this amendment. This is not an assault on the First Amendment or freedom of speech. This is a courageous step to limit vulgarity and violence.

Let me take a second to talk about big brother, the Federal Government. The Federal Government helps parents protect their children from dirty air, the Federal Government helps parents protect their children from dirty water, the Federal Government helps parents protect their children's equal rights.

So I think it is only incumbent upon us for the Federal Government to help parents protect their children from vulgar, violent videos.

Mr. HYDE. Mr. Chairman, I hate to keep doing this to the gentleman from Hollywood, but people keep wandering up and wanting a little time. Would the gentleman endure one more unanimous consent request for 2 more minutes on each side?

Mr. BERMAN. Mr. Chairman, reserving the right to object, I would simply like to point out to the gentleman, as I have told him several times, that I am from North Hollywood, not from Hollywood; and secondly, that I thought last fall in the Committee on the Judiciary I was in Hollywood.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GARY MILLER).

(Mr. GARY MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Chairman, I rise in favor of the Hyde amendment in H.R. 1501 as a whole because we need to provide physical safety for our children, and we need to protect our children from the influence of explicit, obscene material.

I support the Hyde amendments because we need to do what we can to protect our children from those who would sell them offensive material. Michael Carneal is currently in jail for killing three students in 1997's school shooting in Paducah, Kentucky. Michael was an avid computer user who logged on to the Internet and immersed his brain in the sexually material he found there. Ever since the Clinton administration stopped all prosecution of extremely violent and sexual pornography our children and those who prey upon them have had easy access to the most disturbing, mind-impacting material. This amendment seeks to protect the minds of our children by holding people who sell obscene material to children accountable and by evaluating the impact of violent products on our children.

H.R. 1501 attempts to protect the majority of our children who make the right choices from those who make the wrong choices by treating juveniles like adults, when they act like adults and commit violent crimes by keeping guns out of the hands of juvenile criminals, and by making the largest community investment in juvenile justice reform in history.

□ 1700

Congress cannot make a perfect world, but we can empower families and communities to protect their children.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, we are all concerned about violence. However, I never dreamed that I would see the chairman of the Committee on the Judiciary assault the Constitution in the way this amendment does.

This amendment is outrageous and it does danger not only to the children of

this society, but to all of the citizens of this society. I say to the gentleman from Illinois (Mr. HYDE), we are not going back to burning books, we are not going to lock people up for artistic expression. The Constitution of the United States guarantees us freedom of expression. We cannot violate the Constitution in the name of wanting to do something about violence.

What we should be doing is using our power to assist families and children and to help parents, many of whom are working, to deal with the problems of young people in a considered way. I am absolutely outraged by the fact that one of the best legal minds in this House would bring this trash to the floor of the Congress of the United States of America. It is outrageous and it should be defeated.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. GRANGER) in support of this trash.

Ms. GRANGER. Mr. Chairman, in the wake of Littleton, I think many of us are prepared to produce solutions and often guarantee that they will save America. Well, I am going to say that it is more than gun control, it is more than all that we are looking at; it is less violence on television, it is more of the culture of guns and the culture of violence, and we have to address the culture of our country.

To be honest, I do not know what the solution is and neither does anybody else. I know that we do not today want to confuse motion with action. I am afraid too many of us are anxious to be seen doing just something about youth violence. I do not want to do something, I want to do the right thing, and I think that is passing reasonable measures and not overbilling the effect that they have.

I know one thing for sure, and that is that to do this we have to touch the minds and the hearts of our young people. We also have to touch what is around them and what is entering their mind. That is why I am so supportive of the Hyde amendment. I think it is a very common-sense approach to an all-too-common problem of criminals transmitting sexual and violent material to our children.

There is never, ever, ever a reason for pornography to reach the hands and the hearts of our children, and we must stop it, and this will do that.

Mr. BERMAN. Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, in order to protect my 5 children and my 4 grandchildren, I rise in opposition to this frightening amendment, and I urge my colleagues to vote ''no.''

Mr. BERMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I think that given that this measure did not have the scrutiny of the Committee on the Judiciary and a chance to fine-tune it, I think it pays to take just a minute or two to sum up a few of the criticisms of the piece of legislation in front of us.

First of all, it is not just about motion pictures, it is not just about television, it is not just about musical recordings; it applies to books, to pamphlets, to magazines, to drawings, to photographs, to sculptures.

Secondly, as I mentioned earlier, it seeks to translate the obscenity formula grafted onto depictions of violence and federalize the entire matter, and then claim to provide community standards so that a particular sculpture or movie or picture or book may have one standard and be quite fine for sale to minors in Manhattan, New York, and not in eastern Montana or in Jackson, Mississippi. A law which seeks to federalize the criminal conduct of selling inappropriate depiction of minor children, depictions of violence to minors, and at the same time decentralize community standards all across the country is going to have to fall as vague, impermissibly broad, and setting up an absence of adequate notice to any single person who might be regulated.

Thirdly, it exonerates the producers of this; it criminalizes the activity of the vendors.

Fourth, in response to the gentleman from Maryland, yes, the Federal Government spends a great deal of time protecting the clean air and the health and the welfare of the population, but a long time ago, we decided there were some limits on what the Federal Government could do.

The first and foremost of that was the prohibition on the Federal Government interfering with protected speech. This seeks to strike at and criminalize protected speech. It is unconstitutional, and I think the Members of this body should not support and willingly pass a measure which has no chance whatsoever of being held up in the courts.

Mr. HYDE. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from California (Mr. BERMAN) has 4¼ minutes remaining; the gentleman from Illinois (Mr. HYDE) has 4½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, we could stress that there are important aspects of this amendment which are not controversial and which will be presented in other forums: the antitrust exception, the health-related study.

One of the problems with this amendment is we are not talking here only about fiction or things that people make up. This amendment covers depictions of the truth. This amendment covers depictions of unpleasant events. This amendment does not exempt the news, if it is presented for commercial purposes. What this amendment does is introduce an element of censorship by the Federal Government into the presentation by the media, as long as they are not working for free, and none of them are that I have ever met; it introduces this element of Federal censorship into the media's depiction of unpleasantness.

Yes, we should treat 16-year-olds and 15-year-olds seriously. Shielding them, screening them through a Federal process before they hear about some of the terrible things that go on in the world, torture is part of the world. These things are part of what goes on. I do not want people portraying what happened in Kosovo and helping explain why we were in there militarily to have to check with the Federal statutes before they decide how they can present this to 16-year-olds.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Youngstown, Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, no one perhaps in the history of this body knows or understands or has fought to uphold constitutional rights better than our chairman, the gentleman from Illinois (Mr. HYDE). Evidently, in listening to this debate, the gentleman from Illinois (Mr. HYDE) has decided to challenge some of the interpretations by some appointed judges who have maybe unknowingly or without meaning protected the rights of many murderers, while leaving a wake of victims in cemetery plots all over America.

The first amendment was never intended to promote harm. I join today with the gentleman from Illinois (Mr. HYDE), the chairman of our Committee on the Judiciary, on the floor of this House in that challenge of interpretations by judges that we as Members of Congress should have a say in creating those laws and, when necessary, challenging those decisions. I want to applaud our chairman for the courage to come out here and take the shots of attacking our Constitution. He has never done that.

Mr. BERMAN. Mr. Chairman, could I inquire as to the remaining time on both sides?

The CHAIRMAN. The gentleman from California (Mr. BERMAN) has 3¼ minutes remaining; the gentleman from Illinois (Mr. HYDE) has 3½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in strong opposition to this amendment. Once again, we are going down a path where we are going to be asking the government to set some standards on what really does constitute violence, and what will have the impact of encouraging our children to engage in behavior that could be destructive to other families and to our society.

But I also take exception to that, because as a father of two teenage daughters, I know that at times they are exposed to violent movies and other forms of violence that could be destructive to them. But they do not act out in a violent way. It is because my wife Linda and I have done the job of instilling the values in them that allow them to be exposed to this material and still make the right choices.

It is, quite frankly, a cop-out for parents and families and people to accuse people who are perhaps putting together information or videos or different material as being the cause of widespread violence that is leading to so much trouble in our communities.

Once again, the responsibility lies with the families, with the community that supports the principles and the values of our country, and we should oppose this amendment.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I rise to ask for the defeat of the Hyde amendment. With all of the respect each of us has for the gentleman from Illinois (Mr. HYDE), he is not an Oracle of Delphi when it comes to the Constitution of this country.

The Constitution of this country gives us a right as parents to make our youngsters behave. That is what we have done wrong in this country. We think that this law, no other law can protect us, if we do not raise our children the way we want them to be raised. If we do not raise them with some respect, if we do not make them turn off the TV when it is time, if we do not say to them that this is wrong, that there should not be any violence, and the Bible says thou shalt not kill. So why is it that we will sit here in this Congress feeling that we have such a noble position that we can put laws in that will mandate morality and help us teach our children when we are not teaching them ourselves?

I say to my colleagues, as a grandmother of 6 and a mother of 3, that this is wrong, I say to the gentleman from Illinois. This Constitution, as much as the gentleman wants it to help, he is violating it by putting this in the statutes of this country.

So I ask this Congress to please oppose and vote against the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I yield our remaining time to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I want to thank the gentleman from California (Mr. BERMAN) and my colleagues who have spoken here today.

In a way, I think we all realize the importance and significance of this amendment offered by the Chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), because it is a watershed. Either we are to overlook the existing case law, the first amendment as most of us appreciate it, and move in a very overreactive way to deal with the cultural aspects of the problem of youth violence, or we do not. And it is clear to me that this debate has put on record that in this area I can proudly associate myself with the views of the majority of the Members of this House of Representatives.

Now, in addition and over and above the constitutional problems, let us not rush to judgment on this quote, Hollywood phenomenon. Let us recognize that the V chips, let parents block out television programs; that movies have ratings.

Mr. Valenti has told us that he is putting the word out that the House of Representatives and the Committee on the Judiciary are not taking the cultural problem lightly. Please join us in turning back an amendment that would be unworkable and likely unconstitutional.

Mr. HYDE. Mr. Chairman, I yield myself my remaining time.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I want to thank the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. BERMAN) for a very civil and I think enlightening debate, and some of the other, not all, but some of the other participants.

I would like to read from Ginsberg v. New York, a Supreme Court case, 390 U.S. 629: ''A legislature could properly conclude that parents and others who have primary responsibility for children's well-being are entitled to the support of laws designed to aid discharge of that responsibility.''

I would like to tell my friend, the gentlewoman from California (Ms. LOFGREN) that ''Shakespeare in Love'' has redeeming artistic quality. It does not fit in this definition, although there is a gratuitous sex scene in it which, if your children saw it, they might think it is normal and acceptable, and I guess maybe the gentlewoman might think it is too. I do not.

☐ 1715

But the movie could be shown without any problem because if you read the bill, if you read the definition, it would have to be utterly without any redeeming social value.

Now, for 40 years Congress has been wrestling with this problem, 40. Do Members know what it has come up with? Nothing. Nothing. We posture, we pass resolutions, viewing with alarm, but the entertainment industry gets away literally with murder.

All we are doing is saying that obscenity for 40 years has not been protected by the First Amendment. We are saying some of this violence is as egregious and horrible and vulgar and harmful as sexual obscenity. Why confine the proscription just to sexual obscenity? Why not to mutilation? Why not to sadomasochism? Why not to flagellation? Why not to rape?

Those are four specific categories, and only four, that we say ought not to be protected by the First Amendment. If that is doing violence to the Constitution, I have never read that document.

So let us do something, not do nothing. It is my opinion that what happened in Littleton, Colorado, and what happened in Conyers, Georgia, cannot be solved by one more gun law. There were 15 Federal laws having to do with guns and ammunition that were violated by these two assailants in Colorado, and seven State laws. Is our answer to pile a couple of more laws on?

No. Let us examine what it is in the psyches of these young people that made them want to kill, the culture of death. There is something missing. We have to look at it. Anybody that does thinks rotten movies, rotten television, rotten video games are not poisoning, toxically poisoning our kids' minds and making some kids think that conduct is acceptable just is not paying attention.

I cannot match the Political Action Committees of the entertainment industry, but I will tell the Members, there are a lot of parents who need help. My friend, the gentleman from Georgia (Mr. BARR) said it is up to the parents. If Members can watch their four kids all the time every day, at night and at school, and know what they are seeing and know what they are reading, they have solved a wonderful problem and should tell me how they do it.

This is an effort to solve the problem. I hear nothing from the other side but ridicule. Please support the Hyde amendment.

Mr. DELAHUNT. Mr. Chairman, I rise in opposition to the amendment. I do so, not to defend ''Rambo,'' or ''The Terminator,'' but to defend the Constitution. Because this amendment is both unwise and unconstitutional.

There is much in the amendment that I could support, Mr. Chairman. It provides for a study by the National Institutes of Health of the effects of video games and music on child development and youth violence. It encourages the entertainment industry to develop voluntary guidelines to minimize the extent to which minors are exposed to sexual and violent materials.

These are sensible provisions, which were passed by the Senate earlier this month and are included in the Democratic substitute which Mr. CONYERS will offer later today.

But the Hyde amendment goes further. Much further. It would make it a crime to ''sell, send, loan or exhibit'' to minors any materials containing ''explicit sexual material or explicit violent material.''

Most of us—especially those of us who are parents—are naturally disturbed when unsuitable material finds its way into the hands of young people. And many genuinely believe—rightly or wrongly—that there is a connection between access to such material and the juvenile violence in our nation.

There may or may not be a connection. But before we pass a law codifying this theory we ought to have some facts. The amendment directs the National Institutes of Health to study the issue. But it doesn't wait to find out the results.

And since the subject was never considered by the Judiciary Committee, there is No Evidence on the record that criminalizing music sales or video rentals would have any impact whatsoever on the level of youth violence in this country.

But there is Plenty of evidence that the amendment would harm the precious freedoms we enjoy. Parents can and should decide what their children watch and listen to. But it is not for the government to decide this for them.

Others have pointed out that the gentleman's amendment could prohibit sales to minors of such edifying but disturbing films as Amistad, Saving Private Ryan, or Schindler's List. All of these films contain violent content—some of it Extremely violent. This is clearly material that may be appropriate for some young people and inappropriate for others.

But the amendment would prohibit sales of these films to All minors, unless, and I quote, ''the average person, applying contemporary community standards,'' would find that the material has ''serious literary, artistic, political, or scientific value for minors.''

The gentleman from Illinois claims that films such as these would NOT be prohibited by his amendment, He says, and again I quote, ''taken as whole, [they] are not designed to pander to the morbid interest of minors, are not patently offensive, and have literary and artistic value. We are talking about harmful material only.'' End of quote.

Now I have great respect for the gentleman, and I do not question his sincerity. I only wish it were that simple. A few years ago, a Member of this House launched an attack on one of the most celebrated films of our time, Schindler's List. He criticized it for its realistic depictions of violence and nudity in a concentration camp, and castigated the network which broadcast it for putting it on the air where children might see it.

That Member was roundly criticized for failing to recognize the moral and political context of those scenes. But if a member of Congress can be wrong about a film, how are we to suppose that a video salesman or theater owner will make that judgment?

For make no mistake about it—that is what the amendment would require. It would demand that the checkout clerk at Blockbuster or the ticket vender at the local Cineplex make a determination—on pain of imprisonment—as to whether a reasonable person would find that the degree of violence contained in the film is offset by the literary, artistic, or political value that a minor would derive from seeing it.

And I think we all know that a reasonable person would have to be crazy to take a risk of guessing wrong.

As a parent, I do not believe this is an appropriate or workable means of regulating access to minors.

If I think it is important for my daughter to understand what happened on Omaha Beach, I don't want a clerk at the video store to decide whether she can see Saving Private Ryan.

If I think it is important for my daughter to understand what happened to Africans brought to this country in chains, I don't want a ticket vendor to decide whether she's allowed to see Amistad.

If I think it is important for my daughter to understand what happened in Dachau or Auschwitz, I don't want the government of the United States to decide whether she's ready to see Schindler's List.

I know that the gentleman is well-intentioned, Mr. Chairman. But this amendment is a disaster, and it should be defeated.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to this amendment offered by Mr. HYDE. I applaud his attempt to address the issue of rampant violence in our popular culture, but there are serious First Amendment concerns I have about this amendment.

This amendment prohibits any picture, sculpture, video game, movie, book, magazine, photograph, drawing, similar visual representation, or sound recording with explicit sexual or violent material from being sold or given to children.

According to this language, books like ''Beloved'' or ''The Bluest Eye'' by Nobel Prize Laureate Toni Morrison would not be sold or loaned from the library to a student. There are possibly violent and sexual situations detailed in these works to tell the story that might be prohibited under this amendment.

Television programs like ''Star Trek'' and movies like the popular ''Star Wars'' trilogy would also be prohibited. Historical representations like ''Amistad'' or ''Schindler's List'' might be banned. The standard that would ban these works is problematic and vague.

This amendment also contains a provision that would require that retail outlets that sell music recordings would have to make the lyrics available for the parents before purchase. However, this amendment contains a loophole for internet music companies and mail order companies. I seek to establish a process in my district where retail stores voluntarily work with parents and legal guardians of children to keep such reprehensible items/materials out of the hands of children.

This loophole would simply alter the method in which such music is sold. If children wanted to obtain certain types of music, then they could go on-line or place a phone call to order the recordings.

This loophole illustrates how this bill is simply not an appropriate vehicle to urge change in the popular culture. It is an attempt to censor the freedom of expression contained in the First Amendment. This amendment creates a standard that would drastically alter the First Amendment.

However, I agree with Rep. HYDE's remarks that popular culture has persisted in presenting increasingly violent and sexually explicit entertainment. The industry must enact internal standards to ensure that children are not overly exposed to inappropriate material.

The provision that requires a study by the National Institutes of Health is an important measure to determine the effects of the media on our children. I support this provision because it allows the industry to conduct an internal review of its content and it encourages the media to take responsibility for what it presents as entertainment.

I also support promoting grassroots solutions to youth violence. One of the demonstration cities is Houston, Texas, but I am concerned that this provision was included in this amendment.

I appreciate Rep. HYDE's concern for the messages that our children receive in the media. However, we cannot limit the freedom of the First Amendment. The First Amendment is at the core of our basic freedoms and I respectfully oppose the Hyde Amendment.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HYDE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Illinois (Mr. HYDE) will be postponed.

It is now in order to consider amendment No. 9 printed in Part A of House Report 106–186.

AMENDMENT NO. 9 OFFERED BY MR. SALMON

Mr. SALMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. SALMON:

Add at the end the following:

SEC. ___. AIMEE'S LAW.

(a) SHORT TITLE.—This section may be cited as ''Aimee's Law''.

(b) DEFINITIONS.—In this section:

(1) DANGEROUS SEXUAL OFFENSE.—The term ''dangerous sexual offense'' means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term ''murder'' has the meaning given the term under applicable State law.

(3) RAPE.—The term ''rape'' has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term ''sexual abuse'' has the meaning given the term under applicable State law.

(5) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given the term under applicable State law.

(c) REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.—

(1) PENALTY.—

(A) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(B) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and

apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(C) STATE DESCRIBED.—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(ii) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) EXCEPTION.—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Arizona (Mr. SALMON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a pretty awesome time to be here. I am offering today, along with the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Washington (Mr. SMITH), an amendment that is known as Aimee's Law. I would like to take a few moments to discuss why this is important to Americans, and how come a nationwide grass roots effort has worked towards its passage.

First of all, I would like to reference this chart. According to the Department of Justice, the average time actually served by a rapist in this country and released from State prison is 5½ years; for molesting a child, 4 years; and for murder, 8 years. This is outrageous. It is unconscionable. We have to act today to change this.

It is not as if these criminals are suddenly Boy Scouts after their release from prison. The recidivism rates for sex offenders are very high. I think most people agree, once a molester, always a molester. As the Department of Justice found in 1997, over the 3-year period following the prison release, an estimated 52 percent of discharged rapists and 48 percent of other sexual assaulters were rearrested for a new crime. Here is that statistic. Many of those go on to commit other sex offenses.

Light sentences for today's most heinous crimes contribute to an epidemic of completely, yes, I said it, completely preventable crimes. Consider, each year more than 14,000 rapes, molestations, and murders occur every year by somebody who was let out of prison for committing that exact same crime. In some 1,700 of these cases, individual cross State lines and then reoffend again.

We talk a lot about accountability in this Chamber. It is time to restore some accountability to States that release these dangerous predators into our neighborhoods. Aimee's Law would add an additional factor to the formula for distributing Federal crime funds to the States.

Specifically, the amendment would provide additional funding to States that convict a murderer, rapist, child molester, if that criminal had previously been convicted of one of those same crimes in a different State. The cost of prosecuting and incarcerating that criminal would be deducted from the Federal crime assistance funds intended to go to the first State.

In other words, the State that is irresponsible, lets the rapist, murderer, molester out and then they cross State lines and reoffend again, a portion would be taken away from their crime assistance funds and given to the new State, enough to cover the costs of incarceration, prosecution, and apprehension of that monster.

A safe harbor would not require the funds transfer if the criminal has served 85 percent of his original sentence and if the first State was a truth-in-sentencing State, with a higher than average typical sentence for the crime.

Aimee's Law, a bipartisan effort from day one, passed the Senate last week with a whopping 81 to 17 vote. Aimee's Law is enthusiastically supported by law enforcement and victims rights groups nationwide. Here is just a smattering of those who are supportive.

The law enforcement community in particular, they understand the need for this legislation. They are in the trenches. They are fighting this fight every day. The Nation's largest police union, the national Fraternal Order of Police, representing some 250,000 brave police officers nationwide, has strongly backed this amendment and has appeared at all public events to help push for its passage. Their president has said, ''The bill addresses this issue smartly, without infringing on the States and without federalizing crimes.''

Among the other law enforcement groups that have endorsed the bill is the California Correctional Police Officers Association, and some of the others Members can see.

Victims rights and child advocacy groups have also endorsed the bill, and made this one of the most important issues that they focus on: Child Help U.S.A., Klaas Kids Foundation, Kids Safe, Mothers Outraged at Molester, and the list goes on and on and on.

From around the country, Americans have signed petitions, called our offices, and sent e-mails demanding passage of Aimee's Law. Even Dr. Laura is urging her 18 million listeners across America, and has been doing it all week, also including it on her web site, for a call to action on this particular piece of legislation.

Mr. Chairman, this is Aimee Willard. I never met her. This legislation is named for her. But I have become very close with her through the passage of this legislation, and close with her family. Aimee was senselessly raped and murdered by a man who was let out of prison for serving 12 years for murder for killing somebody over a parking spot. If this man had served 85 percent of his sentence, Aimee Willard would still be alive today.

Aimee was an all-American college athlete who wanted to work with children. We are never going to know all that we lost when she was taken from us, but we should do what we can to prevent others from enduring the same kind of pain and agony, and following her to a needlessly early grave.

Many courageous victims and survivors have made extraordinary efforts to help me pass this bill. I cannot mention them all, but I wanted to list a few. Many of them came to Washington twice to support the bill and testify before the Subcommittee on Crime.

There is Gail Willard, who lost her daughter, Aimee; Mark Klaas, who lost his daughter, Polly; Mary Vincent, a rape survivor; Fred Goldman, who lost his son, Ron; Mika Moulton, who lost her son Christopher; Trina Easterling, who lost her daughter Lorin; Jeremy Brown, a rape survivor; Louis Gonzalez, who lost his brother Ipollito; the Greishabers, who lost their daughter Jenna; the Pruckmayrs, who lost their daughter Bettina; the Schmidts, who lost their daughter Stephanie; and the list goes on and on, because again, that number is 14,000 rapes, murders, molestations, that occur each year by somebody let out of prison for doing exactly the same crime.

Sadly, the list goes on and on and on. Too many victims, too much suffering. We have to do more, and we can do it today with passage of this amendment.

Mr. Chairman, before I close, I wanted to express my heartfelt thanks to the survivors, the groups, and everyone else who has joined with me to fight this fight and to protect families.

The gentleman from Florida (Chairman MCCOLLUM) deserves the lion's share of the credit for his fine leadership on this issue. I wanted to thank my staff for all their hard work.

I would like to close with a couple of quotes. First of all, they are not from a famous leader, world leader, or a law enforcement official, but from the very heart of the problem. I want to quote a pair of child molesters whose despicable, unspeakable crimes cry out for justice.

Mr. Chairman, there are more than 134,000 convicted sex offenders currently living in our neighborhoods, on probation or on parole right now in our neighborhoods. Let us hear from two of them scheduled for release. They have never met, but their message could not be more clear:

''I am terrified of being released, because I fear without counseling, I will molest more children. Since I don't want to return to prison, I would be forced to kill them.''

The next quote: ''I am doomed to eventually rape, then murder my poor little victims to keep them from telling on me. I might be walking the streets of your city, your community, your neighborhoods.''

Mr. Chairman, let us pass the amendment today and strike a blow against the revolving door of prisons, murders, and sexual predators.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SALMON. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for bringing this measure to the floor at this time. Today we have an opportunity to take a giant step in the fight against repeat offenders. I commend the gentleman from Arizona (Mr. SALMON) for bringing this legislation to our attention.

It has become too common in recent years that victims are violated by someone who has been previously convicted of a crime and then released. Many who commit murder, rape, and child exploitation cannot be rehabilitated, as the gentleman from Arizona (Mr. SALMON) pointed out. We owe it to our communities to put a stop to this pattern of violence.

Aimee's Law will do just that. It will impede the ability of convicted felons to repeat their offenses at the cost of innocent human lives. Too often we have heard personal stories of these terrible crimes that legislation would help to eliminate.

Jeremy Brown, that the gentleman recited, comes from my own congressional district in New York and was the only survivor of a man who raped and murdered a number of other women. Having been through this horrible ordeal and having persevered, she has demonstrated tremendous courage and has become symbolic of the reason that we should pass this legislation today.

To all the courageous people who hope that together we will be able to prevent future violence, our hearts, our prayers and support are with them, now and always. That is why I urge support for this measure.

Mr. SALMON. Mr. Chairman, I reserve the balance of my time.

☐ 1730

The CHAIRMAN. Does the gentleman from Virginia seek time in opposition?

Mr. SCOTT. Mr. Chairman, yes.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 15 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment emphasizes the need for us to have held hearings on some of these so that we could determine actually what is going on. This seems well intended; it might work, might not but we just do not know.

It is interesting that there is an exemption in this bill for those States that have abolished parole and require prisoners to spend 85 percent of their time in prison; it is truth in sentencing. I like to call it not truth in sentencing but a half truth in sentencing, because as that poster points out if parole is abolished, people can no longer be held.

The half truth is a person cannot get out early but they cannot hold them longer either. If a person has a short sentence for which they have to serve 85 percent, they would be eligible for the exemption under this, but if they have a much longer sentence with parole, then they would have been able to retain them.

Let us give an example of how that thing works. I am not sure whether I heard the gentleman from Arizona (Mr. SALMON) right, but I thought he mentioned Mr. Klaas in California. The perpetrator in that case was Richard Allen Davis, who was in prison on a 6-month to life sentence. He was denied parole, denied parole, denied parole. They finally cracked down on crime and abolished parole. He was resentenced to 7.2 years which he had already served and he got on out because they had to let him out, and he committed another crime.

He received 8 years; served 8 years. They could not hold him longer because they had abolished parole. Then he got out and kidnapped and murdered Polly Klaas. If that had been parole, he never would have been out on the first offense, certainly never would have been out on the second offense, but because parole was abolished they had to let him out.

Even the people, with quotes that the gentleman said, they had to let them out because they could not hold them longer.

Maybe if we had had a hearing, maybe we could flesh some of this out so we could determine whether abolishing parole and letting somebody out is better than having a much longer sentence when there is some discretion.

Mr. SALMON. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Chairman, there is nothing in this bill that suggests that we do away with parole by any stretch of the imagination. I think that the goals of the gentleman and my goals are the same. We want to do what is right by families.

The fact is that 14,000 rapists, child molesters and murderers go on to reoffend every year and States are not doing a good job.

I go back to the statistics, that the average time served for molestation, 4 years; 5 years for rape; 8 years for willful murder.

Mr. SCOTT. Reclaiming my time, that has nothing to do with parole. As a matter of fact, if a person had 4 years and they had to serve it all, maybe I misread it.

CQ has the summary of the amendment of the gentleman which says the amendment would not require funds transferred if the criminal had served 85 percent of his original sentence and if the first date had, quote, truth in sentencing with a higher than average typical sentence for a crime, which means the average sentence, all one has to do is serve the average. Someone cannot be held longer than average.

Virginia went through this. We took a 10-year sentence, which was a year and a half to 10 years, average 2½, doubled the average time served so that the average time was 2½. We doubled the average time so now everybody has to serve 5 years.

Now, if we think about it for 15 seconds, the person that could not make parole at all would have served all 10 years. Now that there has been a crackdown on crime, they have to be released after 5 years, even if they are telling stuff that was on those posters.

Maybe if we had had some time in committee we could have discussed

this, but the gentleman comes springing this out on us without hearings, and we are just doing the sound bite.

Mr. SALMON. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Chairman, we did have a very, very thorough hearing last year and this is not a surprise. We have been working on this for a year and a half. We did have a hearing before the Subcommittee on Crime, and frankly the Supreme Court has determined that for violent sex offenders the courts can hold somebody beyond their sentence. They can put them in security, but beyond that I am not prescribing how States deal with the parole issue. All I am saying is that a State ought to certify. Rather than play Russian roulette with somebody else's head, all I am saying is the State ought to be accountable.

If a State is going to let somebody go, make sure that they are not going to reoffend again, and if they want to deal with that with a combination of counseling or parole or whatever the case may be, all I am trying to do is restore a modicum of accountability back to the States. If they want to address that for parole, that is their option.

Mr. SCOTT. If the gentleman could have convinced a majority of the members of the committee after we had had a hearing and a markup through the regular process, maybe it would have worked, but we are not doing that. We are coming out here and exchanging sound bites.

Mr. Chairman, I reserve the balance of my time.

Mr. SALMON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank my colleague, the gentleman from Arizona (Mr. SALMON), for yielding me this time, and I applaud him for this law.

Mr. Chairman, we are here to support Aimee's Law. As we know, laws are about people.

This is Aimee. Aimee lived 2 miles from my home in Pennsylvania. Aimee was a bright 22-year-old, promising young lady, great in athletics, great in school, who had an unbelievable career ahead of her. Her life was snuffed out because a man who had been repeatedly involved in hurting other people struck her car on a freeway to make her pull over. When she pulled off the side of the road on June 20, 1996, and got out to see what was wrong, as any normal person would do, he accosted her. She was abducted. She was raped. She was brutally murdered.

She was found in a dumpster with two trash bags over her head and a stick between her legs. The man who was convicted of brutally murdering Aimee Willard served 11 years of a life sentence that had been given to him for killing someone else, but that State paroled him early. They let him out without serving his full sentence.

Not only did he kill Aimee Willard, he is now the suspect in a second murder, Maria Cabuenos, who disappeared in March 1997 and was also found murdered. The same individual who has been convicted of murdering twice was driving Miss Cabuenos' car when he was found while trying to burglarize another house.

How many times are we going to let someone out early? And why should not we create a disincentive to have States thoroughly review the process for people who have been convicted of rape, of murder and child molestation from getting out prematurely?

This does not provide a one-size-fits-all answer. It simply says to States that we are going to hold a person accountable. If someone allows people who commit these brutal crimes to get out prematurely, then they are going to pay the price of the other State where that person is convicted of their costs in having to convict that person a second time.

In the name of Aimee Willard and all of those other thousands of people, I ask our colleagues to support Aimee's Law.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time, even though we disagree on this amendment.

Mr. Chairman, I am a cosponsor of the amendment and strongly support it. I think the issue of parole is not what we are dealing with here. However an individual State wants to handle it, wants to pass out the sentencing, is fine with us. The question is are they going to pass out strong sentences? If they do it under a parole system and hold them for longer, the point of this bill is to try to give incentives to States to hold the most dangerous of criminals, murderers, rapists and child molesters for as long a period as possible so that they do not reoffend.

We are trying to drive dollars out to encourage that decision and to move them in that direction for a very good reason. We want to protect the citizens of our country.

There are many reasons for punishment in crimes, but one of the biggest is to protect society with a very simple notion. If an individual who is given to committing crimes is behind bars, they are not victimizing other people. That is one of the clearest ways to protect our citizens, is to lock them up when they have made it clear that they are dangerous to the citizens.

Right now, too often crimes as serious as rape and child molestation have very short sentences and those people are free to reoffend all over again. We need to do a better job of protecting our citizens, and I commend the gentleman from Arizona (Mr. SALMON) for putting forward this modest piece of legislation to try to do that, to try to give States the encouragement they need, the financial encouragement, to hold these dangerous offenders for a longer period of time.

There are many reasons why the crime rate has fallen in recent years, but one that should not go unnoticed is that we have increased punishment for crimes of all types, but certainly of the most serious nature. That keeps dangerous offenders off the streets so they cannot reoffend so that we can protect future victims.

I again commend the gentleman from Arizona (Mr. SALMON) for bringing this piece of legislation forward and hope that the effect of it will be to save lives and to keep dangerous offenders behind bars where they cannot victimize the people that we represent.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have, as I have indicated, a great deal of problem with the amendment. We should have gone through subcommittee.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM), the chairman, to explain how this got here and let him say a little bit about the amendment.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time.

Mr. Chairman, I want to first of all say that we did have a hearing on this bill last Congress in the Subcommittee on Crime, not in this Congress. The gentleman from Arizona (Mr. SALMON), I think, has produced a remarkably good product. It would have been highly desirable had we brought this or been able to bring this through the subcommittee this time because I have no doubt that we would have reported it out virtually intact as it is here today.

I think this is a terrific product, and the reason I am going to support it and I am supporting it today is because of that reason, even though it would have been more desirable had we been able to mark it up in committee. It happens to be this is a good vehicle and he has convinced the Committee on Rules to let it come to the floor, and I think it is an appropriate thing to vote for. I am going to support it because if a State adopted a truth in sentencing, which half the States in the United States have, well, more than half, almost 30 now have, where a person has to serve at least 85 percent of their sentence for any major crime, that State would not be, and those States that already have will not be, affected by this proposal because they will not lose any money or risk it if somebody gets out early, because they will not.

Other States that the gentleman from Arizona (Mr. SALMON) has been very creative with, they do not have to adopt truth in sentencing. There are other ways to deal with it under his

proposal, but I do think the incentive is there to keep people in jail for long periods of time to serve at least 85 percent or higher of their sentence if they have committed murder, rape or child molestation, and that should be the law of the land for every State in the Union.

This is an extraordinary bill. It was widely supported in the hearing that we had before the subcommittee in the last Congress, and I strongly urge the adoption of the amendment.

Mr. SALMON. Mr. Chairman, I yield 1 minute to the honorable gentleman from Texas (Mr. DELAY), the distinguished whip of the House of Representatives.

Mr. DELAY. Mr. Chairman, I want to congratulate the gentleman from Arizona (Mr. SALMON), for bringing this amendment. He has worked so hard on this, and it is very creative in trying to bring safety to our children. There is no better cause than the safety of our children.

I rise in support of the amendment because it does protect America's children from predators. This amendment, better known as Aimee's Law, fights that plague of repeat offenders. Specifically, this law tracks criminals that have crossed state lines, guilty of murdering, rapists and otherwise assaulting children under the age of 14. Why are these monsters set free? Aimee's Law holds States responsible for felons they release who commit further violent crimes in other States.

So, Mr. Chairman, our kids need to be protected from these violent criminals. States need to be encouraged to keep child molesters behind bars, and I urge my colleagues to support this amendment.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Chairman, I thank my good friend, the gentleman from Virginia (Mr. SCOTT) for yielding me the time.

Mr. Chairman, like the gentleman from Washington (Mr. SMITH), I am on the other side on this amendment.

I was honored to serve 20 years in the legislature in Texas and so I have some hesitation in requiring States to do something that we typically do not pay for but there are exceptions to this, and frankly we cannot accomplish this without a change in Federal law.

If a person is released from one State and commits a crime in another State, then without a Federal law we have to have Federal action to be able to require that.

I am proud to be a cosponsor of the Aimee's Law legislation by the gentleman from Arizona (Mr. SALMON), the gentleman from Washington (Mr. SMITH) and the gentleman from Pennsylvania (Mr. WELDON), because of the problem with repeat offenders, dealing with murder, rape or child molestation.

The only crimes that are more heinous than murder and rape are those same crimes committed against children. I believe that individuals who commit these violent or sexual crimes against children should spend the rest of their lives in prison.

☐ 1745

Lord knows, in Texas, we have had the biggest building boom in prison in many years, so we are trying to build a place for them.

If, however, a State believes that such a criminal has been rehabilitated and decides to release this person back to society before the end of their term, then that State should be held responsible if that person commits the crime again in someone else's neighborhood, if it is in another State.

Under the Salmon-Smith amendment, these States who have an early release of violent criminals would pay to incarcerate these criminals in the other State. This is the only fair and just approach. I urge my colleagues to support it simply because the repeat offenders are what we are trying to get to.

We have seen some good numbers on our crime statistics, and the reason is because a lot of States are keeping people in prison longer because they are the repeat offenders, and this will make it even, hopefully, make those statistics even sound better.

Mr. SALMON. Mr. Chairman, may I inquire of the Chairman how much time remains?

The CHAIRMAN. The gentleman from Arizona (Mr. SALMON) has 2½ minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 4 minutes remaining.

Mr. SALMON. Mr. Chairman, I yield 30 seconds to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, as the father of several children and husband of 20 years, I rise today in support of the amendment of the gentleman from Arizona (Mr. SALMON) better known as Aimee's law. I commend him for his hard work in bringing this commonsense legislation to the forefront of today's debate.

As on editorial page put it, ''Giving a one-way ticket to a sex offender might improve the community he leaves, but it is the equivalent of shipping toxic waste to unsuspecting States.''

The practice of returning criminals to freedom for which they can prey on the innocent is outrageous and must stop. This body has an opportunity to act with clarity, to demonstrate to law breakers that are serious about keeping these violent offenders off the streets, and from repeating these acts.

I urge passage of this amendment.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT), the ranking member, very much for his kindness, and I respect his position on this legislation and acknowledge the fact that the better route would have been to have this particular legislative initiative, as all of the amendments that we are dealing with in these 2 days on guns and juveniles, to come through the committee procedure.

But I want to rise in support of this amendment because I believe that some crimes are heinous enough that deserve incarceration. It is tragic that we face, on a daily basis, the attack of our children, child molesters and murderers and rapists who go about our Nation and repeat their crimes.

Right now in the State of Texas, we are fighting a serial killer whose trail of killings have gone throughout the city of Houston into States in the Midwest; and, still, he is not found, killing innocent victims, ministers of gospel, elderly and young women.

The most terrible tragedy that a parent has to confront is a murdered child. I think it is important when we begin to talk about how we solve this problem, it is simply that we not allow them to do it again.

In the State of Texas, we attempted to place on the books a bill that would allow incarceration without parole for heinous crimes for those who may oppose the death penalty. We were not successful. But I think it is extremely important that we realize that we can put murderers and rapists and child molesters away, where they do not have an opportunity to prey on innocent victims again.

