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Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dear Father, focus our attention on You, on our calling to be leaders, and on the people around us. Meet our inner needs so that we can meet the needs of others. Replenish our own energies so that we can give ourselves unreservedly to the challenges of this new week. Give us gusto to confront the problems and to work on applying Your solutions. Replace our fears with vibrant faith. Most important of all, give us a clear assurance of Your guidance that we will have the courage of our convictions.

Bless the women and men of this Senate with a personal experience of Your grace, an infusion of Your spirit of wisdom, and a vision of Your will in all that must be decided this week. In the name of our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON KYL, a Senator from the State of Arizona, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will immediately begin debate on the resolution to reinstate rule XVI. By a previous order, there will be 6 hours of debate on the resolution with one amendment in order regarding scope in conference.

As a reminder, a cloture motion on the motion to proceed to the House-passed juvenile justice bill was filed also on Thursday. That vote, then, will take place in a series of stacked votes this afternoon at 5:30, along with the rule XVI resolution and the amendment regarding scope in conference.

Further, it is the intention of the majority leader to begin debate on the Interior appropriations bill, and the reconciliation legislation will also come up this week, probably on Wednesday. Of course, under the rules, 20 hours of debate is permitted, and I am sure there will be a number of amendments, so we will have to begin on that promptly sometime early Wednesday morning.

Senators should be prepared to vote throughout each day and into the evenings, although we probably will not go late into the evening today other than the three stacked votes. But on Tuesday, Wednesday, and Thursday late evenings should be anticipated in order to get this important work done.

RULE XVI

This is a day I have been waiting for because we have needed for some time now to reinstate rule XVI which would make a point of order in order against legislation on an appropriations bill.

More and more, the Senate has been abusing that process, making it very difficult to move the appropriations bills through the Senate, even though there is a lot of work done on both sides of the aisle by the leadership. For an example, last Thursday we would not have completed the State-Justice-Commerce appropriations bill had it not been for the dedicated efforts of Senator REID in his position as whip on the Democratic side, working with the chairman of the committee and the ranking member of the committee to get that legislation through. This is a responsible thing to do; the Senate will run better and we will still have the opportunity to offer amendments on legislative issues. So I hope, when the day is over, we will have reinstated rule XVI, and we will all be better off because of it.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. KYL). Under the previous order, leadership time is reserved.

RESTORATION OF THE ENFORCEMENT OF RULE XVI

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. Res. 160, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 160) to restore enforcement of rule XVI.

The PRESIDING OFFICER. Time on the resolution shall be limited to 6 hours.

Mr. REID. Mr. President, I have been designated by the Democratic leader to control the time on this resolution that is now before the Senate.

I feel a certain affinity toward rule XVI because it was my point of order that was appealed and overruled. In short, what this meant is that we were here on an appropriations bill. It had been standard procedure in the Senate for decades and decades and decades that when an appropriations bill came before this body, we did not offer legislative matters on that appropriations bill; it should be for the 13 subcommittees to deal with the money of this country and not append extraneous materials, extraneous legislative matters to an appropriations bill.

However, that is what happened on such a matter, a supplemental appropriations bill. The junior Senator from Texas offered an amendment dealing with the Endangered Species Act. I raised a point of order. The Chair

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

upheld my point of order and that was appealed, a vote taken in the Senate which overruled that decision, and it changed the precedence of this body.

It has caused legislating on appropriations bills as standard operating procedure in this body since then. For more than 4 years, that is what has taken place.

There is going to be a vote taken later on rule XVI. The minority is going to vote against it. We recognize that we will be overruled by virtue of the fact that we are in the minority. We are protesting basically because of what has gone on in the Senate these past several years. The fact is that we are not able to offer amendments to bills coming through this body. In short, the Senate has been treated similar to the House of Representatives. For those of us who served in the House, there is not much difference anymore between the House and the Senate. When a bill comes to this Chamber, there is, in effect, an order placed on that bill just as in the House saying how many amendments you can offer, how long you can debate each amendment, and in effect how the bill is going to be treated.

That is very much unlike the Senate. In decades past, when a bill came before this body, debate took place on amendments that were offered relative to that piece of legislation. That is not the way it is now.

The reason that is important is that we Democrats believe we need—the country needs—to debate campaign finance reform. In the State of Nevada, a small State populationwise, my opponent and I spent over $20 million last year in the election. It is hard to believe. The State of Nevada had less than 2 million people in it. But my opponent, Congressman Ensign from the State of Nevada, and I spent over $20 million.

How could that be done? It was done because in the so-called hard money counts in our campaign we spent about $4.5 million each, and in State party money we spent over $6 million each. That does not take into consideration the independent expenditures that took place for me and against me. That is not the way campaigns should be, I don't believe. In the small State of Nevada, I repeat, over $20 million, probably closer to $25 million, $26 million was spent when you add in the independent expenditures about which I have talked.

That is an issue we should debate in this body. Maybe I am wrong. Maybe the American public, the people from individual States, want all that money spent. I doubt it. I think we should have a debate as to whether soft money, that is, corporate money, should be used for State parties and spend all this money on negative ads. I don't think so.

There should be a time, I believe, that we are able to debate education. The State of Nevada leads the Nation in high school dropouts. We are not proud of that, but that is a fact. I think we should be able to debate issues relating to that issue.

Senator BINGAMAN and I have legislation that would create within the Department of Education a dropout czar so that we could debate whether or not we should have in the Department of Education a person whose sole job it would be to work on curbing dropouts. Three thousand children drop out of high school every day in the United States. Over 500,000 kids drop out of high school every year in America. That is not the way it should be. Education is an issue we have not debated nearly enough in this body.

There are other issues we need to talk about: child care, minimum wage, the environment. There are so many issues we have not had the ability to talk about. That is what this debate is about.

I see my friend from the State of New York is here. I am managing this bill. I do not want to take a lot of time because I am sure there will be time later today to speak about issues. But the point is, rule XVI is being debated today as a result of a ruling of the Chair that was appealed. It was my point of order to the Chair that brought about this situation in which we now find ourselves. The point we in the minority want to make is that we should have full debate on issues, all issues. There should not be any arms or legs tied. We should be able to speak as we want on issues. We have not been able to do that.

I ask my friend from New York, how much time does the Senator wish?

Mr. MOYNIHAN. Might I have, say, 15 minutes?

Mr. REID. The Senator from New York is happily yielded 15 minutes.

Mr. MOYNIHAN. I thank the Senator.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, it is a special pleasure to rise on this important subject on this fateful day in the aftermath of the Senator from Nevada, whose vigilance, if I may say, as minority whip, led him to see a clear violation of rule XVI, the rule against legislation on appropriations bills, and so he made the point of order. In a casual way, having to do with the seeming inconsequence of the measure that had been proposed, the Senate overruled that point of order, and a century and more of fixed senatorial practice crashed and burned and has been burning all around us ever since.

There is a larger context, I suggest, in which to consider this matter. I am now in my last term in the Senate. I have been here almost a quarter of a century. I am frequently asked what has changed in the Senate in my time here. Without hesitation, the one thing I say is the procedures by which we work.

When I arrived, there was a recognizable symmetry and balance to the distribution of responsibilities, duties, and powers in the body. We had evolved over the 19th century a two-layer pattern of committees—committees being very special and distinct to our Government.

We are one of the few governments in the world that has them. The House of Commons has none. Recently they have been appointing committees of inquiry but no legislative committees of any kind. All authority rests with the Prime Minister. On those used-to-be celebrated occasions when the Chancellor of Exchequer at No. 11 Downing Street would come out, and he would hold up a briefcase called the budget, that, sir, was, in fact, the budget. There was not going to be a chance of change in the government's proposal. It has been that way for more than two centuries.

It is not the government that the founders put in place. They put in place a government of checks and balances of the assumption of opposed interests, of the resolution by debate, and by the recognition that there were, in fact, opposed interests. We were not all happily subject to the Queen, under her rule—or his if it were a King—and a harmony in the realm. Our founders thought no such thing. They did not depend on virtue. They depended on self-interest and being equally opposed in a mode of negotiation to resolve matters.

We had a series of authorizing committees, and they had jurisdiction over principal areas of government service. There were four—well, the principal committees were Foreign Relations, Finance, Armed Services, and then Interior, Commerce, Labor and Public Welfare, as it then was, Environment and Public Works, having previously been just Public Works.

Their jurisdictions changed. New issues came along. Public Works became Environment. Public Works, under the tutelage of Senator Muskie of Maine, brought the issue of the environment to our body. They would make laws which more often than not required expenditure. That expenditure would be provided by the Appropriations Committee in terms of the laws that had been passed by the authorizing committees. There was a parallel.

The Finance Committee, in the earliest years, from 1816 I believe, was principally concerned with raising the revenue of the Federal Government. In the early years, up until the beginning of this century, those were tariffs. That is why the tariff legislation, the ''tariff of abominations,'' things similar to that are so prominent in American 19th century history.

We moved to the income tax as our principal source of revenue. Tariffs are still not insignificant. In the Finance Committee, of which I am a member—for a period I was the chairman; now ranking member—we looked after the revenues of the Federal Government. Then Social Security came along; it was a tax. Whether it ought to have been a tax, sir, is an issue you could debate.

But 54, 55 years ago, at a garden party here in Washington, Frances Perkins, the Secretary of Labor who was responsible for developing a Social Security plan—a Justice of the Supreme Court kindly asked her about her work, and she said she had this great plan, but she was very concerned because the great Justices always said it was unconstitutional, whatever the New Deal was then going through that period. The Justice asked her to tell him more. She did, and he leaned down and whispered: The taxing power, my dear; all you need is the taxing power.

So in that famous photograph of President Roosevelt signing the Social Security Act, the person to his right is the chairman of the Committee on Ways and Means of the House of Representatives, a gentleman from North Carolina named Robert Doughton—little noted in history but enormous in his impact.

So the Finance Committee has taken over these other areas as well. Still our basic task is to raise revenue that the Appropriations Committee will spend in accordance with the laws passed by the authorizing committees. A workable system—rational, understandable, comprehensible and functioning.

Then in 1974 came the Budget Act and the creation of the Congressional Budget Office, the creation of the budget resolution. In part, this was a reaction to events in the Nixon administration—political and contemporary. But just as important, if I may be allowed a certain excursion into political science, if that is the term, it is a pattern that one observes in governments the world over, and you can see in ours. It was with the proposition, sir, that organizations in conflict become like one another.

A German sociologist at the end of the 19th century noted that even Persians finally determined it was better to have Greeks fight Greeks. And you can trace these patterns of imitation and competition through our own government.

Item. In 1904, or thereabouts, Theodore Roosevelt built the West Wing for the White House. He now had an office, the President had an office with a desk, and he could ask reporters in to tell them about things. Suddenly an office that had not been that eminent, certainly not compared to the Speaker of the House of Representatives, took on a quality previously unnoticed.

Right away the House built the Cannon Office Building named for their Speaker, Joe Cannon. We built what is now the Russell Building. Franklin Roosevelt built the East Wing of the White House. They built Longworth; we built Dirksen. In the meantime, the Supreme Court, which had worked happily down the hall for a century and a half—or, well, from the time we moved in to the new quarters in 1859, I believe—they came up from the basement and lived happily down there, and they said: Why don't we have a building? And they produced a building which eventually was across the park here. This pattern goes on and on.

Presidents travel abroad now. We travel abroad. There are more judges in the executive branch than there are in the judicial branch, and the like.

In 1921, Warren Harding created the Bureau of the Budget. Suddenly there was a consolidation of Presidential authority. Departments used to send their budgets to the Congress on their own. The President would know about them, of course, but there was no unified Presidential executive budget. That made for a real shift of authority toward the President.

It took almost half a century, but then we got our Bureau of the Budget in the Congressional Budget Office, and we started having our budget. This suddenly intrudes on the authority of the authorizing committees. Each year they would be given a notice of how much money they could spend, which was to be tolerable, of course, but it was somebody else telling them what previously they decided on their own. In this context, there was a centralization of authority in the Senate which did not serve it well.

Then came the decision to overturn rule XVI. Our government became incomprehensible. I cannot think of the number of hours I have stood on this floor, sometimes there at the desk for the chairman of the Finance Committee or ranking member, sometimes back here, looking at the final product of some massive, mysterious, impenetrable conference that went on somewhere in this building, downtown, elsewhere, that would bring to our desks at the end of the Congress 1,500-page bills that did everything, combined the appropriations with the legislation, with this, with that, with nobody knowing its contents. Not one Member of this body could attest to having read the bill, probably no one person. Obviously, some persons had read some parts, but that is not a democratic procedure. That is not a wise procedure.

It came about through a combination of the Budget Committee and this breaking away of a long, established unrestraint on ourselves that there are 13 appropriation bills, each must pass, and, therefore, if somehow you could get a measure on an appropriations bill, it would become law, even if it might not make it through the authorizing committees.

Well, yes, but what law? Whose law? Who knew? Those committees haven't been up there, the Foreign Affairs Committee, Armed Services Committee, for two centuries without acquiring some experience in their matters; and here, sir, we are heading for the same thing because the rule was overturned. Appropriations bills don't get passed any longer. Now it is we have 2 weeks left in July and August, really, because of the recess.

Mr. President, if my time has expired, may I ask for 5 additional minutes.

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

Mr. REID. I yield the Senator another 5 minutes.

Mr. MOYNIHAN. We are heading for this situation. There is even talk that the tax bills, which we will bring to the floor tomorrow or Wednesday, need not be resolved in this period of time. They can lay over until September. Well, that means they will lay over until the last day of the Congress, the last moment of the session. In the meantime, we can expect over half the appropriation bills to have passed.

I wonder if I might address a question to my friend from Nevada, if I might interrupt. How many appropriation bills have passed this year? Would he happen to know? No reason to know.

Mr. REID. I say to my friend from New York, surprisingly, in spite of the legislating on appropriation bills, we have passed, I think, seven appropriation bills at this stage, give or take a bill or two. But, for example, we were able, on Thursday, to pass Commerce-State-Justice, which had hundreds of amendments filed. It was only through the cooperation of the membership.

Mr. MOYNIHAN. We begin to come to our senses; that has brought us to this point. We passed seven. I don't think we will pass 13. I think our tax legislation has every prospect of being an abomination. The Senate cannot pass legislation which it has never read and does not understand. That is what has been the consequence of this new situation.

In addition to which, the distinguished minority leader is proposing an amendment to the fine initiative of the majority leader that says: No more writing legislation in conference committees. That is against all of our rules, too, but has crept into our practices. Again, the authorizing committees are gradually being marginalized and have no role. Power is centralized.

Mr. REID. Will the Senator from New York yield for a question?

Mr. MOYNIHAN. I surely will.

Mr. REID. The Senator has graphically illustrated what happened under our present situation. Last fall, being more specific, that huge document we were asked to vote upon, we all came from our individual States, because we had been out of session, while a few people negotiated this bill for all of us.

Mr. MOYNIHAN. Right.

Mr. REID. It was well over 1,000 pages, and it was something that you or I didn't read or anyone else read, isn't that true?

Mr. MOYNIHAN. I stood here and said: I haven't read it. I know no one who has read it.

Mr. REID. I say to my friend from New York, the same thing is happening now. The mere fact that the Senate has passed an appropriations bill doesn't mean it is going to become law because we have to go to conference with the House. If we are fortunate enough to come up with a bill, it goes down to the President. He has said he is going to veto most of these appropriations bills. So that means we will be right back

where we started last year, isn't that the case? We will have a bill written in conference that you or I, or even the members of the appropriations subcommittees, have never seen; is that fair?

Mr. MOYNIHAN. That is exactly so, sir. I can say to you, for example, that Senator ROTH, our distinguished chairman of the Finance Committee, and I have jointly been sending letters regularly to the Appropriations Committee saying: You have Social Security Act or tax matters in this appropriations measure you are dealing with; surely, you don't want to do that. We don't get answers somehow.

Mr. REID. But under our present rules, I say to my friend, that is not only the rule, it is being done.

The minority leader has offered an amendment to this change we are discussing today regarding rule XXVIII, so that when you go to conference, the conferees could only work on the bills they have, the one from the House and the one from the Senate, and have to work on matters that are before them. They can't go outside that scope and start talking about wild horses in Nevada or they can't start talking about the wheat crop in North Dakota, if it is not in the conference report.

Mr. MOYNIHAN. If it is not in the conference report.

I will close, sir, by simply saying this is a subject that is said to be arcane, to be incomprehensible, to be something on the margin. The Constitution of the United States is a bit arcane. It was not something immediately obvious to everyone, what its principles were. But they were powerful, and they have persisted. So, indeed, have the rules of the Senate, developed in the early 19th century, and then later, starting in 1868, with regard to germaneness and the like. Language very similar to our Rule XVI dates to 1884. We have here the question of whether we are going to be able to govern ourselves in the future. If we should fail in that regard, what else, sir, will there be said of us when the history of the decline of the American Congress is written?

I thank the Chair for its courtesy in allowing me to extend my time. I thank my friend, the minority whip, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I think the statement made by the Senator from New York and the wisdom that he imparted to us is something we should all listen to.

Some have said: Well, we have to treat the Senate like the House of Representatives. We really can't debate measures.

I say to my friend from New York, and anyone else within the sound of my voice, we used to debate matters and let the cards fall where they did. A good example of that was the Budget Deficit Reduction Act of 1993. As Senators will recall, we had all kinds of statements of doom regarding that. The chairman of the House Budget Committee said: This plan will not work. If it does work, then I will have to become a Democrat.

Well, it has worked. We have now a budget surplus. But my friend from the House has not become a Democrat.

My friend, the chairman of the Finance Committee, said: It will flatten the economy. That has not been the case.

My friend, the senior Senator from Texas, said: I want to predict here tonight that if we adopt this bill, the American economy is going to get weaker, not stronger. The deficit 4 years from today will be higher than it is today, not lower. When all is said and done, people will pay more taxes. The economy will create fewer jobs. The government will spend more money, and the American people will be worse off.

Every statement made by my friend from Texas was absolutely wrong. The fact is that we had that bill. We had a debate. Without a single vote from my friends on the other side of the aisle, we passed that bill, with the Vice President breaking the tie. The deficit did not rise. In fact, it went away.

The economy got stronger, not weaker. More jobs were created; in fact, almost 20 million new jobs have been created since that legislation was passed.

The point I am trying to make is that we can debate issues, debate them in their entirety. We should do more of that. That is what this is all about.

Mr. MOYNIHAN. Will my friend yield for a comment?

Mr. REID. I am happy to yield.

Mr. MOYNIHAN. I was chairman of the Finance Committee in 1993 when that deficit reduction act passed. It was a risk. We risked that what we understood of markets and of the economy was right. We could have been wrong. But it was not a casual affair. Day after day and evening after evening in the Finance Committee we debated it. We voted on it. It came to the floor, admittedly under a time limit from the Budget Act, but it was adequate to the purpose.

We legislated, and it was done in the open. The consequences are here to see. The $500 billion deficit reduction package contained in the 1993 reconciliation bill has been re-estimated by the Office of Management and Budget as having saved a total of $1.2 trillion. We had a $290 billion deficit that year. The 10-year projection was $3 trillion, and more, of cumulative deficits. Now we are dealing with a $3 trillion surplus. But that is because the process worked—and in the open. The oldest principle of our Government is openness and responsibility. We have been abandoning both, and the consequences show.

Mr. REID. I say also to my friend, he will remember when we had the debate about uninsured people who had no health care—who needed health care but had no insurance. That was a debate that came early in the Clinton administration, and we had a full and complete debate on that issue. It was debated at great length.

At that time, we had 38 million people with no health insurance. Now we have 43 million people with no health insurance. But the fact is, when you are in the majority, you have to take chances, as did the former chairman of the Finance Committee, the senior Senator from New York. You have to take chances. Health care was a good debate for the country. Does the Senator agree?

Mr. MOYNIHAN. I much agree.

Mr. REID. So I hope this debate will allow the majority to give us more opportunities to debate issues. It doesn't hurt to talk at length about issues. It is good for the country to talk about issues. It is good for the body politic. But we should legislate the way the Founding Fathers determined we should, and not have 1,500 bills that are prepared by 8 or 9 people when we have 535 Members of Congress. We have less than two handfuls of people that came up with that bill, and that is wrong. I think we need to change rule XVI, of course. We are going to protest and probably vote against that. But we also need to change rule XXVIII while we are doing it. If we do that, we will have a much more open and better legislative body. Does the Senator agree?

Mr. MOYNIHAN. Well said, sir.

Mr. REID. Mr. President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may speak as in morning business and that the time I consume be counted against the time on the resolution.

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

THE NATIONAL MISSILE DEFENSE ACT

Mr. COCHRAN. Mr. President, this morning I noticed in the Washington Times newspaper that President Clinton has signed the bill we authored here in the Senate, the National Missile Defense Act. This is very important legislation which the Senate passed after a lot of debate. The House and the Senate then reconciled differences between the House-passed measure and the Senate bill and sent the bill to the President.

The President made a statement in connection with his signing the bill which raises some questions that I thought should be addressed by a comment this morning. After talking about the fact that he is signing the bill to address the growing danger that rogue nations may develop and field long-range missiles capable of delivering weapons of mass destruction against the United States and our allies, he then has this to say in his message. He is referring to the fact that authorization and appropriations measures will

be a part of the process in terms of when and how and to what extent the funding is available for national missile defense.

This interpretation, which is confirmed by the legislative record taken as a whole, is also required to avoid a possible impairment of my constitutional authorities.

The President is suggesting that the bill doesn't mean what it says. I think that has to be brought to the attention of the Senate. The bill is very clear. It provides that it is the policy of the United States, upon enactment of this law, to deploy a national missile defense system as soon as technologically possible. That is unequivocal. It does not say ''but if.'' It is a change in policy of our Government. It has passed both Houses by a large majority, and now the President has signed the statute.

It seems to me the President is trying to reinterpret the bill to justify changing his position on this issue. He signed the bill; he didn't veto it. This is not a veto message. He could have vetoed the bill, if he disagreed with the terms, and given Congress an opportunity to review that veto message and override the veto or sustain it, as the Congress' will dictates.

I point this out to suggest that it is clear we have changed our policy, irrespective of the President's qualms about the new policy, and we now are committed as a nation to deploy a national missile defense system. We will do so in the orderly course of authorization and appropriation bills that we pass, as required. We have an annual appropriations bill funding all of the activities of the Department of Defense. But it is clear that one of those activities will be the continued research, development, and deployment of a national missile defense system.

I think it is very timely to point this out because the Prime Minister of Russia is coming to the United States. There will be talks this week with the President.

I am hopeful, and I urge the President to be honest with the Russian leadership about the need to modify the Anti-Ballistic Missile Treaty because the first part of that treaty says that neither signatory will deploy a missile defense system to protect the territory of its nation. But we have just changed the law of the United States to say that is our intention. We are committed to deploying a missile defense system that will protect the territory of the United States.

So, insofar as that is inconsistent with the Anti-Ballistic Missile Treaty, the treaty needs to be changed, and our President should say that to the Prime Minister of Russia unequivocally—not we ''may'' change our mind when it comes time to authorize a deployment or to fund a deployment.

The decision has been made to deploy a system, and when technology permits us to deploy an effective missile defense system under the terms of this act, we are going to do it irrespective of the provisions of that treaty. So we must change the treaty. And we want to assure the Russians that we are not targeting them. We are not trying to create a new era of tension or competition or to make this a more dangerous relationship—just the opposite; we want to be aboveboard, candid, and honest with the Russians.

That is what I hope the President will do as a spokesman for our country.

At this point, I ask unanimous consent that a copy of the statement by the President at his signing of the National Missile Defense Act be printed in the RECORD.

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

WHITE HOUSE BRIEFING ROOM,
OFFICE OF THE PRESS SECRETARY,
The White House, July 23, 1999.