I am saddened by the loss of Aimee and many other Aimee's and Peters and Pauls across this Nation. As a mother, I stand up and say those kinds of individuals must be incarcerated. If they go into another State and are convicted, let us lock them up. I think it is a terrible tragedy that each day we come about having to see another tragic incident.

I know that there are other responses to the idea of repeat offenders, but I think the best way to deal with it is to ensure that they never see the light of day to perpetrate these offenses of murder, rape, and child molestation again.

I ask that my colleagues support this amendment.

Mr. SALMON. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. WELLER).

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Chairman, I want to thank the gentleman from Arizona (Mr. SALMON) for his leadership and his partnership in working with him on no second chances legislation, legislation that is very simple. No second chances for those who prey on kids, murderers, rapists, and those who commit sexual assaults.

Fourteen thousand murders, rapes, and assaults on children have occurred each year, and it is time to get them off the streets. When I think of this

legislation, I think of a mother who came to me, Mika Moulton, a mother of a child who was murdered in 1995, a child who would be alive today if this legislation was law.

In particular, the murderer of Christopher Moulton is a murderer that had already received a short sentence when he was released. This legislation would have kept him in prison for a long time. Let us pass it. No second chance.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SCOTT. Mr. Chairman, does this side have the right to close since we are defending the committee position?

The CHAIRMAN. The gentleman from Virginia is correct. The gentleman from Virginia (Mr. SCOTT) has the right to close.

Mr. SCOTT. Mr. Chairman, I reserve the balance of my time.

Mr. SALMON. Mr. Chairman, I yield 45 seconds to the gentleman from Ohio (Mr. CHABOT).

(Mr. CHABOT asked and was given permission to revise and extend his remarks.)

Mr. CHABOT. Mr. Chairman, as a member of the Committee on the Judiciary, I would like to thank the gentleman from Arizona (Mr. SALMON) for his leadership in this area.

It is my hope that passage of this bill will make States take a hard look at what too often are lax parole systems that will let dangerous felons back out in society without proper safeguards.

Aimee's law includes a clear statement that it is the sense of this Congress that any person who is convicted of a murder should receive the death penalty or life in prison without the possibility of parole. It also emphasizes that rapists and child molesters, criminals who are classic recidivists, be put away for life without the possibility of parole.

Right now, the average time served in State prison for rape is only 5½ years and for child molestation only 4 years. These criminals are then free to do it again, and many of them do. These statistics are outrageous, and States need to get back to it and do the right thing.

The family of Clara Swart, who was killed in my district in Cincinnati, also endorses this legislation.

Mr. SALMON. Mr. Chairman, I yield 30 seconds to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, today the average murderer in the United States serves only 6 years in prison. One out of ten convicted rapists serves no jail time. Time and time again we hear about repeat offenders out on the street repeating their crime.

It is time to draw a line in the sand. If one commits murder, rape, or molests a child, one should spend the rest of one's life in prison.

Let us pass this amendment because some criminals do not deserve a second chance.

Mr. SALMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this really is a no-brainer, a common-sense amendment. This amendment has been a long time in the process. There are a lot of far greater people out there than I that have fought for this; and for them, please let us do it.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this may be a no-brainer, but it would have been nice if we had brought it up under the normal procedure so we would have time to evaluate it.

Under this amendment, a State would have to pay if they hold somebody for 10 years of a 20-year sentence and then let them go because they only served half the time. But they would have an exemption if they held them for 4 years of a 4-year sentence. If the person served all of the time of a 4-year sentence, held them for 4 years, same offense, they would not have to pay. If the State had held them for 10 years of a 20-year sentence, they would have to pay.

I think it would have been nice if we had the opportunity in committee to develop this issue, to see if it made any sense or not. We were denied that opportunity, and, therefore, I will oppose the amendment.

Mr. RILEY. Mr. Chairman, I rise today to support the amendment offered by the gentleman from Arizona.

In 1996, 22 year old Aimee Willard was raped and brutally murdered by a man who had been previously convicted of murder and later released after serving only 12 years of a life sentence in a Nevada prison.

What a tragedy, Mr. Chairman. Aimee was a bright, energetic young woman who had a promising future. But, her life was snuffed out by a so-called "model prisoner."

Who is to blame? Certainly, Aimee's killer. But to some extent, the State of Nevada should shoulder some of the blame. Why? because it let out of prison a man who already proved that he was a threat to society and who was supposed to spend the rest of his life behind bars.

One might think that this is an isolated case. But, unfortunately, Mr. Chairman, it's not. More than 14,000 murders, rapes, and sexual assaults are committed each year by previously convicted murderers and sex offenders. That's outrageous.

Why are states letting these people out of jail? Maybe they just need some more incentive to keep people behind bars.

Well, Mr. Chairman, we give them that incentive with this amendment. In short, under Aimee's Law, states that keep criminals in jail receive more federal crime funds. States that let criminals out of jail, who later commit a similar crime in another state, lose a portion of those funds. It's simple as that! I can't think of a better way of convincing states to keep these types of criminals in jail where they belong.

I commend the gentleman from Arizona for his amendment and urge all my colleagues to support it.

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SALMON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SALMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the Hyde amendment No. 31 on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 412, noes 15, not voting 7, as follows:

[Roll No. 212]

AYES—412

Abercrombie	Clayton	Gejdenson
Ackerman	Clement	Gekas
Aderholt	Clyburn	Gephardt
Allen	Coble	Gibbons
Andrews	Coburn	Gilchrest
Archer	Collins	Gillmor
Armey	Combest	Gilman
Bachus	Condit	Gonzalez
Baird	Cook	Goode
Baker	Cooksey	Goodlatte
Baldacci	Costello	Goodling
Baldwin	Cox	Gordon
Ballenger	Coyne	Goss
Barcia	Cramer	Graham
Barr	Crane	Granger
Barrett (NE)	Crowley	Green (TX)
Barrett (WI)	Cubin	Green (WI)
Bartlett	Cummings	Greenwood
Barton	Cunningham	Gutierrez
Bass	Danner	Gutknecht
Bateman	Davis (FL)	Hall (OH)
Becerra	Davis (VA)	Hall (TX)
Bentsen	Deal	Hansen
Bereuter	DeFazio	Hastings (FL)
Berkley	DeGette	Hastings (WA)
Berman	Delahunt	Hayes
Berry	DeLauro	Hayworth
Biggert	DeLay	Hefley
Bilbray	DeMint	Herger
Bilirakis	Deutsch	Hill (IN)
Bishop	Diaz-Balart	Hill (MT)
Blagojevich	Dickey	Hilleary
Bliley	Dicks	Hilliard
Blumenauer	Dingell	Hinchey
Blunt	Dixon	Hinojosa
Boehlert	Doggett	Hobson
Boehner	Dooley	Hoeffel
Bonilla	Doolittle	Hoekstra
Bonior	Doyle	Holden
Bono	Dreier	Holt
Borski	Duncan	Hooley
Boswell	Dunn	Horn
Boucher	Edwards	Hostettler
Boyd	Ehrlich	Hoyer
Brady (PA)	Emerson	Hulshof
Brady (TX)	Engel	Hunter
Brown (FL)	English	Hutchinson
Brown (OH)	Eshoo	Hyde
Bryant	Etheridge	Inslee
Burr	Evans	Isakson
Burton	Everett	Istook
Buyer	Ewing	Jackson-Lee (TX)
Callahan	Farr	Jefferson
Calvert	Fattah	Jenkins
Camp	Filner	John
Campbell	Fletcher	Johnson (CT)
Canady	Foley	Johnson, E. B.
Cannon	Forbes	Johnson, Sam
Capps	Ford	Jones (NC)
Capuano	Fossella	Kanjorski
Cardin	Fowler	Kaptur
Carson	Franks (NJ)	Kelly
Castle	Frelinghuysen	Kennedy
Chabot	Frost	Kildee
Chambliss	Gallegly	Kind (WI)
Chenoweth	Ganske	

King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—15

Clay
Conyers
Frank (MA)
Jackson (IL)
Jones (OH)
Kilpatrick
Lee
Martinez
Meek (FL)
Meeks (NY)
Payne
Roybal-Allard
Scott
Waters
Watt (NC)

NOT VOTING—7

Brown (CA)
Davis (IL)
Ehlers
Houghton
Kasich
Thomas
Weiner

☐ 1816

Messrs. PETERSON of Pennsylvania, BLAGOJEVICH, UDALL of New Mexico, and MORAN of Kansas changed their vote from ''no'' to ''aye.''

Ms. LEE changed her vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. EHLERS. Mr. Chairman, on rollcall No. 212, I was unavoidably detained. Had I been present, I would have voted ''yes.''

AMENDMENT NO. 31 OFFERED BY MR. HYDE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. HYDE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 282, not voting 6, as follows:

[Roll No. 213]

AYES—146

Aderholt
Archer
Armey
Bachus
Baker
Bartlett
Barton
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Brady (TX)
Bryant
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chenoweth
Clement
Coburn
Collins
Combest
Cook
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Duncan
Ehlers
Emerson
English
Everett
Ewing
Franks (NJ)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hayes
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Holden
Horn
Hostettler
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
LaHood
Largent
Lazio
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
McCrery
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Norwood
Oxley
Packard
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Portman
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogers
Roukema
Ryun (KS)
Saxton
Sherwood
Shimkus
Shows
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sweeney
Talent
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Traficant
Turner
Upton
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NOES—282

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
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Davis (FL)
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Frank (MA)
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Gilman
Gonzalez
Gordon
Goss
Graham
Green (TX)
Green (WI)
Gutierrez
Hastings (FL)
Hastings (WA)
Hayworth
Hill (IN)
Hilliard
Hinchey
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Hoeffel
Hoekstra
Holt
Hooley
Hoyer
Hulshof
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
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Lewis (CA)
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Maloney (NY)
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McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
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Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
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Pascrell
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Paul
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Pickett
Pombo
Pomeroy
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Price (NC)
Pryce (OH)
Quinn
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Rangel
Reyes
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Rodriguez
Roemer
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Rohrabacher
Ros-Lehtinen
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Ryan (WI)
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Scarborough
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Scott
Sensenbrenner
Serrano
Shaw
Sherman
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Skeen
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
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Sununu
Tanner
Tauscher
Tauzin
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Thompson (CA)
Thompson (MS)
Thornberry
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Tierney
Toomey
Towns
Udall (CO)
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Vento
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Waters
Watt (NC)
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Weller
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Weygand
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—6

Brown (CA)
Davis (IL)
Houghton
Kasich
Thomas
Weiner

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Mr. LUCAS of Kentucky and Mr. METCALF changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 10 printed in Part A of House Report 106–186.

AMENDMENT NO. 10 OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 10 offered by Mr. CUNNINGHAM:

At the end of the bill, insert the following:

TITLE ____—MATTHEW'S LAW

SEC. ___. SHORT TITLE.

This title may be cited as ''Matthew's Law''.

SEC. ___2. ENHANCED PENALTIES FOR CRIMES OF VIOLENCE AGAINST CHILDREN UNDER AGE 13.

(a) IN GENERAL.—Title XVII of the Violent Crime Control and Law Enforcement Act of 1994 is amended by adding at the end the following:

''Subtitle C—Enhanced Penalties for Crimes of Violence Against Children Under Age 13

''SEC. 170301. ENHANCED PENALTIES FOR CRIMES OF VIOLENCE AGAINST CHILDREN UNDER AGE 13.

''(a) IN GENERAL.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 5 levels above the offense level otherwise provided for a crime of violence, if the crime of violence is against a child.

''(b) DEFINITIONS.—In this section—

''(1) the term 'crime of violence' means any crime punishable by imprisonment for a term exceeding one year that has as an element the use, attempted use, or threatened use of physical force against the person of another; and

''(2) the term 'child' means a person who has not attained 13 years of age at the time of the offense.''.

(b) CONFORMING REPEAL.—Section 240002 of such Act (28 U.S.C. 994 note) is repealed.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by striking the item relating to subtitle C of title XVII and the items relating to sections 170301 through 170303 and inserting the following:

''Subtitle C—Enhanced Penalties for Crimes of Violence Against Children Under Age 13

''Sec. 170301. Enhanced penalties for crimes of violence against children under age 13.''.

SEC. ___3. FEDERAL BUREAU OF INVESTIGATION ASSISTANCE AVAILABLE TO STATE OR LOCAL LAW AUTHORITIES IN INVESTIGATING POSSIBLE HOMICIDES OF CHILDREN UNDER THE AGE OF 13.

To the maximum extent practicable, the Federal Bureau of Investigation may provide to State and local law enforcement authorities such assistance as such authorities may require in investigating the death of an individual who has not attained 13 years of age under circumstances indicating that the death may have been a homicide.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. CUNNINGHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, Aimee Willard, Megan's Law, Polly Klaas, now Matthew's Law. Mr. Chairman, the children I just named, every Member in this House is tired of having to name bills after murdered children. I know, Mr. Chairman, this is a very bipartisan amendment. The same amendment passed by Mr. Chrysler in the House on H.R. 2974 passed 414 votes to 4. And with that, this is something that my colleagues can stand for.

Mr. Chairman, I yield to the gentleman from California (Mr. PACKARD), a great leader.

(Mr. PACKARD asked and was given permission to revise and extend his remarks.)

Mr. PACKARD. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I rise today in strong support of the Cunningham amendment. This amendment will increase Federal penalties for criminals who commit Federal crimes of violence against children.

Last November, 9-year-old Matthew Cecchi was brutally murdered in my hometown of Oceanside, California. Matthew was not a troubled runaway, not a child that was allowed to wander far from his parents. He simply walked into a public restroom and moments later he was dead, the victim of the killer who carefully stalked and hunted down a young and helpless child. This crime shocked our community and struck fear in the hearts of parents.

Mr. Speaker, unspeakable crimes deserve the harshest of penalties. The Cunningham amendment ensures that those who seek to harm the helpless are met with severe punishment. His amendment will dramatically increase sentencing requirements for those individuals who commit violent crimes against children under 13 years of age.

I strongly urge all of my colleagues to support this very important amendment that will protect our Nation's children from violent crimes.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek time in opposition?

Mr. CONYERS. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, could I ask the gentleman that has promoted the amendment, how much time did the awful murderer of 9-year-old Matthew Cecchi get? What was his sentence?

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman would yield, I do not know the answer to that.

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Mr. CONYERS. Mr. Chairman, let me just point out two things.

I think that would be pretty important in this kind of a matter because the implication is, of course, that there was an insufficient sentencing of the killer of this 9-year-old boy.

The second point I would like to make is that the State handles most of these kinds of crimes, and to my knowledge these are not normally Federal issues, and finally, the U.S. Sentencing Commission is the body that we established in the Congress to make sentencing recommendations independent of the political process. Now if for some reason we were dissatisfied with them, then we may want to communicate that through the Committee on the Judiciary which regularly brings and hears reports from the Sentencing Commission.

So I just want to point out that this may not be the most orderly way to pass criminal statutes raising the Sentencing Commission's levels in this way.

Mr. Chairman, I reserve the balance of my time.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

I would tell my friend that this is the same, actually the same language. I will not submit this for the RECORD in the full House because it is almost the same verbatim that the gentleman spoke to with Mr. Chrysler about the commission. I am very familiar with the commission. As a matter of fact, the gentleman here goes through 15 minutes of dialogue on how that it should not be germane, that it was political. This vote was 14 to 4, and the gentleman from Michigan (Mr. CONYERS), who wrote consenting language, actually ended up voting for it after fighting it on the floor.

I would say to the gentleman this is about leadership in this House and in the body. It is not about a particular person. Whether we have Aimee or Megan's Law or whoever you have, this is an important factor. This goes after the family values of this body. It also tells people in this time of summer when people are going on vacations that our parks and recreation areas are for children, not for murderers.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I appreciate the gentleman yielding this time to me, and I rise in opposition to this amendment not because it may not be a worthwhile thing to do, to increase the offense level for such a heinous crime by five levels over what it currently is for somebody who is 13 years or younger, but for the very reason that my good friend, the gentleman from California (Mr. CUNNINGHAM) just alluded to or made obvious. If every time we get emotional in response to some criminal offense, we come onto the floor of the United States House of Representatives and we beat our chests and try to show America how hard we are on crime by directing that sentences be increased, what we are doing is undermining the whole integrity of our sentencing system in this country, and we end up with a hodgepodge of sentences that make absolutely no sense and make a mockery of our whole sentencing structure in this country.

That is the very reason that we put in place a U.S. Sentencing Commission

so that every time somebody gets murdered and we get emotional, we do not come in and make an emotional political response which undermines the orderly administration of justice in this country, and colleagues are going to see throughout this debate a number of different times where for various reasons people are going to come in and try to undermine the system that we have put in place through the United States Sentencing Commission.

The reason that we have a U.S. Sentencing Commission is so that we do not have haphazard sentencing in this country, we do not end up with a hodgepodge of inconsistent, not well-thought-out sentencing for criminal offenses in this country.

So it is the very reason that the gentleman from California (Mr. CUNNINGHAM) just articulated that impels me to rise in opposition to this amendment. We do not need to beat ourselves on the chest and show how difficult and harsh we are on crime. We have a Sentencing Commission that sets a uniform standard.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the gentleman on the other side of the aisle knows me well enough. I have never had to beat on my chest. Life has been difficult at times, and I have always carried through with action.

If the gentleman says that I am emotional about children being murdered in the vernacular, I plead guilty. I am very emotional about it, and I know the gentleman is about it, too, and I am not suggesting that he is not.

I do not have much time, only 5 minutes, but this was the same arguments about the Sentencing Commission. As a matter of fact, the gentleman from Michigan (Mr. CONYERS) made this. I would be happy to submit it to the RECORD in the full body, the same exact verbiage right down the line, and 414 people said that the gentleman was wrong. Mr. CONYERS, who spoke in the same language that the gentleman about the Sentencing Commission, ended up voting for the legislation after he made the same statements that the gentleman just made.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I appreciate the gentleman yielding. Just because 400 and some people vote for something is the very reason that I am saying we are in a political position here, and sometimes we cannot afford not to vote for something, and that is why we took this sentencing process out of politics, so that we would have a reasonable and rational sentencing policy in this country.

It is not that I am not emotional about it, I am emotional about it.

Mr. CUNNINGHAM. Reclaiming my time, Mr. Chairman, let me read to the gentleman what the Sentencing Commission itself says.

If Congress feels that additional measures need to be taken in this area, it should direct the commission to take them without micromanaging the commission's work. In order they have asked us to do this, and this is exactly the reason that we have gone forward. The Senate did not have time to take this bill up last time. We feel just like in Aimee's law or Megan's Law every single thing that we do to help prevent children being murdered is a plus, and this is a win, this is a win-win and a positive in a crime bill that we are trying to fight for.

As my colleagues know, I wanted to call Megan's law Duke-Dunn-Deale because JENNIFER DUNN and NATHAN DEAL were the ones that really started it, and I kind of piggy-backed on it. But they were the same things said, and I would challenge the gentleman to look on the computer. I used to think there were 1 or 2 bad sexual abusers, there are hundreds in your district.

Mr. Chairman, I thank the gentleman and I ask for the support of this amendment.

The CHAIRMAN. All time for debate on this amendment expired.

The question is on the amendment offered by the gentleman from California (Mr. CUNNINGHAM).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CUNNINGHAM. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from California (Mr. CUNNINGHAM) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in part A of House Report 106–186.

AMENDMENT NO. 11 OFFERED BY MR. GREEN OF WISCONSIN

Mr. GREEN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 11 offered by Mr. GREEN of Wisconsin:

Add at the end the following:

SEC. ___. MANDATORY LIFE IMPRISONMENT FOR REPEAT SEX OFFENDERS AGAINST CHILDREN.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—

''(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

''(2) DEFINITIONS.—For the purposes of this subsection—

''(A) the term 'Federal sex offense' means an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2243 (relating to sexual abuse of a minor or ward), 2244 (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), or 2251A (relating to selling or buying of children), or an offense under section 2423 (relating to transportation of minors) involving the transportation of, or the engagement in a sexual act with, an individual who has not attained 16 years of age;

''(B) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred forming the basis for the subsequent Federal sex offense, and which was for either—

''(i) a Federal sex offense; or

''(ii) an offense under State law consisting of conduct that would have been a Federal sex offense if, to the extent or in the manner specified in the applicable provision of title 18—

''(I) the offense involved interstate or foreign commerce, or the use of the mails; or

''(II) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151;

''(C) the term 'minor' means any person under the age of 18 years; and

''(D) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) TITLE 18 CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECTION 2247.—Section 2247 of title 18, United States Code, is amended by inserting '', unless section 3559(e) applies'' before the final period.

(2) SECTION 2426.—Section 2426 of title 18, United States Code, is amended by inserting '', unless section 3559(e) applies'' before the final period.

(3) TECHNICAL AMENDMENTS.—Sections 2252(c)(1) and 2252A(d)(1) of title 18, United States Code, are each amended by striking ''less than three'' and inserting ''fewer than 3''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Wisconsin (Mr. GREEN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we debate and consider legislation aimed at protecting our young people from crime and violence. Well, Mr. Chairman, I rise today to offer an amendment aimed at protecting our children from a particularly devastating form of violence, and that is sexual violence. The amendment is known as the Two Strikes and You Are Out Child Protection Act. It is similar to my bill, H.R. 1989, which enjoys bipartisan cosponsorship. Furthermore, it builds upon the fine work done by my colleague from Texas (Mr. FROST) and his law known as the Amber Hagerman Child Protection Act of 1996.

Now this is really a very simple proposal. It provides for a life sentence for those sick individuals who repeatedly prey on our children. This amendment says something very simple. It says

that if someone is arrested and convicted of a serious sex crime against kids and then, after serving that time they do it yet again, under this plan, Mr. Chairman, they will go to prison for the rest of their life.

Now almost as important as what this bill does is what it does not do. This bill in no way conflicts with the fine work of my colleague the gentleman from Texas (Mr. FROST). It builds upon it. It makes it stronger, just as it builds upon the three strikes and you are out law passed by this Congress several years ago.

This bill does not federalize in any way our sexual assault laws, and finally, this bill does not simply pile criminal penalties on for sexual assaults. It has been narrowly drafted to target a very small group of individuals, but individuals who cause so very much damage and destruction in our society, damage to children, damage to families, damage to communities. It focuses on those who repeatedly molest our children.

Mr. Chairman, in my home State of Wisconsin 77 percent of all sexual assault victims are juveniles, and the recidivism rate of the monsters who prey on these children is extraordinarily high. An Emory University report done some years ago suggested that the average child molester will commit 150 acts of child molestation during his lifetime, 150. Furthermore, there is actually a study from the Washington Post that suggests the number is higher, perhaps twice as high. I know these numbers sound unbelievable, I know we do not want to believe them, but unfortunately they are real, and they demand our action. Every time one of these sexual offenders offends, he destroys another life, he steals innocence yet again. When we find someone who has done this terrible act, after having served time for doing it before, in my view that person is self-defiant. He has shown us that he is unwilling or unable to stop his chain of violence.

This amendment, I admit, is not about punishment, it is not about deterrence. Quite simply, this amendment is about removing bad actors from society, keeping them away from our friends, our families, our streets.

Now many of my colleagues are familiar with my good friend Mark Klaas, whose name has come up quite a bit in the debate today, and as many of my colleagues are aware, he is a dedicated child safety advocate. He is the founder of the Mark Klaas Foundation for Kids.

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The story is unfortunately all too famous. His daughter, Polly, 12 years old, was kidnapped from her home in California, brutally molested and murdered. I have in fact here in my file a letter from Mr. Klaas strongly supporting the amendment that we have here today.

I would also like to recognize, once again, the great work done by my colleague, the gentleman from Texas (Mr. FROST) who offered the Amber Hagerman Child Protection Act of 1996. The gentleman from Texas (Mr. FROST) was successful in creating a Federal two-strikes law covering the crime of aggravated sexual abuse. I commend his work and I hope to build on his achievement today.

This bill creates a new repeat offender clause, or a two-strikes provision. It not only includes aggravated sexual abuse, but it also includes other serious sex crimes as well. Crimes like sexual abuse of juveniles, the selling and buying of children, and the transportation of those under 16 for illicit, illegal sexual activity. I would also like to point out that under this amendment, just as with the Frost amendment, previously State offenses which would have qualified as a Federal crime, a Federal strike, had they been prosecuted as such, would count as a strike.

Mr. Chairman, I urge all of my colleagues to support this common-sense, yet very important child protection amendment. If my colleagues want to strike back at the alarming rate of sexual offenses against kids, my colleagues will support this amendment. I hope that they do.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 10 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would begin by pointing out that we are now in the slippery slope of mandatory minimums, and there is a question about the policy wisdom of mandatory minimums that would affect this kind of an amendment. We are taking judicial discretion in individual cases away from the judge and unless there is some compelling reason that this discretion in the judiciary has been abused, or that there are more and more cases coming into the Federal system, this seems to be another emotional statement in the form of an amendment that we are now dealing with.

Mr. Chairman, I reserve the balance of my time.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

I certainly agree with my learned colleague from Michigan. This is a very emotional subject, there are no two ways about it. Of course the day we cease to be emotional about child molestation is the day I cease to be proud to serve in this institution, and I know the gentleman shares that sentiment. I respect his opinion, and that is why this proposal is so carefully and narrowly tailored. It is built upon the three-strikes proposal that was passed by a democratically-controlled Congress some years ago. It is also based upon the proposal of the gentleman from Texas (Mr. FROST) which again I commend.

I took to heart the gentleman's arguments on a previous matter in which he talked about adding clutter, I think was the term, to the law, and was concerned about a lack of clarity when we take sentencing away from the Sentencing Commission. I respect that. In the case, though, of this proposal, I would submit that we add clarity and simplicity to the law, because we send a very strong signal with it. Instead of having conflicting terms and sending conflicting signals, this one is rather simple. Again, this is based upon the three-strikes law which this institution has previously passed and which many, if not most, States in the Nation have.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, one of the problems of doing this outside of the committee is that we do not have the opportunity to research and figure out exactly what the impact of the amendment is.

Section 2241 of the code already has a two-strikes provision. If I could engage the gentleman from Wisconsin in a colloquy, I would like to inquire of him, how does this amendment change present Federal law?

Mr. GREEN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Wisconsin.

Mr. GREEN of Wisconsin. Mr. Chairman, with respect to this provision, it would not. It would essentially recodify the proposal and position of the gentleman from Texas (Mr. FROST).

What this bill does is create a two-strikes provision, a new provision within Federal law; codifies the proposal of the gentleman from Texas (Mr. FROST) and puts that within that. It does not in any way conflict with it.

Mr. SCOTT. Mr. Chairman, reclaiming my time, it does not conflict, but what does it apply to? Because it appears, looking through all of these sections, that some crimes for which one could get probation, two of those would result in a life imprisonment.

I mean that is why we have a Sentencing Commission. They can go through this to determine what the appropriate sentence would be, and we are having a great deal of problems trying to determine all of the areas to which it might apply. It obviously applies to the very serious sexual offenses, but there are a lot of offenses listed in there, touching through clothing, for example, that it may apply to, and two offenses of that for which probation would probably be the sentence would result in a mandatory life sentence. Is that right?

Mr. GREEN of Wisconsin. Mr. Chairman, if the gentleman would yield, which part is the gentleman's question?

Mr. SCOTT. Mr. Chairman, reclaiming my time, what else does it apply to other than section 2241? What kinds of activities does it apply to?

Mr. GREEN of Wisconsin. Mr. Chairman, if the gentleman will yield, it explicitly provides, section 2241, as the gentleman referred to, the aggravated sexual abuse, which is currently the maximum sentence is any term of years or life. It provides for sexual abuse for which the sentence is 20 years; sexual abuse of a minor, 15-year penalty; abuse of sexual contact, 12-year penalty; sexual abuse resulting in death which is a term of years or life or capital punishment; the buying and selling of children, not less than 20 years; and the transportation of minors across State lines for illegal sexual purposes.

I would also remind the gentleman that we are talking in all of these cases about a second offense. So the individual that we are referring to here must have been arrested, convicted, and served his time for a previous commission of such an offense.

Mr. SCOTT. Mr. Chairman, reclaiming my time, are there any offenses in here that if one does twice, do the sentencing guidelines now provide for a year or less for any predicate offenses that the gentleman is describing?

Mr. GREEN of Wisconsin. Mr. Chairman, if the gentleman will continue to yield, the information that I just gave the gentleman, the information I have on the sentences reaches those crimes.

Mr. SCOTT. Mr. Chairman, the gentleman has crimes that are very serious crimes. My question was, are there any crimes for which the sentencing guidelines now are a year or less?

Mr. GREEN of Wisconsin. Mr. Chairman, it covers no other crimes besides the ones that I have stated to the gentleman.

Mr. SCOTT. Do any of those crimes provide for a penalty by sentencing guidelines of a year or less?

Mr. GREEN of Wisconsin. I have given the gentleman the maximum sentences that I have under these.

Mr. SCOTT. What I have asked for is for sentences for which the normal punishment is a year or less. Are there any of those covered?

Mr. GREEN of Wisconsin. Mr. Chairman, I have just given the gentleman the information that I have.

Mr. SCOTT. Mr. Chairman, we cannot get an answer to the question, and that is the problem with trying to do this on the floor and not in committee.

Mr. Chairman, I reserve the balance of my time.

Mr. GREEN of Wisconsin. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. GREEN) has 3 minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 5 minutes remaining.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I strongly urge passage of the Green amendment to put repeat sex offenders behind bars once and for all.

When a child is robbed of his innocence by a sex offender, there are no second chances for that child. The little boy or girl must carry the shame, the fear, and the hurt for the rest of their life. Ironically, when a sex offender is released from prison, they do have a second chance to change the course of their life. There are considerable resources available for them to get treatment and counseling so that they can control their problems. Studies show that a considerable number of sex offenders have molested more than one child before and after their first conviction.

Once a sex offender is caught, they must be punished and treated immediately so that more children are not put in danger. The average convicted child molester only spends 2.2 years in prison. Sex offenders cannot be allowed to repeat their crimes. We cannot continue to put our children at risk, and I strongly support the Green amendment on two strikes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

To the distinguished author of the amendment, might I try to make the point that the gentleman from Virginia was discussing in a little bit different way?

What the concern is, is whether or not this amendment allows a misdemeanor State offense such as a misdemeanor sexual battery as a predicate offense. And if it does, the gentleman sees the problem of some very minor offenses, a couple, that would then bring us into a mandatory life sentence.

This could move us into the cruel and unusual punishment prohibition of the eighth amendment, and I ask my colleague if there has been consideration of this point. I raise it again because we have not had hearings.

Could the gentleman comment on that?

Mr. GREEN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. GREEN of Wisconsin. Mr. Chairman, first off, I appreciate the point. I do better appreciate the question now that it was raised. The answer to the first question about misdemeanor State offense is no, it would not be covered by this.

Secondly, this is the law in Wisconsin already, and this has been the law for some time in Wisconsin. Obviously, I keep referring back, we have a three-strikes law here on the Federal level that would cover many of these same crimes and we have a three-strikes law that would cover many of these same types of crimes in nearly every State in the Union. Again, we are talking about repeated offenses; an offense that is committed after someone has been arrested and convicted of one of these offenses, and that after having served his time, doing it yet again.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I thank the gentleman. Does the gentleman appreciate that had we had a hearing in the Subcommittee on Crime, these kinds of questions might not have been raised here in a colloquy fashion which we have to research the answers on after the debate, and unfortunately, after the vote. But I see where the gentleman is coming from. He is assuring us that these would all be serious felonies that would result in a mandatory life sentence by virtue of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I certainly support this amendment. I concur with the gentleman from Michigan that this is unfortunate in many ways. We have a number of amendments out here that might have been separate bills going through our subcommittee and ironed some of these things out, but I am being reassured by staff who have looked over this that we are not indeed trampling on anything that would be a minor offense. These are major offenses the gentleman is talking about. These are major sex offenders. They are repeat offenders. And I certainly, for one, believe that we ought to put them away as the gentleman from Wisconsin wants to do, so I strongly support his amendment, and I thank him for offering it.

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Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just briefly summarize. I appreciate gentleman's concerns about the lack of a hearing. I did not choose the pace with which this moved.

But let me say this, today we are taking or seizing upon a historic opportunity to not only punish young offenders, but hopefully create protections for young victims. That is obviously what this is all about.

This is a commonsense measure, not a radical departure from law. We have a two strikes and you are out for some sexual offenses, for one type of sex crime we have a three strikes law.

This is a commonsense proposal. It says that for a narrow class of criminals, those who repeatedly prey upon young people, we cannot wait around for three strikes. Three strikes is too many: Too many criminals, too many victims.

This bill says if we find someone who has done it a second time, they are a self-defined repeat offender and we must remove them for the sake of our children, our families, and our communities.

Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I will not take the full minute. I would just point out that one of the reasons we have a problem is the term in the bill is ''Federal sexual offense.'' The code goes back and forth between what a sexual act is and what sexual contact means. Sexual contact could be patting someone on the rear end. If that is what we are talking about, getting two offenses of that and getting life imprisonment, it is obviously out of control.

That is why we need a committee hearing, so we can actually deliberate and get a straight answer to the questions we have been asking. We have been denied that, and here we are, looking at a mandatory life imprisonment potentially on information that we cannot quite understand because it is presented outside of the regular order.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the committee finds itself at some point of difficulty here. It would seem to me, especially with the comments of the Chair of the subcommittee and the ranking member of the Subcommittee on Crime, that this amendment, as salutory as it is intended to be, might better serve the purpose of an orderly process if it were withdrawn at this time for a committee review.

The gentleman from Wisconsin (Mr. GREEN) has made a very good and strong case, but it seems to me that we are leaving some things that really have to be researched by staff, and that we might be able to proceed on this very quickly as a freestanding bill. After all, we still have a great number of months remaining before this term is over, and my fears have not been allayed.

It would seem to me that this juvenile justice bill itself would not be harmed in any way were the gentleman to accede to my invitation.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. GREEN).

The amendment was agreed to.

It is now in order to consider amendment No. 12 printed in Part A of House Report 106–186.

AMENDMENT NO. 12 OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 12 offered by Mr. CANADY of Florida:

Add at the end the following:

SEC. . INCREASE OF AGE RELATING TO TRANSFER OF OBSCENE MATERIAL.

Section 1470 of title 18, United States Code, is amended by striking ''16'' each place it appears and inserting ''18''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Florida (Mr. CANADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for decades it has been a Federal crime to distribute in interstate commerce material that is obscene; that is, material which is patently offensive, sexually explicit, and without serious value. As it has been defined by the Supreme Court, obscenity is by definition outside the protection of the First Amendment of the United States Constitution.

Last year this Congress passed a law which has been codified at 18 U.S.C., section 1470, providing enhanced penalties for distributing this illegal obscene material to children under 16 years of age. Under this law, purveyors of obscenity under the age of 16 are subject to imprisonment for up to 10 years, rather than 5 years.

The amendment I have submitted would simply increase the age of the minors to which the prohibition would apply from children under 16 years of age to children under 18 years of age. There is no reason why Congress should not fully protect all minors from obscene material.

Again, I would point out to my colleagues that the material we are talking about here is material which, by definition, is unprotected under the First Amendment. I believe that those who provide such material to minors should be singled out for a harsher penalty. This proposal that is before the House now would simply ensure that all minors receive the protection of the law that was passed last year protecting minors under 16 years of age.

I would urge my colleagues to support this simple amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek time in opposition?

Mr. CONYERS. Mr. Chairman, I move to strike the last word, rather than seek time in opposition.

The CHAIRMAN. The gentleman is unable to strike the last word.

Without objection, the gentleman from Michigan is recognized to control 5 minutes in opposition.

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to point out to the gentleman from Florida (Mr. CANADY), who I believe is a member of the Subcommittee on Crime, that it would have been my hope that we would have brought this through the committee process.

I have no objection to the measure. As a matter of fact, on its face I quite agree with it. But it is this process that could have quite as easily brought this to the floor through the full committee and the subcommittee.

I was wondering if there were some reason that it did not happen that way.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Chairman, let me express to the gentleman from Michigan my agreement that it would be preferable for us to move all items through the committee process. That is my preference. I would have preferred for this whole process to be operated differently.

But I will tell the gentleman that it is my view that this process is going the way it is because there are certain people not on this side of the aisle who decided that they were going to force the issue, that we could not act quickly enough to satisfy them. We are going through the process we are going through now to avoid the disruption of the process of the House that would have otherwise incurred. I believe that is the reality of why we are here today.

Frankly, I think it is unfortunate. I would have preferred to see hearings and markups conducted on all these matters. But under the circumstances, I think we are dealing with this in the best way possible, given the determination, the apparent determination, of some people to disrupt the legislative process unless these issues were brought to the floor immediately.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his response. I happen to recall that the juvenile justice markups were canceled on one, two, three, maybe four different occasions, and I do not think that whatever the objection that anybody on the Committee on the Judiciary may have had to any of the substance, I do not think this would have run into any difficulty. I do not think the gentleman imagines that this was part of whatever the problem was.

Mr. CANADY of Florida. I would certainly agree. I would hope that all the Members of the House could support this amendment. I believe it is appropriate for us to be dealing with this very simple amendment at this point.

Mr. CONYERS. Mr. Chairman, I have three sentences on this. The fact of the matter is that legislating from the floor on matters of Federal criminal law is not the most orderly process in the world, even when it appears to be a matter that we can all, on the surface, support.

I refer to the immediately preceding amendment offered by the gentleman from Wisconsin (Mr. GREEN), which certainly sounds appropriate, but we ran into a problem. In the 10 minutes we have been debating this measure we have not run into a problem, but it is not beyond my understanding that there might be a problem in here.

I do not think our staff has spent much time on this. There have been no hearings. As I have indicated, I support the measure, from what I have heard of it on the floor. It still is not an orderly way to proceed. I regret that we had to

do it this way. I am sorry that whatever concerned persons did not cooperate so that these hearings in the committee could be scheduled. I do not think it was around this measure, which is coming to my attention rather late.

So Mr. Chairman, I have no objection to this amendment offered by the gentleman from Florida (Mr. CANADY). I do put the committee on notice that I am going to ask my staff to continue to research the matter and bring to the gentleman's attention anything that may be the fruits of that research.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just in responding to the gentleman's point, I would observe that it is not at all unusual for Members to go to the Committee on Rules with an amendment which has not been through the committee process, to have that amendment made in order, and then have it debated on the floor without the benefit of hearings.

So the fact that this amendment is here without having been through the hearing process is by no means extraordinary. I am sure the gentleman from Michigan has brought amendments to the floor that have not been through the committee process. I do not have examples, but I do not think we would have to search far or wide to find examples of the gentleman from Michigan doing that. That is nothing that is against that.

I do agree with the gentleman's general point, that it is better to work issues through the process, but that does not mean that every amendment has to be considered in that way. I certainly think in amendments such as this that the gentleman, as I understand it, agrees to, that it is appropriate for us to bring them to the floor.

I urge all the Members to support this amendment that I think really more than anything else corrects an oversight in the law that we passed last year, and frames that law more appropriately than we did in the last Congress.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. CANADY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 13 printed in Part A of House Report 106–186.

AMENDMENT NO. 13 OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 13 offered by Mrs. KELLY:

Add at the end the following new section:

SEC. ___. CHILD HOSTAGE-TAKING TO EVADE ARREST OR OBSTRUCT JUSTICE.

(a) IN GENERAL.—Chapter 55 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1205. Child hostage-taking to evade arrest or obstruct justice

''(a) IN GENERAL.—Whoever uses force or threatens to use force against any officer or agency of the Federal Government, and seizes or detains, or continues to detain, a child in order to—

''(1) obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ, process, or warrant of any court of the United States; or

''(2) compel any department or agency of the Federal Government to do or to abstain from doing any act;

or attempts to do so, shall be punished in accordance with subsection (b).

''(b) SENTENCING.—Any person who violates subsection (a)—

''(1) shall be imprisoned not less than 10 years and not more than 25 years;

''(2) if injury results to the child as a result of the violation, shall be imprisoned not less than 20 years and not more than 35 years; and

''(3) if death results to the child as a result of the violation, shall be subject to the penalty of death or be imprisoned for life.

''(c) DEFINITION.—For purposes of this section, the term 'child' means an individual who has not attained the age of 18 years.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

''1205. Child hostage-taking to evade arrest or obstruct justice.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from New York (Mrs. KELLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today for the purpose of offering an amendment that addresses the problem of children being taken as hostages. Far too many scenarios have been documented in which children are taken as hostages and exposed to violence, emotional trauma, or physical harm at the hands of adults.

For example, in New York a woman's estranged husband took her and their three children hostage at the point of a loaded shotgun. He held them for nearly 4 hours, and at one point he allegedly traded his 7-year-old son for a pack of cigarettes.

In Texas a man took 80 children hostage at an area day care facility. They were held at gunpoint and released over a 30-hour period before the standoff was brought thankfully to a nonviolent conclusion.

In Florida a suspected drug addict and murderer held two children ages 2 and 4 hostage for 2½ days. An entire Orlando neighborhood was evacuated during the standoff. Only when he threatened to use the children as human shields did a SWAT team rescue the children in a raid that resulted in the death of the suspect.

In Baltimore a man broke into a second-floor apartment, stabbing a young mother and holding her 9-month-old child hostage for 2 hours before a quick response team could rescue the baby and apprehend the suspect.

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Situations such as these are unacceptable and cannot be tolerated. We in Congress must do our part to prevent scenarios in which children are used as pawns by a violent adult.

The amendment I offer today is based on my bipartisan legislation, H.R. 51, and will give new protection to our children. It establishes the strictest punishments for those who would evade arrest or obstruct justice by using children as hostages. This provision toughens penalties against any person who takes a child 18 years of age or younger hostage in order to resist, compel or oppose the Federal Government.

Such a person would serve a minimum sentence of 10 years to a maximum of death depending on the extent of injury to the child.

A number of States, including California, Illinois, Florida, are already enforcing tougher penalties on people convicted of stealing children for their own personal gain.

I ask my colleagues to join me in this important effort to protect the lives and well-being of our Nation's children. It is my hope that together we can make our Nation a safer place for everyone, especially those who are least able to protect themselves.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) claim the time in opposition?

Mr. CONYERS. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield as much time as he may consume to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Subcommittee on Crime.

Mr. SCOTT. Mr. Chairman, this bill, again, did not go through the committee so we do not know the impact. The gentlewoman from New York (Mrs. KELLY) has mentioned several heinous crimes and has not indicated what time was given to those people upon conviction. It would be interesting to see what the Sentencing Guidelines would say in those situations.

Without a hearing, it is difficult to determine what impact this would have one way or the other and, therefore, Mr. Chairman, again, it shows that we are just out here trading sound bites, who can come up with a name for a bill, who can come up with and state a heinous crime and then raise whatever the penalty it was to something we do not know what it is.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentlewoman from New York (Mrs. KELLY), and ask if she would give us an idea of how much time was given in each of those cases that she mentioned. It would be helpful.

Mrs. KELLY. Mr. Chairman, quite frankly, I cannot give the gentleman that information because I did not bring it to the floor with me. It may be important for the gentleman to recognize the fact that this amendment that I am offering passed the floor of the House last year. It passed not only with the membership of the Republican Party but also with a number of Members of the Democratic Party supporting this bill, as they again do this year.

Mr. SCOTT. Reclaiming my time, Mr. Chairman, I am sure it would probably pass. I just wanted to know what we were doing. Apparently we will not find out.

Mrs. KELLY. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I rise to make a strong statement for the protection of America's children. Time and time again we speak of our children as our Nation's most precious possession. This amendment, the Kelly amendment, sends that message to our children. I commend the gentlewoman from New York (Mrs. KELLY) for introducing this legislation.

Just this month two fugitives were arrested after kidnapping a five-month-old boy from a Georgia trailer park to escape capture. After fleeing for 4 days across half a dozen States, the fugitives were finally apprehended in Quebec. Fortunately, the child was unharmed and returned to his parents.

Crimes like this must not be taken lightly. This Kelly amendment toughens penalties against any person who dares to take a child hostage in order to evade arrest. This amendment provides any criminal bringing a child as a hostage into a crime will spend 10 years in prison; harm that child, he serves 20 years in prison; and should the child die, the perpetrator will serve life or be subject to the death penalty.

Today Congress is considering sending a message to America's communities about safety for our Nation's children. We are considering legislation that will give communities the tools, the opportunity and protection they want to give their children, a safe environment in which to grow up. However, this legislation must also send a message to those communities that America will not take any threat to their children lightly. This amendment clarifies that message.

Accordingly, I urge our colleagues to support the Kelly amendment.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this proposal is similar to those that are imposed upon adult offenders of the drug and firearms laws, but what we are doing is promoting the use of mandatory minimums because it is concerned with punishment and not prevention.

We have yet to realize that prevention is indeed the best way to address violence.

So I want to suggest to the committee that mandatory minimums, as this is, are not good policy; that they are, in fact, misguided because they create unfairness and require judicial and correctional expenditures disproportionate to any deterrent or rehabilitative effect that they may have.

That is taken directly from a Drug Policy Research Center study of 1997.

I do not think it is inappropriate to suggest that judges in individual cases are still in the best position to determine what sentences are appropriate for individual offenders. Mandatory minimums take discretion away from the Court to utilize other problem-solving approaches to crime prevention.

What about the U.S. attorneys? When a mandatory minimum crime is involved, this makes any attempt at plea bargaining, if they are moving up a chain of crime figures, literally impossible. In this decade, the U.S. Sentencing Commission reported that over one-third of the Federal defendants whose criminal conduct should have triggered application of a mandatory minimum provision have somehow even yet escaped the effects of such provisions.

So here for the third time in a single evening we have criminal laws named after some poor victim for whom our sympathies are overflowing, but whether or not this is the best way for us to proceed as a matter of process still remains much in doubt.

We are still legislating with no committee of original jurisdiction, that I can recall, having had anything to do with what might be an otherwise well meaning amendment, to impose severe penalties on people who take children as hostage to evade arrest.

Why this was not able to come through the committee in an orderly way is not clear to me. This is not gun legislation. It is the meat and potatoes of the Subcommittee on Crime of the Committee on the Judiciary.

So I am again sorry that this could not have been taken up in a more orderly way.

Mrs. KELLY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the subcommittee.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentlewoman from New York (Mrs. KELLY) for yielding me this time.

Mr. Chairman, I strongly support this amendment. It is a great bill that she introduced last year that we passed here in the House, and I believe this is the perfect case for a minimum mandatory sentence.

If someone is going to take a child as a hostage to try to avoid a judicial writ or court process or to try to compel an agency of the government to do something, they ought to have a minimum mandatory sentence. It is a deterrent message. That is what a minimum mandatory sentence is. It takes a really bad apple off the street and takes them off the street for a period of time.

I commend the gentlewoman from New York (Mrs. KELLY) for offering the bill. It is a good proposal and it should be adopted.

Mrs. KELLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, once again, the passage of this amendment would give law enforcement across the country a new and powerful weapon in the fight against violent criminals. As I mentioned earlier, there are disturbing examples of hostage situations involving children. I hope my colleagues will join me and pass these new protections and protect children from crime in America.

Mr. Chairman, I want to also point out that in the last Congress, this bill did pass through the committee process. So I believe the gentleman from Michigan (Mr. CONYERS) did have a chance to look at it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in part A of House Report 106–186.

AMENDMENT NO. 14 OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer amendment No. 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 14 offered by Mr. HUTCHINSON:

At the end of the bill, insert the following:

SEC. ___. PROHIBITION ON TRANSFERRING TO JUVENILE A FIREARM THAT THE TRANSFEROR KNOWS OR HAS REASON TO BELIEVE WILL BE USED IN A SCHOOL ZONE OR IN A SERIOUS VIOLENT FELONY.

(a) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer any firearm to a person who the transferor knows or has reasonable cause to believe is a juvenile, and knowing or having reasonable cause to believe that the juvenile intends to possess, discharge, or otherwise use the firearm in a school zone.

''(2) It shall be unlawful for a person to sell, deliver, or otherwise transfer any firearm to a person who the transferor knows or has reasonable cause to believe is a juvenile, and knowing or having reasonable cause to believe that the juvenile intends to possess, discharge, or otherwise use the firearm in the commission of a serious violent felony.

''(3) For purposes of this subsection, the term 'juvenile' means an individual who has not attained 18 years of age.''.

(b) PENALTIES.—Section 924(a) of such title is amended by adding at the end the following:

''(7)(A) A person, other than a juvenile, who violates section 922(z)(1) shall be fined under this title, imprisoned as provided in section 924(a)(6)(B)(ii), or both.

''(B) A person, other than a juvenile, who violates section 922(z)(2) shall be fined under this title, imprisoned as provided in section 924(a)(6)(B)(iii), or both.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Arkansas (Mr. HUTCHINSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment makes it unlawful to transfer any firearm to a juvenile if the transferror knows or has reason to believe that the firearm will be used in a school zone or in the commission of a serious violent felony.

This amendment goes to the heart of the problem of straw purchasers, where someone else purchases a firearm for someone else who is disqualified or for the purpose of giving it to a juvenile for an unlawful purpose. Those are straw purchasers.

Under current law, even if the transferror knows that the juvenile intends to use the weapon to commit a crime, the prohibition only covers handguns and handgun ammunition.

Now, amendments have been offered that expand this prohibition to semiautomatic assault weapons and large capacity ammunition feeding devices, or will be considered by the House. However, even with the adoption of these amendments, it will not be against the law to transfer a rifle or a shotgun to a juvenile when the transferror knows that the weapon will be used to commit a crime.

This does not impact any legitimate transfers of firearms, shotguns for hunting purposes or other legitimate purposes. But as we know from the Colorado tragedy, any firearm is sufficient to cause death, whether it is a handgun or not. My amendment closes this loophole and actually does something positive to keep guns out of the hands of violent juveniles.

The penalties for violating this provision are the same as those found in current law, which carries up to 10 years in prison. However, this amendment anticipates the adoption of the McCollum amendment, which amends current law to provide for certain mandatory minimums for violations of school zones and for use during the commission of a serious violent felony.

Mr. Chairman, I believe it is important to note that in many of the recent school shootings, students did use long guns, rifles and shotguns. To the extent that an older friend or relation acquires these guns for such unlawful uses, I believe it is important to hold those accomplices accountable for their actions and to discourage such purchases and transfers when it is used for a serious violent felony or for purposes of use in a school zone.

Mr. Chairman, I would ask support for this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek time in opposition?

Mr. CONYERS. Yes, Mr. Chairman, I do, for purposes of debate.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, could I ask the gentleman from Arkansas (Mr. HUTCHINSON), who is a member of the Committee on the Judiciary and the author of the amendment, whether shotguns and rifles are now within the purview of his amendment?

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arkansas.

Mr. HUTCHISON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, all firearms would be under the purview of the amendment that I am offering if the transfer is with the knowledge that it is going to be used for the commission of a serious violent felony or to be used in a school zone.

Mr. CONYERS. Mr. Chairman, in view of that then I would like to state that we on this side have no objection to this amendment and withdraw any opposition to it.

Mr. Chairman, I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM)

Mr. MCCOLLUM. Mr. Chairman, I do not need 2 minutes but I thank the gentleman from Arkansas (Mr. HUTCHINSON) for yielding me this time.

Mr. Chairman, I just want to say I strongly support this amendment. The gentleman is right, it does perfect an amendment I have already offered that has been adopted out here today, and I think it fills a loophole that needed to be filled so we do not have kids possessing a gun in conditions where they should not.

I think the gentleman has done a good service, and I support the amendment.

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Florida (Mr. MCCOLLUM) for his comments, and if I just might conclude on this issue by saying that I have approached the entire issue of violent juvenile crime in terms of what can we do to keep firearms out of the hands of violent teenagers, people who are prone to crime, as well as criminals?

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That is why we can legitimately look at solving those problems. This amendment certainly goes to the heart of that by making sure there is a strong penalty for those who engage in straw purchases. We have seen that where we would use someone else to purchase a firearm when they are disqualified or have an unlawful purpose. I think this really puts a clamp and will be helpful in addressing the serious problem that this Congress as a whole is trying to address in a bipartisan basis.

I want to thank the gentleman from Michigan (Mr. CONYERS) for his courtesies that he has extended.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in part A of House Report 106–186.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SCOTT. Mr. Chairman, is there a provision for skipping an amendment and coming back to it?

The CHAIRMAN. The Chair would respond to the gentleman that—the one-hour notice procedure established in House Resolution 209 aside—only by unanimous consent in the full House could a change of sequence be accomplished.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TRAFICANT. Mr. Chairman, is it a rule to prohibit another Member from offering an amendment so printed?

The CHAIRMAN. The rule provides that an amendment may be offered by the Member designated in the report or by his or her designee.

AMENDMENT NO. 15 OFFERED BY MR. QUINN

Mr. QUINN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 15 offered by Mr. QUINN:

At the end of the bill, insert the following:

TITLE ____—EXPLOSIVES RESTRICTIONS

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Restricted Explosives Control Act of 1999''.

SEC. ___2. PROHIBITION AGAINST THE DISTRIBUTION OR RECEIPT OF RESTRICTED EXPLOSIVES WITHOUT A FEDERAL PERMIT.

(a) IN GENERAL.—Section 842 of title 18, United States Code, is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A)—

(i) by inserting ''that are not restricted explosives'' after ''explosive materials'' the 2nd place such term appears; and

(ii) by striking ''or'' after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

''(B) to distribute restricted explosives to any person other than a licensee or permitee; or''; and

(C) in subparagraph (C) (as so redesignated), by inserting ''that are not restricted explosives'' after ''explosive materials''; and

(2) in subsection (b)(3), by inserting ''if the explosive materials are not restricted explosives,'' before ''a resident''.

(b) RESTRICTED EXPLOSIVES DEFINED.—Section 841 of such title is amended by adding at the end the following:

''(r) 'Restricted explosives' means high explosives, blasting agents, detonators, and more than 50 pounds of black powder.''.

SEC. ___3. REQUIREMENT THAT APPLICATION FOR FEDERAL EXPLOSIVES LICENSE OR PERMIT INCLUDE A PHOTOGRAPH AND SET OF FINGERPRINTS OF THE APPLICANT.

(a) IN GENERAL.—Section 843(a) of title 18, United States Code, is amended in the 1st sentence by inserting ''shall include the applicant's photograph and set of fingerprints, which shall be taken and transmitted to the Secretary by the chief law enforcement officer of the applicant's place of residence, and'' before ''shall be''.

(b) CHIEF LAW ENFORCEMENT OFFICER DEFINED.—Section 841 of such title, as amended by section 2(b) of this Act, is amended by adding at the end the following:

''(s) 'Chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.''.

SEC. ___4. EFFECTIVE DATE.

The amendments made by this Act shall apply to conduct engaged in after the 180-day period that begins with the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from New York (Mr. QUINN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to discuss an amendment made in order by the rule. Earlier today the House adopted legislation which addresses my concerns regarding the purchase of explosives. I therefore intend to withdraw my amendment here this evening. However, before I do so, I would like to just make a few comments if I may.

First, I want to thank the gentleman from California (Chairman DREIER) and all of my colleagues on the Committee on Rules for making this amendment in order.

I would also like to thank the gentleman from Upstate New York (Mr. REYNOLDS), my friend and neighbor for his assistance.

We have been working to restrict the sale of explosives since 1993 when four bombs exploded in western New York State, killing five people. Current law enabled those responsible for the murders, who have been convicted and are now serving time, to buy the deadly dynamite over the counter in another State ssimply by providing false identification, completing a short Bureau of Alcohol and Tobacco and Firearms form, and promising not to cross State lines.

Although New York State has tough laws with respect to the purchase of explosives, the murderers were able to purchase dynamite simply by going to another State with weaker laws.

As we well know, however, we do not need to go back 6 years to think of a tragedy brought about with the use of explosives. Recent events have again demonstrated the pressing need for increased controls on the purchase of such explosives. Over the weekend, in fact, in my hometown of Hamburg, New York, two of my constituents were killed within a mile of my own house in a violent explosion. The bombing in Oklahoma City and the recent tragedy in Colorado are all obviously examples as well.

Again, currently, certain States allow dynamite and other explosives to be sold over the counter. Language in the McCollum amendment, which was approved by the House earlier today, requires criminal background checks before explosive materials can be transferred to nonlicensed buyers. This McCollum amendment also requires individuals to obtain explosives from federally licensed dealers to obtain that same Federal permit.

I would like to thank the gentleman from Florida (Chairman MCCOLLUM) and the Committee on the Judiciary for addressing the problem.

Mr. Chairman, I yield to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from New York for yielding to me.

I simply want to commend the gentleman for the work he has done over the years on the explosives issue. As the chairman of the Subcommittee on Crime, I know he has been involved, and I appreciate the fact that he is going to withdraw this amendment for reasons of technical nature dealing with what has already been passed.

I think the gentleman from New York (Mr. QUINN) deserves commendation for this. He has been very, very involved with this issue. If it were not for his efforts, we might well not have the provisions we had in my amendment earlier today. So I thank the gentleman from New York for his efforts.

Mr. QUINN. Mr. Chairman, reclaiming my time, I thank the gentleman from Florida (Mr. MCCOLLUM) for his kind words. I also appreciate the work of the House on the floor to make sure that the gentleman from New York had an opportunity to rise here this evening.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. CONYERS. Mr. Chairman, reserving the right to object, I ask the author of the amendment, the gentleman from New York (Mr. QUINN), with all due respect, all examples he gave were good reasons to have this amendment. It sounded like this could be a very important amendment. He says that it is now to be found elsewhere in the McCollum amendment. Is that correct?

Mr. Chairman, under my reservation of objection, I yield to the gentleman from New York (Mr. QUINN) for an answer.

Mr. QUINN. Yes, it is, Mr. Chairman.

Mr. CONYERS. Mr. Chairman, further reserving the right to object, could the gentleman from New York indicate to me where within the voluminous McCollum amendment is the language that would make it unnecessary for his amendment?

Mr. QUINN. Will the gentleman yield?

Mr. CONYERS. Mr. Chairman, under my reservation of objection, I yield to the gentleman from New York.

Mr. QUINN. We are perfectly satisfied with the intent and the language of the McCollum amendment this afternoon, that it met the concerns that we had. Although technical in nature, we had discussions this afternoon with the Treasury Department and others to make certain that our bill, fashioned after Brady and others that have been before the House years before, are satisfied here today.

Mr. CONYERS. Mr. Chairman, could I point out to the gentleman from New York (Mr. QUINN), the author, I am glad he had these discussions earlier. I do not know anything about them, of course. I am not sure, but it is suggested that the gentleman's amendment is stronger than the language he is referring to that appears in Mr. MCCOLLUM'S amendment. Is that correct?

Mr. Chairman, under my reservation of objection, I yield to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Chairman, I appreciate the gentleman from Michigan yielding to me. That is for the gentleman's decision to decide, I guess, whether it is stronger or not. I know that for our purposes in working on this bill and the amendment, for now, going on 4 or 5 years, that we are satisfied that today's action is more than adequate, and we are prepared to go forward with the chairman.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his explanations, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from New York (Mr. QUINN) is withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 16 printed in part A of House Report 106–186.

AMENDMENT NO. 16 OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 16 offered by Mr. DELAY:

At the end of the bill, insert the following:

SEC. ___. LIMITATION ON PRISONER RELEASE ORDERS.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 1632. Limitation on prisoner release orders

''(a) LIMITATION.—Notwithstanding section 3626(a)(3) of title 18 or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court listed in section 610 shall have

jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or admission to a facility because of a conviction of a felony under the laws of the relevant jurisdiction, or a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

''(b) DEFINITIONS.—As used in this section—

''(1) the terms 'civil action with respect to prison conditions', 'prisoner', 'prisoner release order', and 'prison' have the meanings given those terms in section 3626(g) of title 18; and

''(2) the term 'prison conditions' means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

''1632. Limitation on prisoner release orders.''.

(c) CONSENT DECREES.—

(1) TERMINATION OF EXISTING CONSENT DECREES.—Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

(2) DEFINITIONS.—As used in this subsection—

(A) the term ''consent decree'' has the meaning given that term in section 3626(g) of title 18, United States Code; and

(B) the term ''prison conditions'' has the meaning given that term in section 1632(c) of title 28, United States Code, as added by subsection (a) of this section.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Texas (Mr. DELAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment in the form of a bill that passed overwhelmingly in this House last year. So I bring it to the House because I think it is so appropriate to put it on this bill at this time.

Mr. Chairman, we have been talking about crime all day. I rise to introduce this amendment that seeks to cut at the very heart of crime. Early release of felons due to prison conditions puts all Americans at risk, and this practice should stop. All the talk about fighting crime and keeping children safe boils down to nothing if we are not willing to keep prisoners behind bars where they belong.

Now, many States have tried to combat crime by assessing truth in sentencing laws. However, these noble efforts are countered by activist judges who side with predators over victims. Activist judges are accessories to crime. Every day, laws are ignored, misinterpreted, and overturned by radicals in robes who have stolen the role of legislative bodies.

Article III of the U.S. Constitution allows the Congress to set jurisdictional restraints on the courts, and this amendment reasserts that right.

Tragically, judges have used the excuse of overcrowding to empty prisons of violent offenders and drug dealers. These judicial magicians create prison caps out of thin air and then empty jail cells until they reach their arbitrary number.

In Philadelphia, for instance, after some convicts complained, Judge Norma Shapiro created a prison cap that resulted in the release of 500 prisoners every week; 9,732 of these criminals onto the streets because of her own arbitrary caps. These criminals were released. They were later rearrested for new crimes, including murder and rape.

Now, in recent years, 35 percent of all offenders arrested for violent crime were already on probation, parole, or pretrial release at the time of their arrest. Studies show that up to 76 percent of former inmates are rearrested within 3 years of their release.

Even more criminals are released before their trial because activist judges claim that they have no room to keep them in custody. These people should not be let loose, and my amendment assures that they cannot be released due to the prison conditions loophole.

We will not reduce crime until we stop letting criminals back onto the streets to continue to prey on innocent Americans.

This amendment does not prevent any other methods to correct prison conditions. It simply stops judges from releasing dangerous convicts to alleviate overcrowding or other conditions.

Justice may be blind, but it is and does comprehend common sense. This amendment makes neighborhoods safer by keeping convicts behind bars.

Mr. Chairman, no American is free if he does not feel safe in his house or on the streets. Congress must act now to take back our streets. Congress must combat judicial activism. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek to claim the time in opposition to the amendment?

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Texas (Mr. DELAY), the distinguished whip, has offered an amendment that would drastically and, in my view, unconstitutionally limit the authority of Federal judges to remedy inhumane prison conditions where they are brought to their attention to the judicial process.

I would remind the gentleman that, where this kind of a permission is granted, where relief is granted for this condition, it is probably in consonance with the eighth amendment to the Constitution.

I think that the Philadelphia case that the gentleman from Texas (Mr. DELAY) referred to is a State matter. I would like just to inquire that, in his research, since this has not come before the committee, was it his impression that this practice, which he decries, is something that occurs in the Federal system, or is he referring to the Philadelphia case which, it is my understanding, occurred in the State system?

I will repeat it. Apparently the gentleman from Texas did not hear the question that I was posing to him.

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The question is whether or not the conditions of which the gentleman complains, that is the litigation that does release prisoners in inhumane prison conditions, does that turn on State prison conditions or is the gentleman referring to Federal prison conditions? Because it is my understanding that the Philadelphia incident, of which the gentleman remarked, was a State matter.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

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

Mr. DELAY. Mr. Chairman, I am having a hard time understanding the gentleman's question. I guess what he is talking about is the specific case in Philadelphia. It was a Federal judge, and on her own set her own arbitrary limits to overcrowding in the Federal system and started releasing prisoners as a condition of overcrowding. Violent prisoners, if I might say.

Mr. CONYERS. All of them were violent?

Mr. DELAY. Well, what is the gentleman's definition of violence?

Mr. CONYERS. The gentleman is asking me for my definition of violence?

Mr. DELAY. It is the gentleman's question.

Mr. CONYERS. Yes, but it is your term.

Mr. DELAY. It is the gentleman's question. What is the gentleman's definition of violence?

The CHAIRMAN. All Members will follow regular order. The time is controlled by the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Well, reclaiming my time, Mr. Chairman, let me make a case in a different way for the gentleman from Texas. It just so happens that this amendment would improperly interfere with the work of the judicial branch in our constitutional system of government because these cases are legally and properly brought, they are heard by a court, they can even be appealed to from the court.

And so I think that this is a dangerous proposal that would terminate ongoing consent decrees in prison condition cases. In addition, it would prohibit judges from issuing prisoner release orders to remedy unconstitutional overcrowding.

So the gentleman is saying that it does not matter where we put people who have violated the law; it does not matter what circumstances that they are put; that under no circumstances can a judge, having heard all of these arguments on both sides from the Department of Justice or the State Attorney General, they would then be precluded from passing judgment in these kind of cases.

I think this is an unwarranted limitation on States rights. I object very strenuously to the gentleman's amendment, Mr. Chairman, and I include for the RECORD information detailing examples of horrible prison conditions:

Examples of Horrible Prison Conditions Involving Women

Women housed in the previously all-male Federal Detention Center in Pleasanton, California were sexually harassed and abused. They had no privacy when showering, dressing or using the toilets. Prison guards harassed the women and unlocked the women's cell doors at night to allow male prisoners to enter their cells and abuse them. When one of the women complained to a senior officer, her complaint was made known to the other officers and prisoners and she was beaten, raped and sodomized by three men who gained access to her cell during the night. She was denied medical attention for some weeks after the attack despite the serious injuries she sustained. [*Lucas v. White*, filed 1996]

In Georgia, women, some as young as 16 years old, were forced to have sex with prison guards, maintenance workers, teachers, and even a prison chaplain. The sexual abuse came to light when many women prisoners became pregnant and were pressured into having abortions. More than 200 women testified by affidavit that they had been coerced into having sex or that they know other prisoners who had. [*Cason v. Seckinger*, consent decree, 1994]

In Washington, DC, the court found that correctional officers and other prison employees routinely sexually assaulted, touched, and harassed the women in their care. On one occasion, a correctional officer sexually assaulted an inmate while she was a patient in the infirmary. He fondled her, tried to force her to perform oral sex and then raped her. Another officer forced an inmate to perform oral sex on him while she attempted to empty trash as part of a work detail. [*Women Prisoners v. District of Columbia*, post trial order, 1994]

Prison staff in Louisiana engaged in sexual abuse of women prisoners ranging from vulgar and obscene sexual comments to forcible sexual rape. Prison staff not only participated in the sexual misconduct but also allowed male prisoners to enter the female prisons to engage in forcible intercourse with women prisoners. [*Hamilton v. Morial*, consent decree, 1995]

In California, women prisoners received almost no pregnancy-related medical care and, as a result, some gave birth to stillborn or severely deformed babies. One woman, while in active labor, was transported to an outside hospital seated in an upright position in shackles; her daughter suffered severe trauma at birth. Another prisoner, who received almost no prenatal care, gave birth on the floor of the jail without medical assistance three hours after informing staff that she was in labor. [*Yeager v. Smith* and *Harris v. McCarthy*, consent decrees, 1989]

EXAMPLES OF HORRIBLE PRISON CONDITIONS INVOLVING MENTALLY ILL AND DISABLED PRISONERS

In California, a severely mentally ill prisoner was locked naked, without medication, for two years in a ''quiet room,'' where she rubbed feces onto her face and hair, talked incoherently, and did not bathe. Another severely mentally ill inmate was in segregation when she set herself on fire and died. A bulimic, diabetic inmate was placed in a unit with inadequate staff to monitor her condition. When two officers notified a nurse that she was having seizures, the nurse told them ''not to make a fuss over her.'' She died later that afternoon. [Coleman v. Wilson, post-trial order, 1995]

A prisoner with an IQ of 54, was subjected to both verbal and physical attack by other prisoners. Correctional officers dismissed his attempts to express his fears, allowing other prisoners to slash his throat and repeatedly rape and assault him. The California Department of Corrections offered virtually no screening to identify the developmentally disabled and makes little effort to protect them. [Clark v. California, filed 1996]

A Utah prisoner with a long history of mental illness, including depression, self-inflicted wounds, suicide attempts and hearing voices, inflicted deep razor wounds in his abdomen. When he returned from the hospital to the Utah state prison, the prison doctors stopped all of his psychiatric medications and shackled him to a stainless board with metal restraints. He remained shackled for 12 weeks (let up on average about 4 times a week) and developed pressure sores. When he defecated he was hosed off while remaining on the board. He was stripped to his undershorts and frequently not allowed a blanket. He was eventually released from the board and sent to the mental hospital by judge's order and over the objections of prison officials. [N.L.S. v. Austin, filed 1996]

A mentally-ill prisoner at the Moscogee County Jail in Georgia was observed by jailers to be barking like a dog. Without consulting a doctor, they put him into solitary confinement where his condition quickly deteriorated and he committed suicide within hours. A recent investigation by the U.S. Justice Department reported that the medical care at the jail, which houses 1,000 prisoners, consisted of one doctor working a total of four hours per week. The report also noted that jail staff regulatory placed prisoners with serious mental health problems in isolation without consulting a psychiatrist. [Porter v. County of Moscogee, filed 1996]

EXAMPLES OF HORRIBLE PRISON CONDITIONS INVOLVING JUVENILES

A 17-year-old boy in an adult prison in Texas was raped and sodomized. His request to be placed in protective custody was denied. For the next several months he was repeated beaten by older prisoners, forced to perform oral sex, robbed, and beaten again. Each time, his requests for protection were denied by the warden. He attempted suicide by hanging himself in his cell after a guard had ignored the warning letter he wrote. He was in a coma for four months until he died. [Case to be filed this year]

In Pennsylvania, children in a juvenile detention facility were regularly beaten by staff with chains and other objects. The facility was severely overcrowded and, as recently as February 1995, was at 160% of capacity. [*Santiago v. City of Philadelphia*]

In a state-run juvenile institution outside of Philadelphia, the children were routinely beaten by facility staff, staff trafficking in illegal drugs was rampant, and sexual relations between staff and confined youth were commonplace. [*D.B. v. Commonwealth*, consent decree, 1993]

In Delaware, juvenile were housed in overcrowded, dirty living units with serious fire danger. Their food and clothing were inadequate. The children were physically and verbally abused, beaten and maced, and shackled. The medical and mental health care and educational programs they received were all below even minimally acceptable standards. [*John A. v. Castle*, consent decree, 1994]

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DELAY. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I strongly support the work of the majority whip, the gentleman from Texas (Mr. DELAY), and I will tell my colleagues why. As a Floridian, as a resident of that State, we released 127,486 prisoners early, and the judges said we had to do it. It did not matter what crime they committed.

Now, some around here would like us to think we need Holiday Inns and Ritz Carltons for prisoners. I can tell my colleagues what early release did, and they can talk to these families: A 78-year-old woman murdered in an orange grove by a 21-year-old convicted burglar out of prison on early release; a 30-year-old convicted armed burglar who killed a convenience store owner in Palm Beach; a teenager whose corpse was found in a Miami Beach bathtub last year, murdered and mutilated by a 30-year-old murderer and drifter out of jail on early release; or Fort Pierce police officer Danny Parrish, who had to die because we let a convicted murderer out on early release. We do not need any more facts or information than that.

I feel for these families. I do not feel for the criminal. I do not feel for the prisoner. I do not feel for these people who have violated society's laws. I feel for the victims.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HASTINGS of Florida. Mr. Chairman, I ask unanimous consent that each side be given an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. DELAY) each will control an additional 2 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS.)

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

Like my good friend and colleague whose district and mine abut each other, I too am a Floridian with extraordinary concern.

I wish to address the distinguished whip in what I hope is a meaningful way, and that is when you use language, Mr. DELAY, that is so strong to allow that those who get perceptions other than those of us that are playing legislative gamesmanship, as rightly we should.

Federal judges are extremely responsible people in this country, and to the man and woman activists or strict constructionists, if they are construed that way, they act in a very responsible manner. For you to suggest that they are complicit with predators because they have followed the law and made rulings having to do with prisons is just not fair.

I, as a former Federal judge, feel very strongly about speaking up for my colleagues who still do this job. There are judges in South Florida who right today have under their tutelage and curtilage jails that are unfit in these times. Never mind about who is in them.

What you need to understand, when you say that something is done——

POINT OF ORDER

Mr. DELAY. Point of order, Mr. Chairman. Is the gentleman not supposed to speak through the Chair?

Mr. HASTINGS of Florida. Fine.

The CHAIRMAN. The gentleman will suspend.

The gentleman is correct that all Members should address their comments to the Chair.

The gentleman from Florida (Mr. HASTINGS) may proceed.

Mr. HASTINGS of Florida. Mr. Chairman, I understand that I am speaking through you on the basis of the other person that spoke through you.

And what I want you to understand, Mr. Chairman, is that in Florida, since 1996, we have spent more money on prisons and prisoners than we have on the entire university system of Florida, and that is scandalous. For us to continue down this road of just beating up on people who do their jobs responsibly is irresponsible.

What I want him to understand, Mr. Chairman, is that they do not do it out of thin air. We have built prisons in Palm Beach County more because taxpayers could not afford it. And Federal judges did that and I am proud of the fact that they did.

The CHAIRMAN. The time of the gentleman from Florida has expired.

The gentleman from Texas (Mr. DELAY) has 2 minutes remaining.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MCCOLLUM), the distinguished chairman of the subcommittee.

Mr. MCCOLLUM. Mr. Chairman, I want to strongly support the proposal here today of the gentleman from Texas (Mr. DELAY). We have had early release problems for a long time. The interest of inhumanity and inhumane conditions in any prison should be of concern to all of us, but early release, releasing prisoners or not allowing more in prison, should not be the remedy Federal judges use to correct that problem. There could be tent cities, they could require the building of additional prisons, there are a lot of other possible remedies, but public safety is the question.

Letting really terrible criminals loose, as has happened in the State of Florida, violent criminals, in the name of somehow trying to force the legislature of a State to do something is wrong, and that is a very, very bad situation. The remedy the gentleman from Texas has proposed is a reasonable step in the right direction.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, I just wanted to underscore that there was no distinction in Florida whether they were violent or nonviolent offenders. Everyone was treated equally.

Mr. MCCOLLUM. Reclaiming my time, that is correct, Mr. Chairman. Everybody got out. Even violent offenders got out. It was a terrible situation. And, unfortunately, the courts have continued to be a problem in this regard, and the gentleman from Texas (Mr. DELAY) is trying to do something about that problem.

Mr. DELAY. Mr. Chairman, I yield myself the balance of my time.

It is easy to claim we know what is constitutional or not. I just referred to the Constitution and Article III. It is very specific. This Congress, when we create courts, can set their jurisdiction. And when the courts abuse that jurisdiction and overreach by releasing violent criminals, or any criminals, out on the streets because of overcrowding conditions, then we have every right to limit the jurisdiction of these Federal courts.

I might also say to the gentleman from Michigan, in answer to his comments, this amendment in no way eliminates the ability for courts to enter into consent decrees, it does not have anything to do with prisoners filing claims that prison conditions are cruel and unusual.

The gentleman, Mr. Chairman, mischaracterizes my amendment. My amendment is very simple. It just limits the jurisdiction of Federal courts and says that they cannot turn violent criminals out on the streets.

I might also say, Mr. Chairman, that when Federal judges have no concern for the victims of crimes and turn violent criminals out, they should have their jurisdiction limited.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to add and submit the examples of horrible prison conditions involving women, examples of horrible prison conditions involving mentally ill and disabled prisoners, and examples of horrible prison conditions involving juveniles directly after my remarks.

Mr. DELAY. Reserving the right to object.

The CHAIRMAN. The gentleman from Texas (Mr. DELAY) reserves the right to object.

Mr. DELAY. Mr. Chairman, I do not intend to object, because I think it is very important to submit this kind of information, but for the gentleman, Mr. Chairman, to submit such information . . . to think that my amendment has anything to do with bad prison conditions, it has nothing to do with bad prison conditions. It does not limit anybody's right to claim there is bad prison conditions.

Mr. OBEY. Mr. Chairman, I demand the gentleman's words be taken down. The gentleman said the gentleman was trying to mislead this body.

The CHAIRMAN. The gentleman will suspend.

Mr. OBEY. I think he owes a retraction to the gentleman.

Mr. DELAY. Mr. Chairman, I ask unanimous consent to retract the word ''misleading.''

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. DELAY) reserves the right to object to the request of the gentleman from Michigan.

The gentleman from Texas (Mr. DELAY) is recognized under his reservation.

Mr. DELAY. Mr. Chairman, I appreciate it, and under that reservation I apologize for claiming that the gentleman is misleading the House. What I meant to say was the gentleman is confusing the issue on my amendment by offering this information. My amendment has nothing, has nothing to do with cruel and unusual punishment or the rights of people to bring actions if they think that prison conditions are outrageous. It has nothing to do with other remedies to correct those kinds of conditions in prisons.

All my amendment says is that the jurisdiction of the judges to release violent criminals on the streets of this country because of overcrowded conditions will be restricted.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

It is now in order to consider amendment No. 17 printed in part A of House Report 106–186.

AMENDMENT NO. 17 OFFERED BY MR. GALLEGLY

Mr. GALLEGLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 17 offered by Mr. GALLEGLY:

Add at the end the following:

TITLE ___—JUVENILE GANGS

SEC. ___1. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITY.

(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"§ 522. Recruitment of persons to participate in criminal street gang activity

''(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 participate in an offense described in section 521(c).

''(b) PENALTIES.—Any person who violates subsection (a) shall—

''(1) if the person recruited, solicited, induced, commanded, or caused—

''(A) is a minor, be imprisoned not less than 4 years and not more than 10 years, fined in accordance with this title, or both; or

''(B) is not a minor, be imprisoned not less than 1 year and not more than 10 years, fined in accordance with this title, or both; and

''(2) be liable for any costs incurred by the Federal Government or by any State or local government for housing, maintaining, and treating the minor until the minor attains the age of 18 years.

''(c) DEFINITIONS.—In this section:

''(1) CRIMINAL STREET GANG.—The term 'criminal street gang' has the meaning given the term in section 521.