STATEMENT BY THE PRESIDENT

I have signed into law H.R. 4, the ''National Missile Defense Act of 1999.'' My Administration is committed to addressing the growing danger that rogue nations may develop and field long-range missiles capable of delivering weapons of mass destruction against the United States and our allies.

Section 2 of this Act states that it is the policy of the United States to deploy as soon as technologically possible an effective National Missile Defense (NMD) system with funding subject to the annual authorization of appropriations and the annual appropriation of funds for NMD. By specifying that any NMD deployment must be subject to the authorization and appropriations process, the legislation makes clear that no decision on deployment has been made. This interpretation, which is confirmed by the legislative record taken as a whole, is also required to avoid any possible impairment of my constitutional authorities.

Section 3 of that Act states that it is the policy of the United States to seek continued negotiated reductions in Russian nuclear forces. Thus, section 3 puts the Congress on record as continuing to support negotiated reductions in strategic nuclear arms, reaffirming my Administration's position that our missile defense policy must take into account our arms control and nuclear nonproliferation objectives.

Next year, we will, for the first time, determine whether to deploy a limited National Missile Defense, when we review the results of flight tests and other developmental efforts, consider cost estimates, and evaluate the threat. Any NMD system we deploy must be operationally effective, cost-effective, and enhance our security. In making our determination, we will also review progress in achieving our arms control objectives, including negotiating any amendments to the ABM Treaty that may be required to accommodate a possible NMD deployment.

Mr. COCHRAN. Mr. President, further, I ask unanimous consent that a copy of this morning's report contained in the Washington Times written by Bill Gertz describing the issue and the President's actions also be printed in the RECORD.

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

[From the Washington Times, July 26, 1999]

CLINTON SIGNS BILL FOR MISSILE DEFENSE—SAYS HE'S NOT REQUIRED TO DEPLOY IT

By Bill Gertz

President Clinton has signed into law a bill that says U.S. policy is to deploy a nationwide defense against long-range missiles as soon as the technology is available.

The president signed the legislation Friday but issued a statement saying the law does not obligate him to deploy the national missile defense, remarks that will likely upset congressional Republicans in favor of deployment.

The National Missile Defense (NMD) Act states that it is U.S. policy to deploy ''as soon as technologically possible'' a system of interceptors, radar and communications gear that can shoot down an incoming long-range missile.

Mr. Clinton said the law on deployment is subject to funding by annual authorization and appropriations for national missile defense.

''By specifying that any [national missile defense] deployment must be subject to the authorization and appropriations process, the legislation makes clear that no decision on deployment has been made,'' Mr. Clinton said.

''This interpretation, which is confirmed by the legislative record taken as a whole, is also required to avoid any possible impairment of my constitutional authorities.''

Mr. Clinton said the legislation also calls for continuing to seek negotiations with Russia on reducing nuclear forces, ''reaffirming my administration's position that our missile defense policy must take into account our arms control and nuclear nonproliferation objectives.''

The president remains opposed to deploying a missile defense because it will upset arms reductions and negotiations with Moscow. Mr. Clinton has said the 1972 Anti-Ballistic Missile (ABM) treaty is the ''cornerstone'' of strategic relations with Russia and must be preserved.

The administration announced earlier this year that it would begin talks—not negotiations—with Moscow on changing the ABM treaty to allow deployment.

The issue is expected to come up this week in talks between senior U.S. officials and visiting Russian Prime Minister Sergei Stepashin.

Mr. Stepashin will also discuss beginning a new round of arms reduction talks even though Russia's Duma has failed for several years to ratify the START II strategic arms pact.

The U.S. Senate, which ratified START II in 1996, conditioned its approval on Russian ratification of the treaty and prohibited the United States from cutting its nuclear forces to START II levels until Russia's parliament approves the treaty.

Many Republicans in Congress have said the ABM treaty is outdated and fails to take into account emerging long-range missile threats from China, North Korea and other nations.

A special congressional commission on missile threats stated in a report last year that long-range missile threats to the United States could emerge with little or no warning. The commission, headed by former Defense Secretary Donald Rumsfeld, boosted efforts by missile defense proponents and led to bipartisan support for the Missile Defense Act signed by Mr. Clinton.

Mr. Clinton said in his statement that a decision on whether to deploy a limited national missile defense will be made next year based on flight tests and other developmental efforts, cost estimates and an evaluation of the threat.

''Any NMD system we deploy must be operationally effective, cost-effective, and enhance our security,'' Mr. Clinton said. ''In making our determination, we will also review progress in achieving our arms control objectives including negotiating any amendments to the ABM treaty that may be required to accommodate a possible NMD deployment.''

Mr. Clinton and Russian President Boris Yeltsin agreed during a meeting in Germany last month to hold talks this fall on possible changes in the ABM treaty.

White House National Security Adviser Samuel R. Berger told reporters at the time that the administration would make no decision on deploying missile defenses until June 2000. Mr. Berger also indicated that ABM treaty changes might be needed to accommodate a missile defense ''if we were to deploy one.''

Russia has opposed any changes at the ABM treaty, which states that neither side will build missile defenses that cover their entire national territory.

Russia has a limited, single missile defense site set up around Moscow. The United States has no defense against long-range missiles.

A senior White House official has said that the funding and authorization language of the Missile Defense Act is a loophole that allows that president to avoid having to deploy a national missile defense.

However, Sen. Thad Cochran, Mississippi Republican and chief sponsor of the legislation, has said the legislation is unambiguous.

Mr. Cochran said the administration should be honest about the need for ABM treaty changes.

Mr. COCHRAN. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RESTORATION OF THE ENFORCEMENT OF RULE XVI—Continued

Mr. REID. Mr. President, we are here today talking about the change in rule XVI. We are also talking about the minority leader's effort to change rule XXVIII.

The minority today wants to talk about how we are being treated like the House of Representatives. In fact, if the majority were consistent and they were going to vote without any question to change rule XVI, they would also vote to change rule XXVIII, which in effect says you can't go outside the scope of the conference as the conference committees have done, especially in the appropriations field.

I am happy to see my friend from North Dakota here, the chairman of the Democratic Policy Committee, who is in effect the educational arm for the minority.

Is the Senator ready to proceed?

Mr. DORGAN. Yes.

Mr. REID. Mr. President, I yield 10 minutes to the Senator from North Dakota.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the vote that has been called on this issue, I assume, is a vote that will come to the Senate because some are inconvenienced or upset by amendments that have been offered by those on the Democratic side of the aisle. These amendments have dealt with a range of issues we think are very important: Education, health care, agriculture—a whole series of issues we think need to be addressed. Because we have not been able to address them on authorization bills, we have offered amendments on appropriations bills.

As the Presiding Officer and my colleagues know, the precedent stemming back from a vote some while ago in the Senate allows us to do that. That might be inconvenient for the majority because it allows us, then, on an appropriations bill, to offer an amendment and have a debate on the Patients' Bill of Rights, for example. Or it may allow for us to have a debate on the agriculture disaster relief bill. They may not want to do that, but they cannot deny the members of the Democratic minority in the Senate the right to amend an appropriations bill. So the proposal is to change the rules back to where they used to be in order to prevent amendments of the type I have just described from being offered to the appropriations bills.

I thought it would be useful today to just go through a list of bills that describe the way the Senate has been operating in recent years and describe why many of us have felt it necessary to try to add legislation to appropriations bills. Let me just go through a list going back to 1997 and 1998.

The Family Friendly Workplace Act, S. 4. This bill, as it was described on the floor of the Senate, sought to give employees more flexibility with their work hours. Senator PATTY MURRAY sought to propose an amendment to give employees 24 hours a year of current family medical leave so they could take time off to go to school conferences and other things. But cloture was filed so that amendments could be offered. The purpose of the majority was to say: We want to debate S. 4. It is our bill. We want to debate it and we do not want the inconvenience of having amendments that we believe are not appropriate or germane to the bill. So what we want to do is put the bill on the floor and file cloture and prevent the Democrats from offering amendments.

On the Education Savings Act for public and private schools, they had the same approach: Bring the bill out here, file cloture and say: We want to debate this bill. It is our agenda. But we do not want you to be able to offer the amendments you want to offer.

The Federal Vacancies Reform Act, the same thing; Child Custody Protection Act, same thing. If we go through a list of these, we see what has happened is the majority leader has set himself up, it seems to me, as a kind of House Rules Committee in the Senate, saying I am going to bring a bill to the floor, and I am going to fill the legislative tree, as they call it, and create a mechanism by which no one else can move. It is a legislative straitjacket. No one else will be able to offer amendments.

Then the majority leader has said to us, on occasion: All right, I have a bill. I have filled the tree, come to me with your amendments, and if I approve and think we ought to debate them, I will allow you to debate them; if I don't, I will not.

That is not the way the Senate works. The Senate is a very inconvenient place and not a very effective or efficient place in the way it disposes of legislation. But that happens to be the way George Washington and Thomas Jefferson and Ben Franklin and Mason and Madison anticipated this place should work.

Remember the description about the Senate being the saucer that cools the coffee? They did not intend the Senate to work the way the House works, to have a Rules Committee to mandate that only certain amendments will be allowed, and then there will only be a certain amount of debate allowed, and it will all go very efficiently. That is not the way they intended the Senate to work. Yet that is exactly the way the majority leader has anticipated the Senate should work now for some long while.

If we had this rule in place last year, for example, the Senator from Nevada knows we would not have been able to offer the agriculture relief package we offered and got attached to the agriculture appropriations bill. The first portion of the farm crisis relief package was done in the Senate as an amendment that I and Senator CONRAD offered to the agriculture appropriations bill. It would not be allowed under the rule change that is now being proposed by the majority leader.

So we have a circumstance where the majority has decided that it really wants to debate its agenda. I understand that. If I were on their side, I would want to debate their agenda. They have a right to do that; that is their right. I will vote every day to support their right to do that. But then they say: Not only do we want to debate our agenda, we want to prevent the other side from offering amendments that relate to their agenda.

That is not appropriate. It is not the way the Senate should work. The reason we have had to offer amendments to appropriations bills is because authorization bills have not been passed. When they do come to the floor, the majority leader decides he does not want amendments offered to authorization bills.

Let me give one example, if I might. Does anybody know anything about the Federal Aviation Administration Reauthorization bill? That is an important

bill. It describes how we run the airways in this country—the control towers, the safety of air transportation. Do you know we just passed the other night, by unanimous consent, a 2-month extension of the FAA bill? I will bet there are not 10 Senators who know we passed, by unanimous consent, a 2-month extension. Why did we pass a 2-month extension? Because we should have passed an FAA reauthorization bill in the last Congress and it did not get done because we have a huge fight going on.

Mr. REID. Mr. President, I would like to ask the Senator from North Dakota a question. The Senator from North Dakota served in the House of Representatives how many years?

Mr. DORGAN. I was in the House of Representatives 12 years.

Mr. REID. It is true that it is a very large body, 435 Members. Over the years they have developed certain rules to move legislation because it is a large body?

Mr. DORGAN. That is correct.

Mr. REID. Every bill that comes to the House floor has a rule placed on it—how long it can be debated, what amendments can be debated. My colleague recalls those days, as do I, being a former House Member?

Mr. DORGAN. The Senator from Nevada is absolutely correct about the procedures of the House.

Mr. REID. I say to my friend, isn't his memory of how the House operates simply how the majority is now trying to operate the Senate? The leadership in the majority is trying to make it the same, is that not true?

Mr. DORGAN. That is exactly what is happening in the Senate, and it causes some heartburn for many people who understand how the Senate has traditionally worked and ought to work. This is not the House. We do not have a Rules Committee which decides what amendments should be offered. I know some want to change this into a body that operates identically to the House of Representatives, but it is not the way the Framers of this Government decided how it should work.

I want to go back for a moment to this issue of the FAA reauthorization bill. It describes our problems. We are not passing authorization bills. They are all hung up with big disputes here and there, and when one does come to the floor, the folks who bring it to the floor fill up the legislative tree and decide they do not want the rest of us to be able to offer amendments. That is a big problem. If the Senate were operating the way it should, I do not think there would be any concern about whether or not you could legislate on an appropriations bill. But because the Senate is not operating the way it should, the Democrats are largely prevented from offering amendments in most cases.

And motions to shut off debate before debate starts, or even before the first amendment is offered, have now become routine. Think of that again. The filing of motions to shut off debate, even before the first amendment is filed, has become routine in the Senate.

If you went back to that little room in Philadelphia where they wrote this Constitution, I will bet they would be aghast at that. When Mason and Madison and Franklin and George Washington, talked about what kind of a framework they wanted to describe for governance of this country, they created a Senate that was deliberately inefficient. It required things to slow down a bit and that there to be a lengthy public debate about what ought to happen and what is good and what is not good public policy. They did that deliberately.

Now we have all these folks who say we do not want the Senate to be able to consider, for any length of time, these issues. We do not want amendments to be offered; we want this place to be kind of a slam-dunk, highly efficient mirror image of the U.S. House of Representatives. That is not what it ought to be.

I know outside this Chamber this notion of rule changes and rule XVI sounds like a foreign language.

I ask unanimous consent for 2 additional minutes.

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

Mr. DORGAN. Mr. President, this must sound like a foreign language to people—rule XVI, legislating on appropriations bills, germane. It is not a foreign language. It is about whether folks have the right to stand at these desks and engage in debate and offer amendments.

This desk I am standing at is the desk that was sat in by Robert La Follette, the great, popular Senator from Wisconsin. In fact, I am told on May 29, 1908, they tried to poison Robert La Follette at this very desk. The Senate historian sent me information about that. He had been filibustering and had been on his feet for some 8 hours or so, and he put a glass of eggnog to his lips and spat the eggnog and claimed he had been poisoned. There is a lot of mystery about that circumstance. It was at this desk in 1908 that a great, popular Senator in the middle of a filibuster suffered that indignity.

Having heard that story now and seen the evidence from the Senate historian, I am probably not likely to filibuster anytime soon. At least if I do, I will not from this desk.

The point is, back in the old days, the way the Senate used to work, and the not so old days even going back 10, 20, 30 years, the Senate was a deliberative body. Its ability to debate was not choked by someone filing cloture motions before anyone else had the opportunity even to offer an amendment. That is not the way the Senate should work.

The change in rule XVI allowed us to offer legislative amendments on appropriations bills. That is necessary only because the Senate is now being operated in a way that, in my judgment, was not intended at all by the framers of the Constitution and certainly was not the way it was run for the first 180 years or so of its existence.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. I yield the floor.

Mr. REID. I yield 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the Senator from Nevada for giving me this time.

I listened with great interest and confusion—I guess a little bit—to what the Senator from North Dakota was saying. He is right on target. I served 10 years in the House of Representatives before I came to the Senate. We were always a little frustrated at that time, I remember, by the Rules Committee because they would set up the rules by which we could debate. We only had 5 minutes in the House. You could speak 5 minutes, and that was it. Once in a while, you were lucky to get consent to speak for 7 or 8 minutes.

We always knew that if the majority party or minority party or interested people could not get an amendment up because of the Rules Committee, it could always be done in the Senate. I cannot think of any time since I came to the Senate in 1975 when an issue we wanted to debate in the House but were prevented from doing so by the action of the Rules Committee was not then later followed up with full debate on the Senate floor.

That is as the framers of our Constitution envisioned. The Senator from North Dakota is right, and the Senator from Nevada is right. With 435 Members in the House, there is no way it could function if it functioned under the same rules as the Senate, so they have to have a Rules Committee. I understand that.

In the Senate, as envisioned by the framers of our Constitution, we are to have open and deliberative debate about the great issues of the day, and it is to be just that, deliberative.

Mr. REID. Will my friend yield for a question?

Mr. HARKIN. I am delighted to yield to the Senator.

Mr. REID. I reminded my friend from Iowa just the other day of one of the first legislative sessions I attended while in the Senate. The Senator from Iowa came to the Senate a couple years prior to this Senator. It was 2:30 in the morning. We were debating an issue, and the Senator from Iowa felt very strongly about aid to the contras in Central America. Even though it was inconvenient, even though it was 2:30 in the morning, and even though most of us wished the Senator had not offered an amendment, the Senator from Iowa had the right at 2:30 in the morning to offer an amendment on a bill

that was before the Senate. There were no rules on that bill, and the Senator offered an amendment on aid to the contras because the Senator from Iowa felt strongly about that and he had a right to offer it. Does the Senator remember that?

Mr. HARKIN. I do remember that, I tell the Senator. I remember it very well, as a matter of fact.

Mr. REID. Mr. President, I say to my friend, we are a better country, no matter how one felt about aid to the contras—I happened to agree with my friend from Iowa—for having been able to debate that issue in the light of day.

Mr. HARKIN. I say to the Senator, he is absolutely right. I remember that time. I remember some of the great debates we had. I say to my friend from Nevada, when I came to the Senate, the Republicans were in charge, and then the Democrats were in charge, and then it went back to the Republicans again. In all those years—first it was under Senator Dole, then Senator BYRD, Senator Mitchell, Senator Dole again—in all that time, we had free and open debate in the Senate. Once in a while, the majority would try to skirt it a little bit, but that was used very rarely. The general rule in the Senate was that we had authorizing bills, we offered our amendments, and we debated them fully. Sometimes they lasted until 2:30 or 3 in the morning—not often, but once in a while when it was an important issue of the day, when those who felt strongly about those issues thought it needed a full airing.

I do not remember at any time during that period that anything got held up, that this body came to a screeching, grinding halt. We had our say. We had good deliberations. That is gone now. We do not have that any longer. We do not have a free-flowing debate in the Senate any longer. A person gets up, gives a speech, and leaves the floor. Why? Because the way things are being structured now does not really allow for the free-flowing, deliberative debate we have had in the past.

When we changed rule XVI in 1995, when the then-new Republican majority voted to change rule XVI, I was opposed to that. I thought we should continue to operate as we had been operating. But since 1995, what has happened is, under the new leadership in the Senate, we have a structure that does not allow for that kind of debate and deliberation on authorizing bills. It has been common now for the majority to take the position that we do not have any regular debate on controversial subjects. We are not allowed the orderly amendment process to be considered in the Senate.

We are all products of our backgrounds, our upbringing, what we learned earlier in life. I know the distinguished majority leader—who is a fine man, and I have the greatest amount of respect for him—in his tenure in the House served on the Rules Committee. I am openly wondering whether or not the Senate majority leader's tenure on the House Rules Committee is somehow affecting his leadership in the Senate. Is the Senate majority leader trying to run the Senate the way the House Rules Committee runs the House? It seems to me that is what is happening, moving the Senate toward House procedures.

The pattern has become clear. The Republican leader decides on a particular measure; they move to consider it in a process where no amendments can be offered or only a limited number of predetermined amendments may be offered.

Again, the argument of limited time is often suggested as a reason—we do not have all this time—but that is clearly a veil that hides nothing.

Several days are spent working out the details of what may be allowed instead of proceeding to the bill and allowing us to debate.

How many days, I ask my friend from Nevada, have we spent on the floor with nobody here, quorum call after quorum call, simply because the majority leader does not want to have a measure on the floor to which we can add our amendments and openly debate them?

The reason given is that, well, it will take too much time if Senator HARKIN or Senator REID or Senator JOHNSON or Senator DORGAN get up and start offering their amendments and debate them. Yet we spend the entire week in quorum calls while they try to work out the details of some agreement on how to proceed.

The Patients' Bill of Rights is a great example. We passed that in our committee, the committee on which I serve, last spring. We wanted to bring it out on the floor for debate. The majority leader would not allow it: Oh, it would take too much time, don't you see.

What were we forced to do? We were forced to offer it on the agriculture appropriations bill. It should not have been there. We should have had open and free debate. That brought the ag appropriations bill to a standstill.

Then they tried to work out how we were going to do this. Finally, there was a unanimous consent agreement that established a very tight rule, similar to the House Rules Committee, in order for us to bring up the Patients' Bill of Rights. Why didn't we bring it up in the first place a month or two ago and debate it in the orderly process and be done with it?

Another example is the proposed lockbox, a procedure under which surpluses could be blocked from being spent year to year. There are a variety of ways this could have been accomplished. There are a lot of different views on this lockbox and how we are going to proceed on it. But look what has happened. Not once, not twice, but three times the majority leader moved to invoke cloture to block any amendments from being offered to lockbox—three times to shut off any amendments. So we still do not have the measure before us. Yet time is consumed, time is wasted around here. More time is wasted in the Senate than any place I have ever seen. We still have not brought up the lockbox. We could have brought it up a month ago and debated it.

Mr. REID. Would the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. REID. It is my understanding that the cloture provision in our rules was set up to stop endless debate; is that right?

Mr. HARKIN. Yes. I say to the Senator, it was to stop endless debate.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. REID. I yield 5 additional minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator has an additional 5 minutes.

Mr. REID. I say to my friend from Iowa, the lockbox is used as an illustration. There has not been a single word of debate on that, has there been?

Mr. HARKIN. Not one word of debate.

Mr. REID. Why would you want to file cloture when there is no talk, no conversation on anything relating to it?

Mr. HARKIN. That is what I do not understand. The Senator makes my point. The majority leader is trying to run the Senate like the Rules Committee, saying: We are bringing it up, but we don't want your amendments, we don't want you to discuss this.

The Senate must be an open body. Placing authorizing measures on appropriations bills is an imperfect but, under the way the Senate is running now, a necessary method of bringing matters to the consideration of the Senate.

In light of the actions by the Republican leader to cut off our debate and our ability to have open deliberation, we have been forced to use the appropriations bills as a method of doing that.

These issues should be discussed seriously. I do not know that we need to change our rules so much around here as we need to show a greater willingness to be open, to allow for the smooth flow of ideas and amendments on the floor, rather than gagging Senators, preventing them from offering timely amendments.

I must say, if we do not move toward some accommodation on this, parliamentary procedures will be used to deteriorate the ability of the Senate to function. The restoration of rule XVI will restrict our options on the minority side. But I cannot believe—and I say this to my friend from Nevada; I say this to the occupant of the Chair—I cannot believe that any serious student of parliamentary procedure believes that rule XVI will effectively block Senators from eventually getting votes on desired matters. It will happen, but it is going to take a terrible toll on this place.

We should be debating issues such as the minimum wage and fair pay. The

other day I saw a figure that said, if you took the CEOs of the Fortune 500 companies, the CEO pay in 1960 and the minimum wage in 1960, and you brought them forward to 1999, if the minimum wage had gone up at the same rate as CEO pay, the minimum wage today would be $40 an hour.

I would like to debate that on the floor. I would like to debate the necessity and the need to raise the minimum wage. Mr. President, $10,700 a year, that is what it is right now for people trying to raise their families. We need a full deliberation on this. It is an important issue. Yet we are choked off and gagged from even doing so.

I can assure the majority that this can only escalate. The reimposition of rule XVI will invite the use of alternative, more disruptive parliamentary methods in order for the minority to raise these important issues for the benefit of the American people. Furthermore, I believe that this, then, will cause further erosion of the good will of this body in the smooth consideration of legislation.

We had 48 cloture votes in the last Congress. We have already had 17 this session. As the Senator from Nevada said, it is laid down immediately, not after we have debated it for some time; and the majority, exercising its right to bring debate to a close, files cloture. No. It is done right in the beginning before one amendment is offered, before one word is even uttered on the issue before us.

So I say to the majority, do not escalate, because one escalation leads to another. The reimposition of rule XVI will lead to some other action taken on this side for the minority to exercise its rights. Then there will be another escalation on the other side, and then in the end the Senate will be the loser, our Government will be the loser, and the American people will lose.

Let us not overturn the 1995 precedent on rule XVI. Let us, instead, have a substantive series of discussions to work out the necessary adjustments to the way we operate so that we can, once again, as we had until recent times, have open and fair deliberation of the major issues before this body.

I thank the Senator for yielding me time.

Mr. REID. Mr. President, I appreciate the Senator from Iowa for his statement.