''(2) MINOR.—The term 'minor' means a person who is younger than 18 years of age.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 26 of title 18, United States Code, is amended by adding at the end the following new item:

''522. Recruitment of persons to participate in criminal street gang activity.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. GALLEGLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Chairman, my amendment targets one of the most central causes of violence among young persons, the proliferation of violent street gangs. My amendment will give law enforcement an important tool to fight this growing problem by attacking the lifeblood of gangs, the recruitment of young, impressionable members.

The amendment would make it a Federal crime to use interstate or foreign commerce to recruit a person to join a criminal street gang for the purpose of having that person commit a serious felony. It would impose a prison sentence of 4 to 10 years for the recruitment of a minor into a criminal street gang, and for the recruitment of an adult to commit a serious crime, the amendment imposes a sentence of 1 to 10 years.

This provision was included in S. 254, the companion Senate bill dealing with juvenile crime by the chairman of the Senate Committee on the Judiciary ORRIN HATCH.

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The language was drafted jointly with Senator FEINSTEIN and Senator HATCH. Senator FEINSTEIN first included this provision in the Federal Gang Violence Act of 1996 after lengthy discussions with California law enforcement officials.

Mr. Chairman, this amendment is necessary because gangs are no longer just a local problem involving small groups of teenagers. Instead, gang organizations have become national and in some cases international in scope.

A nationwide survey conducted last year by the Department of Justice found that there was an estimated 25,000 gangs with 652,000 gang members operating in the United States. Many are sophisticated crime syndicates that regularly cross State lines to recruit new members and traffic drugs, weapons, and illegal aliens. They also steal, murder, and intimidate State and Federal witnesses.

Despite the downturn in violent crime nationally, gangs continue to expand their criminal operations into new areas. Here are just a few examples:

The Gangster Disciples, a Chicago-based gang, has 30,000 members, operates in 35 States, traffics in narcotics and weapons, and has an estimated income of $300,000 per day.

The 18th Street Gang, based in Los Angeles, now deals directly with the Mexican and Colombian drug cartels and has expanded its operation to Oregon, Utah, El Salvador, Honduras, and Mexico.

And finally, the Bloods and Crips have, according to the FBI and local law enforcement agencies, spread their tentacles from California to more than 119 cities in the West and Midwest.

One of the ways in which these and other gangs expand is by recruiting children into the criminal enterprise and indoctrinating them into a life of crime. In addition, by having children and teenagers actually do the gang's dirty work, the gang's leaders, many of whom are adults, are able to evade conviction.

This amendment focuses on this problem by giving the Federal law enforcement officials the ability to prosecute gang leaders for the recruitment of new members with the intent of having them commit gang crimes.

I urge the Members to support this bipartisan common-sense crime fighting provision.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek time in opposition to the amendment?

Mr. SCOTT. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, we have the use of new mandatory minimums with the crime that we have not been able to review in committee. I would ask the gentleman from California if he could respond to let us know how the street gang statute has been used so far, whether it has been effective in reducing crime?

Mr. GALLEGLY. Mr. Chairman, would the gentleman please repeat his question? I am sorry, I did not hear it.

Mr. SCOTT. Mr. Chairman, whether or not the street gang statute has been effective in reducing crime?

Mr. Chairman, I yield to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Chairman, no.

Mr. SCOTT. Mr. Chairman, reclaiming my time, that is the problem. The street gang statute is replete with constitutional problems and freedom of association proof problems and really irrelevant, because the normal conspiracy theories will give persons more time than they would ordinarily get.

To compound that with a 4-year mandatory minimum or a 1-year mandatory minimum just goes into another area. But we do not know what we are doing. It would have been extremely helpful if we could have had a hearing to determine what the implications of this amendment might be, one way or the other. We did not have that opportunity.

We are trading sound bites, what sounds good, what makes common sense or may not make common sense. We just do not know.

Mr. Chairman, I yield to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Chairman, I appreciate the gentleman yielding.

This is a problem that we have been contacted by law enforcement agencies, prosecutors from all across this country. The broad bipartisan support that has been indicated on the Senate side that this bill, of course, has been working its way through the system for some time with the leadership of Senator DIANE FEINSTEIN of California and, of course, also with the chairman of the Senate Judiciary Committee, Mr. HATCH, at the appeal of law enforcement officers and prosecutors across this Nation.

Mr. SCOTT. Reclaiming my time, Mr. Chairman, it would have been nice to have had this explained to the committee where we might have been able to consider it in a deliberative fashion. We have been denied that.

And so we are just guessing. It might be a good idea. It might not.

Mr. Chairman, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentleman from El Paso, Texas (Mr. REYES), the former chief of the Border Patrol.

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am pleased to rise in support of the Gallegly amendment to the juvenile justice bill.

Today, as we consider this bill, it would be wrong for us not to address the issue of gangs and the increasing numbers of juveniles that are being recruited into their ranks.

As someone who spent 26½ years in Federal law enforcement, I can tell my colleagues that I have personally observed an increasing violence in the number of street gangs and it continues to be a growing problem all across this country.

These gangs have evolved from local and regional criminal elements into large-scale and well-organized criminal enterprises. They are involved in a range of serious crimes including narcotic trafficking, open violence, intimidation and extortion. Their reach stretches across the country, and they have members in nearly every major metropolitan area, creating a nationwide network of violence and well-organized crime.

The evolution and growth of these gangs is a result of heavy recruitment that takes place by gangs to attract our Nation's youth. Gangs have found that the juveniles are impressionable and easily led into a life of crime. They have also learned that they can direct these recruits to commit and take the fall for crimes while the gang leaders escape responsibility and prosecution. With their emphasis on recruitment of juveniles, they are a significant breeding ground for the rise in crime all across this country.

I am, therefore, pleased to join the gentleman from California (Mr. GALLEGLY) and support his amendment. It provides our Federal law enforcement officials an important tool to prosecute these gang leaders who recruit juveniles to a life of crime.

We simply cannot stand here today and credibly say that we are addressing juvenile crime unless we support this amendment. This amendment provides an effective tool in our law enforcement arsenal and allows our agencies to combat these gangs. I am convinced that this is a proper tool at the proper time for this bill.

Mr. SCOTT. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Virginia has 2½ minutes remaining.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, one of the problems with the mandatory minimums is the gentleman from California mentioned common sense. It takes all common sense out of sentencing.

Last year we passed legislation that provided for mandatory sentence for showing someone a firearm in the commission of a drug deal would get them more time than just shooting the person, in just cold-blooded shooting. Those kind of situations where we just come up with the crime of the day and whatever crime we come up with; we have to be serious about crime, and we take it out of perspective is really the problem with the mandatory minimum sentences.

That is why we have a Sentencing Commission who can look at the crime and put it in perspective, compare it to similarly serious crimes, and give an appropriate sentence rather than just the crime of the day.

I would have hoped that we could have had this in committee. We would have had time to consider it, assess a reasonable sentence in relationship to the crime, considering other similar crimes. But we do not have that opportunity. We are on the floor. We have good vote-getting sounds bites. We have somebody say that we have got to be serious about crime and this is serious and, therefore, a 4-year mandatory minimum is what we have got to go along with.

That is not the way we ought to legislate. And I would hope that we would in the future consider these bills in committee and also consider the Sentencing Commission to take the politics out of crime.

Mr. DAVIS of Illinois. Mr. Chairman, I stand to voice my support of the Gallegly Amendment to H.R. 1501, The Child Safety & Protection Act. This Amendment, specifically, targets the gang recruitment of young persons that occurs every day across this great country. I see the need for such action every day in the Seventh Congressional District of Illinois. I walk down Madison street and across Western street, and I see how gangs rob America's youth of their future by inducing them, threatening them, and seducing them into a life of crime. Every day, I see the terrible price these children eventually pay. We lock them up and throw away the key or they end up dead, it is time that Congress did something to stem gang recruitment.

By making it a federal crime to travel in, or use the facilities of interstate or foreign commerce to recruit someone to be a member of a criminal street gang we are making a strong stand against gang violence. As a nation we need to take this strong action to reduce the numbers of youth entering street gangs. This worthy amendment represents a large step forward in combating gangs and crime. I stand with my worthy colleague from California in voicing support for this needed amendment and congratulate him on its passage.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. GALLEGLY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 18 printed in part A of House Report 106–186.

AMENDMENT NO. 18 OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 18 offered by Mr. GOSS:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. 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.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Florida (Mr. GOSS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment parallels an amendment offered by the gentleman from Florida (Mr. MCCOLLUM) and the efforts of the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Florida (Mr. CANADY) and the gentleman from Nevada (Mr. GIBBONS).

It is short. It is to the point. It provides for four new district judges for the middle district of Florida, three for Arizona, and two for Nevada. This exact language is already contained in the Senate juvenile justice bill and similar legislation overwhelmingly passed this House last year.

In these communities, the need for judges has hit the emergency level. In

the middle district of Florida, for example, we have experienced a 62-percent caseload increase since 1990, the last time we added a new judgeship. In fact, the active caseloads for judgeships exceeds the national average by as much as 100 percent. These statistics are important, but they do not begin to describe the human impact.

In Ft. Myers, my hometown, a brand new Federal courthouse has an empty judge's chambers, absolutely empty. While there are more than 800 active cases pending, there is no Article III judge to hear them.

While we may disagree on the merits of further gun restrictions or increased penalties for juveniles, one thing is absolutely certain, that all of us suffer when justice cannot be delivered. Even the best laws are neutered if the judicial branch fails to adjudicate in a timely fashion.

Mr. Chairman, I understand that there are as much areas of this country with compelling arguments for more judges. These three States, however, are among the top six court districts having the highest weighted caseloads. In fact, the independent judicial conference recommended a total of 19 new judgeships for these States.

This amendment contains nine paralleling the Senate language. This is a responsible, necessary step to restore swift and certain justice in some of the highest growing areas in the land. It is a bipartisan amendment in both Houses. I urge its adoption.

Mr. Chairman, I yield to the distinguished gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to point out the middle district of Florida encompasses 5 of the 10 fastest growing cities in the United States. It is a 400-mile district from Jacksonville to Naples. And we have had no new Federal judges since 1990 and during that time have had a 60-percent increase in total filings and cases per judge, which is extraordinary.

So I commend the gentleman for letting me join with him in this amendment and urge its adoption.

Mr. GOSS. Mr. Chairman, I am happy to yield to the distinguished gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I thank my friend and colleagues for yielding and applaud him on his leadership on this issue.

Mr. Chairman, of course, this issue is one of fundamental fairness. The basic tenet of all our judicial system is the right to a speedy trial. The addition of these Federal judges will allow not only Florida, Arizona, and Nevada, who are rapidly growing; in fact Nevada has one of the highest growth-rate cities in the Nation, to be able to compete with that and complete that speedy-trial requirement.

The Federal average caseload is about 400 cases per judge. In Nevada, the caseload per active judge is about 863. These two new Federal judges for Nevada will allow for Nevada to compete with that fundamental fairness and justice.

I urge the passage of this amendment.

Mr. GOSS. Mr. Chairman, I have to point out that the gentleman from Florida (Mr. CANADY) and the gentleman from Florida (MR. MCCOLLUM) have taken the lead efforts in this matter and we are grateful.

Mr. Chairman, I yield to the distinguished gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman for yielding; and I want to thank him for the leadership that he has demonstrated, along with the gentleman from Florida (Mr. MCCOLLUM) and the others who have been involved in this effort.

We are facing a serious problem in the middle district of Florida. There is an unacceptable backlog of cases. The administration of justice is not going forward as it should in a timely fashion. This is something that has to be addressed, and I believe it is important for the House to step forward and meet its responsibility to make the judicial personnel available to deal with the cases that are there.

This is an urgent matter. And if we are serious about the timely administration of justice in the middle district of Florida and in these other areas that are affected by this amendment, we will adopt this amendment unanimously and get on with the business of seeing that justice is administered.

Mr. GOSS. Mr. Chairman, I reserve the balance of my time.

Ms. BERKLEY. Mr. Chairman, I am not opposed to this amendment, but I ask unanimous consent to be recognized to control debate time.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. BERKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Florida (Mr. GOSS) for offering this amendment.

Mr. Chairman, I rise today in strong support of the Goss amendment to provide additional judgeships for Florida, Arizona, and Nevada, clearly the three neediest States in the country.

As the representative of southern Nevada, I stand before you today to demonstrate how great our need is for more judges. Nevada is ranked second out of 94 in the Nation for caseload per judge and first in the Ninth Circuit. Nevada is third in the Nation for growth of civil cases per judge and eighth for felony cases.

In 1998 a total of 863 cases were filed in Nevada, almost double the national average of 467 cases. Nevada is fifth in the country for pending cases. If a constituent in my district files a lawsuit today, that case will not be heard until January of the year 2002. Other citizens across the United States have only to wait 9 months for justice.

The reason for this delay in Nevada is that we do not have enough judges for this extraordinary caseload. And justice delayed is justice denied.

The Goss amendment would give much needed relief to our overworked system. The two judgeships provided for Nevada would be the first additions to our judicial circuits since 1984. While Nevada has not seen an increase in the number of judges in its Federal courts in 15 years, Nevada's population has almost tripled.

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It is imperative that our judicial system is expanded to handle this explosive growth. With 5000 new residents pouring into southern Nevada every single month with no end in sight, this crisis in our judicial system will only get worse if we do not address it today. Because of the dynamic commercial development in southern Nevada we have some of the most complex and difficult cases in the Nation. Southern Nevada is truly a microcosm of our Nation's judicial system. Whatever can be found in the United States will be found in my district tenfold.

As an attorney I can tell my colleagues that our judges handle complex antitrust cases, intricate security litigation and a wide array of employment discrimination cases and civil rights cases. They also hear an unusually high number of fraud and criminal cases. We need these additional judgeships.

Mr. Chairman, this is an emergency amendment to handle an emergency situation. If Members review the facts, they will see that there are solid reasons why Florida, Arizona and Nevada are distinguished from the other jurisdictions. I urge my colleagues on both sides of the aisle to provide this relief. Let us pass the Goss amendment and ensure that our judicial courts can continue operating with the goal of protecting all of our citizens.

Mr. GOSS. Mr. Chairman, we have no further speakers. I yield back the balance of my time.

The CHAIRMAN. All time for debate expired.

The question is on the amendment offered by the gentleman from Florida (Mr. Goss).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 19 printed in Part A of House Report 106–186.

AMENDMENT NO. 19 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 19 offered by Mr. Traficant:

Page 4, line 23, strike ''To'' and insert the following ''Except as provided in section 1803(f), to''.

Page 13, after line 19, insert the following:

''(f) SPECIAL RULES.—

''(1) In general.—The funds available under this part for a State shall be reduced by 25 percent and redistributed under paragraph (2) unless the State has in effect throughout the State a law which suspends the driver's license of a juvenile until 21 years of age if such juvenile illegally possess a firearm or uses a firearm in the commission of a crime or an act of juvenile delinquency.

''(2) REDISTRIBUTION.—Any funds available for redistribution shall be redistributed to participating States that have in effect a law referred to in paragraph (1).

''(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

MODIFICATION OFFERED BY MR. TRAFICANT TO AMENDMENT NO. 19 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the pending amendment be modified by the modification I have submitted to the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 19 offered by Mr. TRAFICANT:
the matter proposed to be inserted, strike ''25 percent'' and insert in lieu thereof ''10 percent''.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that the amendment be modified?

Mr. CONYERS. Reserving the right to object, Mr. Chairman, could I inquire of the author of the amendment what is the purpose or what is this reduction about?

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, relatively we do not want to really penalize States and make it overly burdensome to enact this legislation, but we want to, in fact, try and encourage the States to move towards this prevention modality that I am offering.

Mr. CONYERS. So, it is from 25 percent to 10 percent of what?

Mr. TRAFICANT. Of the justice funds be made available to the State under the act.

Mr. CONYERS. I thank the gentleman from Ohio.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

As my colleagues know, Mr. Chairman, I am a former sheriff, and I think this bill is lacking in one major area, and that is prevention. The only acceptable crime to me was the crime that was never committed, an old axiom, an ounce of prevention is worth a full pound of cure. The Traficant amendment simply says there be a 10 percent reduction in funds under this bill for any State that does not enact the following law:

Any juvenile that commits an offense involved with a gun or firearm and convicted, in addition to any other penalties that are placed before under the State, they would also have their driving privileges revoked to age 21.

It is a very simple little preventive measure. Kids love to drive cars, and many of them make mistakes they wish they had back 30 seconds of their life, and I could see a new attitude and mentality in saying, ''Look, Bob, I dig you, but I don't want to hear about it with that gun,'' and for the first time we begin to modify some behavior.

I think it is very important for Congress to look at prevention elements, to try and reduce the potential of crime. Not every kid in jail for a crime is as bad as he is purported to be, for sure, and there is some kids and some parents we have to tell it is their kids that other kids should stay away from for sure.

I think it is a very good amendment, I think mandatory minimums and all of the heavy penalties we put are not going to make much of a difference, and I am not going to say this is going to affect every kid and have a great reduction in crime, but I think it will become the universal applied law through the States where most of the crime is committed; the word will get out and say, ''Look, man, I don't want to lose my driving privileges,'' and I think it will have some beneficial effect, enough of a beneficial effect that I think it would be good for the country.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I want to rise to support the amendment with the gentleman from Ohio. Having had the accommodation that he granted a moment ago in the modification, I think the gentleman has been gracious about that. In principle I have agreed with him all along, that the idea of a child, a youngster, losing their driving privileges is an extraordinary incentive. That is probably the best disciplinary tool we have got for a teenager, and I think that it does work.

The only question I ever had was the attachment as a condition that perhaps in some larger States in the Nation, cost the money in this bill if their legislatures did not go along, which they might well not, and the money, being money in this base bill that goes to improvement of the juvenile justice systems and the States for more juvenile judges, probation officers and so forth, that is extraordinarily important.

The only restriction in the bill other than this one that exists is the one on requiring States to demonstrate graduated sanctions punishing the first time offender, which is not happening right now, and we are worried about putting consequences, and, as the gentleman knows, and accountability into the law now making sure that from the very first early delinquent act a child receives some kind of sanction.

So I understand the gentleman has been sympathetic to my concerns, I am sympathetic to his, and with the reduction of the amount of loss of money for failing to do this to a State down to 10 percent as the condition, I support the gentleman's amendment, and I appreciate his accommodation.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate it. In closing I would just like to add the following:

We should be about trying to prevent crime. This message does that. As a former sheriff, I know that most of the deal, most of the debate we have about crime, is really in the State province, and I think this is one way to deal with the volumes of cases that are affected by State law.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek to control the time in opposition?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SCOTT) for 5 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this seems like a reasonable bill to add loss of driver's licenses to the myriad of different options available to a judge. However, we have had no hearing on this provision, and so we do not know what it might do.

I would also add that we are telling the States to change their laws to accommodate this particular provision. It is another mandatory sentence, and one of the things we heard from judges and advocates and researchers was that the punishment should be individualized to the particular juvenile. This does not individualize the punishment. It gives a one size fits all. There may be some young people for whom the loss of license may not be appropriate, a young person who may need the license to continue employment, for example. There may be other punishments that may be more appropriate for that individual, and for that reason, Mr. Chairman, I think this needs some more work. It should be considered by committee and should be opposed at this time.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio is recognized for the 30 seconds remaining.

Mr. TRAFICANT. Mr. Chairman, it would be up to the States, and, as they have done in some DUI cases with juveniles, they could grant exceptions for young people who have to use their car for work.

The bottom line, that is up to the States. It would simply reduce the

funds if they did not enact the law that would cause them to lose and revoke their driving privileges.

Mr. Chairman, I urge the Congress for an aye vote.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 20 printed in part A of House Report 106–186.

AMENDMENT NO. 20 OFFERED BY MR. MEEHAN

Mr. MEEHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 20 offered by Mr. MEEHAN:

At the end of the bill, insert the following:

SEC. ___. YOUTH CRIME GUN INTERDICTION INITIATIVE (YCGII).

(a) IN GENERAL.—The Secretary of the Treasury shall expand—

(1) to 75 the number of city and county law enforcement agencies that through the Youth Crime Gun Interdiction Initiative (referred to in this section as YCGII) submit identifying information relating to all firearms recovered during law enforcement investigations, including from individuals under 25, to the Secretary of the Treasury to identify the types and origins of such firearms; and

(2) the resources devoted to law enforcement investigations of illegal youth possessors and users and of illegal firearms traffickers identified through YCGII, including through the hiring of additional agents, inspectors, intelligence analysts, and support personnel.

(b) SELECTION OF PARTICIPANTS.—The Secretary of the Treasury, in consultation with Federal, State, and local law enforcement officials, shall select cities and counties for participation in the program under this section.

(c) ESTABLISHMENT OF SYSTEM.—The Secretary of the Treasury shall establish a system through which State and local law enforcement agencies, through online computer technology, can promptly provide firearms-related information to the Secretary of the Treasury and access information derived through YCGII as soon as such capability is available. Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the Chairman and ranking Member of the Committees on Appropriations of the House of Representatives and the Senate, a report explaining the capacity to provide such online access and the future technical and, if necessary, legal changes required to make such capability available, including cost estimates.

(d) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit to the Chairman and ranking Member of the Committees on Appropriations of the House of Representatives and the Senate a report regarding the types and sources of firearms recovered from individuals, including those under the age of 25; regional, State, and national firearms trafficking trends; and the number of investigations and arrests resulting from YCGII.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Treasury to carry out this section $50,000,000 for fiscal year 2000 and such sums as may be necessary for fiscal years 2001 through 2004.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Massachusetts (Mr. MEEHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment expands the youth crime gun interdiction initiative to 75 cities and county law enforcement agencies throughout the country. The ATF's youth crime gun interdiction initiative is a cutting edge strategy to disrupt the illegal supply of guns to juveniles.

Following the example of the fantastic successes of the Boston gun project led by Professor David Kennedy, local law enforcement officials in 27 cities are employing ATF's expertise and resources to trace firearms used in crimes. This number of participating cities is currently slated to grow to 37 cities and counties by the end of Fiscal Year 2000.

Now the Boston gun project, also known as operation cease-fire, is aimed at preventing youth homicide. It combines Federal efforts with those State and local law enforcement authorities to crack down on the illegal guns supplied, those officials who identify sources and patterns of illegal firearm trafficking and develop law enforcement strategies to reduce the flow of weapons to the youngest members of our society. Once we know how the kids are getting the guns, and from whom they are getting the guns, and where those guns are coming from, we will be far more likely to be able to prevent the kids from getting guns in the first place.

For example, through gun tracing the Boston Police Department discovered that the guns being used by gang members in one particular neighborhood were purchased by one individual in Mississippi and then transported to Boston. Now after that individual was arrested, shootings in that neighborhood declined dramatically. The connection between guns and juvenile crime is well known. Virtually all of the striking rise and the homicide rate between 1987 and 1994 was associated with guns.

Now the Senate included an expansion of the youth gun control interdiction initiative in their version of the juvenile justifies legislation. In fact, the other body passed this legislation and expands the programs to 250 cities or counties by October 1, the year 2003. As time goes on and this program continues to demonstrate success, we can add cities to the list. My amendment is not gun control legislation, but rather it is a proven effective crime control. It simply keeps illegal guns out of the hands of those kids who use them to commit crimes and seeks out and punishes those who provide guns to kids.

I was disappointed that this program was not included in the gentleman from Illinois' juvenile justice bill, especially in light of the fact that it has proven so successful. Trafficking of guns drives the worst kind of violent crime. We can address this problem with the youth gun interdiction initiative that has already started to do just that.

Mr. Chairman, keeping guns out of the hands of children is not a new debate. Over 30 years ago Robert Kennedy spoke about the dangers of kids and guns in words that have proven unfortunately timeless. We have a responsibility to the victims of crime and violence, Robert Kennedy said. It is a responsibility to think not only of our own convenience but of the tragedy of sudden death. It is a responsibility to put away childish things to make the possession and use of firearms a matter undertaken only by serious people who will use them with the restraint and maturity that their dangerous nature deserves and demands.

☐ 2030

Let us end kids' access to guns once and for all.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek to control time in opposition to the gentleman's amendment?

Mr. MEEHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I want to suggest that what the gentleman from Massachusetts, a member of the Committee on the Judiciary is doing, is extremely important, because rather than trying to determine penalties and negative means of controlling dangerous weapons, we are going to the root of the problem. Many of these young people get guns from sources that are not entirely clear to us, and this gun control initiative is going to surely be helpful. I want to congratulate the gentleman on this, because the Senate has already moved and they are waiting for us.

So I am happy to add the support of the Democrats on the committee for this important measure.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume, and I thank the ranking member, and I would say that there are success stories in cities across the country; in Boston, I mentioned, and in my hometown of Lowell, Massachusetts where the police department is initiating similar goals and objectives. I thank the gentleman for his support.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MEEHAN).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 10 offered by the gentleman from California (Mr. CUNNINGHAM);

Amendment No. 16 offered by the gentleman from Texas (Mr. DELAY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 10 OFFERED BY MR. CUNNINGHAM

The CHAIRMAN. The pending business is a demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CUNNINGHAM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 401, noes 27, not voting 6, as follows:

[Roll No 214]

AYES—401

Abercrombie	Buyer	Doyle
Ackerman	Callahan	Dreier
Aderholt	Calvert	Duncan
Allen	Camp	Dunn
Andrews	Canady	Edwards
Archer	Cannon	Ehlers
Armey	Capps	Ehrlich
Bachus	Capuano	Emerson
Baird	Cardin	English
Baker	Carson	Eshoo
Baldacci	Castle	Etheridge
Baldwin	Chabot	Evans
Ballenger	Chambliss	Everett
Barcia	Chenoweth	Farr
Barr	Clement	Fattah
Barrett (NE)	Clyburn	Filner
Barrett (WI)	Coble	Fletcher
Bartlett	Coburn	Foley
Barton	Collins	Forbes
Bass	Combest	Ford
Bateman	Condit	Fossella
Becerra	Cook	Fowler
Bentsen	Cooksey	Frank (MA)
Bereuter	Costello	Franks (NJ)
Berkley	Cox	Frelinghuysen
Berman	Coyne	Frost
Berry	Cramer	Gallegly
Biggert	Crane	Ganske
Bilbray	Crowley	Gejdenson
Bilirakis	Cubin	Gekas
Bishop	Cunningham	Gephardt
Blagojevich	Danner	Gibbons
Bliley	Davis (FL)	Gilchrest
Blumenauer	Davis (IL)	Gillmor
Blunt	Davis (VA)	Gilman
Boehlert	Deal	Gonzalez
Boehner	DeFazio	Goode
Bonilla	DeGette	Goodlatte
Bonior	Delahunt	Goodling
Bono	DeLauro	Gordon
Borski	DeLay	Goss
Boswell	DeMint	Graham
Boucher	Deutsch	Granger
Boyd	Diaz-Balart	Green (TX)
Brady (PA)	Dickey	Green (WI)
Brady (TX)	Dicks	Greenwood
Brown (FL)	Dingell	Gutierrez
Brown (OH)	Dixon	Gutknecht
Bryant	Doggett	Hall (OH)
Burr	Dooley	Hall (TX)
Burton	Doolittle	Hansen
Hastings (WA)	McIntosh	Scarborough
Hayes	McIntyre	Schaffer
Hayworth	McKeon	Schakowsky
Hefley	McKinney	Sensenbrenner
Herger	McNulty	Serrano
Hill (IN)	Meehan	Sessions
Hill (MT)	Menendez	Shaw
Hilleary	Metcalf	Shays
Hinchey	Mica	Sherman
Hinojosa	Millender-McDonald	Sherwood
Hobson	Miller (FL)	Shimkus
Hoeffel	Miller, Gary	Shows
Hoekstra	Miller, George	Shuster
Holden	Minge	Simpson
Holt	Moakley	Sisisky
Hooley	Mollohan	Skeen
Horn	Moore	Skelton
Hostettler	Moran (KS)	Slaughter
Hoyer	Moran (VA)	Smith (MI)
Hulshof	Morella	Smith (NJ)
Hunter	Murtha	Smith (TX)
Hutchinson	Myrick	Smith (WA)
Hyde	Nadler	Snyder
Inslee	Napolitano	Souder
Isakson	Neal	Spence
Istook	Nethercutt	Spratt
Jackson-Lee (TX)	Ney	Stabenow
Jefferson	Northup	Stark
Jenkins	Norwood	Stearns
John	Nussle	Stenholm
Johnson (CT)	Oberstar	Strickland
Johnson, Sam	Obey	Stump
Jones (NC)	Olver	Stupak
Kanjorski	Ortiz	Sununu
Kaptur	Ose	Sweeney
Kelly	Oxley	Talent
Kennedy	Packard	Tancredo
Kildee	Pallone	Tanner
Kind (WI)	Pascrell	Tauscher
King (NY)	Pastor	Tauzin
Kingston	Pease	Taylor (MS)
Kleczka	Peterson (MN)	Taylor (NC)
Klink	Peterson (PA)	Terry
Knollenberg	Petri	Thompson (CA)
Kolbe	Phelps	Thompson (MS)
Kucinich	Pickering	Thornberry
Kuykendall	Pickett	Thune
LaFalce	Pitts	Thurman
LaHood	Pombo	Tiahrt
Lampson	Pomeroy	Tierney
Lantos	Porter	Toomey
Largent	Portman	Towns
Larson	Price (NC)	Traficant
Latham	Pryce (OH)	Turner
LaTourette	Quinn	Udall (CO)
Lazio	Radanovich	Udall (NM)
Leach	Rahall	Upton
Levin	Ramstad	Velazquez
Lewis (CA)	Rangel	Vento
Lewis (GA)	Regula	Visclosky
Lewis (KY)	Reyes	Vitter
Linder	Reynolds	Walden
Lipinski	Riley	Walsh
LoBiondo	Rivers	Wamp
Lofgren	Rodriguez	Watkins
Lowey	Roemer	Watts (OK)
Lucas (KY)	Rogan	Waxman
Lucas (OK)	Rogers	Weldon (FL)
Luther	Rohrabacher	Weldon (PA)
Maloney (CT)	Ros-Lehtinen	Weller
Maloney (NY)	Rothman	Wexler
Manzullo	Roukema	Weygand
Markey	Roybal-Allard	Whitfield
Martinez	Royce	Wicker
Mascara	Ryan (WI)	Wilson
Matsui	Ryun (KS)	Wise
McCarthy (MO)	Sabo	Wolf
McCarthy (NY)	Salmon	Woolsey
McCollum	Sanchez	Wu
McCrery	Sanders	Wynn
McGovern	Sandlin	Young (AK)
McHugh	Sawyer	Young (FL)
McInnis	Saxton	

NOES—27

Campbell	Johnson, E. B.	Paul
Clay	Jones (OH)	Payne
Clayton	Kilpatrick	Pelosi
Conyers	Lee	Rush
Cummings	McDermott	Sanford
Engel	Meek (FL)	Scott
Hastings (FL)	Meeks (NY)	Shadegg
Hilliard	Mink	Waters
Jackson (IL)	Owens	Watt (NC)

NOT VOTING—6

Brown (CA)	Houghton	Thomas
Ewing	Kasich	Weiner

☐ 2055

Mr. HILLIARD, Mr. PAUL, Mrs. CLAYTON, and Mr. CONYERS changed their vote from ''aye'' to ''no.''

Mr. DELAHUNT changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated For:

Mr. EWING. Mr. Chairman, on rollcall No. 214, I was unavoidably delayed. Had I been present, I would have voted ''yes.''

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 16 OFFERED BY MR. DELAY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DELAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 296, noes 133, not voting 5, as follows:

[Roll No. 215]

AYES—296

Aderholt	Buyer	Duncan
Andrews	Callahan	Dunn
Archer	Calvert	Edwards
Armey	Camp	Ehlers
Bachus	Canady	Ehrlich
Baird	Cannon	Emerson
Baker	Capps	Eshoo
Ballenger	Castle	Etheridge
Barcia	Chabot	Everett
Barr	Chambliss	Ewing
Barrett (NE)	Chenoweth	Fletcher
Bartlett	Clement	Foley
Barton	Coble	Forbes
Bass	Coburn	Fossella
Bateman	Collins	Fowler
Bentsen	Combest	Franks (NJ)
Bereuter	Condit	Frelinghuysen
Berry	Cook	Gallegly
Biggert	Cooksey	Ganske
Bilbray	Costello	Gekas
Bilirakis	Cox	Gibbons
Bishop	Cramer	Gilchrest
Blagojevich	Crane	Gillmor
Bliley	Cubin	Gilman
Blunt	Cunningham	Goode
Boehlert	Danner	Goodlatte
Boehner	Davis (FL)	Goodling
Bonilla	Davis (VA)	Gordon
Bonior	Deal	Goss
Bono	DeLay	Graham
Borski	DeMint	Granger
Boswell	Deutsch	Green (TX)
Boyd	Diaz-Balart	Green (WI)
Brady (TX)	Dickey	Gutknecht
Bryant	Doolittle	Hall (TX)
Burr	Doyle	Hansen
Burton	Dreier	Hastings (WA)

Hayes	McIntosh	Sessions
Hayworth	McIntyre	Shadegg
Hefley	McKeon	Shaw
Herger	Menendez	Shays
Hill (IN)	Metcalf	Sherman
Hill (MT)	Mica	Sherwood
Hilleary	Miller (FL)	Shimkus
Hinojosa	Miller, Gary	Shows
Hobson	Mollohan	Shuster
Hoekstra	Moran (KS)	Simpson
Holden	Murtha	Sisisky
Holt	Myrick	Skeen
Hooley	Nethercutt	Skelton
Horn	Ney	Smith (MI)
Hostettler	Northup	Smith (NJ)
Hulshof	Norwood	Smith (TX)
Hunter	Nussle	Smith (WA)
Hutchinson	Ortiz	Souder
Hyde	Ose	Spence
Inslee	Oxley	Spratt
Isakson	Packard	Stabenow
Istook	Pallone	Stearns
Jenkins	Pascrell	Stenholm
John	Paul	Stump
Johnson (CT)	Pease	Sununu
Johnson, Sam	Peterson (MN)	Sweeney
Jones (NC)	Peterson (PA)	Talent
Kanjorski	Petri	Tancredo
Kelly	Phelps	Tanner
Kildee	Pickering	Tauzin
King (NY)	Pickett	Taylor (MS)
Kingston	Pitts	Taylor (NC)
Kleczka	Pombo	Terry
Knollenberg	Porter	Thornberry
Kolbe	Portman	Thune
Kuykendall	Price (NC)	Thurman
LaHood	Pryce (OH)	Tiahrt
Lampson	Quinn	Toomey
Largent	Radanovich	Traficant
Latham	Ramstad	Turner
LaTourette	Regula	Upton
Lazio	Reyes	Visclosky
Leach	Reynolds	Vitter
Levin	Riley	Walden
Lewis (CA)	Rivers	Walsh
Lewis (KY)	Roemer	Wamp
Linder	Rogan	Watkins
Lipinski	Rogers	Watts (OK)
LoBiondo	Rohrabacher	Weldon (FL)
Lofgren	Ros-Lehtinen	Weldon (PA)
Lowey	Rothman	Weller
Lucas (KY)	Roukema	Wexler
Lucas (OK)	Royce	Weygand
Luther	Ryan (WI)	Whitfield
Maloney (CT)	Ryun (KS)	Wicker
Maloney (NY)	Salmon	Wilson
Manzullo	Sandlin	Wise
Mascara	Sanford	Wolf
McCollum	Saxton	Wu
McCrery	Scarborough	Young (AK)
McHugh	Schaffer	Young (FL)
McInnis	Sensenbrenner	

NOES—133

Abercrombie	Engel	Lee
Ackerman	English	Lewis (GA)
Allen	Evans	Markey
Baldacci	Farr	Martinez
Baldwin	Fattah	Matsui
Barrett (WI)	Filner	McCarthy (MO)
Becerra	Ford	McCarthy (NY)
Berkley	Frank (MA)	McDermott
Berman	Frost	McGovern
Blumenauer	Gejdenson	McKinney
Boucher	Gephardt	McNulty
Brady (PA)	Gonzalez	Meehan
Brown (FL)	Greenwood	Meek (FL)
Brown (OH)	Gutierrez	Meeks (NY)
Campbell	Hall (OH)	Millender-McDonald
Capuano	Hastings (FL)	
Cardin	Hilliard	Miller, George
Carson	Hinchey	Minge
Clay	Hoeffel	Mink
Clayton	Hoyer	Moakley
Clyburn	Jackson (IL)	Moore
Conyers	Jackson-Lee (TX)	Moran (VA)
Coyne	Jefferson	Morella
Crowley	Johnson, E. B.	Nadler
Cummings	Jones (OH)	Napolitano
Davis (IL)	Kaptur	Neal
DeFazio	Kennedy	Oberstar
DeGette	Kilpatrick	Obey
Delahunt	Kind (WI)	Olver
DeLauro	Klink	Owens
Dicks	Kucinich	Pastor
Dingell	LaFalce	Payne
Dixon	Lantos	Pelosi
Doggett	Larson	Pomeroy
Dooley	Rangel	Rahall
	Rodriguez	Serrano
	Roybal-Allard	Slaughter
	Rush	Snyder
	Sabo	Stark
	Sanchez	Strickland
	Sanders	Stupak
	Sawyer	Tauscher
	Schakowsky	Thompson (CA)
	Scott	Thompson (MS)
		Tierney
		Towns
		Udall (CO)
		Udall (NM)
		Velazquez
		Vento
		Waters
		Watt (NC)
		Waxman
		Woolsey
		Wynn

NOT VOTING—5

Brown (CA)	Kasich	Weiner
Houghton	Thomas	

□ 2103

So the amendment was agreed to.

The result of the vote was announced as above recorded

PARLIAMENTARY INQUIRY

Mr. CONYERS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CONYERS. Mr. Chairman, can the Chair inform us of the schedule at the present moment for the balance of the evening as to whether there will be further votes?

The CHAIRMAN. The Chair has no information on the schedule.

Mr. CONYERS. Could leadership give us a clue?

Mr. MCCOLLUM. Mr. Chairman, it is my understanding that we are going to roll votes through the DeMint amendment in the order that we are and probably take any votes that have been ordered then. I do not know if the intent is to go further than that but I do not believe Members generally will be required to stay for votes after that. I am not quite sure how long that will take.

Mr. CONYERS. I thank the subcommittee chair. It is our hope on this side that we will roll all the votes for the balance of the evening, if it pleases the leadership.

The CHAIRMAN. It is now in order to consider amendment No. 21 printed in part A of House Report 106–186.

AMENDMENT NO. 21 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 21 offered by Mr. STEARNS:

At the end of the bill insert the following:

SEC. ___. FINDINGS.

The Congress finds that—

(1) more than 40,000 laws regulating the sale, possession, and use of firearms currently exist at the Federal, State, and local level;

(2) there have been an extremely low number of prosecutions for Federal firearms violations;

(3) programs such a Project Exile have succeeded in dramatically decreasing homicide and gun-related crimes; and

(4) enhanced punishment and aggressive prosecution for crimes committed with firearms, or possessing a firearm during commission of a crime, are common sense solutions to deter gun violence.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the legislation we are discussing today and tomorrow will be a major factor in demonstrating how this Congress addresses the concerns of our Nation. My amendment inserts a set of congressional findings into H.R. 1501 regarding enforcement of Federal firearms laws.