I now yield 10 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The distinguished Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, I thank my colleague from Nevada. I associate myself with the remarks of my friend and colleague from Iowa, Senator HARKIN, on this issue.

Today the Senate is considering the reinstatement of rule XVI, the Senate rule preventing authorizing legislation from being included on appropriations bills.

The reason the Senate is forced today to consider the reinstatement of rule XVI is because the Republican majority overturned the ruling of the Chair in 1995. Prior to 1995, it always was the rule that no authorizing language could be added to an appropriations bill.

Having had several years of experience under this new regime, the majority comes back with a proposal now to go back to that old rule, whereby authorizing language way not be added to an appropriations bill. If debate were being brought forward on the floor of the Senate in the way that it had over most of the history of this institution, I do not think there would be very much resistance to going back to rule XVI.

But what needs to be pointed out is the context we find ourselves in post-1995, the way in which, frankly, the current majority party seems to be bringing legislation to the floor, and the fact that this process has changed radically, and for the worse, not only for the minority party but for the American people.

If debate on amendments were brought forward in a fair fashion, with the majority party and the minority party being allowed to bring amendments and legislation to the floor, to have a reasonable discussion of those issues—whether it be about HMO managed care reform, whether it be about campaign finance reform, whether it be about minimum wage, whether it be about farm disaster legislation—regardless of what it might be, I do not think there would be any opposition to bringing those amendments up outside the context of an appropriations bill.

In recent years, it has become common practice, in fact the usual practice, for authorizing legislation, when it is brought to the floor of the Senate, to be brought with what amounts to a gag order on the minority party. By a gag order, I mean legislation is frequently now brought to the floor by our majority leader with the amendment tree filled, meaning that no minority amendments are permitted whatsoever to authorizing legislation, allowing for no additional amendments to be offered. Then cloture is filed before there is any debate on anything relative to the amendments the minority party ordinarily is allowed to bring.

What does the majority fear? Why is there this concern? Is it really a matter of saving time? As my colleague from Iowa has noted, we go days at a time around this place with no constructive legislative progress being made on the floor of the Senate, with a quorum call in progress, with no one here. Is it really to save time or is it, in fact, a concern on the part of the majority that the American people should not be allowed to share the discussion and debate on the floor about key issues that ought to be before the American public, about where this country ought to be going relative to its domestic and international agendas. Is there a gag rule for some reason other than saving time? One would have to conclude that, yes, that is the case; that apparently the majority finds it embarrassing to have Members of this body discussing an agenda that is not being addressed by the Senate.

All of this really amounts to the minority party being shut out of the process, being denied the right to amend legislation when that legislation comes to the floor.

An example, Mr. President, is when legislation to create a so-called lockbox for the Social Security trust fund was brought to the floor on several occasions earlier this year. Grossly inadequate lockbox legislation was being brought to the floor. It belied what most people would think of when they think of a lockbox. But there was no opportunity for amendments to be offered or even considered.

The minority party understands it is the minority party. It may lose a vote on a proposed amendment. But that party ought to be allowed the opportunity to point out the deficiencies of legislation and to have a fair up-or-down vote. There are times when Democrats will vote with Republicans, and Republicans will vote with Democrats. That is the way the process ought to work. Yet that opportunity is being denied this body.

The question for all of us to consider, again, is, What is the majority afraid of? Do they not believe Senators in the minority have the right to offer amendments, or that any Senator in the majority might from time to time vote with the minority? It is a sad commentary about the bipartisan politics of this body if that, indeed, is the case.

I had the honor of serving in the other Chamber for a number of years. Over there, where they have 435 Representatives, there is a Rules Committee that decides which amendments will be considered and when, and how that legislation is brought to the floor. In the other body, that process is sometimes abused but probably is necessary, given the sheer size of the body. The possibility of 435 Members offering multiple amendments obviously boggles the mind and could, indeed, slow down the process.

But one of the great strengths of the Senate has been, because of our smaller size and the historic collegiality that has existed most of the time in this body, we don't have that kind of Rules Committee, that kind of power. Here we bring these issues to the floor for an open and fair and balanced debate; obviously, with the majority and the minority dividing the time and proceeding with debate in an orderly, constructive fashion but with an opportunity to address the key issues facing the Nation, whether brought by the majority or brought by the minority, to have that discussion. Unfortunately, the current majority—and this is out of precedent going back throughout the history of our country—wants to deny Senators in the minority a chance to offer the amendments they believe need to be offered.

I think there would be few Senators on the part of the minority who would object to reaching bipartisan agreements on the amount of time to be spent on particular legislation or the number of amendments to be offered. It is very common that these agreements about numbers of amendments and time agreements are reached in a bipartisan fashion so that we can continue to proceed in an orderly fashion so that there is no real risk of debate on these issues somehow clogging up the process and denying the ability of the Senate to move forward with its agenda. This is not a tradeoff between orderly development of legislative issues and the opportunity for the minority to bring up amendments and discuss them in a reasonable manner.

I think it is important for everyone who is following this debate, then, to keep these circumstances in mind, to fully understand what the restoration of rule XVI really is all about. It is not about orderly progress of legislation. It is not about saving time. It is about trying to gag the minority party with no opportunity to bring up legislation which the majority party is ignoring. It is a means of preventing the minority party from pointing out the deficiencies and inadequacies, as they see it, of legislation being offered by the majority. It is the majority party's effort to see to it that their own Members don't cross the aisle to vote with the minority party on selected pieces of legislation and to save themselves from that apparent embarrassment.

I point out another important issue that must be discussed again in this context. That is Senator DASCHLE's amendment to reinstate the scope of conference point of order.

The PRESIDING OFFICER. The time requested by the distinguished Senator has expired.

Mr. JOHNSON. May I have 1 additional minute?

The PRESIDING OFFICER. The Senator is recognized.

Mr. JOHNSON. Prior to 1996, a point of order could be brought in conference committee against an amendment that had not been offered and debated in either the House or the Senate but was included in one of their versions of the bill. The majority is also overturning that rule, meaning they have the opportunity, then, to deny minority amendments on the floor of the Senate, but then, when they are in conference committee behind closed doors, with no media, no press, the majority party can amend legislation any way they wish, without regard to action of the House or the Senate on the floor.

I hope in the context of all of this the Senate will remain consistent with precedent in supporting Senator DASCHLE's effort to make sure there is some continuity of action in those conference committees. This is particularly important in light of the changes being proposed on rule XVI.

I yield back such time as I have to the Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from South Dakota, I very much appreciate his statement. I also say that the people in South Dakota are very fortunate that South Dakota doesn't have a lot of people but, through Senators DASCHLE and JOHNSON, has great power in the Senate. I appreciate very much the Senator's remarks.

I now yield 10 minutes to the Senator from California, Mrs. BARBARA BOXER.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mrs. BOXER. Thank you very much, Mr. President. I thank Senator REID, our distinguished minority whip, who has done such a fine job on so many issues.

Mr. President, I say to the public who may be watching this debate, it may sound a little arcane, but we are debating the rules of the Senate. They will hear about rule XVI, they will hear about rule XXVIII, and they will say: What does this have to do with us? What does this have to do with my daily life as an American citizen?

Let me tell you, it has everything to do with the daily lives of the American people because this debate is about the power to bring issues to the American people by way of the Senate. It is about who has the right to bring issues to this floor for debate—issues that really matter to people, issues that relate to their jobs, issues that relate to their health care, issues that relate to their kids' education, issues that relate to how much congestion there is on a freeway or at an airport. So the power to bring up issues on the floor of the Senate is, in essence, the ability for all of us as Senators to make a difference in the lives of the American people.

If you were to ask me who has the right to bring issues to the Senate floor, my answer would be every single Senator, be they Republican, Democrat, or Independent. I think it is a very sad day today because, very clearly, the way this place has been running there is an attempt to shut down all but the Republican Senators. Because the Republican Senators control these appropriations bills in the committee, they will be able to load them up with all kinds of legislation. But once those bills get to the floor, there will be no way for Democratic Senators or Independent Senators to add their voices to that legislation.

There was a time in the Senate when things weren't like this. Perhaps they were the golden days of the Senate. When I first got here, we worked well—the Democrats did—with the Republicans. In those days, the Democrats were in charge. We worked well together. We weren't afraid to take the tough votes. We had full debate. Authorization bills were brought to the floor of the Senate. There was open debate.

Now we have a majority leader whom I like very much. Notwithstanding that, every chance he gets, his goal is to shut down the debate, to not allow a full debate. If he were in a position to open up the debate on authorizing bills, I say to the distinguished whip, we would not be here today fighting against reinstating rule XVI.

I want to take a look at how we actually got to this point. Rule XVI of the Senate rules prohibits amending appropriations bills. In other words, the rationale—which is a very good rationale—is that appropriations bills are merely bills that decide how much we spend on a particular item, and therefore they should be immune from the larger debate about underlying law and changes in underlying law. I always thought that was a good rule. We had it in place, as I say, when I got here.

Then, in 1995, the Republicans changed the rule. It came about because a Republican Senator wanted to stop the Endangered Species Act in its tracks and she wanted to attach an environmental rider to an appropriations bill. She needed very much to change rule XVI in order to win her point.

I remember being very upset at that time for two reasons. No. 1, I thought it was really bad to change rule XVI because I thought we had fair and open debate. Secondly, I thought, here is a major policy change, a major change in the law, without going through the authorizing committees, no hearings, no witnesses, no real debate in the committee.

The Endangered Species Act has been a great act. Is it perfect? No. But it saved the California condor and the bald eagle. Yet we have a Senator wanting to throw the whole thing out, essentially, and stop all the new listings because she didn't like it. In order to do that, her colleagues accommodated her and they went back to allowing legislation on appropriations; 54 Republicans voted with her at the time.

Now, after several years of seeing some of us move our legislation, such as the Patients' Bill of Rights, campaign finance reform, taking a page out of the book of the Senator from Texas, they suddenly say in the middle of the Congress that they have changed their minds. I know why they have changed their minds. They have figured out how to run this place similar to the House of Representatives, as my friend, Senator REID, pointed out.

I served in the House of Representatives for 10 years. That place runs very differently from the Senate. They shut you down. They shut down debate. How many times have you seen House Members try to deliver a whole speech in 30 seconds or a minute? I know because I learned to do it over there. The fact is that there are time constraints over there. There are so many people over there. The Senate is a different place.

Let me put it in a different way. This used to be a different place. I say to my friend—and then I will yield to him—when I was a little girl, my father used to tell me, years before I would even dream that I would even be in politics,

because in those days women were not in politics: Honey, I want you to watch the U.S. Senate because that is where they really debate everything. The people who are there serve for 6 years. They are not afraid to take a tough stand, and they are not afraid of issues. They are willing to debate them; they are courageous; you hear all the different views. It is the greatest deliberative body in the world.

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

Mrs. BOXER. I am happy to yield.

Mr. REID. It is my understanding that the State of California has about the seventh largest economy in the world. Is that true?

Mrs. BOXER. That is correct.

Mr. REID. Is it true that the Senator from California represents over 30 million people?

Mrs. BOXER. About 33 million people.

Mr. REID. I come from the neighboring State of Nevada, which has about 2 million people. We have a lot of things we would like to be talking about. The Senator talked about environmental issues. Our States share beautiful Lake Tahoe. There are environmental issues we need to be talking about that would protect that beautiful gem we share. We need to talk about minimum wage, fair wages, and the fact that women who work comparable jobs should make the same amount of money as men. We need to talk about campaign finance reform. I am sure, representing 33 million people, the Senator believes—and we came to the House of Representatives together in 1982—that we in the Senate should act and be treated as Senators, not as Members of the House of Representatives. There is nothing wrong with Members of the House of Representatives, but that is a large body and they need different rules than we do; is that not true?

Mrs. BOXER. My friend is exactly right. We did serve together in the House of Representatives, and it was a thrill to be there for 10 years. But there are differences between the two bodies. One of them certainly is the breadth and depth of the debate that goes on in the Senate as compared to the House. It is a different institution.

I think it is, in fact, a sad time. What happens when a piece of authorizing legislation comes before the Senate? We have the majority leader blocking our attempts to amend those pieces of legislation. My friend is right.

When I ran for reelection in the Senate in 1998, there were many differences between my opponent and me. It was a very hotly contested race. We talked about health care, campaign finance reform, protecting children from toxic waste; We talked about raising the minimum wage; We talked about more teachers in the classrooms. We talked about fixing school infrastructure because we have schools, I say to my friend, that are falling down because they are so old; We talked about the importance of afterschool programs, preschool, cops on the beat, sensible gun laws, and ending violence at women's clinics. These were issues of great importance.

I told my constituents: Look, I don't know if we are going to win on all these issues because it could be that when I get back to the Senate, the other party will be in control and they are not for raising the minimum wage; they are not for campaign finance reform; they are not for afterschool programs, and a lot of these things. But I promise you one thing: I am going to put up a fight. We are going to have those debates.

So the point is, I say to my colleagues who may be listening today, it seems very strange that when a party is in control and they have a good number more seats than we do, they should not be so insecure that they don't even allow us to offer amendments to authorizing legislation; now they have decided to shut us down on appropriations bills when they are the ones who fought for that right themselves.

This is not an arcane debate. This is a very important debate. I think you have to put all of this in the context of how the minority party has been treated. I love this institution. I agree that we shouldn't legislate on appropriations bills. But I say that with a caveat—if we are treated fairly on all the other legislative vehicles; if we are allowed to offer amendments without having the majority fill up the so-called amendment tree and block us out; if we can have bills brought to this floor.

The Senator from North Dakota brought up a very important point. Because the majority leader wasn't ready to bring up the FAA reauthorization act, we did a 2-month extension. I wonder why. Can it be that he doesn't want to bring a piece of authorizing legislation to the floor because then he couldn't stop us that easily from bringing up our issues?

I don't know the answer to that. But I do know that I am going to join with a vast majority of Democrats to fight for the kind of Senate my dad talked to me about when I was a little girl, the kind of Senate where, regardless of political party, every single Senator has a right to bring an issue important to his or her State to the floor of this Senate. I think that is the least we could do.

I say to my distinguished whip, who does such a fine job in leading us on this side, that I really appreciate the fact that he is leading this particular effort. I think the issue of rule XXVIII is important because if we are going to shut down our ability to amend bills on the floor, we ought to shut down the ability of the majority to add anything they want in the conference that may not have passed either House. I don't know how that can be considered democratic.

Arcane though this debate might be, I say to the American people who may be focusing in on this debate, it is very important to you. If you want your Senator, regardless of party, to be able to come to the floor of the Senate and bring up issues that are important to you, then you ought to work to make sure that this Senate is open and is fair.

Thank you very much. Mr. President, I thank the distinguished whip.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I assume we are having time to discuss the Senate resolution on rule XVI.

The PRESIDING OFFICER. The Senator is correct. The majority has 168 minutes 18 seconds. The minority has 93 minutes 31 seconds.

Mr. THOMAS. Thank you very much, Mr. President.

I wanted to talk about this issue because I feel very strongly about it. I have not been able to hear everything this morning, but it seems we have turned this into a little fairness technique which I have a little trouble understanding.

What we are talking about is whether or not you put authorizing legislation on appropriations bills. It seems to have been turned into kind of a contest of who is being treated fairly. I don't quite understand that, frankly.

There has been a lot of talk about the House. I served in the House. This is a different place. We have different rules—no question about that. We should have, and we will continue to have different rules.

Since I have been here, I think this leader has been very fair in operating to give everyone a chance to speak, as should be the case. On the other side of the coin, we haven't heard much about the fact that these appropriations bills are amended with things that have nothing to do with them, and we lose track of where we are going on these appropriations bills.

I think there is some responsibility on the part of the minority to feel that we need to accomplish something in this place other than simply introducing amendments that have nothing to do with the bill that is being considered. As you can see, I feel fairly strongly about that.

One of the things which I think is important is to separate the idea of authorizing committees from appropriations. That is why we have an Energy Committee; that is why we have an Armed Services Committee; that is why we have an Agriculture Committee—to talk about the policy in those particular areas, and to determine what the authorizations are going to be and what the role of Government is going to be. Then we follow with the appropriations bills, which also, by the way, have a great deal of power because, obviously, you can't do a great deal in terms of policy unless there are some funds with which to do it.

But when you do it the other way, as the minority apparently is urging, then

you avoid hearings and you avoid having any real discussion in committees on the issue. They apparently want to just come to the floor with the issue having had no background at all. I am afraid I don't understand that. It seems to me to be a little naive to suggest that we have rules of that type.

I wanted to talk a little bit about it.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. THOMAS. No. I will continue a little bit, and then I will be happy to answer the question when I am finished.

I think we ought to emphasize this idea of authorizations. I was happy to be on the appropriations committee when I was in the Wyoming State legislature. So I have had some experience with that.

The idea that you just simply ignore the authorizing committees and begin to do everything on appropriations is wrong, absolutely wrong.

How we got here I am not sure. The minority whip has been here longer than I and I suspect remembers when Democrats were in charge. But I think maybe he has forgotten a little bit about the way it operated then. As I understand it, when the Senator from Maine was in charge, it operated very much the same way. I am not suggesting that should be the case, nor am I suggesting it is. It seems to me that there have been real efforts to be as fair as we can be, and that should be. We need to do that.

In addition to having the opportunity to put everything on the floor, which I agree with, there is also a responsibility on the part of all of us to accomplish some things.

My recollection is that during the last number of months amendments that have come from the other side of the aisle have generally been to stop anything from happening. There are a good deal of examples of that. Frankly, that is very frustrating for me—to bring up something and then the bill has to be withdrawn from the floor because we have lost completely the direction of things.

What is this debate about? It is very simple. It simply says that in the precedence of the Senate, unless an amendment has to do with the same subject as does the appropriations bill, it is not allowed on the bill. You can make a point of order. And there has to be a majority vote to follow it up. That is pretty simple. I think it is fairly reasonable. If you are going to come in through the appropriations bill and put an appropriations amendment on it, you can have a point of order, have a vote on it, and, if it isn't appropriate, it isn't used. I don't find much of a problem with that.

I think we ought to get to the topic and talk about what it is we are doing rather than going through all of these gyrations of fairness, and so on, in terms of getting on the floor. If that is a problem, if that is a real problem, then we have to resolve that problem. This is not the way to resolve that problem.

We have some things that we have to do. We have to accomplish things right now. What do we have, 13 appropriations bills with which we have to deal? I think we have dealt with about seven. There are a number of examples of how nongermane issues have been raised and have been withdrawn. We have to withdraw the topic from the appropriations bill.

What we are doing is seeking to overturn the ruling of the Chair with respect to legislation on appropriations bills.

If the minority whip would like to make a comment, or ask a question, I would be more than happy to respond.

Mr. REID. Mr. President, I appreciate my friend yielding.

Rule XVI was changed by virtue of the majority voting to change it.

I ask my friend this question: The minority leader has filed an amendment to change rule XXVIII. Rule XVI would say that there would be no legislation on appropriations bills. Rule XXVIII goes one step further and says: Fine. If we are not going to legislate on appropriations bills, then a conference committee should only be able to take up matters in the bill that they are conferencing and that has within it confined limits. Will the Senator comment on whether or not he believes, if we are going to change rule XVI, we should also change rule XXVIII which would mean that a conference committee cannot do things outside the scope of the two bills they are dealing with?

Mr. THOMAS. I can answer that very quickly. Yes, I agree with that. I think it is the same concept as coming to the floor with an amendment on an issue that has never been discussed, has never been authorized. To do that in the conference committee, I believe, is equally wrong.

Mr. REID. I appreciate that very much. We had here the senior Senator from New York who went on at some length, as only he can do, using an example of that huge bill last fall which the Senator and I came back to vote on—I came back from Nevada and he came back from Wyoming—that we had not even seen. I think we would be hard-pressed to say we could lift it, much less to have read it. Yet a few people in the conference committee, together with the White House, drew this bill. If we were working under the confines of rule XXVIII, that would not be possible. I appreciate very much the comments of the Senator from Wyoming, acknowledging that would also be a good idea.

Mr. THOMAS. I do think so. I do think it is the same concept there. What we want to avoid, in many ways, is putting more authority into this Appropriations Committee. It is a very important committee. I recognize that. But it ought not be the center of all of our activity, and it can be if we are not careful. So I think there is a balance in both these areas. I support both the propositions that are here, and I hope we have some action that will put them into place.

Mr. REID. If the Senator will yield just for another comment, I serve on the Appropriations Committee. I am very fortunate; I have been able to do that since I have been in the Senate. But, having said that, I think we need to get a process where we are doing more legislating on authorizing legislation than what we are doing. Almost all of our attention is now focused on the 13 appropriations bills, and we have kind of lost track of the fact that we should be legislators on things other than appropriations bills.

Mr. THOMAS. I have listened just a little bit to the Senator and his associates, and I have the feeling you are not for changing the rules?

Mr. REID. I say to my friend from Wyoming, I think he is going to find a protest vote, saying we want a more open debate. We are going to support the change in rule XXVIII, and we are confident rule XVI will be changed if rule XXVIII were changed in addition to that. The minority leader is offering that as an amendment. I think it would be a pretty good day for the country.

But the conversations today on this side of the aisle, I say to my friend from Wyoming, have been to the effect we need to do more legislating. An example of the lockbox has been used. That is a very important concept, that we should lock away enough money from the surpluses to protect our Social Security system. But we would like to talk about that a little bit. Not talk forever; no one wants to filibuster that. That is something we believe in, too. But we may not believe in it exactly the way the majority has presented it to us. We have had three cloture motions filed on that particular bill and we have not been able to say a single word about it. That is what we are complaining about.

Mr. THOMAS. I understand that. I think it was five, but as a sponsor of the lockbox, I am very much for it. But in this instance it just seems to me that is what I am talking about, simply blocking it. There has been much opportunity to talk about lockbox. You can talk about it whenever you choose.

I guess the reason the Senator voted against cloture is because he wanted an opportunity to amend.

Mr. REID. That is right.

Mr. THOMAS. I do not think anyone could argue against the need for a fair process. But I think to talk about all those things with respect to rule XVI is inappropriate. I think we very much need this. I urge the Senator's support.

I thank my colleague.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I ask unanimous consent a quorum call be initiated and the time be charged equally against both sides.

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

The legislative assistant proceeded to call the roll.

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

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

Mr. REID. Mr. President, I see in the Chamber the distinguished Senator from West Virginia, JAY ROCKEFELLER. I yield 10 minutes to the Senator.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized for 10 minutes.

Mr. ROCKEFELLER. I thank the Presiding Officer, as well as I thank my esteemed friend from Nevada.

Mr. President, I came a bit earlier than was anticipated. I look forward to expressing what are some strongly held views on my part.

In a formal sense, I rise today to object to the reinstatement of Senate rule XVI. That is my purpose in being here. Up until 1995, it prohibited legislating on appropriations bills. That is the reason I formally rise.

The Republican majority, in fact, is responsible for overturning the rule which was designed to keep legislative matters unrelated to appropriations bills from bogging down the appropriations process. The Republicans themselves were responsible for overturning the longstanding Senate precedent by rejecting the ruling of the Chair, something that was given little notice and was little commented upon but is now of increasing monumental proportions.

I cannot support returning to the previous order because I respect the Senate. It seems to me anybody who has a sense of what the Senate was designed for and what the Senate is, what the Senate should be, what the American people expect the Senate to be, will vote as I will vote because to do otherwise is to diminish this body, which I think has been diminished substantially in the last 5 or 6 years in any event, in terms of its impact on American debate, its impact on discussion, its impact on the intellectual activity of the Senate, and, in fact, its impact on American society as a whole.

I happen to represent steelworkers, farmers, airport managers, veterans, rural people, patients, doctors, nurses, just as the Presiding Officer does. This Senator may have a few more steelworkers in his State than the Senator from Kansas does in his State; otherwise, we represent more or less the same people. I do not think these people ought to have their business pushed aside, their concerns, their worries, what they care about pushed aside in order to make the Senate's bill or the Senate's way of working more manageable, more efficient, more to the liking of the leadership, more House-like, more limiting, less substantial, less interesting, less of scope, less of dignity, less of the power of the tradition of the Senate.

(Mr. THOMAS assumed the Chair.)

Mr. ROCKEFELLER. I believe the majority is interested in controlling debate. I have wanted to say this a long time, and I have not found the place to do it properly, but I find so today. I believe the majority—not the Presiding Officer who has changed since I began my remarks, who is an entirely different kind of person—the people who run the majority, who speak for the majority, who lead the Senate on behalf of the majority, are interested in controlling debate, minimizing debate in making the Senate more like the House from whence they came and in trivializing the Senate. Those are harsh words, but they come from a disturbed and unhappy Senator—not disturbed in a psychological sense, I point out to the Presiding Officer, but disturbed in the sense of not feeling good about the work I am able to do as opposed to the way it used to be a number of years ago when I first came to the Senate.

I wish I could tell my colleagues I believe the Senate is functioning in a way that means legislative business can occur on authorizing legislation, but I cannot. I wish the Senate would return to a more efficient appropriations process that does not deal with extraneous legislative matters, but under the Senate's current leadership, Members of the majority party have effectively gagged—there is no other word for it—the minority from raising policy matters on the Senate floor.

Every Tuesday, members of both parties have caucuses. Those caucuses, in the case of the Democrats, used to deal broadly with issues and with functions and divisions of responsibility and debate within the caucus. Now, for the most part, they are taken up with, how can we make ourselves heard? How is it that we can, by some manipulation or clever method, try to work our way through a loophole which allows us to bring up an amendment, to speak on behalf of our constituencies?

In every single caucus there is a question of how the majority is diminishing the minority, not in a way which would just be satisfying in the sense of a Republican making a Democrat feel less important or making a Democrat's role less important in the Senate, but in the sense of diminishing honest and open and real debate.

That is what I came to the Senate for in 1985—honest and real debate. I did not expect to win everything. I did not expect to lose everything. But I did expect to be able to debate, to be able to make my views known, as one can in a committee. All committees are run relatively fairly. The Finance Committee, the Commerce Committee, which I sit on, are run fairly by their majority leadership. This place is not; the floor of the Senate is not. We are gagged, as in the Patients' Bill of Rights doctors were gagged. We are not allowed to express our views.

I resent that enormously, I say to the Presiding Officer. It takes a lot away from being a Senator. I know no longer the greatness of the difference between being a Member of the House and being a Member of the Senate. There is, of course, a difference. I stand here and speak, and I speak as I choose to speak, and nobody is stopping me, but that is because we have this arrangement for this day. For most of the rest of the time, morning business has been closed off—or had been—quorum calls were not honored, to be able to interrupt them, as this one was honored. It is a different body. It is a distressing situation. All of us, on both sides, all 100 of us, are diminished by the way this Senate is run.

Let me give an example of a piece of legislation, and it is not even the first one on the minds of most, but it is a big one in terms of this Senator: This legislative body's failure with respect to the FAA and the airport improvement reauthorization bill, which is, for the fourth time in less than a year, on the brink of expiring.

Last fall we threw a 6-month extension into the omnibus appropriations bill. When that expired on March 31, we did a 2-month extension—embarrassing—until May 31; then a 65-day extension—embarrassing—through August 6. And now we are close to August 6, and we may have to—and probably will—have to do yet another extension. All of these short-term extensions may make us feel better temporarily, but they are not solutions. They do not obviate the need to take up and debate and pass an authorization bill.

But we cannot debate it. We cannot debate anything on this floor except what it is the majority wants to debate. Then they fill up every tree, preclude every amendment, and we are all diminished, and the public process is diminished at the same time.

So in the current Senate environment, which I deplore, regret—I like the people who lead the Senate on the majority side, but I do not respect the way they lead this Senate. I think all of us suffer from the way they lead this Senate; that is, to make the Senate more like the House—puppets.

So in this current Senate environment, I am not willing to give up a single avenue for getting my work done. I will not support giving the majority one more way to cut off debate on important policy issues—such as aviation or the future of our Nation's steel industry, restoring money to Medicare providers who have been too deeply cut. We hear more about this than any other subject when we go home. Have we discussed it? No. Research and development, lots and lots of other things.

So the arcane rules of the Senate may not be at the forefront of the concerns of everyday Americans, but the rules of this Senate guide the way our democracy works or fails to work. They guide the way the people trust their Government, and they also guide the way people within the Government trust the Government within the framework of which they work as best as they can.

The legislative process is honorable. It is time honored. I fear that we are

dangerously close to the Senate losing its reputation and role as a great deliberative body.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. ROCKEFELLER. I recognize my time is up. I hope my colleagues will support me in objecting to the reinstatement of Senate rule XVI.

I thank the Presiding Officer.

Mr. REID. I say to my friend from West Virginia, through the Chair, how much I appreciate him being here today. The people of West Virginia are very fortunate to have Senators BYRD and ROCKEFELLER representing their interests. I appreciate the Senator's statement today very much. Mr. President, I yield 10 minutes to the senior Senator from Connecticut, CHRIS DODD.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Nevada. And I thank my colleagues who have spoken on this issue this morning, an issue that may seem to the general public as sort of an arcane debate involving the internal machinations of this body. But in my brief remarks this afternoon, I would like to suggest that this debate may be one of the most significant ones we have in this Congress because it is the process and the procedures which determine the ability of a minority in this body to be heard.

If that ability is constrained, is gagged, is muffled, then the public is denied the opportunity which the Senate, as a forum, has historically provided to the citizenry of this Nation, and that is a full airing of the issues that they should hear, that they should be aware of, as we deliberate the matters which will affect their lives and the lives of their families for years and decades to come.

So while a procedural debate may sound boring to some and may not sound as if it is of terribly great import to others, this is, in truth, a significant debate and discussion. Therefore, I add my voice to those who have raised concerns about a vote that will occur later this afternoon dealing with rule XVI of the Senate.

I am in somewhat of a unique position. I am standing next to my dear friend and colleague from West Virginia, who is recognized by all in this Chamber, regardless of party, and those who have come before us, as one of the truly great historians of the Senate, arguably the most knowledgeable person who has served in this body in its 210-year history when it comes to the role of the Senate both in terms of our own history as well as the role of senates throughout recorded history.

I am also in a unique position in that I am the inheritor of the seat once held by a distinguished Senator from Connecticut by the name of Roger Sherman. Roger Sherman, among other things, was the only Founding Father, as they are referred to, to have signed the four cornerstone documents, as we call them, of our Nation. He signed the Declaration of Independence, the Articles of Confederation, the Constitution of the United States, and the Bill of Rights.

He was from New Haven, CT. I sit in his seat in the Senate, as you track a Senate seat from those who first represented the Thirteen Original Colonies in the Senate to the modern Senate of today. But maybe more importantly than his signature on those four cornerstone documents, he was the author of what was called the Connecticut Compromise. The Connecticut Compromise produced the Senate of the United States as a body.

There was a crisis, politically, at the time of the debate in the constitutional convention between large States and small States about where power would reside. Roger Sherman, along with others, proposed the Connecticut compromise, which gave birth to the Senate as a place where small States would be equally represented by the participation of two Senators from each State regardless of the size of the State.

But more importantly than that debate, it was also designed to be a forum wherein the rights of a minority could be heard. The rules of the House of Representatives—I served in that body for 6 years—were and are specifically designed to guarantee the rights of the majority. Majority opinion prevails in the House, and that is how it should be. We had come off a system ruled by one individual, a king. We wanted to establish a system of government where the majority opinion of the American people could be heard and their voices could result in opinions being rendered and decisions being made which reflected those majority feelings.

But the Founding Fathers and those who supported them in their wisdom understood there could be a tyranny of the majority, that quick decisions made rapidly without a great deal of thought or consideration could in some instances do more harm than good. So the Senate was created as a balance, as a counterweight, in many ways.

The Senate was designed to be a place where those majority decisions, as important as they are, would then have to be brought for further consideration in this Chamber where additional consideration and thought would be offered, where the views of those who may not have been heard in the House of Representatives could be heard, where the rights of a minority, including a minority of one Senator, would absolutely be guaranteed the right to be heard, as long as that Senator could stand on his or her feet and express their opinions—the filibuster rule which protects the right of one of us out of 100. Ninety-nine people cannot stop one Senator from speaking, once that Senator has gained recognition from the Presiding Officer. It is a unique set of rules, completely contrary to the rules of the House, where one Member of the House cannot command the attention of the entire Chamber, or that person is limited to 5 minutes in talking and must get unanimous consent to speak for a 6th minute. In the Senate, that is not the case. As long as you can stand and be heard, no one can interrupt you or break the flow of debate.

There are many other distinctions which make the Senate unique and special, but that is certainly one of them.

This afternoon we are going to debate and vote on a rule which also goes to the very heart of whether or not the Senate is going to maintain its unique and distinct role as being sort of the antithesis, if you will, the counterweight, as was described by Thomas Jefferson when he argued against the creation of the Senate, that this would be the saucer in which the coffee or the tea would cool, where temperatures could be lowered, the heat of debate would be softened, consideration and thought would be given to the decisions that the majority had made in the other Chamber.

I come to this issue with a sense of history about Roger Sherman, in whose seat I sit, who authored the creation of the Senate with the Connecticut compromise, with a deep sense of appreciation for the role of the House, having served there, and also a very strong sense of the role that the Senate should play and why this debate on rule XVI is more than just an internal discussion, a debate among Senators that has little or no impact on the daily lives of the people we seek to represent.

As the ranking member of the Senate Rules Committee, I yield to no one except, as I mentioned earlier, the senior Senator from West Virginia, in my respect for the standing rules of the Senate, as intended by the Founding Fathers. The Senate is respected as the most deliberative body in the world. The rules, as I have suggested, of the Senate assure that such deliberation can occur, must occur, and that the rights of a minority will always be protected.

We are all familiar with the story of the conversation I mentioned a moment ago between Thomas Jefferson and George Washington in which Thomas Jefferson questioned the need for the United States Senate. Washington reportedly responded to Thomas Jefferson, as Jefferson was pouring his tea into a saucer to cool it during the informal discussion they were having, so legislation would be poured into the senatorial saucer to cool it, Washington suggested to Jefferson, and thus the value of the Senate.

Similarly, as reported by our own historian, Dick Baker, James Madison, writing to Thomas Jefferson, explained the Founding Fathers' vision of the Senate. Madison reminded Thomas Jefferson that the Senate was intended to be the ''anchor'' of the government. According to Madison, the Senate was ''a necessary fence against the fickleness and passion that tended to influence the attitudes of the general public

and Members of the House of Representatives.''

Within the first month of its convening, on March 4, 1789, this anchor, the Senate, recognized that to function efficiently rules were going to be required. Almost from the beginning there was a recognition of the need to separate the authorizing and appropriating functions of the Senate, the very matter with which rule XVI is concerned.

The first Senate rules were adopted on April 16, 1789, and the Senate adopted general revisions to those rules seven times over the 210-year history of our Nation, including revisions in 1806, 1820, 1828, 1868, 1877, 1884 and 1979. Although the current language of rule XVI did not appear until the 1979 revisions, the prohibition on adding general legislation to an appropriations bill had its roots in rule XXX of the 1868 revisions adopted in the 48th Congress. The 1868 general revisions were the ones last proposed by the special committee prior to the establishment of the Rules Committee as a standing committee in 1874.

I ask for an additional 5 minutes, if I may.

Mr. REID. Three minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for an additional 3 minutes.

Mr. DODD. I thank my distinguished colleague from Nevada.

The 1877 general revisions expanded the 1868 rules to specifically prohibit amending general appropriations bills with general legislation, or with amendments not germane or relevant to the subject matter of the bill.

The next set of general revisions to the rules was adopted by the Senate during the 48th Congress, on January 11, 1884. These revisions renumbered the rules and consolidated the language regarding amendments to appropriations bills. The prohibition on including amendments to an appropriations bill dealing with general legislation as incorporated into Rule XVI.

Then in 1979, under the leadership of our colleague, Senator BYRD, a comprehensive revision of the standing rules of the Senate was adopted. These revisions contained the current language of rule XVI and rule XVIII, regarding the scope of conference reports.

I do not wish to belabor the history of the Senate rules with my colleagues, but I take this time to stress the historic importance of rule XVI in order to put the action of the majority leader in context.

The prohibition on legislating on appropriations bills has been part of the parliamentary fabric of this great deliberative body almost since its inception. And that should come as no surprise. The orderly consideration of legislation is paramount to the ''cooling'' effect of the Senate's deliberations.

For that reason, under normal circumstances, I would support the majority leader in his effort to restore the rule XVI point of order against legislating on appropriations bills. Under normal circumstances, I would agree that the rules offer Senators ample opportunity to engage in debate on legislation. Under normal circumstances, I would agree that appropriations bills are too important to be the subject of legislative amendments, especially given the need to keep the Federal Government running.

But these are not normal circumstances, Mr. President.

What brings us to this debate, again, has nothing to do with the longstanding notion that legislation ought not to be included on appropriations bills. I don't know of anyone who disagrees with that longstanding proposal. If taken alone, everything else being equal, if all the other rules which guarantee the right of this body to function, as intended by the Founding Fathers, then I would stand first and foremost in a long line, I presume, of my colleagues in demanding that rule XVI be upheld and that legislation be kept off appropriations bills. Unfortunately, you cannot look at rule XVI alone today. We have watched slowly, some would argue rapidly, over the last several years how the rules of the Senate, such as rule XVIII, have been so fundamentally altered that today this body de facto functions as a 99–100 Member reflection, not the antithesis, not the corollary, not the counterweight, but as a reflection of the House of Representatives. That is not as it should be. This body ought to function very differently.

In the four and one-half years since the Republicans regained the majority in this Chamber, we have witnessed a profound and regrettable change in the way we do business. Instead of allowing legislation to come to the floor for amendment and debate, the majority has seemingly used every opportunity to limit the minority's right to offer amendments and be heard.

It is this attempt to silence opposing views that poses the greatest threat to the Founding Fathers' vision of the Senate as an anchor for our democratic form of Government.

For example, the majority has repeatedly employed the tactic of combining a motion to proceed to a bill with the immediate filing of a cloture petition—which, by definition, is designed to limit debate. The cloture petition is then used as leverage to obtain a limit on the number of amendments and the allotted time for debate on the bill. In some cases, the majority has even insisted on approving, in advance, the very few amendments that the minority has been allowed to offer.

My colleagues might be surprised to learn that from 1996 to the present, the majority has tried to silence the debate by forcing the Senate to vote on 102 cloture petitions. But what is even more remarkable is that 33 of these votes—or nearly one in three—involved cloture petitions on motions to proceed.

While the majority are certainly within their rights and consistent with the rules to offer so many cloture petitions, it is not the norm. In fact, during the 4 years immediately preceding the 1994 elections, the Democratic leadership also availed itself of the procedural tactic of filing cloture on a motion to proceed—twice, on the motor voter bill. In general, Mr. President, cloture petitions on motions to proceed have been used by this majority to attempt to dictate the terms of debate. It is almost as if the majority does not want the American people to hear this deliberative body speak.

But cloture petitions are not the only silencing tactic employed by our friends in the majority. They also rely on the arcane parliamentary maneuver known as ''filling the amendment tree.''

Mr. President, I am willing to bet that only a handful of people in the world—most of whom are present in this chamber today—could provide a clear explanation of how one ''fills the tree.'' But the effect of such a parliamentary maneuver is clear. It is to choke off debate by making it impossible for any member to offer amendments that have not been approved by the senator who has filled the tree.

A review of the use of this tactic reveals that since 1995, the majority has ''filled the tree'', and thereby restricted debate, a total of 9 times. Most recently, this maneuver was used during the debate on the social security lockbox legislation and most notably on legislation to reform our system of campaign finance, where the tactic has been used repeatedly and with great effect to stymie the growing calls for reform.

Again, a comparison of the 4 years of Democratic leadership prior to the 1994 elections reveals that Senate Democrats used the parliamentary procedure sparingly—at most once. And the sponsor of the amendment at the time denied that the amendment tree had been filled.

Regrettably, Mr. President, since our friends in the Republican majority took office in 1994, there has been unprecedented use of parliamentary maneuvering to choke off debate and dictate the terms of the Senate's business. Under Republican leadership, the rules of the Senate no longer ensure the cooling off that was intended to take place here. Instead, the rules have become the majority's weapon to prevent the very deliberation, and even disagreement, that the Founding Fathers intended.

As we have seen time and again over the last 4 years, the most effective means for the minority to ensure that its voice is heard is by offering amendments for debate to must-pass legislation, such as the appropriations bills. Whether it be debate on raising the minimum wage for working Americans, or protecting taxpayers from arbitrary decisions by HMOs, the ability to amend appropriations bills has ensured

that the people's concerns can be heard.

If the Senate could return to the normal open and deliberative process that the founding fathers envisioned for it, I would welcome the reinstatement of rule XVI. But until that time comes, I must oppose the majority's efforts.

But if we are going to reform the rules, we should not stop with rule XVI. We should also restore rule XVIII to its original intent. Rule XVIII establishes a point of order against conference reports which contain provisions outside the scope of the conference. Again, under this majority, rule XVIII has been overturned so that today, conferees may insert any matter into privileged conference reports, even neither the Senate nor the House has debated the issue.

To deny Members the opportunity to be heard, to allow for a conference report to include extraneous matter never considered by either body, particularly when both Chambers are controlled by one party, to rush to cloture petitions with the incredible acceleration that the majority has authored over the last 4 or so years, undermines the role of this institution. One hundred of us serve in the Senate, have an obligation to represent our constituents, have an obligation to do the Nation's business. We also bear a collective responsibility, as temporary custodians of this valued institution, to see to it that its historical role will not be undermined, will not be changed by the precedents we establish in the conduct of our business.

Over the last 4 or so years, regretfully, the majority in this Chamber has so warped the rules of the Senate that the minority is denied the opportunity to raise critical issues the American public wants us to debate and on which they want to have our voices heard.

Without rule XVI, as presently enforced under the 1995 precedent, which allows us to raise the issues that we are denied to bring up under normal circumstances, and without rule XXVIII which prohibits matters which have not been publicly aired from being included in conference reports, it is not just a matter that I am denied the opportunity to be heard, it is that my constituents and the American public are denied an opportunity to be heard. We are their voices here.

So, for these reasons I will support the Democratic leader in his efforts to restore rule XXVIII to prohibit the majority from adding provisions in conference that have not been considered by either the House or the Senate. It flies in the face of common fairness to shut out the minority's opportunity to be heard on appropriations bills, but then allow the majority to have unlimited scope to add any provision to a privileged conference report.

I would urge my colleagues in the majority to think carefully before opposing Senator DASCHLE's amendment. When both the House and the Senate are in the hands of the same party, it is tempting to ignore rule XXVIII and use highly privileged conference reports to pass legislation that the minority in the Senate might otherwise attempt to stall by use of the Senate's rules.

But such a short-term view can come back to haunt a majority if the leadership changes in one of the houses of Congress. The tactic the majority uses today to shut out dissent and debate and force through legislation can just as easily be turned against it tomorrow by an opposing party.

In the end, rule XXVIII maintains the balance between the House and the Senate. The rule ensures that neither House, regardless of party, has so great a leverage over the other that it can force legislation through without debate.

In conclusion, Mr. President, I want to make it perfectly clear that Democrats are not asking for the right to control the Senate. The voters determine who is the majority. But as the majority, the Republican leadership knows that on any issue it can summon the votes to thwart a minority victory. Nonetheless, the constitution provides for a body that is intended to engage in full and open debate.

I urge my colleagues to restore the Senate to its place as the deliberative anchor of Government by supporting the Daschle amendment and opposing the restoration of rule XVI at this time. And I urge the majority, on behalf of history, to modify their behavior in the Senate and allow this institution to function as its creators and founders intended.

I thank my colleague from Nevada for the time.

Mr. REID. Mr. President, I express my appreciation to the ranking member of the Rules Committee, Senator DODD.

At this time, I yield 25 minutes to the former President pro tempore of the Senate, former chairman of the Appropriations Committee, and former majority leader, Senator BYRD.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

We have just witnessed what is wrong with this Senate. I have been yielded 25 minutes. We don't have time today to properly discuss one of the most fundamental questions that ever comes before this Senate: fundamental freedom of speech; freedom of debate; freedom to offer amendments.

I am limited to 25 minutes. Yes, I agreed to this 6-hour rule, but you can see how it is playing out. Most of the 3 hours allotted to the minority are being played out over here. Nobody is talking on the other side. Perhaps one, two, or three Senators will. I think the distinguished Senator who now presides over the Senate made some remarks earlier. But the point of it is, the minority will have said about all it has time to say under this agreement, and then its time will have run out. As a consequence, the majority will be able to speak during the latter hours or moments, and there won't be much time for real debate.

Mr. President, I am in my 41st year in this body. I was in the other body for 6 years. I saw the actions of the other body. When I came to the Senate, I wanted to come to the Senate. I wanted to come to a forum in which one could speak as long as his feet would hold him, as long as he could stand, and the floor could not be taken away from him by the Chair, a majority leader, or anybody else. He could speak for as long as he wished.

For all these years, I have talked about this institution, about its importance in the constitutional system, about the fact that it is the only forum of the States, the only forum in this Government, where small States such as West Virginia have the same powers, the same prerogatives, the same rights, along with the same responsibilities as the States that are great in territory and in population, such as California, Texas, Florida, New York, and others. I wanted to be in this forum. William Ewart Gladstone referred to the Senate of the United States, as ''that remarkable body, the most remarkable of all the inventions of modern politics.''

But it is getting to where this Senate is not so remarkable. There are things unique about the Senate that were meant to be unique, that were made unique by virtue of the framers of the Constitution. Among those, of course, is the responsibility to approve the resolutions of ratification of treaties, to approve nominations, and to act as a court in the trial of impeachments. But aside from those several unique things, the two things in particular that make this body the most unique of any upper body in the world, the most unique Senate that has ever existed—and there have been many senates—is the fact that this Senate has the right to amend bills, and Senators have the right to speak and to debate at length.

The right to debate and the right to amend: The right to amend is mentioned in that provision of the Constitution that says revenue bills shall originate in the House of Representatives, but the Senate shall have the right to amend as in all other bills. So there it is. The Senate has the right to amend, and Senators have the right to debate at length.

Now, I have been majority leader. I have been elected to the majority leadership three times—twice during the Carter years and once during the 100th Congress. When I came to the Senate, Lyndon Johnson was majority leader; then there was Mike Mansfield; I was the next majority leader; Howard Baker then became majority leader followed by Bob Dole, and then, in the 100th Congress, I was majority leader again, George Mitchell followed me as majority leader and then Bob Dole became the Majority Leader a second time. Mr. LOTT is now the majority

leader. So I have seen several majority leaders operate in this Senate.

Mr. President, I think the Senate is losing its uniqueness in that we are being deprived, in considerable measure, of the right to debate, the right to debate at length. If I come up here and want a few minutes to speak about the departing of some deceased friend, or some other matter—it may not be one of the great moments in history—I can't come up here and speak as I used to be able to. I can't get the floor. And when I get the floor, I am limited. I don't like that.

I can understand the importance of having time limitations, and we do enter into time limitations. We have always done that, when there is a unanimous consent agreement limiting time, or the Senate is operating under a cloture motion. Otherwise, there is no limitation on debate and there is no germaneness of amendments under the Senate rules, except under rule XVI, when appropriation matters are before the Senate and also when cloture is invoked. Otherwise, we have freedom of debate.

Woodrow Wilson said that the information function of the legislative branch is as important as the legislative function. It is through debate that we inform the American people. It is through debate that we better inform ourselves.