Mr. Chairman, both the House and the Senate have heard hours of testimony regarding this current epidemic of youth violence, with both bodies examining the role that guns have played in the issue. One of the most striking facts to emerge from these hearings is a very small number of prosecutions for Federal firearm violations.

Now, all of us in this Chamber remember the Brady Act which passed in the 103rd Congress. It was a law designed to prevent criminals or other ineligible individuals from obtaining firearms through waiting periods and background checks.

President Clinton announced earlier today that since passage of the Brady bill over 400,000 sales to individuals prohibited from owning a firearm were prevented. Two-thirds of those were prior felons.

Under current law, it is illegal to submit false information in attempting to purchase a firearm. However, Mr. Chairman, not even a tenth of those attempts were prosecuted.

Let me just give a few statistics from the Executive Office of the U.S. Attorney on Firearms from 1996 to 1998. Out of all violations in the first phase of the Brady Act, only one person was prosecuted for unspecified violations under the Brady Act. Less than 100 were prosecuted since the beginning of the second phase; the instant check phase, there has not been a single prosecution.

Now, let us compare the Brady Act to another program, one that was not initiated by Federal mandate and not initiated by this Congress, Project Exile out of Richmond, Virginia.

This was initiated by the U.S. Attorney's Office in Richmond, Virginia. Specifically, the program increased the number of prosecutions for felony possession of firearms when an individual was apprehended in possession of a gun.

When an individual was apprehended in possession of a gun, he was exiled to prison for a minimum of 5 years. Law enforcement officers carried a laminated card specifying the types of criminals targeted under the program: Felons, drug users and fugitives. If a suspect was caught with a firearm, and it was determined that any Federal law had been broken, prosecution began immediately.

In 1997, Richmond had one of the highest homicide rates in the Nation. Within one year, under Project Exile, Richmond's homicide rate was reduced by one-third. Furthermore, at the end of 1998, 309 Federal criminal gun law

violations were prosecuted. These were prosecutions in one city, in one county.

The Brady Act is nationwide and cannot even begin to compete with this program, Mr. Chairman.

The administration in testimony before the House Committee on the Judiciary stated that the number of prosecutions are not a good measure of the law's effectiveness. In fact, Attorney General Reno, in her May 5 appearance before the Senate Committee on the Judiciary, stated, ''I cannot promise improvement in the numbers of prosecutions.''

Prosecution is a key to the law's effectiveness. The Brady Act may have prevented 400,000 illegal purchases but knowing that two-thirds were prior felons, how many of those then obtained guns illegally? If they were prosecuted for attempting to purchase a firearm as the law requires, we would not have to ask that question.

Mr. Chairman, my enforcement amendment simply states that this body recognizes that our country has over 40,000 firearm laws at all levels of government, and there has been less than adequate prosecution of these 40,000 laws. It acknowledges the success of Project Exile through vigorous enforcement and prosecution of current laws.

Finally, Mr. Chairman, my amendment states that enhancement and aggressive prosecution of gun crimes is the best deterrent to gun violence. Enforcement and prosecution is the key to curbing gun violence and protecting our children, and I urge the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from Ohio (Mrs. JONES) is recognized for 10 minutes.

Mrs. JONES of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Florida (Mr. STEARNS) admits that the Brady Act is working. He cites 400,000 criminals and others who could not get guns, but he says that those 400,000 prohibited persons should have been tried or prosecuted for false statements.

I would say to the gentleman from Florida (Mr. STEARNS), this shows that he does not understand Brady's purposes. It is preventive. If 400,000 ex-cons are stopped from getting semiautomatic and other illegal weapons, the law worked. Prosecutions were never the purpose of the Brady Act.

First, the amendment notes that with thousands of current Federal and State and local firearms laws in existence, there have been very few prosecutions under those laws.

This finding is simply inaccurate. 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. It is a rise from 20,681 to 25,186. This argument also does not acknowledge that the violent crime rates in America have dropped significantly since 1992. The Nation's overall violent crime rate has dropped by nearly 20 percent since 1992.

□ 2130

The collaboration between Federal, State and local authorities and community leaders has led to more significant decreases in specific areas. The drops in the violent crime rate extends specifically to crimes involving guns as well.

Between 1992 and 1997, violent crimes committed with guns, including homicides, robberies, and aggravated assaults fell by an average of 27 percent. Overall, these statistics show that the government is pursuing actively any violations of the current firearm laws.

The argument that the decrease in the number of Federal prosecutions indicates otherwise ignores the cooperation between the several levels of government and members of the community to maximize prosecutorial resources.

Second, the amendment notes that programs such as Project Exile, which shifts prosecution of gun offenses from State court to Federal court, have reduced homicide rates. While Project Exile has reduced homicide rates, it is not without its share of criticisms.

First, it greatly expands the number of criminal cases handled in the Federal court, which prevents the court from adequately handling other cases that are the proper domain of the court such as civil rights case and multistate civil cases. Further, by requiring the U.S. Attorney to charge the most serious offense possible, it takes away prosecutorial discretion.

Finally, encouraging Federal prosecutors to prosecute State court offenses is another example of the Federal Government encroaching on the domain of the States.

When I got elected to Congress, Mr. Chairman, I committed to my colleagues, members of the National District Attorneys Association, that if I had an opportunity to stand on the floor of the House to oppose any legislation that will require Federal prosecutors to do our job, I would do that. I stand here today in opposition to this amendment and many of the other amendments that have come to this floor to take away the discretion of State prosecutors.

State prosecutors are elected and well endowed with the ability to handle many of the offenses that we are considering here on this floor today. So I rise in opposition to the amendment.

Further, Mr. Chairman, I would say, drying up the supply of firearms and building on the success of Brady is what we intend to do. Since 1993, when Brady became law, it meant more than 250,000 felons, fugitives, and other prohibitive purchasers have been denied access to firearms.

Let us talk about the purpose of Brady. It was preventive. It meant we do not even let them get to have a gun in order to commit an offense. By considering the amendment that is on the floor today, Mr. Chairman, we deny the importance of Brady and make a suggestion, just by assuming the facts of the amendment of the gentleman from Florida (Mr. STEARNS), that that is going to do something to curb the gun problem in our country.

To make statements is not going to curb the problem. The way we curb gun problems in our country is gun control, gun safety, and gun trigger locks.

Mr. Chairman, I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think, while I have my other speaker speak, I would like the gentlewoman from Ohio (Mrs. JONES) to read the Federal Criminal Code. It is a Federal crime to even attempt to buy a firearm. Perhaps she would like to read 922. I do not think she quite understands the amendment.

Mr. Chairman, I am delighted to yield 1 minute to the gentleman from Virginia (Mr. BLILEY), the distinguished chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Let me say this, I commend the gentleman for his amendment. Project Exile has worked in Richmond. It has the support of the Richmond City Council, the Richmond City Police Department. It has been responsible for reducing homicides in the city by a substantial amount.

Let me read, though, it has been recognized that most violent crime is committed by just a few repeat offenders, the U.S. Attorney for the Eastern District of Virginia, whose office initiated Project Exile, says, and I quote, ''Officials were shocked at the extent of Project Exile. Suspects criminals records: Several have been four, five and eight convictions of offenses as serious as robbery, abduction, and murder. Let me say, this has been a project that has worked, and I hope that more cities and communities around the country will adopt it.''

Mrs. JONES of Ohio. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from Ohio for yielding me this time, and I thank her for her very pointed and very responsive comments to the gentleman's amendment.

I think it is all right to recite as findings that we all can do a better job at law enforcement. But I think it is important to be clear on just what has happened over the last 5 years. Gun laws are enforced more vigorously today than 5 years ago by nearly any measure. Prosecutions are more frequent than ever before. Sentences are longer, and the number of inmates in prison on gun offenses is at a record level. The number of inmates in Federal prison on firearm or arson charges

increased 51 percent from 1993 to 1998 to 8,979.

I think it is certainly commendable of the Committee on Rules to have allowed just about every amendment that Republicans offered to get in, some good, some not. But it certainly does not speak to what we are trying to do here, to be responsible.

I think my colleague made it very clear that the Brady bill is preventive. It is to get guns out of the hands of felons and criminals so that they do not commit crimes.

I have a letter from the City of Houston, Houston Fire Department EMS that indicates that passing laws in and of themselves are preventive.

I hope we will be able to pass, for example, closing the gun show loophole. Those provide chilling effects, as the Brady bill did, to prevent people from even going, when I say people, prevent those individuals who have criminal interests from even going into a gun show. I hope the gentleman from Florida (Mr. STEARNS) will join us in passing that.

The city of Houston EMS director wrote and said the gun safety legislation we passed in 1992 saw a sizable decrease in intentional shootings by children just by the passing of the law.

So I would take issue with the fact that we have a problem with enforcement. But I would also ask my colleague if he would join me in supporting increasing the ATF, as I had offered in the Committee on Rules, by some thousand officers to increase it to 2,800.

All of these things I think contribute to a better response to gun violence. But certainly I am not talking about the fact that we have not been enforcing the law.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just would remind the gentlewoman from Texas (Ms. JACKSON-LEE), who serves on the Committee on the Judiciary, that the Brady bill was not passed just to persuade people not to get firearms. It was put in place to actually enforce people who were felons. As I pointed out earlier to the gentlewoman from Ohio (Mrs. JONES), in the Federal Criminal Code, on Rule 922, unlawful acts, it is unlawful to attempt to buy a firearm if one is a felon.

We have had plenty of data to show that occurred, and it was not prosecuted. So if that side of the aisle wants to make the case and excuses that they do not want to prosecute, that is their case.

Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. SHADEGG).

(Mr. SHADEGG asked and was given permission to revise and extend his remarks.)

Mr. SHADEGG. Mr. Chairman, I rise in strong support of the gentleman's amendment, and I want to make it clear what it does and what it does not do.

Project Exile is a very simple project initiated by the U.S. Attorney in Richmond, Virginia, and it is straightforward. It simply says we will have zero tolerance for two things: crimes committed with guns and possessing a gun when one commits a crime.

The U.S. Attorney in Richmond, Virginia said, ''You know what? We have got lots of criminals committing crimes with guns and lots of criminals, indeed many of them previously convicted felons, who cannot possess a gun, committing crimes while they possess a gun; and we are going to adopt a policy that says we will tolerate that not one iota, zero tolerance for crimes committed with guns and for possessing a gun while committing a crime.''

So they decided to aggressively prosecute those two crimes. What was the net effect? Three hundred ninety defendants have been prosecuted in Federal court. But that is the shocking result. The shocking result is that the crime, the homicide rate in the city of Richmond, Virginia was cut by one-third.

Let us talk about what this amendment says. The amendment says straightforward, findings about what has happened, and says ''enhanced punishment and aggressive prosecution for crimes committed with firearms, or possessing a firearm during the commission of a crime, are common-sense solutions to deter gun violence.''

Who can argue with that? We need to prosecute those crimes as aggressively as possible and should hope we can achieve the results that Richmond, Virginia has achieved.

I urge Members to support the amendment.

Mrs. JONES of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, so that the other side of the aisle is not confused, no one on this side of the aisle is not encouraging prosecution. The statement that has in fact been made is that the Brady bill's intention was to take guns out of the hands of criminals.

Now, it is important that since my colleagues think it is important to set forth findings in the record in this juvenile crime bill with regard to the Richmond case, why not set forth some findings that, in fact, if we had a trigger lock on the gun, people would not be able to kill other people so quickly? Why not set forth a finding that, if, in fact, we had a waiting period on the purchase of a gun, people might not have opportunity to shoot people so quickly?

My colleagues talk about common-sense solutions. The common-sense solutions, as I said, Mr. Chairman, would, in fact, set forth the finding that, if, in fact, this Congress would find that gun control and gun safety were important, we would have less homicides and less killings in this country.

So when we talk about common-sense solutions, let us get some common sense in the House and pass gun control right here, right now, today.

But let us go back to findings as we call common-sense solutions. In fact, prosecutors throughout this country, both Federal and State prosecutors, have done a great job at prosecuting all types of offenses. Crime in this country is down as a result of the prosecution by numerous prosecutors throughout this country. Homicide rates are down as a result of numerous prosecutions by prosecutors, both State and Federal.

Mr. Chairman let me state to my colleagues that I rise in opposition to the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Florida for yielding me the time.

I thank the gentlewoman from Ohio (Mrs. JONES), Mr. Chairman, although I do wish with parliamentary decorum she would address her remarks through the Chair.

As former President Reagan said, facts are stubborn things. The fact is, Mr. Chairman, 300,000 convicted felons have not been prosecuted under the Brady law.

Project Exile and the amendment offered by the gentleman from Florida (Mr. STEARNS) is a common-sense solution to say that criminals who commit crimes with firearms and with firearms in their possession will go to jail.

Mr. STEARNS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I strongly support this amendment. The fact is that, if one is a felon and one goes to buy a gun anywhere or possess one, one has committed a crime and one ought to be prosecuted.

Under the Bush administration, under what they call Operation Trigger Lock, that was happening all over the country so that we could take felons who committed the crime of having a gun on their person after they have been convicted previously off the streets. This administration has been unwilling to do that.

Sure we have State prosecutions that may be up on gun crimes, but we sure as heck do not have Federal prosecutions. The gentleman from Florida (Mr. STEARNS) has a very good amendment to point that fact out.

We should be prosecuting these folks. We should be locking them up. Notwithstanding that Brady may have other purposes as well that are good, this is a very important one, and it should be done.

Mrs. JONES of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to, for the record, make it clear that I have addressed all of my remarks to the Chairman and will continue to do so because I understand decorum on the floor as well.

Let me suggest that, under the Bush administration, we did not have the Brady bill. So, surely, they had to do trigger lock.

Under the Clinton administration, we have had in fact had the Brady bill, and trigger lock is still operating throughout many of the jurisdictions throughout this United States.

It is important again, I say, that if in fact we are making findings, let us make findings that, without guns, people cannot kill. Without the NRA pushing so many of my colleagues on the floor to vote against gun controls, we would not have guns in our streets.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentlewoman from Ohio (Mrs. JONES) has 45 seconds remaining. The gentleman from Florida (Mr. STEARNS) has 1 minute remaining.

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Mr. STEARNS. Mr. Chairman, I have the opportunity to close, as I understand.

The CHAIRMAN. The gentleman is correct.

Mr. STEARNS. Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mrs. JONES of Ohio. I am raising the question of his right to close with the entire time, Mr. Chairman.

We are defending the committee position, so I am raising the parliamentary inquiry as to why he has the opportunity to close.

The CHAIRMAN. The Chair understands that the gentlewoman is not a member of the committee. It is only a member of the committee controlling time in opposition to the amendment who has the right to close.

Mrs. JONES of Ohio. Mr. Chairman, I ask unanimous consent to yield the balance of my time to a member of the committee and that that individual be allowed to control the time.

Mr. STEARNS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentlewoman from Ohio (Mrs. JONES) has 45 seconds remaining, and the gentleman from Florida (Mr. STEARNS) has 1 minute remaining and reserves the right to close.

The Chair recognizes the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the committee.

Mr. DELAHUNT. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I find it interesting that during the course of this debate we are talking about enforcement, and yet earlier, when I asked the chair of the subcommittee whether he had authorized $8 million to fund the additional or designated assistance, the answer was ''No, we will do it someplace else.''

I just want to close by saying just imagine if we are reluctant to do that what the cost would be to prosecute 10 percent of 400,000 cases. This is absurd. These cases are prosecuted, as the gentlewoman has indicated, at the State level. Crime is down. Homicides are down. Why? Because of the Brady bill.

Mr. STEARNS. Mr. Chairman, I yield myself the balance of my time, and would respond to my good friend from Massachusetts, who was not here earlier, that my colleague the gentleman from Florida (Mr. MCCOLLUM) did offer an amendment to provide $50 million additional money for prosecution.

At any rate, let me close, Mr. Chairman, by saying if the general public understood the truth about crime and guns, there would be virtually no support for the gun control measures that are continually posed here in Congress. Crime and criminals are what the public is really concerned about. And the uncomplicated truth is that under existing Federal laws any violent felons or drug dealers who pick up any firearms are committing serious Federal crimes, crimes punishable by long prison terms.

The law can work, but only, I say to my colleagues on that side, if it is enforced. It has been, with great success, enforced in Richmond, Virginia, under a program we talked about earlier, Project Exile. Project Exile adopts a zero tolerance for Federal gun crimes with Federal, State and local law enforcement.

Mr. Chairman, I urge the passage of my amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

It is now in order to consider amendment No. 22 printed in part A of House Report 106–186.

AMENDMENT NO. 22 OFFERED BY MR. LATHAM

Mr. LATHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 22 offered by Mr. LATHAM:

Add at the end the following new title:

TITLE ___—DRUG DEALER LIABILITY

SEC. ___. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

(a) IN GENERAL.—Part E of the Controlled Substances Act is amended by adding at the end the following:

''SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

''(a) IN GENERAL.—Except as provided in subsection (b), any person who manufactures or distributes a controlled substance in a felony violation of this title or title III shall be liable in a civil action to any party harmed, directly or indirectly, by the use of that controlled substance.

''(b) EXCEPTION.—An individual user of a controlled substance may not bring or maintain an action under this section unless the individual personally discloses to narcotics enforcement authorities all of the information known to the individual regarding all that individual's sources of illegal controlled substances.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the time relating to section 520 the following new item:

''Sec. 521. Federal cause of action for drug dealer liability.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I would like to take the opportunity to thank the Committee on Rules and the gentleman from Florida (Mr. MCCOLLUM) for giving me the opportunity to offer my amendment to this very important bill addressing juvenile crime in America.

Unfortunately, juvenile crime is a growing trend across this Nation. For years, the rural States thought themselves immune from serious juvenile crime and drug problems that were affecting America's coasts and the big cities. However, this is no longer the case. In fact, nowhere is juvenile crime growing faster than in America's heartland. This, of course, is directly related to the incredible growth in drug use.

According to the U.S. Department of Justice's latest statistics, juvenile drug arrests across the Nation have more than doubled since 1988. My home State of Iowa is experiencing an unprecedented influx of methamphetamines. Just last week in Storm Lake, Iowa, with a population of just 8,769 people, 10 were arrested for trafficking and drugs. Four of those arrested were only 18 years old. Those kids are probably just finishing high school and pushing that poison on other students.

Clearly, our children are the most innocent and vulnerable to those affected by illegal drug use. The very nature of drug abuse makes this an epidemic that has severe monetary costs as well, creating significant financial challenges for parents, law enforcement and human service providers. For many of the juvenile addicts, who are increasingly female, by the way, the only hope is extensive medical and psychological treatment, along with physical therapy or even special education. All of these potential remedies are expensive. Very, very expensive. In fact, the most recent figures estimate the annual cost of substance abuse in the United States to be nearly $100 billion.

Juveniles, through their parents or through court-appointed guardians,

should be able to recover damages from those in the community that have entered and participated in the sale of the types of illegal drugs that have caused those injuries. The amendment I am offering today would provide a civil remedy for the people harmed by drugs, whether it be the actual user, the family of a user, or even the clinic or the community that provides treatment to hold drug dealers accountable for selling this poison that is tearing apart the very fabric of our society.

There are drug pushers in all of our congressional districts who profit from this culture of death, pain and dependency that must be taken to task. Many of them elude the authorities by getting off on technicalities in criminal actions or through their positions as affluent members in the community. However, that should not make them immune for paying for the destruction they cause.

This amendment would empower victims to take action, like the Utah housewife who sued her husband's drug dealer ''friend'' of 6 years under that State's drug dealer liability law. Her husband actually shared a vacation cabin with the dealer until after years of abuse her husband lost his job and ruined his family. Other States, such as California, Arkansas, Illinois, Michigan, Georgia, Louisiana, Indiana, Hawaii, South Dakota and Oklahoma, have enacted similar laws.

The first lawsuit brought under a State drug dealer liability law was brought by Wayne County Neighborhood Legal Services in Michigan on behalf of a drug addicted baby and its siblings. The suit resulted in a judgment of $1 million in favor of the baby. The City of Detroit joined in on the suit and received a judgment of more than $7 million to provide drug treatment for inmates in the city's jails.

This legislation, while not as comprehensive as those State laws, which incorporate a broad reaching liability, does provide a simple tool to empower victims. In fact, this amendment is perfectly suited to go after the white collar drug dealers whose clientele includes their professional friends, who are less likely to be the subject of a criminal investigation.

As we all know, parents who abuse drugs are more likely to have children that abuse drugs as well. It is my hope the prospect of substantial monetary loss, made possible by my amendment, would also act as a deterrent to entering the narcotics market. Dealers pushing their poison on our children and other family members may think again when they consider that they could lose everything, even without a criminal conviction. In addition, this amendment would establish an incentive for users to identify and seek payment for their own drug treatment from those dealers who have sold drugs to the user in the past.

While this legislation is not meant to be a silver bullet, it is another tool to combat and deter drug abuse and trafficking. Current law allows for a producer of a legal product that injures a customer to be held liable for injuries resulting from the use of that product. However, most States do not provide compensation for persons who cause injury by intentionally distributing illegal drugs. The Latham drug liability amendment fills the gap to make drug dealers liable under civil law for the injuries to the victims of the drug.

Finally, I hope I will be able to work with the chairman, the gentleman from Florida (Mr. MCCOLLUM), and ranking member, the gentleman from Michigan (Mr. CONYERS), on a more comprehensive liability measure in the future.

Mr. Chairman, I urge my colleagues to support the Latham amendment and give the victims of illegal drugs an opportunity to hold the drug dealers of this poison accountable under criminal and civil law.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. If there is no objection, the gentlewoman from California (Ms. WATERS) may control the time otherwise reserved for the opposition.

Is there objection?

Ms. JACKSON-LEE of Texas. In its present form, Mr. Chairman, I will stand in opposition to the amendment and I exercise the reservation at this time.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) objects. Does the gentlewoman from Texas seek to control the time in opposition?

Ms. JACKSON-LEE of Texas. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 10 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 5 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of this amendment. I think this is an excellent amendment that is being offered by the gentleman on the opposite side of the aisle, the gentleman from Iowa (Mr. LATHAM). And let me tell my colleagues why.

This amendment, as I understand it, is an amendment that would make drug dealers liable for the poison that they put out on the streets and the harm that is perpetrated on those who end up being the victims of these drug sales. And it does not matter who is doing it, but if they are found to be guilty and liable for selling these drugs, then that creates a cause of action.

The reason that I am supporting this is because I have been working for some years trying to help unfold what happens in the intelligence community as it relates to trafficking and drugs and covert operations. What we have discovered is that the CIA, as one of the intelligence agencies, knew very well about the trafficking in drugs, particularly as it related to getting profits from the drugs that went to support the Contras in the war between the Contras and the Sandinistas.

For many months now we have had people who have been working on this, and they have said to us that all of the damage that was caused by these drugs, the crack cocaine that was let loose in these communities in an effort to fund the Contras, is directly the fault of the CIA and those intelligence agencies that were involved in these covert operations.

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So this gentleman is absolutely correct. They should be made liable for what they have done. They have admitted now that there were drug traffickers in their midst. They have said they were not responsible directly, but they have said they had a memorandum of understanding, which some of us question. Well, there is no longer a memorandum of understanding, and this amendment would take care of that.

I am thankful to the gentleman for offering this amendment. Because it does not matter who it is, whether it is a drug dealer on the streets, in the cornfields of Iowa, or a drug dealer up in New York or the Midwest, wherever it is, or the intelligence community, if they are dealing in drugs for any reason, they should be liable for the devastation and the harm that is caused to the individuals who end up being the victims of those drug sales.

So I would ask my colleagues on both sides of the aisle to embrace this amendment, to support this amendment, to vote ''aye'' on this amendment. It is very important that we finally have an opportunity to seek justice for those victims that were created as a result of trafficking drugs by our own intelligence community.

We have some young people who are actively working on a lawsuit coming out of the San Francisco area on this very issue. This will support that. This will help them to be able to get all of the victims to come forth, some of them who will be able to comply with the conditions of this amendment.

As I understand it, the conditions of this amendment would have those victims identify those persons who were responsible for selling the drugs. We have people who are claiming to be able to identify people in the intelligence community who were involved.

Also, we have people who are able to identify the assets of the intelligence community, many of them still in this country, some of them have fled to Nicaragua and down in Guatemala and other places, who should really be extradited and brought back here for the harm that they caused.

I would ask support for this amendment. I think it is a good amendment. I think it is a sound amendment.

Mr. Chairman, finally, I would say to the gentleman from Iowa (Mr. LATHAM) that he is doing the work that is needed to be done to get at the drug dealers

who would dare dump this poison on our children and in our midst.

Mr. LATHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me thank the gentleman from Iowa (Mr. LATHAM) for this excellent amendment and remind our colleagues that Carroll O'Connor, a noted actor and TV star, lost his son to cocaine. He has led a fight to bring that gentleman who sold him the drugs to justice because he believed that man infected his son with a drug addiction that caused his untimely demise.

I strongly support this amendment, and I urge my colleagues to do the same. This amendment should serve as a retribution for every individual whose life has been destroyed by drug use and for every family who has had to suffer the pain and turmoil of a loved one being addicted to drugs.

The drug dealers must learn that their evil trade is more than a business. They must be held accountable not only by the justice system but by society for the tragic consequences of their business. They must be forced to see the faces of the mother, the father, the brother, the sister of the teenager who overdosed on cocaine that they sold.

A successful drug dealer can make thousands of dollars a week practicing their illegal trade. In fact, they encourage young people to do this same type of business because they can buy all the fancy cars and fancy toys. And do not be misled to thinking it is only in the inner city where we have drug problems. It is in Palm Beach, in Beverly Hills. It is in the richest enclaves around America.

Drugs have permeated our society. They are destroying our families and our youth. Every drug dealer who is arrested and jailed for possession and the sale of drugs should also be held accountable for the physical damage, the medical bills, the cost of drug treatments, for the funerals that they are responsible for.

So I ask my colleagues to please pass this amendment. Send a message to drug dealers that their profitable trade should stop and, more importantly, if they inflict their dangerous drugs on other people, they will pay a high price not only in prison but the hopeful forfeiture of their assets so that those assets can be conveyed to the families who have lost loved ones.

Again, the amendment of the gentleman from Iowa (Mr. LATHAM) will hold persons who manufacture and distribute illegal, controlled substances liable for civil action for those harmed by the use of the controlled substance.

The CHAIRMAN. The gentleman from Iowa (Mr. LATHAM) has 1½ minutes remaining. The gentlewoman from Texas (Ms. JACKSON-LEE) has 5½ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I indicated my reservation of objection in its present form. I would like to ask the author of the amendment an inquiry if I could to be clear on the position that this amendment now takes.

Does the liability provision enhance existing tort opportunities, if you will, the fact that we can go into court on tort issues? Does this narrowly define them? Are these as relevant to a drug-related incident?

Mr. LATHAM. Mr. Chairman, if the gentlewoman would yield, what it does is empower the family or the community somehow to go after the dealer, the manufacturer of illegal drugs to recover damages for rehabilitation for any kind of help that they need in the future.

Ms. JACKSON-LEE of Texas. Mr. Chairman, does it extinguish in any way any tort liability or rights that they may have under existing tort law?

Mr. LATHAM. Mr. Chairman, if the gentlewoman would continue to yield, no, it would not be my understanding. No.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, then let me say to the gentleman, I thank him for his explanation and want to say to him that we want to offer our support for this amendment, frankly because it goes to the very problem of so many in our community who have seen their houses burned because, for example, they have a crack house next to their home and, in order to destroy the evidence, what happens is that the dealers destroy the property.

Some instances we will find that people have lost their life because of those tragedies that have occurred, drive-by shootings because of drug deals, and innocent victims who are sitting in their home enjoying their dinner or looking at television have lost their life and have left these families in our inner city neighborhood and elsewhere without any remedy.

If this legislation and amendment would answer these questions and particularly give them an enhanced opportunity to sue, then I believe that, alongside of the opportunities they may have under tort law, then this is an amendment that we can certainly support and encourage the passage of.

Mr. Chairman, I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the drug dealer liability amendment offered by the gentleman from Iowa (Mr. LATHAM).

In my view, this is a law that should have been on the books a long time ago. The reason is simple. In many cases, there is just not enough evidence to convict a dealer or a manufacturer of illegal drugs in criminal court.

Worse yet, many individuals simply get off on a technicality and, as a result, too many peddlers of this poison slip through the cracks and are never punished for the harm they inflict on our children and our families and our society.

When we know that these people are dealing drugs but we cannot convict them in criminal court, does it not make sense to provide any other judicial remedy possible?

Mr. Chairman, that is the point of the Latham amendment. If we cannot convict them in criminal court, then we will get them in civil court and we will hit them where it hurts them the most, we will hit them in their pocketbook.

This type of legislation has worked well at the State level, and there is absolutely no reason that it will not work at the Federal level.

I urge my colleagues to pass this amendment. Very few votes that we will make today will have as much impact on reducing drugs in our society and in this country this year.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to inquire, do we have the right to close in defending the committee's position?

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) does, and all time of the gentleman from Iowa (Mr. LATHAM) has expired.

Mr. LATHAM. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will as soon as I determine how much time I have remaining.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) has 3 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am happy to yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I want to thank the gentlewoman very much for her support, all the people that have worked so hard on this bill, and the DEA, which has helped craft this bill to take out some fine points that really I think will be of great assistance to us in the future to tackle this most serious problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I thank the gentleman very much for his comments.

Mr. Chairman, I would simply say to the Chair, it is these bipartisan efforts that I think shows the House in its best light.

I would simply hope that, as we move throughout this legislative initiative trying to deal with juvenile crime, that we not only find an opportunity to have bipartisan agreement on important legislative initiatives, such as providing protection to those who have been civilly damaged by the tragedies of drug use and drug abuse, but that we can also be straightforward in our response to the protection, if you will, of necessary gun laws.

I indicated earlier that I had received a letter from my EMS director who indicated just the passage of gun protection laws provides a chilling effect for those who may want to use guns recklessly or promote more guns on the streets of this Nation.

And so, this legislation dealing with civil liability, Carroll O'Connor was cited, but I can cite many, many people in our respective communities who have suffered time and time again.

I would hope that we would have the opportunity to work in a bipartisan way on other legislative initiatives.

I hope as well, Mr. Chairman, and I heard my colleague the gentlewoman from California (Ms. WATERS) speak eloquently on this, that we would expand the reach of dealing with the liability question to drug kingpins and gun kingpins.

This gun running has been a problem and it has made a terrible blight on all that we are trying to do to protect our children. Drug kingpins have been prominent in our respective communities, controlling drug cartels. We need to reach out and do something about them, as well.

Lastly, Mr. Chairman, I do want to conclude and not take away from the gentleman from Iowa (Mr. LATHAM) because I thank him for his kindness in working in a bipartisan manner, but I do believe that gun trafficking is something that we need to attack.

We also need to promote and increase the numbers of ATF officers. Eighteen hundred compared to some 50,000 FBI officers. Eighteen hundred ATF officers. And the money that has been allotted so far is not enough to assist in making cases with our local jurisdiction.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LATHAM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Iowa (Mr. LATHAM) will be postponed.

It is now in order to consider Amendment No. 23 printed in Part A of House Report 106–186.

AMENDMENT NO. 23 OFFERED BY MR. ROGAN

Mr. ROGAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 23 offered by Mr. ROGAN:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. SAFE SCHOOLS.

(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

(1) SHORT TITLE.—Section 14601(a) is amended by striking ''Gun-Free Schools Act of 1994'' and inserting ''Safe Schools Act of 1999''.

(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after ''determined'' the following: ''to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or''.

(3) DEFINITIONS.—Section 14601(b)(4) is amended to read as follows: ''For purposes of this part—

''(A) the term ''1 weapon'' means a firearm as such term is defined in section 921 of title 18, United States Code;

''(B) the term 'illegal drug' means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

''(C) the term 'illegal drug paraphernalia' means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)', before the period; and

''(D) the term 'felonious quantities of an illegal drug' means any quantity of an illegal drug—

''(i) possession of which quantity would, under Federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

''(ii) that is possessed with an intent to distribute.''.

(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting ''illegal drugs or'' before ''weapons''.

(5) REPEALER.—Section 14601 is amended by striking subsection (f).

(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by—

(1) striking ''served by'' and inserting ''under the jurisdiction of''; and

(2) by inserting after ''who'' the following: ''is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who''.

(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended—

(1) in paragraph (1), by inserting ''current'' before ''policy'';

(2) in paragraph (2)—

(A) by inserting before ''engaging'' the following ''possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or''; and

(B) by striking ''; and'' and inserting a period; and

(3) by striking paragraph (3).

(b) COMPLIANCE DATE; REPORTING.—(1) States shall have 2 years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

(2) Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. ROGAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. ROGAN).

(Mr. ROGAN asked and was given permission to revise and extend his remarks.)

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as parents and as legislators, nothing is more important than supporting safe productive schools.

Today our children face unprecedented threats from drugs and violence in our Nation's schools. It is time to enact bipartisan legislation to correct this horrible situation.

The President, in his State of the Union Address, called for zero tolerance for guns and drugs in schools. The President is right. It is time for the House to signal its commitment to eliminating drugs from the public schools.

I am pleased to offer this amendment, Mr. Chairman, to help us achieve our goal of drug-free schools. This amendment gives State and local school officials the weapons they need to strike a major blow in the war on drugs. The amendment requires that any school accepting Federal education funds must adopt a zero-tolerance policy regarding felonious possession of drugs. It applies the same standards to drugs as are currently applied to guns. Those who come to school to use or sell illegal drugs simply should not be allowed to attend.

This amendment also addresses the next concern, which is, what next? Current law provides for the education of those expelled in an alternative facility and provide for a case-by-case appeal with a local school official. This amendment would continue that same policy with respect to drugs as we currently have on the books with respect to guns.

Zero tolerance for illegal drugs can work. In a national survey by the Center for Addiction and Substance Abuse at Columbia University, they reported that more than 80 percent of those on the front lines in the war against drugs, teachers, principals and, yes, even students, believe that zero-tolerance policies are effective and will reduce drugs in their schools.

☐ 2200

What is more, about the same percentage support adopting similar standards in their school. Nothing underscores this crisis and our need for definitive action more than the news reported by the students in Columbine that I just mentioned. According to their survey, more than three-fourths of the students said drugs were kept, used and sold in their schools. We owe students, parents and teachers decisive action to wipe out drugs in the schools. Our amendment will do for them just that. Zero tolerance for illegal drugs in the schools, Mr. Chairman, will mean just that, zero tolerance.

Mr. Chairman, today we have an opportunity to act in a bipartisan way to

help build a safer America. I urge my colleagues to support this important amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek recognition to control the time in opposition?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is another example of a need for deliberation. If we had had deliberation and had a hearing on this, we would have found that all of the available research shows that a suspension is the last thing that we would want to do.

The gentleman from California mentioned the requirement that services be continued for someone that is expelled from school. That is only true for those who are designated as special education students under Individuals with Disabilities Education Act, and of course an amendment to remove that provision is coming up later. In fact, the Elementary and Secondary Education Act that was passed, is present law, provides that in cases of expelling a student nothing in the title shall be construed to prevent a State from allowing the local education agency that has expelled a student from such student's regular classroom from providing educational services in an alternative setting. They are not prohibited from doing it, but there is nothing that requires them to do it.

Now, if we had had a hearing, we would have known that threatening a kid with a 1-year suspension or 1-year vacation, a kid that did not want to go to school anyway would not be much of a threat. We would have known that without an alternative education that that person would be much more likely to get in trouble. As a matter of fact, he has got nothing constructive to do, so he is much more likely to be committing crimes because he is on the street, nothing to do, crime and drug use.

Mr. Chairman, this amendment offers no counseling on why the child was using drugs, no mental health assistance, just a year on the street. Now we know that there is a strong correlation between crime and graduation and graduation rates. People who do not graduate from our school are much more likely to be committing crimes. With a 1-year suspension we make it much less likely that they will ever get out of school.

So, Mr. Chairman, we have a situation where if this amendment passes and allows children to be kicked out of school without any services, we will actually be increasing the crime rate. If we are serious about crime, Mr. Chairman, we will defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume just in brief response to my friend from Virginia.

I am somewhat nonplused by the suggestion that this bill is a bad idea because it will remove drug sellers from the public schools, and instead it would put them on the street. With all due respect, although I do not agree with the gentleman's suggestion that that is the only alternative, either in the schools or in the streets; if that, in fact, were the case, I would respectfully suggest that most parents with kids in school would rather have those people selling drugs or with guns removed from the school than in school to terrorize the children.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I strongly support the gentleman's amendment. I think that if one is selling felonious quantities of drugs in a school or possessing felonious quantities of drugs in a school, they have no business being there because they are providing harm to the other students.

Now I am very sympathetic to the concern that that person who is doing the selling in some way be diverted into some other program. I think there are agencies of the government that can and should handle that, but the reality is that if a kid is in school with this kind of quantity of drugs, that is a jeopardizing factor for every child of every parent who has a child in that school, and I think this is a very fine amendment, and we need to have this amendment adopted. It makes every bit of sense in the world if we are going to have that with respect to the gun issue.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. All right. What is meant by felonious quantities? Is it the same thing in every State? Is a felonious quantity in Florida the same as a felonious quantity in California?

Mr. MCCOLLUM. Reclaiming my time, it is Mr. Rogan's amendment, but my interpretation is that would be a felonious quantity depending upon the State or Federal law since he has made it in the alternative. But I would yield back to him to let him discuss it with the gentlewoman.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume, and I would invite the gentlewoman's attention to page 2, lines 21 through 25 of the amendment and going into page 3. It says the term felonious quantity means any quantity of an illegal drug possession of which quantity would under Federal, State or local law quantify for that.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, in 1994, when we reauthorized the Elementary Secondary Education Act, I was a member of the minority. A gentleman from suburbia in the majority at that time proposed an amendment that said any student bringing a weapon to school would be suspended for a year.

First I asked him what he is doing in relationship to defining a weapon. He then said: Make it a gun. I then reminded him that he also offered an amendment that said one can only suspend a special ed student for 10 days, and because he was micromanaging State and local responsibility for elementary secondary education, he was also micromanaging it when he did the 10 days, and now he puts the school district in a real situation. The lad comes with a gun who is a special needs child along with his neighbor who is not a special needs child who also has a gun, and one goes out for 10 days, and one goes out for a year.

Of course what does that do? That brings a lawsuit immediately to the school. They are discriminating against someone's child, they are sending someone's child out for a year.

The point I am trying to make is that consistently I have said that it is the responsibility, public education is the responsibility, of local and State government, which is exactly what my philosophy and my party's philosophy has always been, and so I think we really have to be consistent.

We are micromanaging State and local government responsibility. It is their responsibility to determine what the rules and the regulations should be, and as I indicated, we have gotten ourselves into real trouble by this micromanaging, a 10-day suspension versus a year's expulsion.

Now I want to make it clear that the statute does not say that they must provide an alternative education under the 1994 statute. They may if they wish. There is nothing in the statute that says they must provide an alternative education. Some States require an alternative education on a suspension or an expulsion. Nothing in the elementary secondary education statute does that.

So I think we must be awfully careful. No matter how good the idea is and how appealing the idea appears, we have to be consistent. Elementary secondary education is the responsibility primarily of the State and local government.

Now colleagues can argue and say, but wait, they are taking Federal dollars, and they do not have to take Federal dollars. Oh, one can argue that for IDEA, for Individuals with Disabilities Education Act. But let me tell my colleagues, if we do not provide that education, I will guarantee they will have

a lawsuit, whether it is mandated or whether it is not mandated. So we cannot use that argument to cover us.

Mr. SCOTT. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, let me start by commending the gentleman from Pennsylvania (Mr. GOODLING) for his consistency. It is not always that we see such consistency in this House, and I must say that I agree with him.

Now it strikes me that it is very difficult politically to vote against any bill or amendment that says in the name of the war on drugs let us have zero tolerance, let us expel someone from school, let us keep our children safe. But the fact of the matter is that one can easily imagine situations where that might not be the most intelligent thing to do.

If someone has a 13 or 14-year-old kid who has some marijuana in school, he should be punished. But a year's expulsion? Maybe, depending on the circumstances. Has it happened before? Has he had other delinquencies? Is this the first offense? What is the story?

This amendment makes no distinctions. This amendment says never mind the wisdom or the familiarity of the local school board or local school authorities with the situation. Throw this kid out on the street for a year, let him spend this time in the company of drug dealers and crooks, but in any event not in school because Congress says so.

We always hear, especially from that side of the aisle, about local control. This is quintessentially the time, the situation for local control, and what this amendment says is if a local school board of the City of New York or the City of San Francisco wants Federal money, it had better expel that kid for a year. Maybe it should, maybe it should not, we should not. We should not tell them.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume just in response to my colleague and friend from New York. I would simply suggest that this amendment is limited to an individual that possesses a felonious quantity of drugs in school or possesses a quantity sufficient for distribution or sale. This amendment also allows local schools and school districts to maintain a case-by-case review. If there was some bizarre or unusual circumstance that warranted appropriate review, it would allow for a case-by-case review, and that would be done with a local school district official, and it would not be done from Washington.

The question is simply this, as I see it, Mr. Chairman: Do we in Congress have a right when appropriating Federal funds to schools to expect that those particular school districts are going to maintain a safe environment for the children that are attending those schools, and I would simply submit that having children in school who are known to be in possession of felonious quantities of drugs, just as children who are known to be in possession of firearms, present a clear and present danger to the health and safety of every child in that school and every teacher in that school, and that is not an appropriate environment for either parents, teachers or schoolchildren.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. ROGAN. I yield to the gentleman from New York.

Mr. NADLER. Is the gentleman aware that under this amendment we may have, depending on any local ordinance, and we do not know what every local ordinance is in the country, a felonious amount that may be a very tiny amount and that may not have been enacted by that local community with the idea that possession of that small amount would result in the automatic expulsion of a student for a year?

Mr. ROGAN. Again, Mr. Chairman, reclaiming my time, I thank the gentleman for the inquiry. I think that addresses the question that the gentleman raised a few moments ago, that it is up to the local communities and to the State legislatures to define what is or is not a felonious amount.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding this time to me, and I think after the Littleton, Colorado, we all are asking ourselves questions, what should we do and how should we act to make sure we reduce the act of crimes by our young people, and I think the gentleman certainly has a well intending goal of having zero tolerance for violence and drug dealing in the school. But to micromanage to achieve that is not only inconsistent with his party's view, but I would like to understand is the gentleman suggesting that the California school districts are not able to determine what they should do to have a zero tolerance for drugs? I mean could the gentleman answer that for me?

Mr. ROGAN. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from California.

Mr. ROGAN. I am more than happy to yield to California or any other State to decide on a statewide level what should be the appropriate toleration level for possession of drugs or guns in their school.

□ 2215

Mrs. CLAYTON. Mr. Chairman, I am thinking about what should be done to have zero tolerance is not necessarily just expulsion of kids from school. It could be a variety of things.

Mr. ROGAN. Mr. Chairman, if the gentlewoman will yield to me so that I can finish answering her question.

Mrs. CLAYTON. Mr. Chairman, if the gentleman could do it quickly, I would appreciate it.

Mr. ROGAN. I am not sure that comes with the nature of a politician, Mr. Chairman.

Mrs. CLAYTON. Mr. Chairman, if the gentleman cannot answer quickly, I will answer it for him.

Indeed, it is inconsistent with your party's position, and I would think that California, like North Carolina, could say what they would want to do with a variety of issues, perhaps expulsion would be one. But to mandate that I think is inconsistent, and I urge my colleagues to vote against this well-intended, but ill-conceived amendment.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. Mr. Chairman, do we on this side have the right to close?

The CHAIRMAN. The gentleman is correct; the gentleman from Virginia has the right to close.

Mr. ROGAN. Mr. Chairman, may I inquire of my colleague, does he have any further speakers, or is he prepared to yield back?

Mr. SCOTT. Mr. Chairman, I have two speakers, including myself, to close.

Mr. ROGAN. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

The gentleman's amendment should be killed, because he is submitting this amendment about felonious quantities, but it is not in line, there is no reference. When he made this, the school system did not know about this amendment. The people who were making these laws back home did not know that this amendment would come up saying to them, any felonious quantity. Because if they had known that, this amendment, this particular thing would not qualify. It is going to force them to change everything for this one amendment.

This amendment should not pass because of that reference.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume to simply suggest to my colleague from Florida that I would be very surprised if there was going to be a rush within the State legislatures of America to increase the definition of what is a felonious quantity of drugs to allow drug dealers and drug users to remain in the public schools. I do not think that is what most school board members, I do not think that is what most principals and teachers are looking for.

Mr. Chairman, I have no quarrel with the philosophical objections of my friends on the other side. That is something that we deal with in this Chamber on a regular basis. I would simply urge them to revisit this issue and take a look and search their hearts and make a determination, if they could

see their way clear to voting for an amendment that will take a positive step forward from removing dangerous drugs from the public schools. This is an opportunity to do it. I have submitted the amendment for that purpose. I ask for an aye vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, first of all, in terms of what amount we are talking about, if it is any amount for sale or even small amounts of something like crack, it could easily constitute a felony. Our community is not better off with students roaming around with nothing to do; no education and no services. These students will not disappear; they are going to be in the community and they are not going to be up to anything constructive. This amendment, if it does anything, will increase the likelihood that our communities will be more dangerous and more crime-ridden. We need to continue educational services for these students and kicking them out on the street will not do anything to reduce the crime rate.

If we are going to be serious about crime, we need to defeat this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. ROGAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROGAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from California will be postponed.

It is now in order to consider Amendment No. 24 printed in part A of House report 106–186.

AMENDMENT NO. 24 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 24 offered by Mr. TANCREDO:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music, as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial which includes religious symbols, motifs, or sayings that is placed on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fee and costs, notwithstanding any other provision of law; and

(2) the Attorney General is authorized to provide legal assistance to the school district or other government entity that is defending the legality of such memorial service.

The CHAIRMAN. Pursuant to House resolution 209, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, difficult as it is to believe, there are people and organizations that would attempt to prevent parents and students from seeking the comfort of their Creator when dealing with the horror of a situation like the one that we experienced in my hometown of Littleton, Colorado.

The amendment I have sponsored clarifies the position of the Congress with regard to these issues. It declares that a fitting memorial on public school campuses may contain religious speech without violating the Constitution. It puts Congress on record with respect to the constitutionality of a permanent memorial or memorial service that contains religious speech. The amendment does not specify what kind of memorial that would be appropriate. That decision is for local schools and communities.

It states that it is fitting and proper for a school to hold a memorial service when a student or teacher is killed on school grounds, and that it is fitting and proper to include religious references, songs and readings in such a service. Prayer, reading of scripture or the performance of religious music can be included in a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on campus.

The amendment also allows for the construction of a memorial that includes religious symbols or references to God on school property.

Mr. Chairman, there are many examples in our government of proper and constitutional references to religion. Chaplains of the Armed Forces conduct memorial services, yet do not compromise the establishment of religion by the government. Both the House and Senate conduct opening prayers before each legislative day, and Arlington Cemetery has signs identifying it as a Sacred Shrine and Hallowed Ground.

The amendment specifically mentions that religious songs may be sung at such memorials without violating the Constitution. Two Federal appeals courts that have taken up the issue both have ruled that school choirs may sing religious music. The Fifth Circuit Court of Appeals held that it was constitutional for a public high school choir to have ''The Lord Bless You and Keep You'' as a signature song.

In the same way, erecting a memorial that contains religious references such as a quote from the scripture or a religious symbol from the deceased's religious tradition would not violate the Establishment Clause of the Constitution.

This is not the equivalent of a daily school prayer. A memorial service is a very specific response to an unusual and regrettable circumstance.

In either case, if a lawsuit is brought forth, parties are required to pay their own legal fees and costs, and the Attorney General is authorized to provide legal assistance to defenders.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from New York (Mr. NADLER) seek to control the time in opposition to the amendment?

Mr. NADLER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. NADLER) is recognized for 10 minutes.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are three things wrong with this amendment. First, it is substantively wrong and it is obnoxious to the spirit and the letter of the first amendment of the religious freedom provision of the Constitution.

The Congress of the United States finds that the saying of a prayer or the placing of a memorial which includes religious symbols and motifs on the campus of a public school to honor the memory of someone who was slain does not violate the first amendment.

Well, the first problem is, it may very well violate the first amendment. The courts have held that organized prayer in a school or at a commencement or in a service at a school does violate the first amendment, and certainly the placing of a religious symbol which may offend some people, some future students, maybe even some current students or some future teachers. Imagine if there were a Muslim symbol that may be offensive to Christians or a Jewish symbol or Christian symbol offensive to others or some minority religion. Of course the minority religion would not get its symbol placed there because the local school board would not do that. That is the point. We do not discriminate and we do not make minority religions feel tolerated. They are equally American as anyone else, minority or majority, and that is why the Constitution prohibits an establishment of religion, and the courts have held that precisely what the sponsor of this amendment wants is an establishment of religion, and Congress saying it is not so does not make it not so. That is the first problem with this amendment.

The second problem with this amendment is that the Congress cannot declare what the Constitution means and what violates the Constitution and what it does not. We have accepted since 1803 the case of Marbury v. Madison; everybody learns it the first week in constitutional law in law school or college. It is that the Supreme Court interprets the Constitution and says what the Constitution means and it is not the province of Congress. We determine what the law is. We write the law, but we do not find whether the law violates the Constitution.

We should endeavor in making laws to try to not make laws that contravene the Constitution, but it is the job of the courts, not our job, to determine what does violate the Constitution.

And thank God we have a judiciary to protect the individual rights of Americans. That is why we have a Bill of Rights. The judiciary interprets the Bill of Rights and protects the individual rights of even unpopular people, and it is not the business of this Congress to declare that something does or does not violate the Constitution and try to tell the Supreme Court you are wrong.

The third problem is with the attorneys fees provision of this bill. This amendment says that any lawsuit claiming that this type of a memorial or memorial service violates the Constitution, each party shall pay its own attorneys fees and costs, notwithstanding any other provision of law, and the Attorney General is authorized to provide legal assistance to the school district.

So because the author of this amendment wants this type of service, wants this type of religious prayer or memorial, if someone thinks it is unconstitutional, if someone thinks his or her or someone in that community thinks his or her religious community has been violated and he goes to court to sue the school district, the Attorney General is authorized to support the school district, the Attorney General thinks it is unconstitutional, he is not authorized by the terms of this amendment to oppose the school district to represent the plaintiff or to come in on the side of the plaintiff, and not withstanding any other provision of law, each party should pay its own attorneys fees. So even if the plaintiff, thinking that his, believing that his or her religious liberty and religious rights under the Constitution were violated, goes to court, the court agrees, it goes up on appeal, the appeals court agrees and the Constitution is upheld, he cannot get his attorneys fees.

This is trying to say religious minorities have no rights and certainly not the rights to prevail in court and have the losing party pay their attorneys fees. Only the popular side can get its attorneys fees paid. It is a violation of fundamental American fairness and, I submit, unconstitutional and unworthy of this Congress.

Mr. Chairman, I reserve the balance of my time.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

There are a number of differences that exist in this particular amendment and what it refers to in terms of the kind of religious liberty that it is designed to allow, or at least put the Congress on record that supports a particular expression of religious freedom. The gentleman indicates that there have been a number of cases already heard that have been decided against the expression of religious points of view in schools. That is true, but the significant difference here is that in each one of the court cases that have come down on that side of the issue, they have talked about the fact that there is a captive audience in a particular location in a classroom; and if that is the case, if this audience is held captive by the environment, by the situation in which they are placed, that it is indeed unconstitutional to advance some sort of religious preference.

But that is not the case with anything that we are talking about here in terms of a memorial or a memorial service. There is no one that is there because they have to be there. No one is forced by any sort of law to participate. It is simply an expression of a religious preference, a religious point of view, a degree of religiosity that exists in a community and has every right to be expressed.

There is nothing in the Constitution, it seems to me, or in the first amendment that suggests that that expression should be hampered. All this amendment does is to put the Congress on record that it supports that particular point of view.

□ 2230

In terms of it making a claim that school boards and school districts will automatically reject certain ''minority'' religions, whatever that might be, I do not know where there is proof of that particular statement. I do not know exactly even what the definition of ''minority religions'' might be, but we leave that, of course, up to school boards and school districts.

Mr. Chairman, there is a right, or there is nothing in this amendment that restricts anyone from taking this thing to court. Of course, it does, as my colleague indicates, suggest that if one loses, one has to pay their own court costs. Again, I do not see anything really wrong with that.

In general, this is not really the kind of issue that should spark a debate, it seems to me, over the essence of the First Amendment, because it is patently clear, at least to me, that we are not doing anything in this amendment that forces anyone to accept one sort of religious ideology. Again, the Constitution guarantees the freedom of religion, of religion, to express one's religious ideas.

In a situation like we faced in Colorado, I must tell the Members that without that ability to express that particular faith, I do not know where any of us would be. And there were people and organizations that really argued against that sort of expression.

I have a letter here that was written by a parent of one of the individuals who was killed in Columbine, a young lady by the name of Cassie Bernall. This was written by her father, Brad Bernall, in support of this amendment when a similar amendment was offered in the Senate by my colleague, Senator ALLARD.

He said, ''My wife, Misty, and I both believe any Columbine incident memorial should memorialize each individual in a personal way. Everyone knows, thanks to a good job by the media, that Cassie was a very strong Christian. To leave this facet of her persona out would be to mis-memorialize her and others.''

I think the statement is accurate, and I believe that this Congress should go on record in support of it.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT), the distinguished ranking minority member of the subcommittee.

Mr. SCOTT. Mr. Chairman, if this amendment becomes law, those who complain of violations of their free exercise rights under the Constitution because the public authorities excluded religious observances, they could get their attorney's fees paid, but those who are complaining about excessive injection of religion would not have the same kinds of rights.

Mr. Chairman, this amendment has significant constitutional implications. It needs deliberation and should not be an afterthought on a juvenile justice bill. I would hope it would be defeated.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I thank the gentleman from Colorado for yielding time to me.

Mr. Chairman, I very much appreciate the gentleman's effort. What is more precious to someone, if we are talking about their memory, than talking about their beliefs, the things for which they were willing to live and the things for which they were willing to die?

Yes, we know about Cassie Bernall, who was asked, do you believe in God; yes, and because of that she was killed. For those who do not want the memory of the religious beliefs to be commemorated at the memorial that they leave behind, I invite them to go across the Potomac River to Arlington National Cemetery, where Members will find row upon row upon row of religious symbols chosen by people who were gone to mark their graves. Some may be crosses, most are, and some may be emblems of another faith, such as stars of David.

But to say that when one is gone, the memory of one's faith must be gone, too, is not the American way. I urge Members to support this amendment.

Mr. NADLER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, my colleague who just spoke on the floor of the House gave us a passionate plea. As a mother, I acknowledge that no one can speak to the pain of the parents who have lost a child or the tragedy of Columbine in Littleton, Colorado. I appreciate my good friend, the gentleman from Colorado (Mr. TANCREDO) in his attempt to bring honor to that memory.

It is now 10:35 p.m. at night, and we are now seeking to amend the Constitution and to change the rights of Americans throughout this land who have come to understand that the First Amendment indicates that Congress will make no law respecting the establishment of religion.

I am unsure of the intent of this initiative, inasmuch as communities can come together and express themselves and their religious beliefs in any way they so desire. It is established, however, that we cannot make a religious standard publicly by the government.

So I would say to the gentleman from Colorado, it would be nice if we could deliberate and begin to refine his desires as it relates to giving honor to the deceased, but to amend the Constitution and to extinguish rights of those who may have opposition to the expression of a particular religion is unconstitutional.

This amendment will have a chilling effect on claims that could be filed to challenge the constitutionality of religious displays or activities in public schools. Let us do the right thing, maintain the sanctity of the Constitution, respect those who are deceased, and not amend this Constitution late into the night on a juvenile crime bill.

Mr. TANCREDO. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Indiana (Mr. HOSTETTLER).

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Chairman, I rise to simply make a clarification of some statements that were made earlier. That is that the Congress of the United States does not have the authority to speak on the constitutionality of issues, but rather that must be left in the hands of the Supreme Court.

I would simply remind my colleagues of the oath of office that each Member takes. That is, that I, name of Member, do solemnly swear or affirm that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

At no time here does this say that Members of Congress will in fact support and defend the Constitution according to what the United States Supreme Court or any other Federal court says.

Secondly, the issue has been brought up with regard to the 1803 decision of Marbury vs. Madison, but as Lewis Fisher, senior specialist in separation of powers at the Congressional Research Service reminds us, Chief Justice Marshall's decision in Marbury represents what many regard as the definitive basis for judicial review over congressional and presidential actions, but Marshall's opinion stands for a much more modest claim.

In fact, the specialist goes on to say that ''Marshall and the Supreme Court did not require Jefferson to actually seat the magistrate in question, not because of any constitutional problems, but because they simply realized that Jefferson and Madison would simply disregard their writ.''

As Chief Justice Warren Burger noted, the court could stand hard blows but not ridicule, and the ale houses would rock with hilarious laughter had Marshall issued a mandamus that the Jefferson administration ignored. Please support the gentleman's amendment.

Mr. NADLER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am as religious as anyone else, so I do not take a back seat to anyone when we talk about religion. But I do stand up for the Constitution. It is amazing what I have heard here today, the assault on the Constitution, on First Amendment rights, on freedom of religion; the basic First Amendment rights, the 10 amendments to the Constitution that hold this democracy in good stead.

The gentleman can talk about the Constitution all he wants, but he cannot amend it on this floor tonight, on this piece of legislation. Even the most right-wing of Supreme Court Justices will not allow what the gentleman is trying to do. This speaks to the heart of religious freedom.

No, we do not want to intrude on anybody's rights by having religious memorials and symbols on our schools. The gentleman would not like it if someone denigrated his religion or tried to dominate school property with their religion. The gentleman can speak all he wants to tonight on this crime bill, and the gentleman can assault the Constitution if the gentleman would like, but I guarantee Members, even if the majority of this Congress votes for religious symbols on memorials any time, anyplace, anywhere, they are going to lose in the Supreme Court, because no matter how right-wing those Justices are, they respect the Constitution. They know the Constitution, and they are going to hold that Constitution up and keep it from being defied and dismantled by the likes of Members who do not understand what a democracy is all about.

Mr. NADLER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, despite the good intentions of the gentleman from Colorado (Mr. TANCREDO) in offering this amendment, I cannot believe at 10:30 in the evening, with more staff members than Members on the floor of the House, the gentleman from Indiana just rewrote the Constitution of the United States.

I would suggest that Article III, Section 1 and Section 2 are very clear, that this body, this House, has no right to declare any action or law constitutional or unconstitutional. If the gentleman can show me where in this Constitution right now we have the authority to declare something as constitutional or unconstitutional, I will support this amendment. But I am confident it does not. We cannot rewrite 200 years of history in 5-minute debates on the floor of the House.

Mr. Chairman, I would suggest that Mr. Madison and Mr. Jefferson spent 10 years debating the important principles of the separation of church and State because they realized how fundamental it was to the law of this land.

Yet, late at night, with so few Members on this floor, we are debating that same principle, given not 10 years, not 10 months, not 10 weeks, not even 10 hours of committee hearings, but 10 minutes per side to debate this fundamental issue. That kind of short-shrifting of the Constitution and the Bill of Rights and the first 16 words of the Bill's amendments leaves numerous unanswered questions, not the least of which are who decides how many memorials can be on a public school campus, government employees? Who decides what those symbols can be, which religions are okay? Are wiccan symbols okay? How about satanic symbols?

This does not do respect to our Constitution and Bill of Rights, no matter how well-intended the author is.

Mr. TANCREDO. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. With all due respect to the gentleman from Texas (Mr. EDWARDS) regarding Mr. Madison and Mr. Jefferson, Mr. Jefferson was actually no party to the United States Constitution nor the ratification of the Bill of Rights, because he was in service in France at the time.

But with regard to what the gentleman said about Article III of the Constitution, actually it says nothing with regard to the constitutionality itself. In fact, Chief Justice John Jay, the original Supreme Court Justice, relinquished his Chief Justiceship because he did not believe the Supreme

Court would actually carry the weight of the debate with regard to separation of powers and the importance of the issue of the Supreme Court and the judicial system.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

The gentlewoman from California (Ms. WATERS) said something with which I can agree. She referenced the first amendment, and she said that it guarantees freedom of religion, freedom of religion.

What does that mean? How much more clear could it have been put: Freedom to express one's own religious ideas, freedom to practice one's religion.

□ 2245

It is a statement so clear that it is difficult for me to understand how people can put obstacles in the way of that freedom, and yet that is exactly what has been done. Even in Colorado, that is what has been suggested should be done in cases where the most horrific tragedies have occurred, that we should put obstacles in the way of people expressing their own religious preference and seek God's help.

This amendment hopes to change that experience.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the memory of the victims' religious beliefs can certainly be commemorated and eulogized without offending the Constitution.

The prayer can be said at a memorial on school property after school hours if attendance is voluntary but not if attendance is compulsory.

The legal fees clause of this amendment is clearly aimed at biasing the legal systems against people with a different view of the First Amendment than that held by the sponsor of this amendment. For these reasons, especially the last one, this amendment offends the Constitution, offends the Bill of Rights, offends religious liberty and ought to be defeated.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

It is now in order to consider amendment No. 25 printed in Part A of House Report 106–186.

It is now in order to consider amendment No. 26 printed in part A of House Report 106–186.

AMENDMENT NO. 26 OFFERED BY MR. DE MINT

Mr. DEMINT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 26 offered by Mr. DEMINT:

Add at the end the following:

TITLE __—LIMITATION ON RECOVERY OF ATTORNEYS FEES IN CERTAIN CASES

SEC. __. LIMITATION ON RECOVERY OF ATTORNEYS FEES IN CERTAIN CASES.

Section 722(b) of the Revised Statutes of the United States (42 U.S.C. 1988(b)) is amended—

(1) by striking ''In'' and inserting ''Except as otherwise provided in this subsection, in'';

(2) by striking '', except that'' and inserting ''. However,''; and

(3) by adding at the end the following:''Attorneys' fees under this section may not be allowed in any action claiming that a public school or its agent violates the constitutional prohibition against the establishment of religion by permitting, facilitating, or accommodating a student's religious expression.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from South Carolina (Mr. DEMINT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. DeMINT).

Mr. DEMINT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of my freedom of expression in schools amendment is to ensure that a student's First Amendment right to freedom of religious expression is protected. This amendment is important to school safety, because what we value and believe, as children and adults, directly impacts how we act. It is, therefore, essential that students not be discouraged from participating in positive, faith-based activities or exercising their freedom of religious expression.

As many of us know, public schools are being intimidated into suppressing religious expression by the threat of costly litigation. This litigation often arises from a confusion between a school allowing religious expression by a student, which is protected, and a school sanctioning and endorsing religion, which violates the establishment clause.

Only a few weeks ago, with graduation exercises having been completed around the country, there were valedictorians and class presidents who were actually physically removed from the stage, their speech censored, not because it contained vulgarity or obscenity but because it contained constitutionally protected, student- initiated religious expression.

This has taken place in both California and Minnesota this year. The Indiana Civil Liberties Union wrote a letter threatening to sue any high school or college in the State if they allowed prayer at graduation ceremonies. The letter said, you will pay your own and our attorney's fees, an amount that could run as high as $250,000.

How can schools take this risk? It is much easier just to tell the students not to pray than to risk spending this amount of money.

In cases from Michigan to Maryland to Indiana, so-called civil liberties groups have threatened principals and school boards with lawsuits because of legitimate student religious expression. This is happening because such cases were made exempt by Congress from the common legal practice of each side paying its own attorney's cost. Schools that are accused must face the additional threat, if they lose, that they must also pay the other side's legal fees. This provides a perverse incentive for schools to silence the speech of students rather than to face a punitive lawsuit.

Congress created the one side loser pays exception to the normal practice in order to encourage the defense of civil liberties. However, this exception is now being used as a weapon to suppress these very liberties. The current incentive is for schools to silence student religious expression rather than fight for student constitutional rights. My amendment simply corrects the mistake and returns such cases to the normal practice of each side paying its own fees. Such cases should be decided on the merits, on a level playing field, not by threats and bullying.

Mr. Chairman, Congress has set a clear precedent for this amendment. In 1996, Congress passed and the President signed the Federal Courts Improvement Act. This bill included a provision that exempted certain cases brought against judicial officers from the attorney's fees requirement. It amended the identical section I am amending. The bill passed the Senate by unanimous consent, was brought to the House floor by unanimous consent and passed on a voice vote.

Let me quote a portion of the rationale provided by the Senate Committee on the Judiciary report on the bill. The risk to judges of burdensome litigation creates a chilling effect that threatens judicial independence and may impair day-to-day decisions of the judiciary in close or controversial cases. The same risk of burdensome litigation is threatening our public schools and more. It is threatening the First Amendment rights of our students.

I urge my colleagues to support this reasonable and well-crafted amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek to control the time in opposition?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. SCOTT. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment has a very clear and pernicious purpose. Put simply, if one agrees with the sponsor of this amendment on the role government should

play in religion and the government violates their rights, they get their day in court and if one wins the government that violated their rights can be ordered to pay their attorney's fees, but if someone disagrees with the sponsor's views and the government violates their rights and they win their case, that is to say a court finds that their constitutional rights are violated, then the court may not under any circumstances order the local authorities to pay attorney's fees.

It does not matter how extreme the violation of one's rights. It does not matter how much it costs to protect one's rights in court. It does not matter how much the local authorities drag their feet or drag down the case to make it more costly or burdensome for someone. None of that matters. A person has to pay the costs and pay a dear price if one disagrees with the sponsor of this amendment.

There is only one effect this amendment will have, and that is to silence dissent against the local majority. Perhaps some people like that idea. Perhaps it is politically popular to stick it to religious minorities, but that is not what this country is supposed to be about. Perhaps the proponents of this amendment should go back to school and do a little homework on the First Amendment.

Both of the religion clauses of the First Amendment were put there to protect religious freedom. The establishment clause, as unpopular as it is in some circles, protects all of our rights to religious liberty to those who would commandeer the power of the State to promote mere particular religious views. Where those views are the views of the majority, that may be politically popular but it is not a stand in defense of religious liberty.

Remember, we are not talking here, despite what the sponsor of the amendment said, about frivolous lawsuits. We are talking about victorious lawsuits, lawsuits which persuaded the courts that they were right, that the plaintiff's constitutional rights were violated by the local government. The judge said, they were right and now this amendment says, but one cannot get their attorney's fees anyway; only the people who agree with the sponsor or with the local majority can get their attorney's fees.

This is not right. It is an attempt to bias the courts, to bias the courts financially against people who would sue on the basis of the establishment clause, and frankly the courts ought to be neutral. They ought to interpret the Constitution, and if someone's rights are violated and they win that fact in court, if the law provides for attorney's fees, then they ought to get it. We should not bias the case one way or the other, as this amendment would try to do, to stifle dissent and to stifle minority religious views.

Again, this amendment is obnoxious to the First Amendment and ought to be defeated.

Mr. DEMINT. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. HOSTETTLER).

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Chairman, I am intrigued by the comments of the earlier gentleman saying that he was deadly opposed to the fact that the United States Congress should not impose its will on local authorities but it is quite well enough for the United States Supreme Court to do that.

Mr. Chairman, I rise in strong support of the DeMint amendment. It is time that America stop the making of constitutional law by extortion. Let me give an example. In 1992 the Supreme Court in Lee v. Wiseman decided, wrongly I believe, that local graduation prayer conducted by schools was unconstitutional.

In March of 1993, the Indiana Civil Liberties Union wrote to educators in Indiana threatening a lawsuit should the school have any type of prayer at graduation. Let me quote from that letter:

> We know that a few school boards are trying to find a way around the Supreme Court ruling. If you decide to hold graduation prayer anyway, as a matter of principle, four things will probably happen. We will sue both the school corporation and any individuals who approved and authorized graduation prayers. We will win. The Supreme Court has already decided the issue. You will pay your own and our attorney's fees, an amount that could run as high as a quarter of a million dollars. Your insurance will not cover it because it is a deliberate violation of law so the money will come directly from property taxes.

That is not what our founders intended. It was wrong in 1976 to give an incentive for coercing public officials to act in opposition to the wishes of their constituents. It is right to put some sanity back into this legal process. Constitutional law should be by deliberation and not extortion.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, first I want to say that I am sorry that the gentleman from Colorado (Mr. TANCREDO) decided not to offer the second amendment he had a right to offer. I think he must have realized that offering that amendment, which he had put in there, to circulate the pamphlet put out by the Department of Education on religious rights would have undercut much of the argument we get from the other side, because we were eagerly looking forward to supporting his amendment. Somebody probably tipped him off and that is why he decided to not to offer it, because that pamphlet from the U.S. Department of Education makes clear how broad the right of children is in the schools to engage in appropriate religious exercise within the framework of the Constitution. So they thought better of it and they must have read the pamphlet and realized that it strengthens the case of the other side.

Now I did also want to bring poor Thomas Jefferson back from France, to which he was exiled by the gentleman from Indiana (Mr. HOSTETTLER), while he was Secretary of State. The gentleman from Indiana (Mr. HOSTETTLER) said Thomas Jefferson had nothing to do with the ratification of the Bill of Rights because he was serving in France.

If he was serving in France during that period, he was serving as Secretary of State because he was not the ambassador to France while he was Secretary of State and that is when they did the Bill of Rights. So the gentleman's history is not much not better than his constitutional law. His constitutional law seems to misunderstand the principle. Yes, we take an oath that we are bound by the Constitution. We should not transgress it. I wish that oath meant more to people around here sometimes.

But when there is a decision by the Supreme Court, it is binding on us. The gentleman from Indiana (Mr. HOSTETTLER) appears to want to disregard that. A Supreme Court opinion is binding.

Finally, I want to note that the author of this amendment does not appear to have much faith in the amendment before him of the gentleman from Colorado (Mr. TANCREDO). It does exactly the same thing.

Now apparently what we have here is the Republican leadership has found a way around the FEC, not the Constitution. They found a way to help people with their campaigns.

The gentleman from Colorado (Mr. TANCREDO) offered an amendment, thanks to the Committee on Rules, and it included the very same provision of this amendment, but this gentleman also wanted to offer it.

So what is two amendments that say the same thing in a bill that is kind of crazy anyway?

Now, of course, if we had a functioning Committee on the Judiciary which could contemplate these issues, we would not have this kind of scramble.

That is the final point. Should we or should we not have a situation where public officials deliberately violate the Constitution to have to pay in a lawsuit? Well, maybe they should be allowed not to have to do that, but why pick and choose?

The Republican Party controls the Committee on the Judiciary. If the gentleman thinks it is wrong that we have a situation where public officials who have violated the Constitution have to pay the legal fees of those whose constitutional rights they violated, and were so found by the Supreme Court, why did not the gentleman have a hearing, why did not the gentleman have a subcommittee markup, all these exotic things we used to have?

This is a politically constructive process that is putting together a Rube Goldberg of a bill.

Mr. HOSTETTLER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana, to bring Thomas Jefferson back.

□ 2300

Mr. HOSTETTLER. Mr. Chairman, will the gentleman from Massachusetts tell me where the Secretary of State was serving as a Member of the House of Representatives or a Member of the Senate while the amendments to the Constitution were being offered?

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, the gentleman from Indiana said he was in France. The gentleman from Indiana needs a lot of explaining. He said that Thomas Jefferson was in France during the ratification of the Bill of Rights. He was not in France during the ratification of the Bill of Rights.

Mr. HOSTETTLER. Mr. Chairman, he was in France.

Mr. FRANK of Massachusetts. Mr. Chairman, he had, in fact, been serving as the Secretary of State. I did not say he was in the House or the Senate. I was contradicting the statement of the gentleman from Indiana that he had nothing to do with the ratification of the Bill of Rights because he was in France.

As a matter of fact, Thomas Jefferson here in the United States as Secretary of State and James Madison as a Member of Congress talked to each other.

It was the gentleman's statement, and, again, I understand the gentleman wanted to change the subject, he said, among his many errors, that Thomas Jefferson was in France during the ratification of the Bill of Rights; and he was wrong by about 4,000 miles which, by his standard, is not so bad.

Mr. DEMINT. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I just want to be clear for the RECORD, is it the intent of the gentleman from South Carolina (Mr. DEMINT) that his amendment, when he uses the term ''students' religious expression,'' that the term ''students' religious expression'' includes student prayer?

Mr. DEMINT. Yes, Mr. Chairman.

Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise tonight in support of the students whose first amendment right to religious freedom is being suppressed because his or her school is intimidated by the threat of a costly lawsuit.

I support the DeMint amendment for children like first-grader Zachary Hood who was told by his teacher that he could read his favorite story to his class.

Zachary was extremely excited about the chance to read to his class, and he chose Jacob and Esau, a story about two brothers who quarrel and then make up. The story never even mentions God. However, because it is from the Bible, the teacher would not allow Zachary to read.

What kind of society do we live in that allows the Columbine killers to produce a class video of themselves in trench coats gunning down athletes in a school hallway, yet young Zachary is not allowed to read a story about two brothers, which happens to be from the Bible, to his class?

A member of our own staff shared with me her experience a few years ago as a 10th grade student. She was assigned to write a fictional account of an historical figure. Horror of all horrors, she chose Jesus Christ as her subject. While the English teacher admittedly could not find one single grammatical error in the entire 17-page paper, she claimed she had to fail this student for choosing Jesus as her historical figure.

For many students, faith is an essential part of who they are. Why are we asking them to leave this part of themselves outside the door to the school? Why? Because schools are bullied by big organizations which are suppressing student religious expression at taxpayer expense.

I urge my colleagues to support the DeMint amendment.

Mr. SCOTT. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I would simply like to observe that all of the preceding discussion of the preceding speaker and much of the discussion of the preceding speakers on the other side is irrelevant to this amendment.

This amendment, unlike the amendment of the gentleman from Colorado (Mr. TANCREDO), does not deal with what happened in Columbine, does not deal with memorial services. It is even more brazen. All it says is that someone who complains in court that his constitutional rights were violated on the establishment of religion clause dealing with school prayer, if he wins that suit, cannot have his legal fees paid for.

So all it says on one side of the issue, one can have one's legal fees paid for; on the other, one cannot. It is simply biasing the courts, and, therefore, it is against the Constitution.

Mr. DEMINT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, I rise in strong support of the amendment, and I want to continue along what the gentleman from Pennsylvania (Mr. PITTS) talked about.

This first grader was promised, because of the ability to read well and because the child worked hard, that he could read as a reward whatever story he wished to read. Now, there is no question in my mind that the teacher committed two serious problems. First of all, she reneged on her promise. Secondly, she missed a golden opportunity to have them discuss what it means to take advantage of someone who is disadvantaged. She had a golden opportunity to talk about greed and have them discuss greed.

All of these thing could have been done. There is no question in my mind that she could have done it, and any court would have said that was perfectly all right, even if he included the word ''Bible'' and the word ''God,'' which he did not.

But it is the fear, it is the fear of the school district, not only must they pay if they lose for their own expenses, they must pay for the other expenses. They do not have any money for books. They do not have any money for buildings. They do not have any money for anything because they are constantly in court. With the Supreme Court ruling of a week or 2 ago, they will be in court all the time.

So let us level the playing field. Either both sides pay each other, or one side pays theirs, the other pay side pays theirs, but do not make it double indemnity for them.

Again, she missed a golden opportunity. I am sure the courts would have said she was perfectly in her right to allow the child to read that. But it is the fear, it is the intimidation. It appears to me that if we want to be fair about this, we will level the playing field so everybody has an equal opportunity.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to the amendment of the gentleman from South Carolina (Mr. DEMINT), my freshman colleague this evening.

I did not want to miss this golden opportunity. See, this is a golden opportunity for the gentleman's side of the aisle to encourage litigation. As we talk about tort reform, as we talk about not lifting the caps to allow people to litigate about tort issues, we want to give people the opportunity to go into court to litigate something that the Supreme Court has already decided. Usually, when we want to go into court and decide an issue, it is an issue that has not already been litigated by the Supreme Court.

This is a golden opportunity this evening for us to waste our time instead of getting on to the issues that we ought to be getting on to this evening, which are dealing with gun control, dealing with gun safety.

So, Mr. Chairman, I rise in opposition to the motion, because it is a waste of time to discuss the issue. I am a religious person just like anyone else, but I learned about God, Jesus Christ at Bethany Baptist Church, 10518 Hampton Avenue, through the support of my minister and my mother; and every one else can do the same.

Mr. SCOTT. Mr. Chairman, I yield myself 2½ minutes, the balance of the time.

Mr. Chairman, I think this discussion has pointed out the need for the amendment that we skipped. The gentleman from Colorado (Mr. TANCREDO) had an amendment that would have required parents to be notified of the availability of the Education Department's brochure, ''Religious Expression in Public Schools: A Statement of Principles.'' Had that been taken up, that information would have gone out, and people would know what they can do and what they cannot do.

This amendment right now does not require everyone to pay his own legal fees. It requires that those who agree with the gentleman from South Carolina (Mr. DEMINT) can get their attorney fees paid; but if one disagrees with the issue, then one cannot.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I know of no provision in the current law that would allow the school district to recover attorneys fees from a plaintiff who sued them challenging religious expression by the student. Is it not correct that the current law only allows the plaintiff to recover fees, but does not permit the school district which is defending the suit to make a recovery of legal fees?

Mr. SCOTT. Mr. Chairman, reclaiming my time, that is exactly right. But Congress does not decree that one can get one's attorneys fees if one sues under a premise that the gentleman from South Carolina (Mr. DEMINT) agrees with. But if one sues on something he disagrees with, one cannot get one's attorneys fees. It does not say that.