I was in a meeting with the British over the weekend, the British-American Group. We met in West Virginia at the Greenbrier. Senator REID was there. Senators on both sides of the aisle were there, including the Senator from New Mexico, Mr. DOMENICI. We didn't win or lose. We each came away being better informed by the other side. We didn't agree with the British point of view on certain issues and they didn't agree with ours, but we all came away better informed. We had a better understanding of what their viewpoint was and the reasons for it, and, hopefully, they have a better viewpoint of our reasoning.

But here in the Senate, it has become dog-eat-dog. It has become very partisan—very partisan. Politics is very important, and political party is important. But some things are more important than political party. One of those things is the right to debate and the right to amend. It isn't for the benefit of the Democratic Party that I want the right to amend. It is not for the benefit of the Democratic Party that I want the right to debate. It is for the benefit of the American people. That is why the Senate is here. There were no political parties when this Senate was first created. But it seems that, anymore, the idea is that the majority is always to have its way while the minority is to be shut out and, in some ways, gagged.

That approach does not benefit the people of America.

I say these things with misgivings because I have many friends on the other side of the aisle. I think that the Senators in the leadership on that side of the aisle are friends of mine. But we are talking about the Senate here today and not the party. I don't come to the Senate floor today emphasizing party. I am here today because I am seeing the right of the minority to engage in free debate and to offer amendments shut off in some instances.

There is a complaint here that too many amendments are offered on this side of the aisle to bills. This side of the aisle, as does that side of the aisle, has a right to offer whatever amendments they wish to offer.

When I was majority leader, I never said to the minority leader: Now, you are going to be limited. You have too many amendments. We are not going to take the bill up; or, we will let you have 5 amendments, or no more than 10. What are your amendments? I never said that.

I said to Members on both sides of the aisle: Let us know what your amendments are. Let the people at the front table here know what your amendments are on both sides. Call the Cloakrooms. Let's find out what amendments there are yet outstanding. There might have been 40. There might have been 55. There might have been 75. But I didn't go back and say: We are going to pull this bill down if you do not cut your amendments down to 10. Never did I say that. Never did I say you can only call up five, or so, amendments. How many do you have? Then we got the list. Then I said: Now, let's try to get a unanimous consent to limit the amendments to this number—whatever it was, be it 50 or 60 or whatever. Let's try to get an agreement to limit the amendments to this list.

So when we put that word out, other amendments came out of the wall—another half a dozen and another dozen. They just kept coming.

But finally we had a list of amendments. We agreed that those then would be all. Then we would go to the individual Members on the list and say: Are you willing to enter into a time agreement on your amendment?

Sometimes some of the amendments would peel off and we wouldn't end up with all that many amendments, or Members would be agreeable to a time limit. But never did I attempt to muzzle the minority.

I took the position, let the minority call up their amendments. We can move to table them. Or, in many instances, they insisted on an up-or-down vote, and we gave them an up-or-down vote. We could defeat the amendment, in many instances. But in some instances their amendments carried, which was all right. That is what the legislative process is all about.

The majority is not always right as we have often seen throughout the course of history. Many times the minority throughout history has been right. We are not serving the good interests of the American people when we muzzle the ox.

The Bible says: ''Thou shalt not muzzle the ox that treadeth out the corn.'' The Senate is the ox. It is the central pillar of this Republic. This isn't a democracy; it is a Republic. The Senate is the central pillar. The Senate is where we can debate at length and offer amendments.

As long as there is a Senate and men and women can debate to their hearts' content and offer amendments, the people's liberties will be secure. But once the Senate is muzzled, the people's liberties are in danger.

The majority is virtually all powerful here. They have the votes, which is all right, but they must recognize that the minority has rights. That is why the Senate is like it is. That is what it was meant to be—a bastion for protection of the minority.

Many times when I was leader I insisted on the rights of the minority on that side of the aisle. I said that there may come a time when we Democrats would be in the minority. I say that to the majority today. You have been in the minority. There may come a time when you will again be in the minority.

We must be respectful of the constitutional rights of Senators who represent the States and the people. We must be respectful of those rights. If it takes longer—if it takes longer than three days or a week to do the work—then let's do the work. That is why we are sent here.

But we should not forget the reason for the Senate's being. I came from the House of Representatives. I never wanted this body to become another House of Representatives. The Senate is unique in that respect, and we must not give away the uniqueness of this body. This is not a second House of Representatives. We ought to understand that. The Constitution made the Senate different from the other body, and we ought to do our utmost to keep this as an institution where debate is unlimited and where Senators have the right to offer non-germane amendments.

I don't enter into these bickerings and these discussions very often. I am no longer in the elected leadership. Senators do not hear me saying these things often. But I have always been interested in the Senate as an institution. If the Senate is not the institution that it was meant to be, whose fault is it? The people who make up the Senate—it is our fault.

I wanted to speak out on this. I am not interested in who wins on every political battle that is fought here. I am not interested from a party standpoint always. Party isn't all that important to me. But I am interested in the Senate. I want it to remain the institution that it was meant to be.

I wish we would get away from the idea that we ought to make this a more efficient institution. The Senate was not meant to be efficient. The institution was meant to be a debating forum where ideas would be expressed, and through the medium of debate the right consensus would be hammered out on the anvil.

I hear it said: Well, if there are too many amendments, the bill will be taken down. I would suggest that if we want to stop so many legislative amendments from being offered to appropriations bills, then let's call up some of the legislative bills. Let's call up authorization bills.

When I was the majority leader, there were times we had to authorize legislation on appropriations bills because the authorizing committees sometimes did not do their work. For example, there were years when we had to reauthorize State Department legislation on appropriations bills, because the authorizing committee simply did not do its work. But if bills reported from legislative committees are not called up in the Senate, Senators who are interested in amendments to such legislation do not have the opportunity to offer their amendments. Consequently, when appropriations bills are called up, Senators will offer legislation on appropriations bills, because it is their only opportunity. They have no other opportunity, no other legislative vehicle on which to call their amendments up, so they are forced to offer their legislative amendments to appropriations bills. That is why we have the problem with appropriations bills that we are having.

Another problem we are having when we go to conference with the other body is that major legislation that has not been before either body is added in conference. We talk about the upper House and the lower House. There is a Third House. The conference committee has become a Third House, where hundreds of millions of dollars, even billions of dollars and major legislation are added in conference and come back to each body in a conference report. We have no opportunity to amend that conference report. Authorizing measures are added in conference that have not been before either body. They are stuck in, in conference—in the ''Third House,'' as I want to name it.

Another flaw in that operation is that it gives the executive branch too much power, in some instances all power, because, as we saw last year when it got down to the conferences on the final appropriations bills, eight appropriations bills were wrapped into the conference report, one I believe a supplemental, and tax legislation all in that conference report. These items had not been properly taken up before either body.

And, as a result, who sat in? Who made the decisions in conference? The decisions in conference for the more important legislation were made by the Speaker of the House, the majority leader of the Senate—both of whom were Republican—and the President's agents.

Who represented the Democrats in the conference? The executive branch. We Senate and House Democrats weren't represented in those higher echelons. We were left out. The Democratic minority in the House and Senate was not represented in the conference. It was the Republican leadership of both Houses and the President of the United States, through his OMB Director.

That is not the way it is supposed to be. That galls me, to think that in appropriations matters of that kind the executive branch calls the shots in many instances and we House and Senate Democrats are not even represented. The Democrats in the Senate, the Democrats in the House, are left out. That is not the way it ought to be. But that is the result of our delaying action on separate appropriations bills. Then they are all put into an omnibus bill. At the end, we vote on that bill without knowing what is in it. How many hundreds of millions, how many billions of dollars may have been added in conference? And we vote on the conference report when we really do not know what is in it. That galls me.

I think we ought to reinstitute rule XXVIII. I voted to uphold the Chair when rule XVI was changed here, and when the Senate overruled the Chair, I voted to uphold the Chair. I favor the reinstitution of rule XVI. But because of the muzzling of the minority, because the minority is not allowed to offer as many amendments as we need to offer, I am going to uphold the Chair's position today.

Mr. REID. I yield the Senator 5 more minutes.

Mr. BYRD. I thank the Senator.

I am not going to vote to go back to rule XVI. I want to go back. I do not like the vote I am going to cast. But how else am I going to protest?

I think the minority should have the opportunity to offer its amendments, and not jerk a bill down just because amendments are coming in from the minority side.

Another thing: There is no rule of, as I say, germaneness or relevancy in the Senate. When we call up bills, except for the two instances which I referred to there, cloture and on appropriations bills under rule XVI, there is no rule of relevancy to say: Cut down your amendments; we will give you 5 amendments or 10 amendments and they have to be relevant. Who said they have to be relevant? The rules of the Senate don't say they have to be relevant. But if an appropriation bill is the only vehicle you are ever going to have on which to try to take a shot at something that is not relevant, you have to take it. And the minority is being robbed of that opportunity. The minority is being placed under the gag rule. It is being laid down here: You will do it our way or we will jerk the bill down. You have to do it our way. You have to limit your amendments to 5 or 6 or 8 or 10—no more. That is not in this Senate rule book. That is not in this Constitution. And it is not in the best interests of the American people that the Senate is being run that way.

Personally, I have a very high regard for the leadership on the other side, for the individuals themselves. I have a high regard for Senators on the other side of the aisle. Some of the finest Senators I know sit on that side of the aisle. Some of the most knowledgeable Senators I know are on that side of the aisle. Some of the smartest Senators are on that side of the aisle.

But, Mr. President, I am talking about the Senate as an institution, and I do not want and I do not intend to see us run over continually and denied the opportunity to offer amendments, and to debate, without a shot being fired.

I stacked the legislative tree very few times when I was leader. But very few times did I resort to that. My rule was one of the basic reasons for the Senate to let the minority have their rights, because as long as the minority have their rights in this forum, the people's liberties will not be taken from them. I want the minority to be given their rights.

Mr. President, I am going to close with the words of Aaron Burr, who spoke to the Senate in 1805, on March 5, after presiding over the Senate for 4 years. He said:

> This House is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

Mr. President, I think we are seeing something akin to its expiring agonies because the Senate is not being allowed to fulfill its purposes for being. It is not being allowed to work its will. The people are being denied. It is not just the Democrats at this moment who are being denied, it is the people who are being denied the right of the minority in this Senate to speak their wills, to offer their amendments, to fully debate the legislation that is in the interests of the people.

In the interest of the people, I urge the leadership, I implore the leadership to stop thinking so much, as apparently it does, in terms of who will win today—''we have to win on this one.'' Let's think of the people. Protect the rights of the minority, allow full freedom to debate and amend, and the people's rights and the people's liberties will be secured.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Texas.

Mr. GRAMM. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator is recognized for 20 minutes.

Mr. GRAMM. Mr. President, Senator DOMENICI and I are here to talk about the tax cut, but I cannot listen to our dear colleague from West Virginia without giving a little bit of response.

First of all, I agree with virtually everything the Senator from West Virginia has said. I do believe we tread on our institution and we potentially reduce its ability to preserve our freedom and our Republic when we engage in

partisan politics. I agree with virtually every word Senator BYRD said.

We all know we have used the appropriations process to offer amendments that were not part of any national agenda, that did not represent any real debate on behalf of causes, but in many cases both parties have engaged in the kind of politics where the minority—and that minority changes sides from time to time. I hope that will not occur in the future, but knowing institutions as I do, I am sure it will. What happens is, too often, the minority delays the work of the majority, and then at the time for electioneering accuses the majority of not getting its work done. If we ought to preserve this great institution and all we love about it and all it stands for for America, one of the things we have to do is to prevent partisan abuse of the system.

When we voted to overturn the Chair now several years ago, I was very reluctant to overturn the Chair. I found myself in a position of having a colleague who had offered an amendment with which I strongly agreed and who also was in a position where it was critically important to her to see the Chair overturned. I knew no good could come out of it. I thought it would be easier to fix than it has turned out to be. I intend to vote to fix it today.

I do not believe we ought to be legislating on appropriations bills. The distinguished Senator from West Virginia is correct in that it has become so easy for the authorization process to be disrupted that we have virtually trivialized authorizations. Authorization committees often go an entire term without having any kind of authorization bill passed. Legislation builds up, we end up putting it on appropriations bills, and in doing so, we also hurt the institution.

I have heard every word our colleague from West Virginia has said. I believe we do need to set a threshold for offering legislation on an appropriations bill. It can be overcome with 51 votes. But every Member has to know that when they do that, when they overrule the Chair, they open that avenue for anyone else to do it in the future. In doing so, we take down a small shield which I think is as big as it needs to be, because there are times when the minority deserves the right to speak, and if they feel strongly enough about it and they can convince a majority to do it, they have a right to do it.

I intend to vote today to put rule XVI back into place. I do not intend to be in any hurry to see it pulled down again because it is a very good and important barrier.

Mr. REID. Will my friend from Texas yield for a question?

Mr. GRAMM. I will be happy to yield very briefly.

Mr. REID. Mr. President, I appreciate the Senator's statement regarding Senator BYRD's brilliant statement, but I also say to my friend from Texas, there is also going to be an amendment offered by the minority leader to change rule XXVIII—Senator BYRD spoke at some length about that—to stop the procedure whereby we wind up with an appropriations bill that is 1,500 pages long, that has been negotiated by two or three people from the House, a couple of people from the Senate, the President's emissaries, and we get this big bill. A rule XXVIII change would say if you have a bill going to conference, you can only deal with the matters brought up in conference. Does my friend from Texas also agree with Senator BYRD that it would be a good idea to change that?

Mr. GRAMM. I do not believe I will. It is something that should be looked at. I remind our colleague from Nevada that our effort today is not to change the rules of the Senate but to put the rules back where they were before we overrode the Chair on the endangered species provision to an appropriations bill, now several years ago.

Senator BYRD has raised a critically important issue. Too much work is done in conference. Anyone who has ever chaired a conference—and I am relatively new at it as a new committee chairman—immediately discovers that the only rule of the conference is you have to get a majority of the members to sign the conference report. Other than that, for all practical purposes, there are no rules.

This should be looked at, but I am not ready today to change the rules of the Senate. I am ready to go back and undo a mistake that we made some 4 or 5 years ago. I will be willing to look at this. I will be willing to study it, to participate in a discussion about it. We ought to hold hearings on it and look at it, but I am not ready to overturn the rules of the Senate today.

Mr. DOMENICI. Will the Senator yield?

Mr. GRAMM. Yes.

Mr. DOMENICI. Mr. President, first, I did not understand what the Senator from Texas said when he talked about 20 minutes and he and I being on the floor. Did he intend to share that?

Mr. GRAMM. I had intended to use less than that. The Senator can get any amount of time he wants.

Mr. DOMENICI. I ask unanimous consent that when the Senator from Texas is finished, I be allowed to proceed for up to 20 minutes thereafter.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Parliamentary inquiry. Will the Chair state how much time the minority has remaining and how much time the majority has remaining. I think that will be helpful to the two Senators on the other side of the aisle.

The PRESIDING OFFICER. The minority has 33 minutes; the majority has 144 minutes.

Mr. REID. I will take 1 minute and say to my friend from Texas, the activities today on rule XVI are directly related to the rule and the same thing on rule XXVIII. All we are trying to do with rule XXVIII is to restore it to the way it used to be, just like rule XVI.

Mr. DOMENICI. I wonder if the Senator will permit me to make an observation on my time.

Mr. GRAMM. Mr. President, he can make it on my time.

Mr. DOMENICI. I was here, as was the Senator from Texas, when the distinguished Senator from West Virginia, Senator BYRD, spoke. What kept coming to my mind was: When are Senators from authorizing committees expected to bring their bills to the floor and have votes? I came up with a very simple conclusion, with which my friend, Senator BYRD, will not agree, but I want to state it anyway.

The problem we find ourselves in where Senators must offer authorizing legislation time and time again on appropriations bills comes about because this institution, this beloved Senate, insists on doing every single appropriations bill every single year. There is no time for anything else. That is the real problem. Then we do a budget resolution every single year. I believe there is a number around that we use up about 67 to 70 percent of the available time of the Senate on just those two functions.

I hope, as we consider trying for 2-year appropriations and 2-year budgets, my good friend from West Virginia will be participating. We would like to hear his views. But I hope we can make the case that for the betterment of this institution, which he expressed my views on today when he spoke of how important it is to America, I have learned, as he has learned—when I came to the Senate, I was not steeped like him, so I did not know about it—it is to be a revered institution, and I want to keep it that way.

My last observation is, I think I might have been able to get up—not under your majority leadership, but sometime during my 28 years here, most of which was as a minority Member—and make the same speech you just made as to the leadership on that side of the aisle when your side was in the majority, because when you have what we are having take place here with fair regularity, as we try to pass 13 appropriations bills, and we hear the other side—not you, Senator—the other side say: You will not pass them until we get to take up our agenda—and their agenda is not appropriations; it is a list of eight or nine items that are their agenda; and in this body they are probably minority views, but they want to get them up—then I say that is a challenge to the majority leader.

That is hard stuff, because how do you then get the appropriations bills done and not have six of them wrapped up into one, which you just talked about, and put everything else in it but the kitchen sink?

So, frankly, I appreciate your discussion today. Clearly, it is intended to help your side of the aisle in a debate on whether or not the appropriations bills should have more authorizing amendments on them that Senators on your side want to offer. In joining

them, I commend you. It is pretty obvious to this Senator you have joined them so that you can make their case that they ought to be permitted.

But I also say, if you were in Senator LOTT's shoes, or if I were, and you were being told on every one of these bills this is another one we are going to get something that is the minority agenda, and you will have to vote on it or else, I would be looking for ways to get the appropriations bills done.

Mr. BYRD. Would the Senator yield?

The PRESIDING OFFICER. The time is under the control of the Senator from Texas.

Mr. GRAMM. I am happy to yield.

Mr. BYRD. The Senator has asked me a question. He said: If you were here and Senators on the other side of the aisle said that——

Mr. DOMENICI. I did not make it a question. But if you think it is a question——

Mr. BYRD. I thought you said——

Mr. DOMENICI. I ended with a period; it wasn't a question mark.

Mr. GRAMM. I yield.

Mr. DOMENICI. But I will be glad to have your answer.

Mr. BYRD. The answer to that is, call up authorization bills. Let Members on this side offer their nongermane amendments to them. Then come to the appropriations bills, and the Senators on this side will have already had their chance. Call the legislative bills up. Why not have those bills called up? What are we afraid of?

The numbers are on that side of the aisle. As I said to the distinguished majority leader on one occasion: You have the numbers; you have the votes. Why not let the Democrats call up their amendments? You can beat them. You can reject them. You can table them. But if you do not have the votes to defeat them, perhaps that amendment is in the best interest of the country. And the Senate will have worked its will.

May I close by saying this—and I thank you for giving me this privilege—reference has been made to the time when I was majority leader, very graciously by the distinguished Senator from New Mexico, because he stated it was not done during my tenure of leadership while he has been here. But over one-third of the Senate today—over one-third of today's Senators—were not here when I was majority leader of the Senate.

I walked away from that position at the end of 1988 and became chairman of the Appropriations Committee in January 1989. More than one-third of the Senators were not here when I was majority leader. Even the distinguished majority leader, Mr. LOTT, was not in this body when I was majority leader.

But when I was majority leader, I say again, I attempted to protect the rights of the minority because I saw that as one of the reasons for the Senate's being.

I thank both Senators. Both Senators have been very kind to me and very courteous. I think very highly of them both. I respect their viewpoints.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. We are always kind to the Senator from West Virginia for two reasons: One, we love him; and, two, we know that we had best not be unkind to him because we know he is smart and tough.

TAX CUTS

Mr. GRAMM. Mr. President, I want to say a few words about taxes. I want to deviate from my background in schoolteaching to be brief because I have to run over for a 2:30 meeting on the banking bill and I want to hear a little bit of what the Senator from New Mexico has to say before I leave.

We are beginning a debate that is a very proper and important debate. I am frustrated in this debate because, in trying to discuss this issue with the White House, we have a concerted effort on their part to try to confuse the issue and mislead the American people as to what the choices are.

I want to direct my comments to the choice we face. Basically, we have the great and good fortune of having two things that have occurred at the same time. No. 1, beginning in the mid-1980s we started the process of gaining control over spending. It was not a dramatic change in policy, but over the years we have seen a gradual slowdown in the rate of growth in Government spending, beginning in the mid-1980s.

In the early 1990s we started to see an explosion of productivity as modern technology became incorporated in the workplace in America, and the result has been rapid economic growth and, with that economic growth, a growth in Federal revenues. We therefore have a situation which anyone would dream of having during their period of service in public life, and that is, we have a very large budget surplus.

Initially, the President proposed spending part of the surplus that comes from Social Security. I am proud to say that Senator DOMENICI, I, and others rejected that, and finally the President reached an agreement with us, in the best spirit of bipartisanship, that we were not going to spend the Social Security trust fund.

We are trying to lock that into law in the so-called Social Security lockbox. We have an agreement with the President on the principle. We have not reached an agreement with the President and with the minority party in the Senate on exactly how to lock it up, but we are working on that.

The debate we are beginning today is a debate about what to do with the surplus that comes from the general budget that does not come from Social Security, and, try as they may at the White House to confuse the issue and to mislead the public, there really are two stark choices being presented to the American people.

The first choice is presented by the President and his administration. In regard to what is called the President's mid-session review, the Congressional Budget Office, which is the nonpartisan budget arm of the Congress, reviewed both the Republican budget and the budget submitted by the President. They concluded that the President's budget proposes $1.033 trillion worth of new Government spending on approximately 81 new programs, above and beyond increases for inflation.

That $1.033 trillion of new spending that the President's budget has proposed is so big that it not only uses up, for all practical purposes, the non-Social Security surplus, but in 3 of the next 10 years it will require plundering the Social Security trust fund or running an outright non-Social Security deficit because the level of spending is too big.

As an alternative, Republicans have proposed that out of the $1 trillion non-Social Security surplus, we give $792 billion back to the working people of America who sent the money to Washington to begin with and that we keep $200 billion plus to meet the basic needs of the country and to meet uncertainties we might face.

That is a pretty clear choice. The President's budget says spend $1.033 trillion on new Government programs. That is how they would use the non-Social Security surplus. Our proposal says, take about 80 percent of it and give it back to working people in broad tax cuts and keep 20 percent of it to meet critical needs and to deal with contingencies.

If that were the debate we were having, Republicans might be winning the debate, we might be losing the debate, but we would be having a meaningful debate. The problem is, the administration continues to mislead the American public and basically to claim they are not proposing to spend this money. While proposing $1 trillion of new spending, they say that, by giving less than $800 billion back to the public in tax cuts, in the words of the President, we ''imperil the future stability of the country.'' This is quoting the President at a fundraiser, naturally, in Colorado, that by giving this $800 billion back in tax cuts, we ''imperil the future stability of the country.'' Yet to spend $1.033 trillion on new programs, the President would do wonderful things for the country.

If the President were honest enough to stand up and say, Don't let Senator DOMENICI, don't let Senator LOTT, don't let Senator GRAMM give this money back to working people, let me spend it, I would have no objections to the debate. But I have to say that it begins to grate on a person when day after day after day this administration says things that are verifiably false with a level of dishonesty in public debate that is without precedent in the history of this country. No administration in debate on public policy has ever been as dishonest as this administration is. When you look at the actual numbers in their budget and then listen to what they are saying, it is as if

we are talking about two totally separate budgets.

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. GRAMM. I yield the floor so Senator DOMENICI may speak.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the 30 minutes prior to the vote at 5:30 be equally divided between the two leaders so they can have the last word on this issue.

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

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am very pleased that the distinguished Senator from Texas has joined me on the floor and that I am permitted to join him in the beginning of a debate. I know the Senator has to leave, and I will try to make my most succinct points in the next 5 minutes.

First, I will share with the American people, and in particular with my friend, how I see giving back some money to the taxpayers versus what else we are going to do with the surplus. I choose today, even though I looked around for a different dollar, an American dollar. This one is not signed by the new Secretary of the Treasury. I looked for one. I am not sure he signed any yet. This is one signed by his predecessor.

I want everybody to look at that. It represents, in my analogy today, the entire surplus that is going to be generated. According to the Congressional Budget Office and the Office of Management and Budget, using moderate economics, even assuming we are going to have a couple of downturns or recessions in the next 10 years, the total surplus we are going to accumulate is this number, if you will all just look at this chart. It is a little bigger than the Senator has been using, and the numbers are a little bigger in terms of how much we have left over to be spent, but it is $3.37 trillion in the next decade.

Mr. GRAMM. You are using Social Security.

Mr. DOMENICI. I am using everything. This represents everything. Here is what the President says. The President says: Spend it all. Is that true? Does he say spend it all?

Well, look here. Here is a chart showing the entire $3.71 trillion. He says, and we say, put $1.9 trillion of it on the debt by putting it in a lockbox for Social Security. Then the Congressional Budget Office evaluates the rest of the President's proposal. Here it is in yellow. It is $1.27 trillion, and every bit of that is literally spent, according to the Congressional Budget Office.

The President will argue about that because he even says he has a tax cut. We have looked at the tax cut he proposed. Not PETE DOMENICI, not PHIL GRAMM, but the Joint Tax Commission evaluated it. They said it is not even a tax cut. It is an expenditure. It is in this spending, because the President is saying, collect taxes, give some of it back to some people so they can save it, but you are giving them tax dollars; you are not cutting their taxes. That is an expenditure of tax money.

Believe it or not, when you do that, the President increases taxes in his budget by $95 billion.

Let me use the same dollar and let me share it with the Senator. Here is the entire accumulated surplus. Republicans say very simply, here are two quarters. We are going to put those two quarters into the Social Security trust fund, 50 percent. The number that is available for spending is bigger than the Senator said. It is $434 billion for Medicare and other highly critical Federal programs, if there are any. So I am going to say one quarter for spending. And, lo and behold, what is the other quarter for? Tax cuts.

I ask the American people, out of $1, is 25 cents given back to the American people for overtaxation too big a tax cut? Is it something we should become worried about, that we are going to destroy our Government?

I believe the truth of the matter is that you can't have any tax cuts if you propose what the President has proposed, because I will show you again what he proposes. On Social Security, he finally came our way, as the Senator said, and said put it all in a trust fund. All of the rest is spent.

Let me ask, if we spend it all, is there any left for tax cuts? I mean, by definition, he is spending it all so there is nothing left for tax cuts.

A lot has been said about the distinguished economic stalwart of America, Dr. Alan Greenspan, in the last few days. What has he said about it? I want to tell my colleagues that regardless of what was said in the last few days, Alan Greenspan has essentially made two statements about a surplus. I will give verbatim one of them from January 29 before our committee. Here is what he said: I would prefer that we keep the surplus in place; that is, reduce the debt. ''If that proves politically infeasible,'' he said, ''cutting taxes is far superior to spending, as far as the long-term stability of the fiscal system and the economy is concerned.''

In the last speech he made, and I quote: ''Only if Congress believes that the surplus will be spent rather than saved is a tax cut wise.''

Now, we don't have to guess about that. Why do we not have to guess about that? Because the President has already told us he is going to spend it. So Dr. Greenspan said, if you are going to spend it, it is far better for America's economic future to cut taxes.

Essentially it seems to this Senator that we are being sold a bill of goods.

We are being told that to spend one quarter of the surplus, that giving back the American people some of their overtaxation is risky to the economy. Dr. Alan Greenspan said the riskiest thing to do with the surplus is to spend it. That is what he just said. We are saying that we agree with him. We think it is too risky to do what the President is recommending. He will, by the time he is finished, have spent every cent of it, and he will call some of it ''saving Medicare.''

I want everybody to know this. Let's look at this chart again. I don't know how much it is going to cost for the Finance Committee and the House Members to fix Medicare. They are working on it. They have all worked terribly hard on a bipartisan commission, and the President shot it down. Senator BREAUX was involved in that, and he believed that we had one going. What we are saying—and this is very, very important—when we have completed our tax cut, there is $434 billion left for a Medicare fix, Medicare reform, and prescription drugs, if you want it, and for other highly important programs, such as education, defense, and others. In fact, we might, as the debate goes on, put together a budget and come to the floor and show how this $434 billion might be used so that everyone will know there is money for education, if that is what you want, and there is money for Medicare reform, if that is what you want, and there is money for defense, because we have been told that that is what is left over as a surplus item, and it doesn't belong to Social Security. So it is either used for tax cuts or it is spent. We are saying: Save a quarter of it, give it back in tax dollars, and put a quarter of it in a rainy day fund, so to speak—a quarter of the dollar I showed you.

I want to close with a few more comments.

Mr. GRAMM. Will the Senator yield before he gets into his closing remarks?

Mr. DOMENICI. Yes.

Mr. GRAMM. Mr. President, let me make a point that I think goes right to the heart of the statement by the President that something is extreme about our fairly modest tax cut. I have a chart here that I wish every American could see and understand. It shows the percentage of the economy that was coming to Government the day Bill Clinton became President.

The day Bill Clinton became President, the Government was collecting in taxes 17.8 cents out of every dollar earned by every American. As you will recall, in 1993, we had a very big tax increase, and with the growth in the economy, the Government is now taking in 20.6 percent of every dollar earned by every American. If we took the entire surplus—not the $794 billion being proposed by Republicans, but the whole $1.33 trillion, or whatever it is—if we took the whole surplus, which we are not proposing to do, and gave it back in a tax cut, 10 years from now, when it was fully implemented, the Federal Government would still be taking 18.8 percent of every dollar earned in taxes, which is substantially more than it was the day Bill Clinton became President.

So what Bill Clinton is calling a ''dangerous, huge tax cut'' is actually a

relatively modest tax reduction as compared to the tax increase and revenue growth that has occurred in the 6½ years that Bill Clinton has been President, even if we cut taxes by the amount of the entire surplus, which we are not proposing to do. But even if we did, the tax burden would still be higher than it was the day Bill Clinton became President. That is a point I think people need to understand.

Mr. DOMENICI. Mr. President, I want to wrap this up, and I intend to do this everywhere I can, anyplace I am asked, on any TV show I can get on. In summary, plain and simple, it is the following: The man who is most responsible for a good American economy is probably Dr. Alan Greenspan of the Federal Reserve Board. He has said:

I would prefer that we keep the surplus in place and reduce the public debt. If that proves politically infeasible, cutting taxes is far superior to spending it.

Here is the Republican budget: Debt reduction in Social Security, in literal numbers. I used in the summary 50 percent; it is actually 56 percent. Literally, the tax cut is less than a quarter; it is 23 percent. The money left over for Medicare and other programs is 20.1 percent. Frankly, that is a good plan. That is balanced, and it is not risky.

Here it is encapsulated in another manner. Here is the President's plan: Of the $3.3 trillion accumulated over the next decade, $1.901 trillion goes into Social Security and debt service. He contends he has done more in debt service than we have. Frankly, who do you believe? We believe the Congressional Budget Office. They say we are putting more on the debt than the President is. So when his emissaries get on television and say ''we want to reduce the debt,'' the implication is that Republicans don't. But we are doing the same amount, or more, than the President. It is right there.

The President then says that they don't want to do any tax cuts because, if you look at his budget, according to the Congressional Budget Office, including a tax cut—which is not a tax cut—he spends every nickel of it. If you want to talk about a risky policy, that is a risky policy. From what I can tell, that is what Dr. Alan Greenspan said would be the worst thing to do—to spend all the surplus.

Last, our plan: Debt reduction and Social Security trust fund encapsulated, so they can't be spent, in a lockbox. Tax cuts, $794 billion, and for expenditure items that are very necessary, such as Medicare, education, defense, and others, there is $434 billion left over.

Now, it is very difficult when the Secretary of the Treasury—the new one—gets on talk shows and says what a risky policy this is. He talks about the fact that they want to preserve or do more on the debt than we do. We are bound by the Congressional Budget Office in the Congress, and they tell us we are doing as much, or more, than the President in that regard. They tell us the President is spending every dime of the surplus on one program or another, or for a tax cut that is not a tax cut. And they maintain that a Republican plan that says, use 75 cents on a dollar for Social Security, debt reduction, Medicare, and domestic priorities, and give 25 percent back to the public, is risky. What is risky about it? Is it risky to give 25 cents out of a dollar back to the public to spend and less risky to keep it here and let the Federal Government spend it? I don't believe anyone would agree it is more risky to give some of it back to Americans and let them spend it, as compared with keeping it here and spending the entire 100 percent of the surplus on Federal Government-controlled programs and projects.

Whatever time I have remaining, I yield back, and I yield the floor.

Mr. CRAPO addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Idaho.

Mr. CRAPO. Mr. President, I yield myself such time as I may consume.

Mr. President, I will commit most of my time to comments on the debate with regard to returning to the full import of Rule XVI. However, before I do that, I want to comment on the debate that has just taken place regarding tax relief. I think it is critical that we in America today understand that we have moved into a time of budget surplus, just what those surpluses mean, and what the opportunities are for the American people.

Prior to the last 3 or 4 years, we saw, I think, that most Americans became accustomed to the fact we were running very large deficits, and that the Federal Government was not able to conduct its fiscal policy in a manner that was balanced. One of the commitments I made when I ran for the House of Representatives 6 years ago was to work to try to balance the Federal budget. Fortunately, for me, and I think for all Americans, we were able to successfully achieve that objective.

The budget today is balanced. In fact, the projections we just heard talked about show that no matter how you look at the budget—whether you count the Social Security dollars, which I don't think should be counted, or whether you don't—we are moving into a balanced posture for the Federal Government.

The debate today is over what we do in a surplus posture. It is a debate that Americans have not been able to have for decades because our Government has not run surpluses. Now that we are engaged in this debate, it is critical for Americans to focus and to identify what our fiscal policy should be as we move into an era of projected surpluses.

In that context, I think it is critical that a few important priorities be recognized and acknowledged by the country.

First and foremost, I am glad we have agreement on the principle, even though we don't have agreement on the details yet, that we have to protect the Social Security trust fund surplus dollars, and make certain that what Americans pay into the Social Security system is not then taken by Congress and the President and spent on other spending by counting those surpluses against the unified budget.

We have a lock—in a way, a lockbox—which is now before the Senate that we have voted on six or seven times this year. We have to make sure those parts of the surplus remain dedicated to the Social Security trust fund. With the remainder of what I call the true budget, the onbudget surplus, we have to decide as a country on what we are going to focus.

Over the next 10 years, we will have a surplus somewhere in the neighborhood of $1 trillion. You have heard different numbers discussed today. I think it is important that we not continue the path of growing the Federal Government, expanding the spending posture of the Federal Government, and spending those surplus dollars. If we do so, we will find a time in the near future when we will not be able to maintain surpluses in our budget; we will return to deficits, and we will see the national debt continue to rise.

As a result of that, I think it is critical we focus on two high priorities. One is to reduce the national debt. Although we have balanced the Federal budget, we haven't reduced the national debt to zero. That should be one of our highest priorities. Two is to make sure that we return to the American people a tax cut.

The American people recognize that this is an opportunity. It is an opportunity that we may not have too many times as we work through these difficult budget times to achieve tax relief. But to use, as the Senator from New Mexico indicated, just one quarter of this total surplus picture for tax relief I think is an appropriate commitment.

That leaves us the opportunity to provide resources to parts of our Federal obligation that need strengthening. It gives us and the American people the opportunity to strengthen and to stabilize the Social Security trust fund. It is a sound policy.

I think America should begin to focus on this debate as Congress works its way into a very important new era: How do we deal with budget surpluses?

RESTORATION OF THE ENFORCEMENT OF RULE XVI—Continued

Mr. CRAPO. Mr. President, I came to the floor to talk about the question that we will vote on at 5:30; namely, will we restore the meaning of rule XVI?

Over the last 2 or 3 months, there has been a lot of debate and discussion among us in the Senate on this issue. One part of that debate has been that it was the Republicans who changed the rule by voting to override it a couple of years ago. The Democrats at that time voted not to override it.

Today, you have the anomaly on the floor where the Republicans are saying let's restore that rule because it was a mistake to override it, and the minority is saying we don't want to restore that rule because it is something that we are able to use as a tool in the current climate.

I wasn't here 2 years ago. I am in the seventh month of my first year in the Senate. I wasn't a part of that debate. But I can go back to 7 years ago now when I ran for Congress. I ran for the House of Representatives. One of the things I said then was that I thought a problem in our system in Washington was the fact that amendments were being put forward by Members of the House and the Senate—Republican and Democrat—that were not related to that legislation.

I come from Idaho. In the Idaho Legislature, that is not allowed. You can't offer an amendment to a bill that doesn't relate to the bill on which you are working. I think that is probably the way it is in most State legislatures. It is the way the Senate rules require that we operate.

I think one of the other Senators who was debating it earlier in the day indicated that these are not new rules we are fighting over now in this rather partisan era of politics. The genesis of this approach was way back in, I think, 1868 in one of the earlier predecessors to this rule XVI, when it was recognized by the Members of the Senate that proper legislative protocol was that the bill on the floor should be amended by amendments that were related only to that bill.

Why would we have a big debate over that concept?

When I was running for office 6 years ago, I thought there was a pretty strong national understanding that one of the problems we were facing in the Federal Government was the fact that legislation was proliferating, spending was proliferating, and there seemed to be no way to bring it under control. Part of the problem was all of the nongermane or unrelated legislation that was being tacked on as riders to legislation that was moving through. Legislation that wouldn't necessarily have the ability to move on its own was being attached to a vehicle that was moving through, and then that vehicle would carry it through to success and enactment into law.

I believe that is wrong legislating. That is the wrong policy under which we should legislate. I think it results in bad policy decisions being worked into law because they are attached to something else that has the ability to carry them over the finish line when they themselves don't have the merit to be enacted.

I believe that is why in 1868 the Senate proposed the predecessor to this rule that would start the Senate down the road of having a protocol that you could not put amendments on legislation that was not relevant to that legislation.

What does rule XVI say? What does the rule we are fighting over say?

Sometimes people say to me these procedural issues are arcane and you shouldn't spend so much time worrying about them. But, frankly, I think it is critical. There is an issue that is important to this institution, and it is important to America. It has a very big impact on the kinds of policy decisions that this Nation will make.

What does the rule we are fighting over say? It says:

> On a point of order made by any Senator, no amendment offered by any other Senator which proposes general legislation shall be received to any general appropriations bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received, nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

That is a sensible statement of what the policy should be. This rule says as to appropriations bills—I think that we should have it be that way with regard to all bills—an amendment that doesn't relate to that bill is not in order.

That is the issue we are debating today.

I was on the floor earlier when several of my colleagues from the other side gave very strong and impassioned arguments as to why they are going to vote against this legislation.

Actually, as Senator GRAMM from Texas indicated, after listening to those same arguments, I found very little that I disagreed with in their debate about what they believe should be the protocol of the Senate and what they believe should be our attitude toward this great institution of government.

The argument that seems to be made is that because we are not able to get all of our agenda put forward on the bills that we want to see put forward, we need the opportunity to bring nongermane amendments to appropriations bills. It was said that the opportunity to bring their issues forward was not being allowed to them.

I agree that they should have that opportunity, although I find it a little difficult to see that they are not having it.

I remember 2 or 3 weeks ago when this issue came to a point when we were debating the agriculture appropriations bill. An amendment related to health care was brought and debated on the floor of this Senate with regard to the agriculture appropriations bill. At the time, what happened? We had a lot of debate about whether we should be debating health care on an agriculture bill. Ultimately we reached a resolution by which we took the agriculture appropriations bill off the floor, came back a week or so later, and brought the health care legislation to the floor, had a full week of debate on the health care issue, and finally a vote on that health care issue.

To me, the question of whether the legislation is moving forward or the issues the minority wants to see brought forward can be brought forward is one that has to be focused on closely. In the Senate—and the good Senator from West Virginia very well and very carefully explained the difference between the House and the Senate—in the Senate, as compared to the House, the minority rights do give the minority many powerful opportunities to bring forth their legislation and their ideas, not the least of which are the filibuster, the hold, and any number of other procedural opportunities they may have. I am convinced the minority's rights to bring forward their issues for argument are well protected. I would say to the Senators who are concerned about that, I agree with them, they should be protected.

The way a legislature should operate is that both sides should be able to bring forward their issues and the clash of ideas should take place on the floor of the Senate. The Senate should then vote based on principle, on what the policy of the country should be on the issue being debated.

What should not happen is that, as an important bill that is moving forward is being debated, something that cannot survive the clash of ideas gets attached to it as a rider and then slides through into law without that opportunity for the clear and concise focus that would be followed if rule XVI were followed.

Although we are debating a procedural issue today, the issue could not be more important to the governance of this Senate and to the governance of this country. I do not remember who it was, but one of the great political leaders of the country once said: If you give me control over the procedure, I can control the outcome. Procedures are critical to the proper outcome in a legislative body. I agree wholeheartedly with my colleagues; our procedures must be fair; they must be balanced. In that context, I would willingly support any efforts to make the system here more fair and more balanced.

I look at this not as a Republican or a Democrat. As I said, I was not here 2 years ago when the fight took place to change the rule from what it was before. I believe Republicans and Democrats break the spirit of this rule regularly in the Senate. To me, we have to look at what is the right principle by which this great institution should be governed. When we identify the principle by which we should be governed, without partisan considerations, we should enact that principle into our rules. That is what I believe was done in 1868. I think that is what the Senate has done historically with what is now rule XVI and with the principle that we should not allow nongermane riders to be attached to legislation being considered on the floor of the Senate.

I would like to conclude my remarks by going back to a theme that has been brought up by the Senator from West Virginia, and that is his respect for this great institution. It is one of the

greatest honors that ever could be bestowed on anyone to have the privilege to serve in this Chamber, the Senate. I feel about my opportunity that deeply. I want to do nothing other than to make this institution the great institution our Founding Fathers intended for it to be. It will be that kind of institution if we look beyond partisanship, beyond politics, and beyond personal attacks, and identify the principles by which we should govern ourselves, put those principles into place, and then operate within their limits.

I yield the remainder of my time.

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

Mr. MURKOWSKI. Mr. President, it is my understanding the order of business is S. Res. 160, a resolution to restore an interpretation of rule XVI of the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Further, it is my understanding this interpretation of the rule would allow a Senator to make a point of order against any amendment to an appropriations bill that is not germane to appropriations.

The PRESIDING OFFICER. The issue is legislation on an appropriations bill.

Mr. MURKOWSKI. So in effect it would not allow a Senator to legislate policy changes on appropriations bills if a point of order was made against the amendment?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I think this is one of the most significant opportunities this body has had in some time to address an internal disregard for our responsibility. As a consequence, I rise in strong support of S. Res. 160, the resolution, that would overturn the rule XVI precedent the Senate adopted on March 16, 1995, which effectively hijacked the authorization process by allowing Senators to routinely offer legislative amendments on general appropriations bills.

Doing a little research, it was less than a year ago when the Senate voted on the 4,000-page, 40-pound, $540 billion omnibus appropriations bill. Not only did that bill contain funding for various Federal agencies including the Departments of Agriculture, Commerce, State, and Justice, the District of Columbia, Foreign Ops, Interior, and Labor-HHS; but it also included numerous authorization bills. A few of them contained in that package were the American Competitiveness Act, the Internet Tax Freedom Act, the Internet Decency Act, the Vacancies Act, the reauthorization of the Office of National Drug Control Policy, the Drug Free Workplace Act, the Drug Demand Reauthorization Act, the Foreign Affairs Reform and Restructuring Act, the Chemical Weapons Convention Implementation Act—I could go on and on.

In addition, that monstrosity of a bill included tax extender legislation and more than $20 billion of so-called emergency spending.

One has to ask the question why we need authorizing committees when we allow appropriations bills to include authorizing legislation. Why should the Finance Committee, for example, exist if the appropriators can include tax legislation in their bills? Why should the Commerce Committee hold meetings when the American Competitiveness Act can be included in an appropriations bill?

We have example after example. I recall not so long ago the battle we fought over the fiscal 1998 Interior appropriations. The Clinton administration at that time decided on its own to acquire the Headwaters Forest in northern California—that was at a cost of $315 million—further, the Administration also decided to acquire the New World Mine site in Montana, at a cost of $65 million.

I am not going to speak to the merits of these acquisitions, but I am going to speak to the manner in which they were done because here you have an administration that prides itself on public participation. These decisions were made with no congressional involvement. The administration sought to bypass the authorizing committees entirely and have the appropriators essentially just write a check for the purchase of those properties, and that is just what they did.

I happen to be chairman of the authorizing committee with jurisdiction, the Energy and Natural Resources Committee. I wanted the opportunity for the committee to carefully review the merits of these acquisitions. We tried, but the argument failed, and the authorization and funding were included in the 1998 Interior appropriations bill. That was much to the administration's delight. They got their way. But the public, the process, the committee of jurisdiction, had no opportunity to review these significant purchases, no opportunity to hold hearings, no opportunity for open debate or any type of public review. That is what is wrong with this system.

Today we have an opportunity to begin to change that. Moreover, what has happened since this precedent was changed in 1995 is that appropriations bills become far more difficult to pass. As we know—we have seen it lately—they are held hostage to nonappropriations issues, and the delays in getting them completed raise the specter of a Government shutdown at the end of each session. We saw it just 3 weeks ago, an example of how authorizing legislation stands in the way of the appropriations process.

For nearly a full week, the agriculture appropriations bill was stalled because Members on the other side of the aisle demanded we consider the Patients' Bill of Rights. As a result, the Senate had to stop the appropriations process for an entire week as we debated this important health issue.

I happen to support the Patients' Bill of Rights that was adopted by the Senate. I believe we should, first of all, have completed all of the appropriations bills before we engaged in that debate and other debates. As of today, we still have not moved forward on the agriculture bill.

Because of the delays in the appropriations process, what has been happening in recent years is that when the end of the fiscal year approaches, the appropriators and the leadership have to come together to engage in a negotiation with the White House to ensure the Government continues to function. As was demonstrated last year, authorizing bills and appropriations bills get mixed in together in a single omnibus bill which is negotiated by a handpicked group of people. Authorizers do not participate in the process and, therefore, have no say in the substance of the legislation.

This is wrong. This is not the way the Senate was set up to function.

As a consequence, as we look at where we are today, the founders intended the Senate to operate with a representative process with the authorizing committees doing their job. They were not created simply to provide oversight. Those committees do important things such as holding hearings, drafting legislation based on their knowledge gained from such hearings, and that is why we have the structure of the authorization committees because they have expertise and their professional staffs have an expertise on much of the complicated issues before us. If we continue to allow appropriations bills to be laden with authorization legislation, I can assure my colleagues we are going to see a repeat of last year's last-minute omnibus bill.

In closing, I will make a reference to how we are seen by the administration, and I am speaking as an authorizer, as chairman of an authorizing committee.

One Secretary, Secretary Babbitt, Secretary of the Interior, has become adept at circumventing the Congress. Babbitt has indicated that he is proud of his procedure and proud of the way he is doing it. I quote:

. . . ''We've switched the rules of the game. We're not trying to do anything legislatively,'' says Babbitt.

That is the National Journal, May 22, 1999.

A further quote from Secretary Babbitt:

One of the hardest things to divine is the intent of Congress because most of the time . . . legislation is put together usually in kind of a House/Senate kind of thing where it's the munchkins—

The munchkins, Mr. President—

who actually draft this legislation at midnight in a conference committee and it goes out.

It is a statement from Cobel v. Babbitt, page 3668.

Lastly, from Secretary Babbitt:

I am on record around this town as saying that the real business on these issues is done in the appropriation committees, and I, I am a regular and frequent participant at all levels in those. That's, that's where the action

is, that's where things get done. The authorizing committees are partisan wrangles of the first order. I mean, nothing ever gets done on any level in the authorizing committees.