□ 2310

Mr. Chairman, this kind of amendment has significant constitutional implications. We ought not be taking it up as an after-thought to a juvenile justice bill that started out as a noncontroversial, bipartisan, constructive, research-based bill. Yet here we are, after 11 o'clock at night, talking about complex constitutional issues, trying to make law, and trying to make law in an unprecedented fashion, where we get attorneys fees if we agree with the gentleman from South Carolina but we do not get attorneys fees if we do not.

Mr. DEMINT. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from South Carolina.

Mr. DEMINT. Mr. Chairman, just a quick clarification. Congress created this exemption, and it is certainly within our right to change it.

This is an exemption. All we are asking for is a level playing field when two parties go to court. Right now, it is set up that if the schools lose, they pay both. If they win, they pay their own. There is no way for them to win. They are under a threat that is too big a risk. We just want it to be the standard normal practice.

The CHAIRMAN. Time of the gentleman from Virginia has expired. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from South Carolina (Mr. DEMINT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. DEMINT) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 21 offered by the gentleman from Florida (Mr. STEARNS); amendment No. 22 offered by the gentleman from Iowa (Mr. LATHAM); amendment No. 23 offered by the gentleman from California (Mr. ROGAN); amendment No. 24 offered by the gentleman from Colorado (Mr. TANCREDO); and amendment No. 26 offered by the gentleman from South Carolina (Mr. DEMINT).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 21 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote followed by four 5-minute votes.

The vote was taken by electronic device, and there were—ayes 293, noes 134, not voting 7, as follows:

[Roll No. 216]

AYES—293

Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOES—134

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Hastings (FL)
Hilliard
Hinchey

Hinojosa
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

☐ 2333

Ms. PELOSI and Mr. CROWLEY changed their vote from ''aye'' to ''no.''

Mr. GANSKE, Mr. FORD, Mrs. JOHNSON of Connecticut, Mr. PASCRELL, Mr. BALDACCI, Ms. SANCHEZ, Mr. DEUTSCH and Mr. REYES changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings. The Chair requests all Members to remain within the Chamber.

AMENDMENT NO. 22 OFFERED BY MR. LATHAM

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. LATHAM) on which further proceeding were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 3, not voting 7, as follows:

[Roll No. 217]

AYES—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—3

Ehrlich
Gonzalez
Paul

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

☐ 2340

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. ROGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROGAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 243, not voting 7, as follows:

[Roll No. 218]

AYES—184

Aderholt
Andrews
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cunningham
Danner
Davis (VA)
Deal
DeMint
Deutsch
Diaz-Balart
Doyle
Dreier
Duncan
Dunn
English
Everett

Fletcher
Foley
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Gutknecht
Hall (OH)
Hall (TX)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hobson
Holden
Horn
Hunter
Hyde
Istook
Jenkins
John
Johnson (CT)
Jones (NC)
Kasich
Klink
Knollenberg
Kucinich
Lampson
Latham
Leach
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Mascara
McCollum
McInnis
McIntosh
McIntyre
Menendez
Metcalf
Mica
Miller, Gary
Mollohan
Moore
Morella
Myrick
Ney
Norwood
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pomeroy
Radanovich
Ramstad
Regula
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Salmon
Sandlin
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shows
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Tiahrt
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOES—243

Abercrombie
Ackerman
Allen
Archer
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coburn
Conyers
Costello
Coyne
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Forbes
Ford
Fossella
Frank (MA)
Frost
Ganske
Gejdenson
Gilman
Gonzalez
Goodling
Green (WI)
Greenwood
Gutierrez
Hansen
Hastings (FL)
Hastings (WA)
Hefley
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Kolbe
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lowey
Lucas (OK)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Paul
Payne
Pelosi
Petri
Phelps
Pickett
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Reyes
Reynolds
Rivers
Rodriguez
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sanford
Sawyer
Scarborough
Schakowsky
Scott
Serrano
Shaw
Sherman
Shimkus
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (WA)
Snyder
Souder
Stark
Strickland
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wicker
Wilson
Woolsey
Wynn

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

☐ 2349

Messers. QUINN, DOGGETT, BERRY, BENTSEN, CAMP, PORTMAN, HILL of Montana, and Ms. PRYCE of Ohio and Mrs. CUBIN changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 2350

AMENDMENT NO. 24 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 300, noes 127, not voting 7, as follows:

[Roll No. 219]

AYES—300

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—127

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Becerra
Bentsen
Bereuter
Berkley
Berman
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gonzalez
Gutierrez
Hastings (FL)

Hilliard
Hinchey
Hinojosa
Holt
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Morella
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Payne
Pelosi
Pickett
Porter
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stark
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Waters
Watt (NC)
Wexler
Weygand
Woolsey

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

☐ 2357

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 26 OFFERED BY MR. DEMINT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. DEMINT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 189, not voting 7, as follows:

[Roll No. 220]

AYES—238

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—189

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Cooksey
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

☐ 0003

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider amendment No. 27 printed in part A in House Report 106–186.

Mr. ISTOOK. Mr. Chairman, the next scheduled amendment to be offered was one which I was to offer. However, I do not intend to offer it because the previous amendment, the DEMINT amendment, was adopted by the House.

My amendment had some similarities with the DeMint amendment. It would have stated that a plaintiff who sued to try to stop voluntary student prayer in public schools would not be entitled to collect attorney fees from the school district. However, since the DeMint amendment concerned religious expression, and certainly prayer is one of those religious expressions, my amendment is unnecessary because my objective was covered in fact in a broader way by the DeMint amendment.

Therefore, I do not wish to offer my amendment at this time.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 28 printed in part A of House Report 106–186.

AMENDMENT NO. 28 OFFERED BY MR. ADERHOLT

Mr. ADERHOLT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 28 offered by Mr. ADERHOLT:

Add at the end the following new title:

TITLE ___—RIGHTS TO RELIGIOUS LIBERTY

SEC. ___. FINDINGS.

The Congress finds the following:

(1) The Declaration of Independence declares that governments are instituted to secure certain unalienable rights, including life, liberty, and the pursuit of happiness, with which all human beings are endowed by their Creator and to which they are entitled by the laws of nature and of nature's God.

(2) The organic laws of the United States Code and the constitutions of every State, using various expressions, recognize God as the source of the blessings of liberty.

(3) The First Amendment to the Constitution of the United States secures rights against laws respecting an establishment of

religion or prohibiting the free exercise thereof made by the United States Government.

(4) The rights secured under the First Amendment have been interpreted by courts of the United States Government to be included among the provisions of the Fourteenth Amendment.

(5) The Tenth Amendment reserves to the States respectively the powers not delegated to the United States Government nor prohibited to the States.

(6) Disputes and doubts have arisen with respect to public displays of the Ten Commandments and to other public expression of religious faith.

(7) Section 5 of the Fourteenth Amendment grants the Congress power to enforce the provisions of the said amendment.

(8) Article I, Section 8, grants the Congress power to constitute tribunals inferior to the Supreme Court, and Article III, Section 1, grants the Congress power to ordain and establish courts in which the judicial power of the United States Government shall be vested.

SEC. ___. RELIGIOUS LIBERTY RIGHTS DECLARED.

(a) DISPLAY OF TEN COMMANDMENTS.—The power to display the Ten Commandments on or within property owned or administered by the several States or political subdivisions thereof is hereby declared to be among the powers reserved to the States respectively.

(b) EXPRESSION OF RELIGIOUS FAITH.—The expression of religious faith by individual persons on or within property owned or administered by the several States or political subdivisions thereof is hereby—

(1) declared to be among the rights secured against laws respecting an establishment of religion or prohibiting the free exercise of religion made or enforced by the United States Government or by any department or executive or judicial officer thereof; and

(2) declared to be among the liberties of which no State shall deprive any person without due process of law made in pursuance of powers reserved to the States respectively.

(c) EXERCISE OF JUDICIAL POWER.—The courts constituted, ordained, and established by the Congress shall exercise the judicial power in a manner consistent with the foregoing declarations.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Alabama (Mr. ADERHOLT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the recent shootings in Littleton, Colorado, provide an unfortunate picture of the terror infested in our schools today, children killing children in the halls of our schools, children who do not understand the basic principles of humankind.

Today, I offer the Ten Commandments Defense Act amendment. This amendment would protect America's religious freedom by allowing States, and I repeat that, allowing States to make the decision whether or not to display the Ten Commandments on or within publicly owned property.

As Members of Congress, we have the privilege and the weighty responsibility to make laws for our country which honor the individual, laws that foster value and establish basic guidelines of right and wrong; do not steal, do not lie, do not kill. We are fortunate to live in a country in which the very First Amendment of our Constitution guarantees the freedom of religion.

This does not mean freedom from religion. Rather, it means that we are free to live as we choose; we are free from the tyranny which stifles our expression of faith.

The founders wisely realized that in a free society it is imperative that individuals practice forbearance, respect and temperance. These are the very values taught by all the world's major religions and the Ten Commandments and our Constitution underscore these values.

While this amendment does not endorse any one religion, it states that a religious symbol which has deep rooted significance for our Nation and its history should not be excluded from the public square.

As I look behind me in the House Chamber here tonight, I see other religious symbols. In the balcony there are reliefs of great lawgivers throughout history. Blackstone, Jefferson, Hammarabbi, and the list goes on. However, on the main door to this Chamber is the relief of Moses, the most prominent place in the Chamber. He looks directly at the Speaker.

Above the dais, are the words, in God we trust and each day in this Chamber we open with prayer by our Chaplain. Religious expression is not absent from this public building, and it is not fair to say that public buildings in each of the States are precluded from recognizing this heritage.

The Ten Commandments represent the very cornerstone of Western civilization and the basis of our legal system here in America. To exclude a display of the Ten Commandments and suggest that it is in some way an establishment of religion is not consistent with our Nation's heritage. This Nation was founded on religious traditions and they are integral parts of the fabric of American culture, political and societal life.

This amendment today is not just about the display of the Ten Commandments. It is also about our Nation's children and the role that values play in our national life. Our Nation was founded on Judeo-Christian principles and by our Founding Fathers.

I realize that many things need to happen to redirect this overwhelming surge toward a violent culture. I also understand that simply posting the Ten Commandments will not change the moral character of our Nation overnight. However, it is one step that States can take to promote morality and work toward an end of children killing children. The States we represent deserve the opportunity to decide for themselves whether they want to display the Ten Commandments. This is consistent with the Tenth Amendment to the Constitution, which says those powers not given to the Federal Government are reserved for the States.

I ask my colleagues to join me in giving the States the power to decide whether to display the Ten Commandments, which are the very backbone of the values and the nature of our society.

Mr. Chairman, I reserve the balance of my time.

☐ 0010

Mr. SCOTT. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 10 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, our rich tradition of religious diversity is a cornerstone of American constitutional rights. Rather than trying to honor and promote that tradition of religious diversity by focusing on the Ten Commandments, this amendment seeks to elevate one particular religion over all others. This singling out of one religion is contrary to the American ideal of religious tolerance and is blatantly unconstitutional.

By contrast, the Chamber of the Supreme Court, one of the best traditions of our religious diversity, the Ten Commandments, depicts Hammurabi, Moses, Confucius, Augustus, Mohammed and others as those who have given the philosophy and law, and does so in a manner that honors the diversity of our religious experience.

The amendment before us today is unconstitutional because it is inconsistent with the first amendment. The case law clearly establishes that placing religious articles such as the Ten Commandments outside the context of other secular symbols, in a government establishment is a violation of the Establishment Clause.

In Stone v. Graham, in 1980, the Supreme Court struck down a Kentucky law requiring the posting of the Ten Commandments in public schools. Another case, in 1994, the 11th Circuit Court of Appeals found a courtroom display of the Ten Commandments to be unconstitutional.

For more than 200 years, we have survived as a government of laws and court interpretations of those laws, and now is not the time on a juvenile justice bill to be debating complex constitutional principles that have nothing to do with juvenile crime.

Mr. Chairman, I reserve the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

(Mr. HAYES asked and was given permission to revise and extend his remarks.)

Mr. HAYES. Mr. Chairman, we have awoken to a day in which hatred is overlooked, violence is glorified, and random acts of indecency are tolerated. I fear that this has led to a generation

that no longer understands the difference between right and wrong.

This segment of our youth population has abandoned the notion that human life should be treasured. It saddens me to conclude that many of these youth are, by their own account, morally destitute. Regrettably, Americans have witnessed a series of heart-wrenching incidents of youth violence, casting light on the magnitude of our Nation's problem.

I do not support the Aderholt amendment because I want to impose religion in our schools. I strongly support this amendment because our States should have the opportunity to expose their students to a timeless code which, I believe, could instill ageless values.

I have given much thought to why some of my colleagues are so resistant to the proposal of the gentleman from Alabama (Mr. ADERHOLT), and, frankly, I remain incredulous. Do some truly believe that teaching our children that lying, stealing, and killing is wrong? Listening to some of my colleagues on the other side of the aisle, one might conclude that the amendment of the gentleman from Alabama (Mr. ADERHOLT) would tear at the fabric of our Nation.

It is amazing to me that many of these same Members will, no doubt, vehemently defend the right of commercial vendors who wish to distribute pornography, filth, and violence to our children, and yet rail against States that wish to allow their school districts the right to post the 10 basic tenets of the Judeo-Christian tradition.

Mr. Chairman, when will we as a Congress humbly acknowledge that this Nation was founded on a simple principle of trust in God? We need to get our priorities straight. I support the freedom of religion, and I support this amendment.

Mr. SCOTT. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment again attempts to say that the Congress finds what is constitutional and what is not. It finds to be constitutional what the courts of the land, which have the power and the duty under our system of finding what is constitutional, this says what they have found to be unconstitutional is constitutional. It is usurpation of the power of the courts, number one.

Number two, it says the courts, constituted and ordained and established by the Congress, shall exercise the judicial power in a manner consistent with the foregoing declarations. God forbid, the courts should exercise the judicial power in accordance with the courts' understanding of the Constitution, first of all; and, second of all, with the laws, not with opinions expressed and findings of Congress.

Third, public buildings shall have the Ten Commandments. The Ten Commandments say a number of things. I think most people who talk about them do not really know what they say. It says, ''I am the Lord, thy God, who has brought thee forth from Egypt. Thou shalt have no other Gods before me, for I, the Lord thy God, am a jealous God, visiting the sins of the fathers on the children even unto the third and fourth generations.''

Do most religious groups in this country really believe that God visits the sins of the fathers on the children to the third and fourth generations? I think not.

''Thou shalt not work on Saturday.'' Most Christian denominations have changed it to Sunday. Do we want to say they are wrong, with the power of the State behind them, the Christian groups are wrong, they ought to be changed back to Saturday? That is what the Ten Commandments seems to say.

I am not expressing a view on religion, but the States should not take a position on that by putting that in the courtroom or the schools.

Let me ask a different question: Whose Ten Commandments? Which version? The Catholic version? The Protestant version, or the Jewish version? They are different, you know. The Hebrew words are the same, but the translations are very different, reflecting different religious traditions and different religious beliefs.

Are our public buildings to be Catholic because the local Catholic majority votes that the Catholic version found in the Douay Bible should be in the public buildings? Or perhaps they should be Protestant because the local majority decides that the Saint James version of the Ten Commandments, which is very different from the Catholic version. Or maybe the Jews have a majority in the local district, and they decide the Messianic version should be in the public buildings.

It was precisely to avoid divisive questions like this that the first amendment commands no establishment of religion; and that is what this ignorant amendment would overturn. I urge its defeat.

Mr. ADERHOLT. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, this is a copy of the Ten Commandments that hangs on the wall of the office of the gentleman from Georgia (Mr. BARR), Representative from the Seventh District. This has been hanging on our wall for close to 5 years now, since I was sworn in as a Member of this Chamber.

Not one time have we had somebody that has walked into that office, seen these Commandments, fallen down on their knees and say, I must pay homage to whatever religion the gentleman from Georgia (Mr. Barr) is. There is nothing in these Ten Commandments that reaches out and grabs somebody and forces them to abide by any particular religious belief.

I challenge anybody on the other side to tell me what in these Ten Commandments they find so objectionable. Do they find so objectionable that it says, Thou shalt not kill? Would they object to having those words, and no more, inscribed on the halls of our schools so that our children are reminded that thou shalt not kill? I dare say no.

It mystifies me what they find so objectionable in the Ten Commandments. They say, oh, this is not the time, Mr. Chairman, this is not the time in this bill about youth violence. I challenge them, if this is not the time, what in God's name is the time? When in God's name, Mr. Chairman, is it time; when we have children killing children in our schools, killing teachers in our schools is the time?

Is it the time when we have another tragedy in schools? Will it be time when we have more teachers killed? Will it be time when we have more weapons of destruction being taken into our schools? Maybe then it would be time. But I say, Mr. Chairman, it is time now.

As was spoken eloquently in testimony before the House of Representatives Subcommittee on Crime on May 27, 1999, in a poem penned by one of the parents of the victims of two of the Columbine High School shootings victims, Darrell Scott, he sent a poem which now hangs on our wall next to the Ten Commandments. He says in closing, ''You fail to understand that God is what we need!'' We do need God. I urge the adoption of this amendment.

In the past, America had one room school houses where moral teaching and strong discipline were a part of each day's lesson. At the same time, we had very few gun control laws on the books. In those days, violence in schools was largely limited to playground scuffles.

Today, we have numerous gun control laws. We also have schools where students are forbidden to pray in class or refer to the Lord, where Bible stories cannot be read, and where teachers cannot discipline students. At the same time, we are forced to fight a rising tide of juvenile violence that would have been unthinkable a few short years ago. Coincidence? Not likely.

One of the most egregious examples of the disconnect between common sense and government is the policy many governments have been forced to adopt, banning public display of the Ten Commandments.

Mr. Chairman, some on the other side of the aisle keep saying that Republicans are working on behalf of the NRA. Their irrational argument against something as simple and nonsectarian as displaying the Ten Commandments proves that many in the Democrat party have been bought and paid for by the trial lawyers. And, those lawyers are getting what they paid for judging from the lengths some are willing to go to in order to keep moral teaching out of our schools.

Frankly, I'll take protecting the rights of law abiding citizens over working to protect the views of special interests any day. What kind of society allows its students to make videos about violence, but won't allow teachers to put a poster on a wall with the words ''Thou shalt not kill'' written on it? Trial lawyers and intimidating federal bureaucrats have dictated school policies for too long. Enough is enough.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, after hearing the last statement on the floor, I am reminded of a statement made by the 18th Century American Baptist preacher, John Leland, who fought mightily for a religious liberty amendment in the Bill of Rights when he said, ''Experience has informed us that the fondness of magistrates to foster Christianity has done it more harm than all the persecutions ever did. Persecution, like the lion, tears the saints to death, but leaves Christianity pure. State establishment of religion, like a bear, hugs the saints, but corrupts Christianity.''

Mr. Chairman, what is wrong with this picture? Our Founding Fathers decided that the issue of religious liberty, the concept of separating church and State in America was so important it should be the first 16 words of the Bill of Rights.

But here we are, after midnight, more staff people on this floor than Members of this House, debating with the gracious allowance of 10 minutes on each side, 10 minutes to debate an issue that is fundamental to the point. It is the very beginning of the foundation of our Bill of Rights and the first amendment.

☐ 0020

That is wrong.

Now, I would suggest it is absolutely disingenuous to suggest that tonight is a debate about the goodness of the Ten Commandments. I am a Christian, I would say to my colleague, the gentleman from Georgia (Mr. BARR). I am not going to debate my level of Christianity versus anyone else's. It is not my place in my Christianity to judge anyone else. But that is not what this debate is all about. This debate is whether government has the right to use its resources to push its religious views on other free citizens of this land.

And do not listen to my words tonight. Listen to what the Supreme Court said. The Supreme Court has clearly stated in its cases that the preeminent purpose for posting the Ten Commandments on the schoolroom walls is plainly religious in nature.

This debate does disservice to the Bill of Rights and the principle of religious liberty.

Mr. ADERHOLT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the gentleman from Alabama (Mr. ADERHOLT) for yielding me this time and for his leadership.

This debate is about what is going on with our kids in America, and that is why it is part of the juvenile justice bill. And there are millions and millions, probably the overwhelming majority of Americans, who believe part of this is the lack of moral teaching and the moral influence which we have sucked out of our system in this country.

I am tired of hearing tonight on the floor about how neutral our Founding Fathers were and this and that. The fact is we have lawgivers all around this body, and all their heads are sideways on this side, and all their heads are sideways on that side, except for one. Moses is looking straight down on the Speaker of the House. And up above the Speaker of the House it says ''In God We Trust.'' And it is Moses looking here, not all these on this side and not all these on this side. They are part of a tradition, but this is the central tradition. We have denied and sucked out the central tradition.

We now have diversity, and in the schools we allow posting of posters from the Hindu background, from the Mexican background, prayers from Indian faiths, but not the Ten Commandments. In Congress, Members who are interested can get and have the different plaques, the stone plates, and I hope we do not drop these because I do not want to bring any bolts of lightning down on us, of the Ten Commandments. We can put these in our offices. We can have Moses staring down here, but these things apparently are dangerous for our children. We would not want them to have other gods. We would not want them to learn about killing and stealing. Apparently, this is more dangerous than whether they can wear Marilyn Manson T-shirts, whether they can have posters in the schools advertising rock concerts. Anything goes pretty much in the schools as long as it is not the Ten Commandments.

That is what we are concerned about, is the stripping of the religious freedom for the central part of our culture, not trying to deprive other people of their rights. I am fine with posting different versions of the Ten Commandments, if that is what it takes. We are not trying to restrict other people's rights. We are trying to bring the rights back for the central faith of this country.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I am a protestant, a Baptist in particular. I am not of the Jewish faith, I do not practice Judaism, I do not practice the Muslim faith, I do not know anything about Buddhists. I respect each of those. But when I send my child to school, I expect my child not to be influenced by anybody else's religion. I expect to teach my child in my house what I would like to teach him about religion. While I respect everybody's religion, I do not want it imposed on my child where I send him to school.

Now, my colleague thinks it is all right to have the Ten Commandments. I do not know what is synonymous to that in any of these other religions. I know one thing. I do not want anybody else's religion displayed by way of their commandments in the classroom where my child is, maybe teaching him something different than what I would teach him.

As far as I am concerned, I teach my child that God is God. It may be Jehovah, it may be Allah, it may be something in other religions. But that is the point. The point is this is a Nation where we are allowed to practice whatever we would like to practice. It is central and basic to our democracy. It is installed in our Constitution. It is sacrosanct. It is the most precious thing that we can have, freedom of religion.

When the gentleman talks about the Ten Commandments, he is talking about something that is central to Christianity. Why in God's name would he want that to be the symbol of everybody's religion? The fact of the matter is, he would not like it if somebody else imposed something else on his child. So he has got to see it in a more comprehensive way.

It is unconstitutional. It flies in the face of the Constitution of this land and it should not be done.

Mr. SCOTT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Chairman, I respect the fact that there are Members who have come to this floor arguing the Constitution on a juvenile crime bill because they see no other hope for them or for the children of America. And I would simply say to the gentleman from Alabama (Mr. ADERHOLT), although I respect his desires and his appreciation for the Ten Commandments, it is important to hold in high regard the Constitution of the United States.

The Constitution requires that we establish no religion. The gentleman from Georgia (Mr. BARR) has asked, ''When in God's name.'' Well, the gentleman has the Ten Commandments, and I would hope that wherever the gentleman from Georgia goes he offers to those who will hear him his belief in the Ten Commandments. And that is what we need to give our children in America, the opportunity for them to choose their beliefs.

For this to be allowed, if the gentleman is attaching it to the juvenile crime bill, he must be saying, put the Ten Commandments in our schools. Well, in our schools, as evidenced by the statement of the Secretary of Education, that I wish the gentleman from Colorado (Mr. TANCREDO) would have offered, we allow our students to express themselves, no matter what their religion is. They can gather voluntarily and pray to their respective gods. If they want to acknowledge the Ten Commandments, do so, and I support them in doing so. I happen to believe in the Seventh Day Sabbath, but if someone does not agree with that, then they have every right to not be forced to do so.

I would say, Mr. Chairman, that the Constitution is violated by that amendment, and I would ask it be defeated.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Amendment I of the Constitution says the Congress shall make no law respecting an establishment of religion. Obviously, picking one religious symbol establishes that religion.

Mr. Chairman, to the extent this measure may be constitutional, if it is constitutional, we do not need it. If it is not constitutional, it does not make any difference whether we pass it or not. We are wasting time. We ought to get back to juvenile crime. We should not be taking up this measure at 12:30 at night. I would hope we would get back to the serious consideration of juvenile crime.

Mr. NADLER. Mr. Chairman, I ask unanimous consent, in view of the importance of this subject, that the time for debate be extended by 1 hour.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

Mr. ADERHOLT. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The question is on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, furthers proceedings on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT) will be postponed.

It is now in order to consider amendment No. 29 printed in part A of House Report 106–186.

□ 0030

AMENDMENT NO. 29 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 29 offered by Mr. SOUDER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. RELIGIOUS NONDISCRIMINATION.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting before title III the following:

''RELIGIOUS NONDISCRIMINATION

''SEC. 299J. (a) A governmental entity that receives a grant under this title and that is authorized by this title to carry out the purpose for which such grant is made through contracts with, or grants to, nongovernmental entities may use such grant to carry out such purpose through contracts with or grants to religious organizations.

''(b) For purposes of subsection (a), subsections (b) through (k) of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply with respect to the use of a grant received by such entity under this title in the same manner as such subsections apply to States with respect to a program described in section 104(a)(2)(A) of such Act.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Chairman, I rise in support of this amendment which I am offering along with my colleague, the gentleman from Pennsylvania (Mr. ENGLISH), to expand the principle of religious nondiscrimination to faith-based providers that may desire to compete for contracts and grants provided through juvenile justice funds.

This principle is known as charitable choice and was first included in the welfare reform legislation that became law in 1996. That passed this House by an overwhelming margin, passed the Senate by an overwhelming margin, and was signed by the President of the United States.

In 1998, this principle was also extended to community services block grant legislation. This passed the House by an even bigger margin, passed the Senate by an even bigger margin, was signed by the President of the United States.

Today this House should extend this principle which treats faith-based organizations fairly if they choose to compete to provide juvenile justice prevention services, as well.

Unfortunately, some have raised concerns about this approach which treats fairly faith-based groups on the basis of a distortion of church-state relations.

Now, interestingly, the leading Republican contender for President George Bush, the Governor of Texas, has been a leader in this. But even more interestingly, Vice President GORE has come to speak out on charitable choice, as well.

In Atlanta, at the Salvation Army, on May 24, he said, ''I believe the lesson for our Nation is clear. In those instances where the complete power of faith can help us meet the crushing social challenges that are otherwise impossible to meet, such as drug addiction and gang violence, we should explore carefully-tailored relationships with our faith community so that we can use approaches that are working best.''

If my colleagues look at his campaign home page, it specifically says that ''Vice President Gore and his presidential campaign supports the concept of charitable choice, which the President of the United States has signed in two other bills.''

It is hard for me to understand why anybody would oppose this amendment since both parties' leading contenders, since the current President of the United States, since both Houses of Congress have adopted it. And I hope we will pass this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, it is now getting worse. Instead of having 10 minutes on each side of the aisle to debate the fundamental issue of separation of church and State, we now only have 5 minutes; 5 minutes in the middle of the night, with very few Members here, to discuss something that was so important, that was embedded in the very foundation of the Bill of Rights, the principle of separating government's power from the right of citizens in this country to exercise their own religious beliefs.

I would make a suggestion. If it were my intent to undermine the religious tolerance for which we have great pride and respect in America, for intent to undermine that tolerance and to create a Northern Ireland in the United States of America, where one religion is pitted against another, let me tell my colleagues how I would do it.

I would put billions of dollars out on the table and tell churches and synagogues that they ought to compete now for that money to help administer social programs.

Five years from now we will have the Baptists arguing with the Methodists, with the Catholics, with the Jews, with the Hindus, with the Muslims, over who got their proportional share of the almighty Federal dollar.

Since we were not given the privilege of having even a 10-minute debate in committee on this fundamental issue, I would hope the author of this amendment would clarify to this House before we vote on this crucial point whether this will allow money to go directly to pervasively sectarian religious institutions.

Mr. Chairman, I would be glad to yield to the gentleman if he would answer that question.

Mr. SOUDER. Mr. Chairman, this has exactly the same language that my colleague voted for in the human services authorization and that he voted for personally in the welfare. It is the same language.

Mr. EDWARDS. Mr. Chairman, it is the same language that not 5 or 10 Members of this House knew was in the welfare reform bill. And I was here on the floor of the House at 1 a.m. in the morning the last time we debated this. But would the gentleman please answer my question? It is a good-faith question to the gentleman.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

I will answer the question here. I apologize for seeming to avoid it, but

in fact it was debated. It was a major debate in conference and was aired nationally in the media.

This would allow money directly to go to those groups. They cannot service just their groups. They do not have to change their internal operations. They cannot proselytize with any of the money or they would lose the grant.

Mr. Chairman, I yield 1½ minutes to my friend and cosponsor, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, the gentleman from Indiana (Mr. SOUDER) and I read what we vote for, and we are offering this charitable choice amendment to level the playing field for faith-based organizations by giving them the opportunity to compete with other private entities and providing juvenile justice services.

Religious organizations we know play a critical role in every community and offer unique ways in dealing with young people's needs. These organizations should have the right to compete for these grants.

The charitable choice amendment empowers faith-based organizations to participate in providing juvenile services, but at the same time it guarantees tolerance of the religious beliefs of individuals participating in those programs.

It gives the beneficiary of services the right to object to receiving services from a religious organization and find an alternative provider. No recipients of juvenile justice services will be forced to accept services from a faith-based provider.

Under current law, any organization who is eligible and receiving a grant from the Federal Government cannot discriminate against a beneficiary because of religious affiliation. And this amendment would apply that standard to faith-based providers, as well.

In addition, it clarifies that a religious provider receiving grant money may not discriminate against an employee because of religious affiliation.

This proposal respects religious diversity even as it attracts new perspectives for treating juvenile offenders.

I challenge my colleagues to look into their heart and support this provision.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I am sorry that the gentleman did not yield to my question before because I am not sure what this language means.

If it means only that a church or a synagogue can get money to run a hot lunch program or to run a housing project, so long as it does it in a nonsectarian and non-religious basis and does not mix religion into it, then that is the current law and we do not need it and we should vote against it because it is unnecessary if that is all it means.

But if it means, as I suspect it means, that if the Federal Government runs a hot lunch program that the first whatever church of east Oshkosh can apply for a grant and can get that grant and can say to people who want to eat the hot lunch, the condition of their getting the hot lunch is that they listen to their religious sermon, if it means, as I suspect it does, that the Congress believes that faith-based methodology, a belief in God, a belief in particular religious doctrines, helps cure drug addicts and, therefore, we want the churches to do this, then that is a per se violation of the separation of church and State, it is an obvious violation of the First Amendment of the establishment of religion, and it leads to exactly what the gentleman from Texas (Mr. EDWARDS) was talking about a few minutes ago.

The most contentious thing we do here is decide what percentage of transit funds or highway funds New York gets as opposed to Pennsylvania or Indiana. We have our fights here about that.

Can my colleagues imagine if we have the annual appropriations fight because the Committee on Appropriations thinks the Methodists ought to get 6.2 percent and the Baptists 7.8 percent, but of course the Baptists think they ought to get more and the Methodists think they ought to get more and the Baptists less?

It is the most divisive thing I can imagine in this country and it is exactly why the Founding Fathers said no establishment of religion. We do not want to get into those religious wars that have driven Europe apart and have driven Asia apart, and this is the road that that amendment leads us down.

Mr. SOUDER. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Indiana (Mr. SOUDER) has 1 minute remaining. The gentleman from Virginia (Mr. SCOTT) also has 1 minute remaining.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to make it clear that this amendment, as did the amendments in the previous two bills, prohibits any funds from being used for sectarian worship, instruction or proselytization, including conditional. It also specifically forbids discrimination with regards to beneficiaries of services.

I would suggest that, while this is not much time to do this, this Congress, with 346 votes and with 256 votes, previously passed this, that the main differences of opinion seem to be on the other side of the aisle, also with their President and Vice President. And perhaps what they really need is a conference on their side and at the White House to discuss their differences.

□ 0040

This Congress has already spoken twice, and I hope we will speak a third time in favor of charitable choice.

Mr. Chairman, I include the following for the RECORD:

[From USA Today, June 1, 1999]

GORE GOES PUBLIC WITH HIS FAITH AS HE PUSHES CHURCH CHARITY PLAN

(By Cathy Lynn Grossman)

Vice President Gore's recent push to expand government partnerships with religious groups reflects a deep religious faith not everyone knows about him, he says.

''I don't wear it on my sleeve,'' he told religion writers in a conversation at the White House on Friday. But, he added, ''The purpose of life is to glorify God. I turn to my faith as the bedrock of my approach to any important question in my life.''

Gore said in a speech May 24 that he wants to expand ''Charitable Choice,'' the 1996 Republican-sponsored legislation that lets religious groups apply for government contracts to supply welfare-to-work services. Gore wants to add programs that combat drug abuse, homelessness and youth violence.

As the presidential campaign gets under way, the proposal is a move to the political center for Gore. It is similar to some ideas long discussed by Texas Gov. George W. Bush, the front-runner for the Republican nomination. And, as Gore's strategists worry about whether he carries a taint from Clinton administration scandals, it is a way to showcase his commitment to his faith and religious values.

The Interfaith Alliance, a coalition of religious groups that often sides with the administration, raised concerns that involving religious groups in government programs could lead to regulation of those groups.

Barry Lynn, director of Americans United for Separation of Church and State, is skeptical about a requirement that churches separate their social services from their religious services. ''I don't think there's any way you can give funds to a church and tell them they cannot use them for evangelism,'' Lynn says.

Gore avoids the word ''evangelism'' as he reiterates the Charitable Choice rules: Faith-based groups are not allowed to proselytize or require religious participation or commitment from clients, and comparable, nonreligious services must be available in the area.

Despite the objections, Gore sees a broad social consensus recognizing the value of faith in guiding people's lives. ''This is not any great blinding insight from moi,'' he joked.

Asked how his beliefs affect his life, Gore first responded by reading rapidly from the final page of his 1992 book Earth in the Balance: Ecology and the Human Spirit: ''My own faith is rooted in the unshakable belief in God as creator and sustainer, a deeply personal interpretation of, and relationship with, Christ.''

Asked again, he lists his churchgoing Southern Baptist childhood, education in an elite Episcopal school, a year in a seminary after service in Vietnam and a life of reading religious philosophers.

Gore is known as a champion of science, but he sees no separation between his cerebellum and his soul: ''You can have the Earth circle around the sun and still believe in God.''

[From Brookings Institution, Brookings Review, Mar. 22, 1999]

NO AID TO RELIGION?

(Ronald J. Unruh and Heidi Rolland)

As government struggles to solve a confounding array of poverty-related social problems—deficient education, un- and underemployment, substance abuse, broken families, substandard housing, violent crime, inadequate health care, crumbling urban infrastructures—it has turned increasingly to

the private sector, including a wide range of faith-based agencies. As described in Stephen Monsma's When Sacred and Secular Mix, public funding for nonprofit organizations with a religious affiliation is surprisingly high. Of the faith-based child service agencies Monsma surveyed, 63 percent reported that more than 20 percent of their budget came from public funds

Government's unusual openness to cooperation with the private religious sector arises in part from public disenchantment with its program, but also from an increasingly widespread view that the nation's acute social problems have moral and spiritual roots. Acknowledging that social problems arise both from unjust socioeconomic structures and from misguided personal choices, scholars, journalists, politicians, and community activists are calling attention to the vital and unique role that religious institutions play in social restoration.

Though analysis of the outcomes of faith-based social services is as yet incomplete, the available evidence suggests that some of those services may be more effective and cost-efficient than similar secular and government programs. One oft-cited example is Teen Challenge, the world's largest residential drug rehabilitation program, with a reported rehabilitation rate of over 70 percent—a vastly higher success rate than most other programs, at a substantially lower cost. Multiple studies identify religion as a key variable in escaping the inner city, recovering from alcohol and drug addiction, keeping marriage together, and staying out of prison.

THE NEW COOPERATION AND THE COURTS

Despite this potential, public-private cooperative efforts involving religious agencies have been constrained by the current climate of First Amendment interpretation. The ruling interpretive principle on public funding of religious nonprofits—following the metaphor of the wall of separation between church and state, as set forth in Everson v. Board of Education (1947)—is ''no aid to religion.'' While most court cases have involved funding for religious elementary and secondary schools, clear implications have been drawn for other types of ''pervasively sectarian'' organizations. A religiously affiliated institution may receive public funds—but only if it is not too religious.

Application of the no-aid policy by the courts, however, has been confusing. The Supreme Court has provided no single, decisive definition of ''pervasively sectarian'' to determine which institutions qualify for public funding, and judicial tests have been applied inconsistently. Rulings attempting to separate the sacred and secular aspects of religiously based programs often appear arbitrary from a faith perspective, and at worst border on impermissible entanglement. As a result of this legal confusion, some agencies receiving public funds pray openly with their clients, while other agencies have been banned even from displaying religious symbols. Faith-based child welfare agencies have greater freedom in incorporating religious components than religious schools working with the same population. Only a few publicly funded religious agencies have been challenged in the courts, but such leniency may not continue. While the no-aid principle holds official sway, faith-based agencies must live with the tension that what the government gives with one hand, it can take away (with legal damages to boot) with the other. The lack of legal recourse leaves agencies vulnerable to pressures from public officials and community leaders to secularize their programs.

The Supreme Court's restrictive rulings on aid to religious agencies stand in tension with the government's movement toward grater reliance on private sector social initiatives. If the no-aid principle were applied consistently against all religiously affiliated agencies now receiving public funding, government administration of social services would face significant setbacks. This ambiguous state of affairs for public-private cooperation has created a climate of mistrust and misunderstanding, in which faith-based agencies are reluctant to expose themselves to risk of lawsuits, civic authorities are confused about what is permissible, and multiple pressures push religious organizations into hiding or compromising their identity, while at the same time, many public officials and legislators are willing to look the other way when faith-based social service agencies include substantial religious programming.

Fortunately, an alternative principle of First Amendment interpretation, which Monsma identifies as the ''equal treatment'' strain, has recently been emerging in the Supreme Court. This line of reasoning—as in Widmar v. Vincent (1981) and Rosenberger v. Rector (1995)—holds that public access to facilities or benefits cannot exclude religious groups. Although the principle has not yet bet applied to funding for social service agencies, it could be a precedent for defending cooperation between government and faith-based agencies where the offer of funding is available to any qualifying agency.

The section of the 1996 welfare reform law known as Charitable Choice paves the way for this cooperation by prohibiting government from discriminating against nonprofit applicants for certain types of social service funding (whether by grant, contract, or voucher) on the basis of their religious nature. Charitable Choice also shields faith-based agencies receiving federal funding from governmental pressures to alter their religious character—among other things assuring their freedom to hire staff who share their religious perspective. Charitable Choice prohibits religious nonprofits from using government funds for ''inherently religious'' activities—defined as ''sectarian worship, instruction, or proselytization''—but allows them to raise money from nongovernment sources to cover the costs of any such activities they choose to integrate into their program. Clearly, Charitable Choice departs from the dominant ''pervasively sectarian'' standard for determining eligibility for government funding, which has restricted the funding of thoroughly religious organizations. It makes religiosity irrelevant to the selection of agencies for public-private cooperative ventures and emphasizes instead the public goods to be achieved by cooperation. At the same time, Charitable Choice protects clients' First Amendment rights by ensuring that services are not conditional on religious preference, that client participation in religious activities is voluntary, and that an alternative nonreligious service provider is available.