Cobel v. Babbitt, page 3811–3812.

Mr. REID. Will my friend yield for a brief question?

Mr. MURKOWSKI. I have one brief statement, and then I will yield.

It is my hope we will overturn this precedent and return the Senate to the way it has operated for nearly all of its history. Otherwise, we might just as well abandon our authorizing committees and enlarge the size of the Appropriations Committee to all 100 Members.

I believe my friend from Nevada has a question.

Mr. REID. I do have a brief question to ask the chairman of the most important Energy and Natural Resources Committee. I asked a similar question—in fact, the same question—earlier this morning of the senior Senator from Wyoming who shares a lot of the interests of the Senator from Alaska.

He said he felt it was appropriate to change rule XVI. The minority leader is going to file a motion to amend rule XXVIII for that to go back the way it used to be.

In 1996, on the FAA authorization bill, a point of order was raised that the conferees brought back information and material that was not contained in either bill of the House or the Senate. A point of order was raised that it was not. The Chair ruled that it was true. It was overruled.

I say to my friend from Alaska in the form of a question, I hope in his support to change rule XVI that he will also look at rule XXVIII because, as the senior Senator from New York who spoke earlier today said and the senior Senator from West Virginia said, the problem we are facing is magnified even more so than what the Senator from Alaska stated. The Senator from Alaska was called back from his State, and I was called back from my State last fall, and we voted on a 1,500-page bill he had not read and, I am sorry to say, I had not read. I probably could not lift that bill, let alone read it.

The fact is, there was so much material contained in that, material to which I am sure the Secretary of Interior referred. He had stuff in that bill with which the Senator from Alaska had nothing to do with and it was put in, even though he is the chairman of the committee of jurisdiction. Certainly the appropriators did not work on it. It was done by the Chief of Staff of the White House principally, a few people from the Senate, a few people from the House, and they did the work for all of us.

I hope that my friend from Alaska, who certainly has so much to do with what we do around here, especially those of us in the Western United States, will look favorably also at changing rule XXVIII back the way it used to be.

Mr. MURKOWSKI. I very much appreciate my friend from Nevada highlighting the inequity associated with the responsibility of the authorizers because, as I indicated in my statement, we get down to a situation where we are out of time and, as I stated, a few hand-picked individuals come together with the White House and basically negotiate a resolve with no participation from the authorizers. As a consequence, as he pointed out, we cannot read the material. It is basically put together simultaneously with the process of negotiation. We are shortchanging our responsibility. I very much appreciate his attention given to this matter.

Mr. REID. I will also say to my friend from Alaska, the Senator from Wyoming said he agreed with us that the rule should be changed.

I yield 8 minutes to the distinguished Senator from Indiana, EVAN BAYH.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. I thank the Chair. It is an honor for me to be in the Chamber of this great institution once again with you serving as our Presiding Officer this afternoon. I thank my colleagues also for being here today.

Before I begin my remarks, I ask unanimous consent that at the conclusion of my time, my colleague from Minnesota be recognized. He has very graciously allowed me to cut ahead of him in line this afternoon. I want him, if there is no objection, to be recognized at the conclusion of my remarks.

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

Mr. BAYH. I thank the Chair and my colleagues. I am pleased to be here, and I rise in opposition to Senate Resolution 160 because I believe that it represents bad public policy. It represents a lack of conviction and consistency on the part of the majority in this Chamber, and it represents a continuing erosion of the traditions of this great body which imperil the very vitality of our democracy.

I say these things, although I have no doubt that if we asked many who are in the galleries today or the citizens in my State exactly what rule XVI involves, they would have very little awareness of this or of the significance of the change that has been proposed. I do believe that if the citizens of our country understood the importance, the symbolic changes this resolution represents, they would be concerned, indeed, because the citizens of our country do care about good public policy.

The best avenue to ensuring that the people of our country have good public policy, with the fostering of vigorous, open debate, is the contest of ideas right here in the well of the Senate, where the good ideas triumph and the bad ones are weeded out.

Someone said, the best disinfectant is sunshine. That holds true in the Senate as it does in other forums. We will not get the best Government that the people of our country deserve if the minority in this Chamber is not given the privilege of introducing our ideas before the American people and debating them in a free and open forum.

Think with me for a moment of some of the ideas that would not have been allowed to come up over the last 6 months that I have been privileged to serve in the Senate if this resolution proposed before us today were adopted.

The Patients' Bill of Rights is important to every citizen across our country. Mr. President, if you believe in the right to have access to a specialist, in emergency care, you should care about this resolution. If you believe in the right to have an effective appeal to the denial of coverage, you should support defeat of this resolution.

Likewise, the juvenile justice bill, which we addressed in the tragic aftermath of the Columbine incident, would never have come before this Chamber if this resolution that we consider today were in effect.

Something I worked very hard on, with a bipartisan group, to ensure that the States have access to the proceeds from the tobacco litigation, would never have come before this Chamber and would not have been a part of the emergency supplemental passed into law if this resolution we consider today had been in effect.

Important issues of public policy, my fellow Americans, would not be heard on the floor of this great body, the greatest deliberative body in the history of man, if the resolution proposed before us goes into effect.

Your well-being, the well-being of our country, and those about whom we care will be substantially affected if this resolution is adopted. We should not let that happen to future debates about education or the minimum wage or other things that we, as Americans, care about.

Likewise, Mr. President, I am distressed to state it, but I believe this resolution represents a very real lack of conviction, a lack of conviction on the part of the majority now controlling this Chamber. If they truly have the best ideas, if their ideas are in the best interests of the American people, why not have them subjected to amendment and debate on the floor of the Senate?

Moreover, I ask those here in our presence today, and those viewing us at home, if our ideas on this side of the Chamber are so weak, so lacking in merit, what is the fear in allowing us to debate them and vote on them in the Senate?

My friends, I think the answer is distressingly clear. There are some Members of this body who do not want to cast the tough votes. They do not want to be forced to make the tough decisions. They do not want to have to address the compelling challenges of our time. They would rather limit debate and too often gag the Members of the minority from presenting our ideas.

The answer to this, Mr. President, is simple: It is not to stifle debate, it is

not to prevent votes. If you do not believe in having a vigorous debate on the floor of the Senate, why run for the office in the first place?

As Harry Truman once said: If you can't stand the heat, you better not go into the kitchen. That is what this resolution is really all about.

Next, this resolution, unfortunately, represents a real lack of consistency on the part of the majority. It is a flip-flop, more worthy of a gymnastics contest than a debate on the floor of the Senate.

Just 4 short years ago, the majority voted to overturn the historic practice of not allowing legislation on appropriations. Now they propose to change it back. I could not blame Americans listening to our comments today if they thought what was really holding sway on the floor of the Senate had more to do with expediency in politics than consistency of principle.

Unfortunately, Mr. President, it represents something that Americans have come to view as too often is the case in Washington today, and that is the pursuit of power above all else—certainly, the pursuit of power above principle, all too frequently. And that is not how it should be.

I remind my colleagues, the majority, that the test of character is not how you behave when you are weak; the real test of character is when we see how you behave when you are strong. That is what we see today. I am afraid we are not passing this test if we go forward and gag and muzzle the minority from offering our ideas to the American people.

Let me offer this observation in conclusion.

I represent a State of 6 million souls. I believe I was elected to represent them on the floor of the Senate, to offer the ideas that will best serve to increase the opportunity that they will have in their lives. That is why I was sent to the Senate. It is not right to muzzle their elected Representative from offering the ideas that I believe will serve them best, or the Senator of Nevada believes will serve his constituents best, or the Senator from Minnesota or the other Senators in this body.

I have hanging in my office a print entitled ''The United States Senate,'' circa 1850. It is a wonderful print that I believe embodies the history and the legacy of this institution at its finest.

In the center of this print is Henry Clay, speaking on the floor of the Senate in the historic Old Senate Chamber. And listening intently to him on the floor of the Senate were some of the giants in the Senate: Daniel Webster, John Calhoun, Thomas Hart Benton. Future Presidents of the United States were in attendance listening to the debate.

They were not debating an arcane subject that would be of no interest to the people of this country. They were debating the very union that is the foundation upon which our Nation is built. What would our forefathers think of the changes that have taken place in this Senate if they felt that the issues of union and disunion, States rights and Federal rights, the very liberties we hold dear, were no longer allowed to be debated on the floor of the Senate?

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

Mr. BAYH. Mr. President, I believe they would be distressed, as I am today, and as people would be today if they understood what was at stake here. I urge my colleagues to vote against this resolution and to uphold the traditions of our Senate.

Mr. REID. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Thank you, Mr. President. I might not even need to take that much time.

First of all, I thank the Senator from Indiana for his comments. I was thinking about what he said. When I was a college teacher, I used to talk a bit about Birch Bayh, some of the Senators who took strong, principled stands. The Senator mentioned other great Senators, but I think the Senator represents a really wonderful tradition.

I think what Senator BAYH said at the very end of his remarks is what is most important to me. I was thinking about when I ran for the Senate from Minnesota. It would be an honor to be a Member of the House of Representatives; the Presiding Officer was a Member of the House of Representatives. As a Senator, you could do a much better job of being an advocate for the people in your State, because the rules of the Senate were such that you could come to the floor, even if it was you alone—maybe others would not agree with you, but hopefully you could get a majority—if you thought the Senate was in a disconnect with the people, to the concerns and circumstances of people you represented, to express your concerns.

I just mention a gathering I was at the Dahl farm in northwest Minnesota. It is a huge problem in Arkansas, too. Farmers showed up, coming from a long distance away. It was a desperate situation. In the Senate you can come to the floor and say: I have to come to the floor and fight for family farmers. I have to come to the floor to talk about comprehensive health care. I have to come to the floor and figure out a vehicle whereby I can talk about ending this discrimination when it comes to people who are struggling with mental illness. I have to come to the floor to talk about poor children in America. I have to come to the floor to talk about veterans health care and the gap in veterans health care in Minnesota and around the country.

The great thing about being a Senator is you can come to the floor with an amendment and you can fight for it.

Mr. REID. Would the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to yield.

Mr. REID. You are a former professor of government. It is true, is it not, that the Constitution was drawn to protect the minority, not the majority?

Mr. WELLSTONE. That is true.

Mr. REID. Isn't it true that there is nobody better to protect the Constitution and the minority than the Senate?

Mr. WELLSTONE. Mr. President, that is part of the genius of the Senate and the way Senators have conducted themselves over the years.

Mr. REID. Do I understand the Senator to say, unless we have more of an opportunity to speak out on issues, that those minorities, in effect, are not represented here?

Mr. WELLSTONE. Mr. President, the reason I am going to vote against this resolution is, to be very direct—I am not full of hatred about this; I am just making a political point, and we do make political points on the floor of the Senate—when I look at the context of what has been going on here, I am in profound opposition to what the majority leader and the majority party have been doing, which is to sort of what we call fill up the tree, basically denying Senators the right to come to the floor with amendments, to try to make sure we don't have to debate tough and controversial questions, to try to make sure we can't move forward agendas that we, as Senators, think are important to the people of our States.

I am absolutely opposed to what I think is being done here. Therefore, I think this resolution fits into that pattern of trying to stifle dissent, trying to stifle a minority opinion, trying to stifle individual Senators from coming to the floor and doing their absolute best to be the strongest possible advocates for the people of their States. That is why I am voting against this resolution.

It is sort of two issues. One is the question that the Senator from Nevada spoke on, which is, what is the role of the Senate in relation to the House of Representatives, in relation to making sure that we have respect for minority rights, so on and forth, what is the role of the Senate as a deliberative body, as a debate body. The other issue, which is even more important to me, is whether or not I can, as a Senator, do the best possible job for the people of my State. That is why I am going to oppose this resolution.

Mr. President, I ask unanimous consent to speak for 7 minutes as in morning business.

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

VETERANS BUDGET REPORT

Mr. WELLSTONE. This is an area in which the Presiding Officer has done a lot of work. I thank the Senator from Arkansas for his good work on veterans issues.

Mr. President, on June 15th I sent letters to each of the twenty-two VISN

Directors of the VA health care system to ask for data on how their network would be affected by the President's flat-lined budget. I conducted this survey because the stories coming from rank and file VA staff and veterans who I had talked with were horrible:

Veterans with PTSD waiting months to get treatment;

Veterans living in fear that facilities would be closed and access to care would be cut off;

VA nurses working mandatory overtime, frequent back to back shifts because of staffing shortages.

But I wasn't getting complete answers in Washington. So to find the truth I went to the VISN Directors themselves. By the middle of July, all 22 VISN Directors had responded. I am pleased to say that overall their responses were very candid. They took my letters in the spirit that I intended: to understand the stakes involved in the VA health care budget debate here in Washington. Many of these directors showed real courage in responding as frankly as they did.

My staff summarized the responses in a report. I think the findings should be of great concern to every one of my colleagues.

I can best describe the results in two points:

1. The legacy of the Clinton administration's budget will be fewer VA staff, offering fewer services, and treating fewer Veterans.

2. The House and Senate cannot buy off the nations veterans by adding a few hundred million dollars to the President's budget. Only full funding will restore the VA to a capacity America's veterans deserve.

Let me be specific: The report finds that:

20 VISNs would have funding shortfalls under the Clinton Budget:

As many as 10,000 employees would be cut under the Clinton budget: 19 of the 22 VISNs indicated that staff reductions would be necessary under the Clinton administration fiscal year 2000 budget. One VISN indicated that under the President's budget it would need to reduce employment by 1,454 FTEEs, a cut of 15.4 percent of that VISN's workforce.

10 VISNs would reduce patient workload under the Clinton budget: Only one VISN said it could treat more veterans this year than last year under this budget.

71,129 fewer veterans would be served under the Clinton budget: One VISN reported that it may need to eliminate services to as many as 17,000 veterans. And this number is only the total from the 6 VISNs who gave us an estimated number. Again. Four other VISNs said they would treat fewer veterans.

But even an increase of $500 million above the President's budget would not reverse this trend. On the contrary, this report shows that an increase of such a small amount would still require hard choices and in some cases reductions in services, staff, and veterans served.

At least 12 VISNs would have short falls under Clinton budget plus $500 million: the largest deficit for an individual VISN was $100 million.

At least 13 VISNs would reduce staffing under the Clinton budget plus $500 million—in one VISN by over 1,100 employees.

At least 38,155 fewer veterans would be served under the Clinton budget plus $500 million: Again, only one VISN said it could positively increase services to veterans under this scenario. One VISN said it would still turn away 9,600 veterans.

Veterans health care is at a crossroads. While the nation's twenty-two VISNs have struggled valiantly to do more with a shrinking budget, the results of this survey suggest that urgent action is required to reverse what has become a funding crisis in VA health care—even as America's veterans population becomes older and more reliant on VA services. Spending decisions made by Congress in the next few months will determine whether predictions made by the 22 VISNs become reality or a disaster narrowly averted.

This funding crisis will affect the World War II veteran, who has to drive 6 hours to get care because funding problems prevented the VA from opening a community based out-patient clinic in his area.

This funding crisis will affect the VA nurse who has to work 16 hour shifts because hiring enough nurses is too expensive.

It is outrageous that with federal budget surpluses 20 VISNs will run a deficit. It is outrageous that staff will be cut, or furloughed while being asked to work harder and longer hours. It is outrageous that over 71,000 fewer sick and disabled veterans would be treated by the VA next year even as they get older. These veterans need more health care not less.

But this story doesn't begin with my report. It is really a continuation of a battle begun 13 years ago with the release of the first Independent Budget by the major veterans groups. It is the continuation of a battle fought by Senator JOHNSON in the Budget Committee—to provide full funding for veterans. And of a battle TIM and I fought on the floor on the Senate to provide full funding for veterans in the Senate budget resolution—a fight that we won with a unanimous vote to increase VA funding to the level recommended by the independent budget.

But let me be clear, this is also a fight we must carry on to Appropriations.

What this report suggests is that we are through cutting the fat out of the VA budget. There is nothing left to pare but bone and muscle. The VA has reached its fighting weight and has plunged dangerously below.

We've squeezed just about as much money out of the system as we possibly can. People on the front lines of veterans health care—whether care providers or recipients—know that the VA health care system is desperately short of resources. I worry that my friend Lyle Pearson, of North Mankato, decorated for his service in WWII, disabled vet, who receives care at VA facilities in Minnesota, will not get the care he needs if the flat-line budget is not improved. I worry that veterans across the nation will be caught between increasing need and flat-lined funds. Veterans in Bangor, Maine are concerned because a VA inspector general report noted that their outpatient clinic had a 10 month backlog of new patients. Things were so bad last Fall that the clinic couldn't see walk-in patients or urgent-care patients, and there was a four month wait to see the clinic's part-time psychiatrist. Veterans in Iowa are facing the possible closure of one of their three major veterans hospitals because of budget shortfalls.

The last chance for veterans this year is VA/HUD appropriations. But we still don't know what the funding level will be the VA/HUD appropriations bills. In two and a half months, fiscal 1999 will end and we still don't even have a start on funding FY 2000. The bills have not been marked up by the committee. This is unacceptable. If veterans funding is allocated in the dark of night in a last minute omnibus spending bill, I fear the veteran will be short changed. Bring the VA/HUD bill to the floor. If there isn't enough money in it for veterans, we'll amend it to add more.

A story in the July 18th edition of the Richmond Times Dispatch quotes in chairman of the VA/HUD appropriations Subcommittee as saying that the budget situation that we face this year is very tough. That same article says that VA health care might be facing a $1 billion cut.

I've heard that rumor. I've heard the rumor that veterans will get an increase. Well let me start a rumor this morning that veterans can take to the bank: I give notice now to my colleagues that I will be on the floor of the Senate offering an amendment to VA/HUD appropriations the first opportunity I get if the funding is not enough.

The veteran has borne the pain of budget cuts for too long. Tax cuts should come after relief for veterans. Defense buildups should come after relief for veterans. Let's make the veteran the priority again.

This is a fight to make VA health care the gold standard for health care again. It is a fight to keep a promise to the veteran: If you served your country your nation will stand up for you. If you were injured you will be healed. If you are disabled, the country will raise you up—not cast you aside.

I call on my colleagues to join me and the veterans in this fight. It will take every U.S. Senator and every Member of the House. It will take the VFW, the DAV, the PVA, the AMVETS, and the Vietnam Vets and all the other groups besides.

Most importantly, America's veterans must demand it. Veterans need to hear the call one more time.

Together we can restore the funds and keep our covenant with the veteran.

Mr. President, today the Vice President announced that the White House is going to be asking for another $1 billion. Veterans organizations last week—I thank them—came together with us and presented this data. We said there are huge problems in the country; a lot of veterans aren't going to get the care they need and the care that they deserve.

The Vice President stated the White House is going to ask for an additional $1 billion. I thank the Vice President for his announcement. That helps. However, we are going to have to do a lot better. That still leaves us with a $2 billion shortfall. To my colleagues on both sides of the aisle and to the White House and to the Vice President, I say that the veterans community is organizing. It is good grassroots politics. They are going to hold us all accountable. We will have to do a lot better.

STOP WORSENING REPRESSION IN BURMA

Mr. WELLSTONE. Mr. President, I want to speak today on the distressing human rights situation in Burma. The Association of Southeast Asian Nations, ASEAN, held their Annual Ministerial Meeting in Singapore this weekend. And this week Secretary Albright will be in Singapore for the ASEAN regional forum and the Post-Ministerial Conference. It is essential that during all of these meetings serious attention is focused on the worsening human rights situation in Burma.

We haven't heard much about Burma in the media recently. There have been no major news events in Burma recently to grab the attention of the world: No Tiananmen Square scale massacres, no Kosovo scale dislocations, no bloody street clashes like we've seen in East Timor or Iran. But in Burma today something equally chilling is proceeding, out of the world's view: A slow, systematic strangling of the democratic opposition. Since last fall, the ruling military regime has detained, threatened and tortured opposition party members in increasing numbers. At least 150 senior members of the opposition National League for Democracy are being held in government detention centers. 3,000 political prisoners are held in Rangoon's notorious Insein prison. The regime has forced or coerced nearly 40,000 others to resign from the opposition party in recent months. In a videotape smuggled out of Burma in April and delivered to the U.N. Human Rights Commission in Geneva, the leader of the National League for Democracy, Aung San Suu Kyi, said government repression had worsened greatly in the past year on a scale ''the world has not yet grasped.'' She said on the tape: ''What we have suffered over the last year is far more than we have suffered over the last six or seven years.'' According to one Western official, the regime intends to do nothing less than eradicate the opposition ''once and for all.''

Mr. President, most of this repression takes place quietly, through intimidation, arrests at night and other activities out of the public eye. The Burmese regime carefully controls access to the country for journalists. So we have no video footage of the repression and only scant reporting from a few brave journalists and human rights workers. But just because we cannot see what is going on in Burma does not mean we can ignore it. It is all the more important for us to speak about the situation there and show our support for the forces of democracy and human rights.

In July 1997, when Burma became a full ASEAN member, ASEAN countries claimed that such a move would encourage the regime—the so-called State Peace and Development Council, or SPDC, to improve its human rights record. In fact the opposite has been true. As the Washington Post put it in a recent editorial: ''ASEAN's logic was familiar: Engagement with the outside world would persuade Burma's dictators to relax their repressive rule. The verdict on this test case of the engagment theory thus far is clear: The behavior of the thugs who run Burma has worsened, and so has life for most Burmese.''

Not only has the SPDC stepped up its repression of the opposition party, the National League for Democracy, it has intensified its campaign of oppression against the country's ethnic minoriites. The regime has increased forcible relocation programs in the Karen, Karenni, and Shan States. The use of forced labor in all seven ethnic minority states continues at a high level, and forced portering occurs wherever there are counter-insurgency activities.

Amnesty International has just issued three new reports which describe in compelling detail the harsh, relentless mistreatment of farmers and other civilians of ethnic minority groups in rural areas. Let me read a few brief passages from these excellent, detailed reports:

In February 1999, Amnesty International interviewed recently arrived Shan refugees in Thailand in order to obtain an update on the human rights situation in the central Shan State. The pattern of violations has remained the same, including forced labor and portering, extrajudicial killings, and ill-treatment of villagers. Troops also routinely stole villagers' rice supplies, cattle, and gold, using them to sell or to feed themselves. According to reports, Army officers do not provide their troops with adequate supplies so troops in effect live off the villagers. One 33 year-old farmer from Murngnai township described the relationship between the Shan people and the army:

> Before, I learned that the armed forces are supposed to protect people, but they are repressing people. If you can't give them everything they want, they consider you as their enemy . . . it is illogical, the army is forcing the people to protect them, instead of vice-versa.

Amnesty International also reports similar abuses in Karen state:

Karen refugees interviewed in Thailand cited several reasons for leaving their homes: Some had previously been forced out of their villages by the Burmese army and had been hiding in the forest. They feared being shot on sight by the military because they occupied ''black areas'' where the insurgents were allegedly active. Many others fled directly from their home villages in the face of village burnings, constant demands for forced labor, looting of food and supplies, and extrajudicial killings at the hands of the military.

These human rights violations took place in the context of widespread counter-insurgency activities against the Karen National Union (KNU) one of the last remaining armed ethnic minority opposition groups still fighting the military government. Guerilla fighting between the two groups continues, but the primary victims are Karen civilians. Civilians are at risk of torture and extrajudicial executions by the military, who appear to automatically assume that they supported or were even members of the KNU. Civilians also became sitting targets for constant demands by the army for forced labor or portering duties. As one Karen refugee explained to Amnesty International, ''Even though we are civilians, the military treats us like their enemy.''