THE FIRST AMENDMENT AND THE CASE FOR CHARITABLE CHOICE

Does Charitable Choice violate the First Amendment's non-establishment and free exercise clauses?

We think not. As long as participants in faith-based programs freely choose those programs over a ''secular'' provider and may opt out of particular religious activities within the program, no one is coerced to participate in religious activity, and freedom of religion is preserved. As long as government is equally open to funding programs rooted in any religious perspective whether Islam, Christianity, philosophic naturalism, or no explicit faith perspective—government is not establishing or providing preferential benefits to any specific religion or to religion in general. As long as religious institutions maintain autonomy over such crucial areas as program content and staffing, the integrity of their separate identity is maintained. As long as government funds are exclusively designated for activities that are not inherently religious, no taxpayer need fear that taxes are paying for religious activity. While Charitable Choice may increase interactions between government and religious institutions, these interactions do not in themselves violate religious liberty. Charitable Choice is designed precisely to discourage such interactions from leading to impermissible entanglement or establishment of religion.

Not only does Charitable Choice not violate proper church-state relations, it strengthens First Amendment protections. In the current context of extensive government funding for a wide array of social services, limiting government funds to allegedly ''secular'' programs actually offers preferential treatment to one specific religious worldview.

In setting forth this argument, we distinguish four types of social service providers. First are secular providers who make no explicit reference to God or any ultimate values. People of faith may work in such an agency—say, a job training program that teaches job skills and work habits—but staff use only current techniques from the social and medical sciences without reference to religious faith. Expressing explicit faith commitments of any sort is considered inappropriate.

Second are religiously affiliated providers (of any religion) who incorporate little inherently religious programming and rely primarily on the same medical and social science methods as a secular agency. Such a program may be provided by a faith community and a staff with strong theological reasons for their involvement, and religious symbols and a chaplain may be present. A religiously affiliated job training program might be housed in a church, and clients might be informed about the church's religious programs and about the availability of a chaplain's services. But the content of the training curriculum would be very similar to that of a secular program.

Third are exclusively faith-based providers whose programs rely on inherently religious activities, making little or no use of techniques from the medical and social sciences. An example would be a prayer support group and Bible study or seminar that teaches biblical principles of work for job-seekers.

Fourth are holistic faith-based providers who combine techniques from the medical and social sciences with inherently religious components such as prayer, worship, and the study of sacred texts. A holistic job training program might incorporate explicitly biblical principles into a curriculum that teaches job skills and work habits, and invite clients to pray with program staff.

Everyone agrees that public funding of only the last two types of providers would constitute government establishment of religion. But if government (because of the ''no aid to religion'' principle) funds only secular programs, is this a properly neutral policy?

Not really, for two reasons. First, given the widespread public funding for private social services, if government funds only secular programs, it puts all faith-based programs at a disadvantage. Government would tax everyone—both religious and secular—and then fund only allegedly secular programs. Government-run or government-funded programs would be competing in the same fields with faith-based programs lacking access to such support.

Second, secular programs are not religiously neutral. Implicitly, purely ''secular''

programs convey the message that nonreligious technical knowledge and skills are sufficient to address social problems such as low job skills and single parenthood. Implicitly, they teach the irrelevance of a spiritual dimension to human life. Although secular programs may not explicitly uphold the tenets of philosophical naturalism and the belief that nothing exists except the natural order, implicitly they support such a worldview. Rather than being religiously neutral, ''secular'' programs implicitly convey a set of naturalistic beliefs about the nature of persons and ultimate reality that serve the same function as religion. Vast public funding of only secular programs means massive government bias in favor of one particular quasi-religious perspective—namely, philosophical naturalism.

Religiously affiliated agencies (type two), which have received large amounts of funding in spite of the ''no aid to religion'' principle, pose another problem. These agencies often claim a clear religious identity—in the agency's history or name, in the religious identity and motivations of sponsors and some staff, in the provision of a chaplain, or in visible religious symbols. By choice or in response to external pressures, however, little in their program content and methods distinguishes many of these agencies from their fully secular counterparts. Prayer, spiritual counseling, Bible studies, and invitations to join a faith community are not featured; in fact most such agencies would consider inherently religious activities inappropriate to social service programs.

Millions of public dollars have gone to support the social service programs of religiously affiliated agencies. There are three possible ways to understand this apparent potential conflict with the ''no aid to religion'' principle. Perhaps these agencies are finally only nominally religious, and in fact are essentially secular institutions, in which case their religious sponsors should be raising questions. Or perhaps they are more pervasively religious than they have appeared to government funders, in which case the government should have withheld funding.

The third explanation may be that these agencies are operating with a specific, widely accepted worldview that holds that people may need God for their spiritual well-being, but that their social problems can be addressed exclusively through medical and social science methods. Spiritual nurture, in this worldview, is important in its place, but has no direct bearing on achieving public goods like drug rehabilitation or overcoming welfare dependency. Such a worldview acknowledges the spiritual dimension of persons and the existence of a transcendent realm outside of nature. But it also teaches (whether explicitly or implicitly) a particular understanding of God and persons, by addressing people's social needs independently of their spiritual nature. By allowing aid to flow only to the religiously affiliated agencies holding this understanding, government in effect has given preferential treatment to a particular religious worldview.

Holistic faith-based agencies (type four), on the other hand, operate on the belief that no area of a person's life—whether psychological, physical, social, or economic—can be adequately considered in isolation from the spiritual. Agencies operating out of this worldview consider the explicitly spiritual components of their programs—used in conjunction with conventional, secular social service methods—as fundamental to their ability to achieve the secular social goals desired by government. Government has in the past considered such agencies ineligible for public funding, though they may provide the same services as their religiously affiliated counterparts.

Some claim that allowing public funds to be channeled through a holistic religious program would threaten the First Amendment, while funding religiously affiliated agencies does not. But the pervasively sectarian standard has also constituted a genuine, though more subtle, establishment of religion, because it supports one type of religious worldview while penalizing holistic beliefs. It should not be the place of government to judge between religious worldviews—but this is what the no-aid principle has required the courts to do. Selective religious perspectives on the administration of social services are deemed permissible for government to aid. Those who believe that explicitly religious content does not play a central role in addressing social problems are free to act on this belief with government support; those who believe that spiritual nurture is an integral aspect of social transformation are not.

The alternative is to pursue a policy that discriminates neither against nor in favor of any religious perspective. Charitable Choice enables the government to offer equal access to benefits to any faith-based nonprofit, as long as the money is not used for inherently religious activities and the agency provides the social benefits desired by government. Charitable Choice does not ask courts to decide which agencies are too religious. It clearly indicates the types of ''inherently religious'' activities that are off-limits for government funding. The government must continue to make choices about which faith-based agencies will receive funds, but eligibility for funding is to be based on an agency's ability to provide specific public goods, rather than on its religious character. Charitable Choice moves the focus on church-state interactions away from the religious beliefs and practices of social service agencies, and onto the common goals of helping the poor and strengthening the fabric of public life.

A MODEL FOR CHANGE

Our treasured heritage of religious freedom demands caution as we contemplate new forms of church-state cooperation—but caution does not preclude change, if the benefits promise to outweigh the dangers. Indeed, change is required if the pervasively sectarian standard is actually biased in favor of some religious perspectives and against others.

For church and state to cooperate successfully, both must remain true to their roles and mission. Religious organizations must refrain from accepting public funds if that means compromising their beliefs and undermining their effectiveness and integrity. Fortunately, Charitable Choice allows faith-based agencies to maintain their religious identity, while expanding the possibilities for constructive cooperation between church and state in addressing the nation's most serious social problems.

[From the Georgetown Journal, Winter, 1997]

CHARITABLE CHOICE: TEXAS AND THE CHARITABLE CHOICE PROVISION OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996

(Lillemor McGoldrick)

(Summary: * * * In Texas, contracting with faith-based organizations to provide social services is nothing new. . . . For example, at the Texas Department of Human Services (TDHS) approximately 10% of all contracts for delivery of services to clients are already with faith-based organizations * * * One of the primary barriers to working with faith-based organizations is the common perception that, by either contracting with the state or accepting publicly funded vouchers, the faith-based group will have to sacrifice aspects of its religious integrity. . . . TDHS has held many local town meetings to encourage partnerships with smaller, locally-based charities, examined its contract language for potential bias and barriers, assessed its current contracts, and worked to connect grassroots organizations with one another. . . . While the effect of the new laws and agency efforts to promote Charitable Choice in Texas is not yet measurable, the intent is clear. Texas is embracing its tradition of working with faith-based organizations to help those in need receive assistance. Depending on who you talk to, this could be a partnership made in . . . . well, Heaven.)

In Texas, contracting with faith-based organizations to provide social services is nothing new. Well before the Charitable Choice provision of the Personal Responsibility and Work Opportunity Act of 1996 was introduced, Texas has been making the choice to involve faith-based social service providers in its welfare system. For example, at the Texas Department of Human Services (TDHS) approximately 10% of all contracts for delivery of services to clients are already with faith-based organizations. In some categories of contracts, this number has consistently been much higher. Forty percent of contracts for Refugee Assistance programs, and 50% of contracts for Repatriation programs, are with faith-based vendors. While the recent Charitable Choice provision did not introduce Texas to a new way of looking at social service distribution, it did emphasize the need to pursue and nurture new and existing partnerships with faith-based groups and to renew Texas' commitment to work with these organizations.

On December 17, 1996, in direct response to both the Charitable Choice provision and the release of the Governor's Task Force on Faith-Based Community Service Group Report, Faith in Action, Texas Governor George W. Bush, Jr. issued an Executive Order directing state agencies to take affirmative steps to use faith-based organizations to provide welfare-related services. The Governor, asserting that ''government does not have a monopoly on compassion,'' encouraged state agencies to welcome the participation of faith-based organizations in the distribution of welfare-related care. At the TDHS, the response was immediate. On January 30, 1997, the TDHS Charitable Choice Workgroup was formed to assess the current status of TDHS contracts and faith-based groups, to identify barriers to contracting with these groups, and to recommend the most effective ways to fully implement Charitable Choice. Less than four months later, on April 9, 1997, the TDHS Workgroup hosted the Statewide Working Conference on Charitable Choice, which was attended by over 200 individuals from faith-based, community and state organizations.

From its own investigations and from input received at the Statewide Conference, the Charitable Choice Workgroup promulgated recommendations to ensure that no real or perceived barriers exist that could discourage faith-based organizations from working with the state in the distribution of social services. One of the primary barriers to working with faith-based organizations is the common perception that, by either contracting with the state or accepting publicly funded vouchers, the faith-based group will have to sacrifice aspects of its religious integrity. The Charitable Choice Workgroup has sought to assure faith-based organizations that religious social service providers are not required to secularize their programs when working with state agencies. TDHS has held many local town meetings to encourage partnerships with smaller, locally-based charities, examined its contract language for

potential bias and barriers, assessed its current contracts, and worked to connect grassroots organizations with one another.

In June 1997, Governor Bush further promoted Charitable Choice by signing four bills into law that encourage religious organizations to provide welfare-related social services to needy Texans by quelling fears that the presence of state money will destroy the religious mission of faith-based organizations. One of the new laws authorizes the private accreditation of religious childcare centers, so that these childcare centers do not have to be licensed by the state. The accrediting agency does, however, have to be approved by the State Department of Protective and Regulatory Services. Another law encourages prisons, juvenile detention centers and law enforcement agencies to use the services of faith-based organizations in rehabilitation programs. The Governor also signed a bill exempting chemical dependency programs run by religious groups from state licensure and regulations. The final law provides legal immunity to individuals who donate medical supplies and equipment to nonprofit medical providers.

While the effect of the new laws and agency efforts to promote Charitable Choice in Texas is not yet measurable, the intent is clear. Texas is embracing its tradition of working with faith-based organizations to help those in need receive assistance. Depending on who you talk to, this could be a partnership made in * * * well, Heaven.

[From the Georgetown Journal, Winter, 1997]

CHARITABLE CHOICE: MARYLAND'S IMPLEMENTATION OF THE CHARITABLE CHOICE PROVISION: THE STORY OF ONE WOMAN'S SUCCESS

(James D. Standish)

(Summary: . . . As ''charitable choice'' funding has become available, faith-based welfare-to-work programs have had to make difficult choices. . . . While the church community has been generous in its support of these charitable efforts, Payne Memorial was the first faith-based program in Maryland to apply for state funding under the charitable choice program. . . . One of the first clients to benefit from Maryland's charitable choice program was Marsha Beckwith. . . . The staff at Payne even assisted her in setting up interviews. . . . Despite these concerns, Maryland is committed to charitable choice as part of its overall effort to decentralize welfare-to-work programs. Connie Tolbert, a spokesperson for the Maryland Department of Human Resources, says that Governor Parris Glendening is very enthusiastic about the charitable choice program. . . . Because Maryland's goal is to place the administration of the charitable choice program at the local level, the State divides the federal grant into mini-block grants to each county which then decides how best to use the money. . . . According to Ms. Tolbert, charitable choice funding helped the State to meet the federally mandated goal of getting 25% of its base year welfare recipients employed or into work training by the end of 1997. . . .

Jonathan Friedman's Note, ''The Charitable Choice Provision of the Federal Welfare Act and the Establishment Clause,'' addresses the many constitutional issues implicated by the Charitable Choice Provision of the Welfare Act of 1996. Under the new Welfare Act, Charitable Choice not only permits states to provide social services through contracts and voucher arrangements with charitable and religious organizations, but also allows these organizations to maintain their religious character while administering social services.

The following three essays look at Charitable Choice as it is, or may be, implemented. Through these essays many voices emerge: the voice of a benefit recipient who receives social services through a faith-based provider, the voices of directors of charitable organizations that provide social services, the voices of states embracing Charitable Choice, and the voice of a grassroots advocate cautioning against the Charitable Choice movement. Hopefully, these essays will provide a fuller understanding of what Charitable Choice means in practice.)

As ''charitable choice'' funding has become available, faith-based welfare-to-work programs have had to make difficult choices. Two such programs in Baltimore, both working to transfer people from the welfare rolls onto corporate payrolls, have made different choices. Accepting state funds under ''charitable choice'' has allowed at least one organization to create remarkable successes.

The Payne Memorial AME Church has an active ministry providing food, clothing, emergency loans, child care, and assistance with job placement to Baltimore's poor residents. While the church community has been generous in its support of these charitable efforts, Payne Memorial was the first faith-based program in Maryland to apply for state funding under the charitable choice program. According to Marilyn Akin, the Executive Director of the Payne Memorial Outreach program, the church's program fits right in with the state program's goals; ''The state does not know how it [can move enough] people off welfare . . . to reach its goals. In addition, everyone has been disappointed with past jobs programs. There is now a feeling that faith-based organizations may be able to provide . . . a dimension that the state programs were unable to provide.''

So far the application and administration process of the program does not appear to be entangled in bureaucracy. Payne Memorial's application for funds was less than twenty-five pages in length, far less burdensome than applications to other programs with which Ms. Akin has had experience. The application was sent to the Baltimore City Department of Social Services, then on to the State Board of Public Works which approved the proposal. The program operates under a contract model: the church receives a payment for each person who finishes the Payne Memorial job training process, an additional payment for each trainee it places in a community job for thirteen weeks, and a further payment if the trainee is still in that job after twenty-six weeks. The only frustration Ms. Akin reports is the delay between the time that the church invests in the recruitment and training, and the time of the payment. As with most charities, she notes, Payne Memorial does not have a large cash reserve so the time delay creates cash flow problems.

In sum, however, Ms. Akin and the church staff are very excited about the program. They view it as one more way in which the church can achieve its mission of helping those in need, by helping people who cannot be effectively served by any government program. The charitable choice funds have enabled the program to expand dramatically in size. Denise Harper, Assistant Director of the program, notes that although church members have invested an impressive $150,000 in the program to date, this amount is dwarfed by Payne's $1.5 million, two-year contract with the state.

One of the first clients to benefit from Maryland's charitable choice program was Marsha Beckwith. Ms. Beckwith came to Payne Memorial after completing another faith-based program. She had spent five years on public assistance, and needed help in moving back into the work world when a friend told her about the new program at Payne Memorial AME Church. Although the program was so new that no one at the social services office knew about it, Ms. Beckwith managed to obtain a referral and enrolled in the program.

Ms. Beckwith knew she needed to improve her skills, especially her computer skills, in order to re-enter the workforce. The program at Payne not only gave her computer instruction, but also provided her with instruction on how to approach the job search process, on how to behave on the job, and general training related to the workplace and the type of self-discipline necessary to find and keep a job. The staff at Payne even assisted her in setting up interviews. Ms. Beckwith interviewed with a dean at Johns Hopkins University, explained Payne Memorial's program, and noted that she was its first graduate. The dean was enthusiastic about the Payne Memorial program and Ms. Beckwith's success. In offering her the job, the dean commented that Marsha would have to ''set an example of what graduates of the program can do in the workplace.'' Ms. Beckwith has now been working for over two months at Johns Hopkins University, and is setting just the type of example the people at Payne hoped for. Not only is her work progressing well, but she now also volunteers at Payne, helping and encouraging others who are going though the process she has completed. She is pleased that she can be a role model, but gives the credit to God.

Before enrolling at Payne, Ms. Beckwith had gone through a Christian rebirth. ''I had strayed away from God, but He directed me to Payne Memorial. He has opened many doors for me. It has not been easy, but I always know who to call now,'' she says. She is emphatic, however, that the program at Payne does not push religion on its participants. ''I benefited from the faith-based principles. But many of the clients are worldly people with little religious interest. . . . Religion isn't pushed on you at Payne—faith is there if you want it. But you can go through the program without being a Christian. As Payne receives state money, they can't force the religion on clients.'' She notes that some participants may feel uncomfortable with the standards of the program, though, which include strict dress requirements and a ban on the use of profanity.

Ms. Beckwith's story may help others make the transition from welfare to work more easily. She has been asked by the Transportation Research Board, a think-tank based in Washington, D.C., to participate in a conference on the transportation problems faced by people seeking to leave the welfare rolls. It is an issue with which Ms. Beckwith is intimately familiar; she presently takes eleven buses twice a week to get to work, visit her church and assist at Payne. Waiting for buses eats up much of her day. The wasted time and the cost of public transportation are problems facing many people who attempt to join the workforce.

While the staff at Payne Memorial are very encouraged by Ms. Beckwith's story, they realistically note that she is an exceptionally motivated participant. It is unclear how many more clients will share Ms. Beckwith's success, but as welfare funding and availability are reduced, Ms. Beckwith's success story will need to be replicated thousands of times. The ability of welfare participants and organizations like Payne Memorial to ensure this replication is speculative at best, particularly if the economy declines in the future. But for now, this one woman's remarkable transition to independence provides hope that charitable choice can help to break the pattern of welfare dependency.

Despite the positive experience of Payne Memorial, not all faith-based providers are ready to take the plunge into state funding. Genesis Jobs is a multi-faith organization

that specializes in training unemployed people and placing them in jobs. Emily Thayer, Director of the program, says that Genesis Jobs has not applied for any state funding. ''When we look for funding,'' she states, ''we look for support from private donors. We have had fifteen other organizations call us to ask whether we would partner with them in their application for the charitable choice funding. We have agreed to help them, but we are not looking for any funds ourselves.'' Ms. Thayer acknowledges, though, that the new charitable choice provisions open the door to public funding for organizations like hers. ''Until now, if we were faith-based, the government had an allergy to us . . . this releases us from the bondage of never taking public funds.''

Ms. Thayer's reasons for staying away from state funds are practical. The extra funds would boost an organization attempting the mammoth task of meeting the needs of Baltimore's unemployed, but state funds come with strings attached. ''We simply don't have the resources to make the grant applications. Maybe more importantly, with any state program, there are always compliance issues,'' she notes. With only five full-time employees at Genesis Jobs, it is not surprising that Ms. Thayer is unwilling to divert staff attention to the application process, and to ensuring compliance with program rules that may constantly be in flux. She also feels that focusing the attention of her small organization on applying to governmental programs and complying with their regulations will dim its focus on moving people from welfare into work. She states simply ''We're here to do what government can't.'' For Genesis Jobs, that means relying exclusively on funding from the private sector.

Along with the practical difficulties of accepting state funds, there are concerns that the use of state dollars to support church-based organizations will blur the separation of church and state. In time, state funding may corrupt churches that become dependent on state money, and may draw religious groups into politics to ensure that the money supply does not disappear. Churches that take state money may need to make difficult choices down the road, either to reduce dramatically their social programs, or to compromise their religious beliefs to accommodate state regulations. Critics of charitable choice also point to examples of churches being forced to rename their programs, or to turn pictures of Jesus to face the wall, as evidence that state regulations may force programs to compromise their religious convictions. But proponents of charitable choice insist that with the new law, and with a new appreciation for what church-based programs can do for welfare recipients, states will accommodate some religious expression in government-funded programs.

Despite these concerns, Maryland is committed to charitable choice as part of its overall effort to decentralize welfare-to-work programs. Connie Tolbert, a spokesperson for the Maryland Department of Human Resources, says that Governor Parris Glendening is very enthusiastic about the charitable choice program. ''In the past,'' she notes, ''we've never really placed any expectation on welfare recipients. The churches are in the communities, they know the welfare recipients and they are able to work with them. By partnering with these community based programs, we can be much more effective.'' Because Maryland's goal is to place the administration of the charitable choice program at the local level, the State divides the federal grant into mini-block grants to each county which then decides how best to use the money. Along with providing for job development centers, like the one run by Payne Memorial, charitable choice funds are being used by church-based groups to administer child-specific state benefits and transitional-support benefits. According to Ms. Tolbert, charitable choice funding helped the State to meet the federally mandated goal of getting 25% of its base year welfare recipients employed or into work training by the end of 1997. By October 1997, the state had already reduced its welfare rolls by 36%. Despite the controversy and practical hurdles, charitable choice seems to offer a new hope to Maryland's policy-makers and its poor. Whether that hope will be fulfilled remains to be seen.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

I would ask the gentleman from Indiana if the legislative intent is to overturn the present state of Supreme Court law or to read this amendment in the light of the present state of the Supreme Court law in terms of pervasively sectarian programs.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I want to confess up front that I do not understand all the details and implications of what the gentleman is saying.

Mr. SCOTT. Mr. Chairman, my question is whether the gentleman wants this amendment read under the present state of the Supreme Court interpretations or whether the amendment is designed to try to overturn Supreme Court decisions in funding religious organizations.

Mr. SOUDER. The amendment speaks for itself, and that will obviously be determined by who this administration and others would make the grants to, and their potential would be challenges if, in fact, people believe it is not within the current interpretations of the Supreme Court.

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS. Mr. Chairman, considering the important nature of this issue, I ask unanimous consent that we be allowed an additional 30 minutes to try to answer the questions that the author of the amendment just said he could not?

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

Mr. SOUDER. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

It is now in order to consider Amendment No. 30 printed in part A of House Report 106–1–86.

AMENDMENT NO. 30 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 30 offered by Mr. SOUDER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting before title III the following:

''NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS

''SEC. 299J. None of the funds appropriated to carry out this Act may be used, directly or indirectly, to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of juveniles who participate in programs for which financial assistance is provided under this Act or of the parents or legal guardians of such juveniles.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr SOUDER. Mr. Chairman, I yield myself such time as I may consume.

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Chairman, this amendment is very straightforward and simple, speaks for itself. My amendment reads simply:

None of the funds appropriated to carry out this act may be used directly or indirectly to discriminate against, denigrate or otherwise undermine the religious or moral beliefs of juveniles who participate in programs for which financial assistance is provided under this act or of the parents or legal guardians of such juveniles.

I believe that we have had cases that are marginal and difficult to sort through, but that in our enthusiasm to fix some problems often we go to the other extreme, and in the case of the juvenile justice bill, some programs designed to reduce the potential for youth violence by promoting tolerance have the effect of undermining the religious beliefs of children and their parents. Sometimes the promotion of tolerance overrides the religious beliefs of students and their parents. Instead of merely encouraging people of all backgrounds and preferences to get along in a civil society, the programs attempt to actually change the moral beliefs that are taught at home. My amendment protects the religious freedom of young people and their parents or guardians by simply stating that none of the funds used to carry out this act may be used to discriminate against or otherwise undermine the participant's religious beliefs.

I also want to thank the gentleman from Pennsylvania (Mr. GREENWOOD), and the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GOODLING), who have worked for the past month to try to work out compromise language. I am not unhappy with the compromise language we have. I reserve my right to offer an amendment, which I have. I believe that the compromise that is in the base bill is an acceptable compromise. I believe this is a little more direct, and that is why I offer this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is the gentleman from Virginia opposed to the amendment?

Mr. SCOTT. Mr. Chairman, I am opposed to the amendment and claim the time in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Chairman, allow me to speak briefly on my opposition to this amendment.

''The Office of Juvenile Justice and Delinquency Prevention from producing literature which would discriminate against, denigrate or otherwise undermine the religious or moral beliefs of any juvenile or adult in the programs authorized in this bill'' is certainly just simply too broad and too vague, it is too equivocal. The nature of this amendment could be construed to admit any category, race, religion, gender, sexual orientation from inclusion in hate crimes. At a time when violence against gays and minorities is becoming more frequent there is no place for benign legislation. We must have strong and direct legislation in an effort to rid our Nation of hate crimes.

And I would also like to say that I add my remarks regarding the previous amendment that undermines the major precepts that our Nation was founded on, the separation of church and state. The previous amendment seeks to incorporate religion into our justice system. Both of these entities have distinct places in our society and are not to be combined. Religious freedom is a core of our Nation and must be preserved at all costs. Charitable choice is simply going to be divisive.

With that I express my opposition to both of these amendments.

Mr. SOUDER. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, someone will say, ''But, BILL, tomorrow morning at 8 o'clock you will be in the Congressional prayer breakfast. How can you oppose this amendment?''

Mr. Chairman, the reason I oppose this amendment is because, God willing, I will be in the Congressional prayer breakfast tomorrow morning, and my religion tells me that when we make an agreement, whether it is with the minority or with anyone else, it is a good faith arrangement, and if it is going to be broken, then I should have the opportunity to tell the minority as a matter of fact before their opportunity to offer amendments is precluded because they are not printed in the RECORD.

I understand that apparently this was going to be made in order by somebody a week ago. Well, if that is true, then I should have had the courtesy of knowing so I could tell the minority that what we agreed to in good faith is now broken. Therefore they should go and offer all their amendments.

What the minority agreed to was that they would not offer gun language, they would not offer hate language, if as a matter of fact we settled on something that the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) agreed to and I modified which said materials produced or distributed using funds appropriated to carry out this act for the purpose of preventing hate crime should be respectful of the diversity of deeply held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance.

That is what they agreed to, and, as I said, my religion tells me that I should be here right at this particular time opposing this amendment because we are breaking an agreement that we had with the minority in the committee. I cannot operate a committee that way. I have to lose all my respect on either side of the aisle if, as a matter of fact, I do not keep my word.

So I would ask everyone to oppose the amendment simply because we are breaking faith with an agreement that we negotiated in good faith.

Mr. SOUDER. Mr. Chairman, I reserve the balance of my time. We had a number of speakers earlier in the day, but at this point I have no additional speakers, but I reserve the balance because I may want to talk.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Chairman, among the allowable uses of funds of the Juvenile Justice Act are funds that can be used to create programs to prevent hate crimes, to prevent crimes that are based on prejudice. It is a good program. The Federal Government, the Office of Juvenile Justice and Delinquency Prevention, contracted with an organization to create a curriculum, and some of my friends in the various religious communities looked at some of that curriculum, and they said, ''You know, we think they went a little bit too far. In this curriculum they were meant to say that there are ways that religious organizations can become intolerant and promote intolerance, and it appeared to some that that curriculum was generalizing in a way that some folks felt offended by, as if religion implied some kind of intolerance and bias.

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So I worked very hard with the Traditional Values Coalition, with the gentleman from Indiana (Mr. SOUDER) and with the gentleman from Pennsylvania (Mr. GOODLING) and with my good friend, the gentleman from Virginia (Mr. SCOTT), and we crafted language, language in the Goodling amendment that we will offer tomorrow. It has been accepted by the Republican side, it has been accepted by the Democratic side, and it has been accepted by the administration. It is only marginally different than the language that the gentleman from Indian (Mr. SOUDER) offers, and the gentleman is gracious in his comments to acknowledge that.

Mr. Chairman, we think that we need a ''no'' vote on this Souder amendment tomorrow, because we think that eliminating that amendment and taking the agreed-to language to conference is the simplest and most direct way to resolve this very contentious issue, and so we will be asking Members on both sides of the aisle tomorrow to vote in the negative.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment is an impossible amendment to know what it means or to enforce. It says, no funds should be used directly or indirectly to discriminate against, denigrate, or otherwise undermine the moral beliefs of juveniles who participate in these programs. Who knows what the religious or moral beliefs of the juveniles that participate in these programs are.

When I went to school, I was taught the Declaration of Independence in school, that all men are created equal. I was taught that we should not discriminate on the basis of race, creed, color or sex, and that we should not denigrate other people because of their religious views. The Reverend Louis Farrakhan says that whites are devils and that Judaism is gutter religion. Suppose adherents of his religion are juveniles that participate in these programs. Are we to use funds that would undermine their beliefs by teaching that all men are created equal, that we should respect each other because his adherents are among those who participate in these programs? That is what this says.

The fact is, it is impossible to know whose beliefs we are offending, because no one inquires, nor should we inquire, of the beliefs of juveniles who come into these programs.

So this amendment is simply nonsense in what it says. I do not know, it

may have a well-intended purpose, but the way it is written, it is impossible of enforcement, impossible of understanding, and perverse in its operation, and ought to be rejected.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in opposition to this amendment.

I would hope that even if my colleagues on the other side of the aisle do not agree with those of us who believe that this is a real infringement, and we believe that it is confusing, and we believe that this is an attempt by some to get rid of the values that we have built up dealing with intolerance, et cetera. Just do it because the gentleman from Pennsylvania (Mr. GOODLING) asks you to do it, and he says that you are breaking faith with Members on this side of the aisle when you said you would not do this kind of thing.

I too do not know what you mean about the religious beliefs of any juvenile or adult in the program. I do know that at one time there was a religion that taught that black people did not have souls. So I do not know what the gentleman is talking about. He is tinkering with something that he does not know what he is doing.

I would suggest that the gentleman needs to get out of the business, number one, of trying to interject religion into government and trying to get it paid for by government, your teachings, et cetera. I would suggest that the gentleman back off all of this, because he is placing us in the kind of situation where there will be confrontation around these kinds of issues.

I would simply say to my colleagues on the other side of the aisle that they have gone too far, and they are treading on the dangerous realm of the unknown and they should not do that. I would hope that my colleagues would take the wise advice of the gentleman from Pennsylvania (Mr. GOODLING) and drop this amendment this evening.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Let me reiterate here that I am not simply going to stand in front of this body and say that this is an extremely clear amendment, and it will obviously go to conference, and we have been working on this language. But I had an uncomfortability, though I signed off on the amendment, as to what exactly people were objecting to on this, because the inverse of this is that one believes that one can discriminate against, denigrate, and undermine the religious and moral values. I am not arguing exceptionalism, and I understand the danger here is that this could protect exceptionalism.

What we are concerned about, many Americans of many different faiths is that, in fact, there is an overt attempt on a number of very difficult issues in our society where there has not been a moral resolution or unlike what has happened in racism, unlike what has happened with sexual abuse or different things, but where there has not been resolution to therefore use in the name of neutrality the imposition of other people's moral views. I do not understand, as I asked in the hearing, why we have to take a stand and why we cannot say people morally differ on this, but regardless of one's moral views, one has no right to harass, to physically assault, to do anything to denigrate another individual, even if one believes their behavior is immoral. Because what we need is a civil society that understands and respects individuals, but we do not need a school system or a society that undermines those basic principles.

Mr. Chairman, I appreciate, as I said, the negotiations that went on, and I want to make it clear. I never gave up my right to offer an amendment, though I did not think my amendment would be made in order, and we do have some confusion. But I did not break any word in the process of the negotiations.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, the gentleman has said that he really does not know what this amendment does, is that correct?

Mr. SOUDER. Mr. Chairman, I know exactly what the amendment does, but I agree that it could be falsely interpreted by some people.

Ms. WATERS. Would the gentleman agree that the Constitution of the United States of America basically protects religious freedom?

Mr. SOUDER. Mr. Chairman, I believe the Constitution was designed to do that, but it is not currently doing so.

Ms. WATERS. Mr. Chairman, if the gentleman will continue to yield, does the gentleman believe that if that is what the Constitution is designed to do, that we should all respect that, not try and rewrite the Constitution, not try and recreate ways by which we can basically say some religion is all right, and some is not all right?

Mr. SOUDER. Mr. Chairman, if I could reclaim my time, I absolutely do not believe we should ever say as a person who grew up in an evangelical church, and I understand the wall of separation was meant to protect the evangelicals from a State church. I have no interest in a State church.

But I also believe that it did not mean to exclude religion from the public arena, and I view it as trying to reclaim the religious freedom that our Founding Fathers gave us, not to impose any one sectarian approach. And, with the diversity of religion in this country, which we did not necessarily have at the beginning of our Nation to the same degree, we need to respect that. But part of that respect is to say, we also have a majority religion that is being stomped on.

Ms. WATERS. Mr. Chairman, if the gentleman would yield to me once again, would the gentleman agree that if we kept religion out of our public schools, we would not have this worry? If we followed the intent of the Constitution for separation of church and state where we were not in any way teaching, imposing religion on anybody at any time, we would not have this worry?

Mr. SOUDER. Mr. Chairman, reclaiming my time, there is a difference between imposing and saying we meant to exclude it. The Founding Fathers all debated religion at all times. It is a fundamental part of all of us, and should be. What we should respect is the diversity of other people's points of view. It was not meant to exclude from the public arena, or in fact we do have a religion which is secular humanism.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) has 1 minute remaining.

Mr. SCOTT. Mr. Chairman, I yield myself the remainder of my time.

We do not need to restate all of the examples of hate crimes that have been perpetrated over the last few years, or even few weeks and months. Hate crime prevention programs constitute an allowable use of the money under the Juvenile Justice Delinquency Prevention Act. We ought not sabotage the hate crime prevention programs by getting into a situation where one has to have anyone's religion that believes that certain groups are not to be respected or to be disrespected, in fact. That is where some of the hate comes from.

What these programs do is to try to teach people, as the gentleman from New York mentioned, that people are equal and ought to be respected. If one's religion tells us something different, we still ought to be able to have hate crime prevention programs so that we can reduce the incidence of hate crimes.

Mr. Chairman, I would hope that this amendment would be defeated. We have language in there that orders us to be respectful of people's religion, but if we have religions that just hate people, then we ought to be able to go along with hate crime prevention programs anyway.

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The CHAIRMAN pro tempore. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

Mr. McCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCCOLLUM) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, had come to no resolution thereon.

APPOINTMENT AS MEMBER OF COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Without objection, and pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431) and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following member to a 2-year term on the Commission on International Religious Freedom on the part of the House:

Rabbi David Saperstein, Washington, DC.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. THOMAS (at the request of Mr. ARMEY) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:

Ms. NORTON, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. CLYBURN, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

ADJOURNMENT

Mr. LAHOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 2 minutes a.m.), the House adjourned until today, Thursday, June 17, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2618. A letter from the Director, Office of Legislative and Intergovernmental Affairs, Commodity Futures Trading Commission, transmitting the Commission's final rule—Fees for Applications for Contract Market Designation, Audits of Leverage Transaction Merchants, and Reviews of the Rule Enforcement Programs of Contract Markets and Registered Futures Associations—received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2619. A communication from the President of the United States, transmitting a request for funds to support critical national security activities; (H. Doc. No. 106–83); to the Committee on Appropriations and ordered to be printed.

2620. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report of the exercise of U.S. rights and responsibilities under the Panama Canal Treaty of 1977, pursuant to 22 U.S.C. 3871; to the Committee on Armed Services.

2621. A letter from the Acting Assistant Secretary of Defense (Force Management Policy), transmitting the annual report on the number of waivers granted to aviators who fail to meet operational flying duty requirements; to the Committee on Armed Services.

2622. A letter from the Chairman, National Credit Union Administration, transmitting the proposed rule on Prompt Corrective Action; to the Committee on Banking and Financial Services.

2623. A letter from the Secretary, Department of Education, transmitting Final Regulations—William D. Ford Federal Direct Loan Program (RIN: 1840–AC57), pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2624. A letter from the Secretary, Department of Education, transmitting Notice of Funding Priority for Fiscal Years 1999–2000 for a Disability and Rehabilitation Research Project, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2625. A letter from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting Notice of Final Funding Priority for Fiscal Year 1999 for a Disability and Rehabilitation Research Project, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2626. A letter from the Office of Special Education and Rehabilitative Services, Department of Education, transmitting Notice of Final Funding Priority for Fiscal Year 1999 for a Disability and Rehabilitation Research Project; to the Committee on Education and the Workforce.

2627. A letter from the Acting Assistant, General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting the Classified Matter Protection and Control Manual; to the Committee on Commerce.

2628. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans State of Kansas [KS 078–1078; FRL–6361–8] received June 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2629. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Complaint Procedures [Docket No. RM98–13–000; Order No.] received May 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2630. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 2000; to the Committee on Commerce.

2631. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 99–16), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2632. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a proposed Manufacturing License Agreement with Norway, pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2633. A communication from the President of the United States, transmitting the report on progress toward a negotiated settlement of the Cyprus question, covering the period February 1, 1999, to March 31, 1999, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

2634. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report to Congress on Government of Cuba compliance with the U.S.-Cuba migration agreements of September 1994 and May 2, 1995; to the Committee on International Relations.

2635. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–78, ''General Obligation BONDS and BOND Anticipation Notes for Fiscal Years 1999–2004 Authorization Act of 1999,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2636. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–76, ''Apostolic Church of Washington, D.C., Equitable Real Property Tax Relief Act of 1999,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2637. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–77, ''Children's Defense Fund Equitable Real Property Tax Relief Act of 1999,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2638. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–75, ''Bethea-Welch Post 7284, Veterans of Foreign Wars, Equitable Real Property Tax Relief Act of 1999,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2639. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–70, ''Ben Ali Way Act of 1999,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2640. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–69, ''Criminal Code and Clarifying Technical Amendments Act of 1999,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2641. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2642. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting a vacancy notice within the Department; to the Committee on Government Reform.

2643. A letter from the Administrator, National Oceanic and Atmospheric Administration, transmitting the Annual Report of the Coastal Zone Management Fund; to the Committee on Resources.

2644. A letter from the Secretary of Defense, transmitting the annual reports that set out the current amount of outstanding