A similar situation exists in Karenni State. Three-quarters of the dozens of Karenni refugees interviewed by Amnesty International in February 1999 were forced by the military to work as unpaid laborers. They were in effect an unwilling pool of laborers which the military drew from to work in military bases, build roads, and clear land. When asked why they decided to flee to Thailand, many refugees said that forced labor duties made it impossible for them to survive and do work to support themselves. Several of them also mentioned that forced labor demands had increased during 1998.

Unpaid forced labor is in contravention of the International Labor Organization's (ILO) Convention No. 29, which the government of Burma signed in 1955. The ILO has repeatedly raised the issue with the government and in June 1996 took the rare step of appointing a Commission of Inquiry. In August 1998 the Commission published a comprehensive report, which found the government of Burma ''. . . guilty of an international crime that is also, if committed in a widespread or systematic manner, a crime against humanity.''

Mr. President, I am under no illusion that the military regime in Burma will reform overnight and end its human rights abuses. But I think it is critically important that we keep the

world's attention focused on the terrible repression of democracy and abuse of ethnic minorities going on there. I hope our message of concern, backed by the invaluable reporting done by Amnesty International, will get through somehow to the Burmese people and to their courageous leader, Nobel laureate Aung San Suu Kyi.

ASEAN member countries are gathering in Singapore currently for a series of meetings. We need to encourage them to develop a new strategy for dealing with the SPDC's intransigence regarding human rights. Now that criticism of fellow ASEAN members is no longer completely taboo, I hope some of the ASEAN countries that have improved their own human rights records will take the initiative to prod the Burmese to move in the right direction. The ASEAN regional forum (ARF), which deals with Asian security issues, will meet at the same time and should address this as a security problem. Western nations, including the U.S., who will also be present at the ARF should work closely with all concerned countries to encourage the SPDC to improve its human rights record.

Even if we don't see quick improvement, those of us who care deeply about human rights have a duty to keep the plight of the Burmese people before the world community. I am committed to doing that, and I hope my colleagues will join me in pressing the Burmese regime for real, measurable improvements in these areas.

RESTORATION OF THE ENFORCEMENT OF RULE XVI—Continued

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I express my appreciation for the statement of the Senator from Minnesota regarding the rule change in his usual deliberate style.

I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I rise to speak to the resolution that will be before us for a vote at the end of the afternoon, S. Res. 160, to restore enforcement of rule XVI.

Mr. President, I believe in the Senate as an institution. I think it is an important part of the workings of our democracy that the Senate carry out its duties and responsibilities in a way that it has done throughout the more than 200-year history of our Republic.

In a sense, this is a difficult issue for me because I voted not to waive rule XVI, or, in effect, not to overrule the ruling of the Chair, at the time the ruling was made. That, of course, was a motion offered by my colleagues on the other side of the aisle. I thought, well, we really should not change the way we do business. But what has happened since that time is, increasingly, that the minority has been really frustrated by the lack of opportunity to come to the floor of the Senate to offer its positions, to have them considered and voted upon. Therefore, I am going to vote against this resolution when it comes to a vote this afternoon simply, among other things, to make a very strong statement of protest against the procedures that are now being followed in the Senate, which are effectively preventing us from considering important issues.

Now, repeatedly, we have had a situation in which the majority leader, once a measure is offered, fills up the amendment tree by gaining first recognition, which is the majority leader's entitlement under our process, and then the minority has no opportunity to offer its proposals. I ask the minority whip and the assistant minority leader, isn't it the case that time and time again we have simply been blocked out from even putting an issue before the Senate? I am not complaining about being blocked out if we then go to a vote on it—well, I would complain, but you decide these things by majority vote. We are even being precluded from offering amendments in order to have positions considered; is that not correct?

Mr. REID. That is absolutely true. For example, on the issue of the lockbox, cloture has been filed three to five times. We have never uttered a single word in a debate about that issue. We have never had the opportunity to offer a single amendment. We agree with the lockbox concept, but does it have to be theirs? Can't we try to change it a little bit?

Mr. SARBANES. As I understand it, the way that has been structured now, the minority is totally precluded from offering any alternative proposal or any different proposal because they have completely blocked us out from offering any amendments; isn't that correct?

Mr. REID. That is absolutely true. I ask my friends, are they so afraid of discussing an issue, and are they so afraid they will lose a couple of Members and we will be right? Is that the problem? I don't know. Why won't they let us at least offer an amendment?

Mr. SARBANES. It raises this question in a democracy: What happens when you can't pose issues and have them debated and voted upon?

It seems to me an elementary way of proceeding. Traditionally, the Senate has always offered that opportunity, as a matter of fact. I have been in this body a long time and I can recall when, not too long ago, we were in the majority, and even earlier when that was the case, when the Senate was essentially run in a way that enabled Members to bring up proposals and have them considered and voted upon. It by no means guaranteed that your proposal was going to prevail; You might lose, and that was obvious. But that is part and parcel of the democratic process. But not to even be able to offer your amendments—and, of course, this resolution would, in effect, limit down the opportunities as well.

Essentially, if you had a Senate that was operating in the traditional way, you could offer your proposals. That sort of limitation is one that we traditionally lived with. But this was lifted by the majority, and at the same time they did this, subsequently, they have increasingly developed other ways of blocking the minority out from simply laying their positions before the Senate for consideration. Is that not the case?

Mr. REID. It is absolutely the case. The fact is that all we want is to be treated like the Senate. My friend from Maryland served in the House of Representatives, as I did. That is a huge body, 435 Members. They need specific rules—and they have always had them—to move legislation along. You can't have unlimited debate in that body. But the Senate was set up differently. We do not need, or should we have, a rule on every piece of legislation that comes through, as does the House of Representatives. Does the Senator agree?

Mr. SARBANES. I agree completely with that. In fact, even in the House the procedure has gotten so rigid that there is significant complaint that they do not have an opportunity when important measures are before——

The PRESIDING OFFICER. All time of the minority has expired, with the exception of 15 minutes that was reserved.

Mr. REID. Mr. President, since nobody is on the floor, I ask unanimous consent that we be allowed to continue for 10 minutes.

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

Mr. REID. Mr. President, I say to my friend, in responding to the question asked, with his experience in the House and in the Senate, can he tell us how he believes the Senate should be treated differently than the House of Representatives.

Mr. SARBANES. Well, the thing that struck me when I came to the Senate from the House was, in a sense, how much more wide open the Senate was in terms of considering proposals of the Members of the Senate. In the House, of course, you have title rules. You adopt a rule, and that limits the amendments that can be offered. We even had the so-called closed rule in which no amendment could be offered. You either had to vote up or down on the measure that was reported by the committee to the floor of the House. But usually you would get a rule that would perhaps give the minority an opportunity to offer a couple of amendments. One came to the Senate and discovered that both the majority and minority Members had much more of an opportunity to have amendments offered by the body and considered and voted upon.

Of course, in order to control that procedure, we had a rule that you could

not legislate on an appropriations bill, which seemed to make good sense. Now, that was overturned a few years back when the majority wanted to have a certain measure considered and the Chair ruled that it constituted legislation on an appropriations bill; therefore, it was not in order. The majority—the other side of the aisle—then went forward and appealed the ruling of the Chair and they overruled the Chair. That established the precedent that you could offer legislation on an appropriations bill.

Mr. REID. I ask permission to ask the Senator a question.

Mr. SARBANES. I yield for a question.

Mr. REID. I remember that very clearly because I was the Senator who raised the point of order. It was on an appropriations bill, a supplemental appropriations bill. The junior Senator from Texas offered an amendment on the Endangered Species Act that would do great harm to that act. I raised a point of order it was legislating on an appropriations bill. The Chair, without question, upheld my point of order. There was an appealing of the rule, as the Senator said, and a longstanding rule, with all the precedence, was turned on its head.

Now it has been 4 years, and we have been working under this situation that was created by the majority. The minority didn't do that. But I say to my friend, the reason we in the minority are so concerned is because it is not only that rule they are going to overturn, the fact of the matter is that we don't have any opportunities to offer amendments, to debate substantive issues in this country, based upon the gag rule placed on all legislation brought here; isn't that true?

Mr. SARBANES. The Senator is absolutely correct. What has happened is longstanding precedent was overturned. Therefore, you could legislate on an appropriations bill. That is the precedent we have been working under for the last 3 or 4 years. On occasion, the minority—our side—has offered legislation on an appropriations bill. Now the majority wants to go back to the old ruling. Having overturned the old ruling themselves, they now want to return to it.

Well, as an institutionalist, you know the old rule made some sense. But what has happened to the Senate in the interim, in the meantime, since the overturning of this old rule, is that other techniques have also been developed to block the minority from offering amendments on the various matters that come before the Senate. So, in effect, they are closing out the minority from having any voice, any opportunity to present our positions, any opportunity to have a judgment made on our positions.

I am very frank to tell you that is not the way the Senate ought to work.

Previously, even when we had the old rule, we didn't have a couple with these other techniques that are now being used in order to keep the minority from bringing their position before this body. Until we can remedy that situation and get some assurance that we are going to have an opportunity to really present our amendments in an orderly and reasonable fashion, I am not going to support any measure that could have the possibility of closing out some opportunity that we now have in order to present our positions.

Mr. REID. May I ask my friend another question?

Mr. SARBANES. Certainly.

Mr. REID. Is the Senator aware that the minority leader is going to offer an amendment to S. Res. 160 which will reinstate the scope of the conference report rule? That is when you go to conference and the conference committee must stay within the scope of the two bills on which they are working. It will be interesting to me to see if the majority will vote to support the overturning of rule XVI, which we know they will do, to see if they are logically consistent by going ahead and voting to also reinstate rule XXVIII. Also, this precedent was overturned in 1996 on the reauthorization bill.

Does the Senator think it would be consistent for them to vote to make rule XVI the way it used to be and rule XXVIII the way it used to be? How can you vote for one and not the other?

Mr. SARBANES. Absolutely. In fact, the rule XXVIII issue is also very important. That was also overturned by the majority to permit matters to be included in a conference report that were not within either of the two bills that the House and the Senate sent to the conference. Of course, what that means is that a conference can come back with something that is outside of the scope of the conference and present it to these bodies—a matter that neither the House nor the Senate considered in the course of sending that legislation to conference.

Talk about potential mischief. You could bring back in here, contained in a conference report with all of the sort of protections that a conference report has in terms of its consideration, and so forth, matters that were outside of what was sent to conference. The minority leader is trying to remedy that matter.

I can't for the life of me see why someone who supports S. Res. 160 would oppose the proposal of the minority leader. But I guess we will discover that when we come to a vote on the matter later this afternoon.

It eventually comes back to the very basic question. That is, What are to be the rights of the minority in this body? One of the great strengths of the Senate traditionally has been that it has accorded to the minority a real opportunity to participate in the consideration of matters on the floor of the Senate. The minority has not traditionally been closed out of participating. In fact, some have argued that minorities traditionally have been given too much of an opportunity to participate. They argue that.

But what has been happening in recent years is, the majority has been using its majority to overrule these precedents of the Senate, which effectively then allows the majority to do what it wants to do and completely leaves the minority outside of the process.

That is, in a sense, the issue that is at stake. That is why there has been such a strong reaction to this proposal, because S. Res. 160 comes in the context of these other matters that have been happening, all of which have moved in the same direction; namely, to preclude the minority from having a fair opportunity to present its positions to the Senate, to have them considered, and to have judgment rendered upon them. It is fundamentally changing the nature of the Senate.

One of the great things about American democracy that any political commentator always points to is that, unlike many systems, it isn't run in such a tight, rigid, disciplined fashion that the minority can be excluded from any opportunity to be heard and to have its positions considered. Particularly the Senate has been the great bulwark of strength in that regard.

Now we have a proposal to overturn the very precedent which the majority themselves established only a few years ago, and to do so at the very time that increasingly the majority is using other techniques to block the minority from presenting its position, including, of course, this technique of filling up the amendment tree so that no amendments can be offered.

We really are moving very much in the direction of saying to the minority, in effect, well, you can come here and sit at your desks, but that is about all you can do around here; there is not much else you can do in terms of trying to constructively affect the legislative process.

I am very frank to say that I think we must resist that development. I think it is significantly undercutting the nature of the Senate as an institution and the role it has played in the country's history. I think this is a very important debate. I think the matter that is coming before us has a great deal to do with saying how the institution ought to run.

I must say that if the procedures were all fair and if we were given a fair opportunity to present our positions, there might be something that could be said for going back and treating what was done as a mistake, as some of us assert it was at the time. But in light of these subsequent developments, it seems to me that the minority has to really insist that no opportunity to offer its position should be denied to them. Therefore, that is the position I intend to take when this matter comes to a vote at the end of the day.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the time be charged to the majority.

The reason I say that is so the Presiding Officer, either in his capacity as Presiding Officer or as a Senator from Arkansas—we have been very diligent in the minority in using up all of our time. Both leaders have sought to have a time in the evening to complete our vote. If the time doesn't run off, the time is charged to the majority now. This could go on forever and we wouldn't vote until sometime late at night.

I ask unanimous consent that be the case.

If there is some objection from the majority leader, he can come right back and change that.

That is my unanimous consent request.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. I inquire how the time has been divided and what time is remaining on each side.

The PRESIDING OFFICER. The majority has remaining 54½ minutes; the minority has used all of their allocated time. Fifteen minutes at the end has been allocated to Senator DASCHLE and there is an allotment of 15 minutes remaining for the majority leader.

Mr. LOTT. Mr. President, one further parliamentary inquiry. That means, then, during the quorum call all time is coming out of the majority side?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. Mr. President, then I yield myself time out of this 54 minutes, realizing I also would have an opportunity to use my 15 minutes in closing. But there has been so much revisionist history espoused on the floor of the Senate today, I just did not want to let 1 hour 15 minutes go by without maybe correcting some of the record or putting an accurate history back into the CONGRESSIONAL RECORD.

A famous quote comes to my mind, from what I have heard here today. I fear ''[thou] doth protest too much.'' In other words, there is an awful lot of protesting by the Democrats that has been going on that makes anybody who is a dispassionate, disinterested watcher just looking in, inquire why are they protesting so much?

I have to note the inconsistency that is involved, too. Basically what the minority is saying, the Democrats are saying: As a protest statement, we are going to vote against reinstating rule XVI but we want to turn right around and reinstate rule XXVIII.

This is Senate gibberish, I know, but it is inconsistent because they are saying we want to continue to offer legislation on appropriations bills but we do not want anything coming back out of conference between the House and Senate that exceeds the scope of what was in the bill. I think there is an inconsistency there. I think we ought to take a close look at the scope of the conferences question. We have time to do that. We have committees, a Rules Committee, and we have a Governmental Affairs Committee that have been considering rules changes. I think there are a number of rules in the Senate that should be reviewed.

I think budget rules should be reviewed. For instance, this very week on the reconciliation bill which would provide some tax relief, at the end of the 20 hours, if amendments are still pending, we still have this very poor procedure where we might have to have what is called a ''vote-arama,'' of one vote after the other, one right behind the other every 2 minutes; I guess it would be 12 minutes between the votes—a very poor way to do legislative business. I think we ought to take a look at that and see if we cannot find a way to improve it. So there are a number of things we can do that I think will help the way the Senate does business.

I would like to go back and remind Senators how this rule was changed, this rule XVI. Rule XVI was overturned by the Senate on March 16, 1995, on the Department of Defense supplemental appropriations bill. Senator HUTCHISON of Texas appealed the ruling of the Chair, in that the Chair ruled her amendment regarding a restriction on appropriations funds to make a final determination with respect to the endangered species list was legislation on an appropriations bill. In other words, this involved the Endangered Species Act. The Chair ruled this was legislating on an appropriations bill and therefore was out of order.

That ruling was appealed. Many Members on the Republican side of the aisle supported her appeal. As a result, the Parliamentarian can no longer entertain a point of order that extraneous language is legislation on an appropriations bill. Again, keep in mind that up until that point that point of order would have been upheld by the Chair. That ruling was overturned and therefore a new precedent was set.

Interestingly, in that vote, No. 107, on March 16, 1995, 54 Republicans voted to overturn the Chair, 44 Democrats voted to sustain the Chair's ruling.

I am sure for the most part on both sides what was really being voted on was the substance of this endangered species list amendment. For instance, one interesting quote on that occasion came from our colleague, Senator REID, who has been on the floor a good deal today. I think he summed up what was going on with regard to this particular amendment because I think probably, without putting words in his mouth, he was at least sympathetic to what Senator HUTCHISON was trying to do. But this is what Senator REID said:

> But this is not the way to treat a very important matter. I am very upset. I am going to do everything that I can to make sure the President, if in fact this bill passes, will veto it if we start conducting business in this way.

Basically he had indicated, I believe, that while he had some understanding and sympathy on the issue, he thought this was no way to be doing business.

As a result of the overturning of the Chair, the appropriations process has certainly lost some of its legitimacy and has been complicated by the number of amendments, and their variety—and I am going to cite some amendments that were offered. The appropriations process is a very important part of our constitutional duty to the Federal Government. Yet with each passing year since this vote in 1995, it gets more difficult to get our appropriations bills through because of all the legislating that occurs on the appropriations bills.

Let me emphasize, while I thought that most of the comments from the Democratic side today were very partisan, I don't view this as partisan. It should not be. The discussions we have had across the aisle over the past 4 years have been that this was a mistake; we ought to work together to change it. But let me give a recent example. This past week on the State-Justice-Commerce appropriations bill, I do not know how many amendments showed up on that bill, probably a hundred or so. I know of at least one specific example. I will not cite the specific bill because that Senator would know what I was talking about and would not feel that it would be appropriate that I cite his particular bill, but it was a whole bill that had not been introduced, had not been referred to committee, had not been reviewed by the committee, and would significantly change the way a process works in the Federal Government. That was going to be offered to the appropriations bill. That Senator was on my side of the aisle.

So I really question that that is the way Senators would want this body to work, where whole bills will be cut out of whole cloth and brought to the floor of the Senate in a Senator's hand and he or she will say: I want this bill added to the appropriations bill.

That is no way to legislate. We should not be doing that. But that is the kind of thing that has been happening since we had this ruling and then the appeal of the ruling of the Chair in 1995 that set this new precedent.

The Senator from California was here earlier today commenting on this. Yet when this vote took place, she said:

I think to come to this floor of the U.S. Senate and to add an amendment to the Defense emergency supplemental bill that deals with a very important and sensitive environmental issue is simply not the right way to legislate.

Holy smoke, she is absolutely right. She said that on March 16, 1995. That was not what I thought I heard her saying today. Maybe I misinterpreted what was being said today. But that is the point. Senators will have an opportunity to offer amendments on other bills. The point is made quite often in this body, unlike the House—and nobody wants to make the Senate the House—any Senator can come to the floor on a bill involving, let's just say bankruptcy, and he or she can offer an amendment to deal with health care or can offer something to do with the Forest Service. We do not have these strict germaneness rules. We do take up legislative issues.

But one of the reasons why the majority leader cannot bring more legislative bills to the floor is because, in many instances, it has taken so long to get through other issues such as juvenile justice or the Patients' Bill of Rights or other appropriations bills; therefore, making it very difficult to bring up other important legislative issues such as the Federal aviation reauthorization bill, the bankruptcy bill that I referred to, or the nuclear waste bill that has been reported out of the Energy and Natural Resources Committee. It makes it more and more difficult for anything to be done other than appropriations and reconciliation. And the reconciliation procession is very important because it is the only way you can get a bill dealing with taxes, for instance, to the floor without it being threatened by a filibuster or all kinds of other Senate legislative maneuvers.

This is one where you bring it up, you have a specified period of time, you have an amendment process, you go through those amendments, and then you have a vote. That process moves quite easily through here. Right now we are in a period where appropriations bills and reconciliation are about all we can get done.

There are complaints about filling up the tree. I have not gone back and done the research, but this process of so-called ''filling up the tree'' again is Senate language that is used to describe that all the different opportunities to amend are filled with amendments. I didn't invent that procedure. Other Senators who have been majority leader certainly have used that. Senator Mitchell used it. Senator BYRD used it. That is a very legitimate tactic or process which can be used, one that should not be used all the time, and one that has been used relatively rarely, but it certainly is a legitimate thing the majority leader can do to focus debate and to get debate concluded in a reasonable period of time.

Let me give some examples of the kinds of things that have been tying up the Senate since we have been without the ability to strike them down by using rule XVI. First of all, it seems to me if you look at history, probably there has been an increasing number of amendments which have been offered on these appropriations bills. It seems now it is quite often within the range of 80 to 100 or 120 amendments on just about anything that comes along. Every Senator dumps his out basket on the floor of the Senate with every amendment he or she has ever dreamed of and some of the things with which we have to deal on appropriations bills, where it clearly would have been legislating on an appropriations bill, dealing with grasshopper research, lettuce genetic breeding, peach tree short life, tomato wilting, the feasibility of using poultry litter as possible fuel. Other examples are: removing of computer games from Government computers, repainting of water towers, swimming pool construction, the study of green tree snakes. These may be legitimate agriculture issues, but with others, they certainly would be considered to be frivolous in nature in terms of being offered as amendments on appropriations bills.

While we have those examples, the ones that are the most startling and striking to me are the ones where whole bills or major amendments are offered on the floor of the Senate to appropriations bills that clearly is legislating on an appropriations bill, that do not apply in any way in terms of substance, where the committees have not been allowed to act, where the committee chairman has not had any input. It is time we bring this process under control. On more than one occasion, the exchanges between the Democratic leader and the majority leader have indicated that there has been a willingness or a desire on both sides to begin bringing this under control.

I urge my colleagues to look at how this happened. A lot of people on both sides of the aisle at the time it happened did not realize the significance of it and, secondly, said at the time: Yes, this is probably a mistake.

It has been a tool the Democrats have used over the past 4 years, and that is the way it works in the Senate. When you have a precedent, then Senators have a right to take advantage of it until a new one is set or until the Senate decides it is going in some other direction. There is nothing unusual about that at all.

We should reinstate this rule XVI. We should look at a number of rules and budget procedures we have. We have appropriators who have come to me and expressed concern about this. People with a long history of paying attention to the rules of the Senate and the budget procedures and the appropriations bills, such as Senator DOMENICI and Senator STEVENS and others, have said we need to get this back on track, we need to change the way we are doing business.

I hope we can get through the appropriations process this year as soon as possible, so we can do some of these other bills that are very important to our country, so Senators will have an opportunity to fully debate and discuss these issues and offer amendments to issues that are outside the appropriations process.

I hope we will have time to work with serious leaders in the Senate who are worried about the budget process, who are worried about the rules, and have some debate on the floor and make some changes. There is no desire at all to set up a Rules Committee in the House of Representatives sense, but there is a desire by this majority leader, as by every majority leader, to find a way to move the process and the legislation through the Senate.

We did a marvelous job last week, if you look at it. It did not look pretty at various times, but last week we did pass reorganization of the Department of Energy. After probably a month of resisting doing the fundamental reorganization we need at the Department of Energy to stop the leaks of our very important nuclear secrets to China or anybody else, we finally got it to a vote last Tuesday, and the vote was, I think, 96–1—overwhelmingly bipartisan.

One might ask: Why did it take you so long? That is the way the Senate works sometimes. We have to think about it; we have to have debate; we work out some amendments. Also, it might be that nobody wanted to be on record as being against reorganization of the Department of Energy. Again, it was dragged out, and we had problems getting to the intelligence authorization bill. We even had to have a cloture vote to get to the intelligence authorization bill, the bill that provides for the intelligence information for our Federal Government, for the CIA.

I did not want to have to file a cloture motion on that, but I was told, in effect, that the Democrats were going to filibuster the motion to proceed. That meant the Democrats were going to filibuster even taking up the bill because they were not ready to debate the reorganization of the Department of Energy, I guess. I did not quite understand it. In order to get to a very important, very sensitive issue such as the intelligence authorization, the intelligence community of our Federal Government, which is such an important part of the defense of this country, the majority leader of the Senate had to file a cloture motion to even take up the bill for its consideration. If a change of heart had not happened, I would have had to file a second cloture motion to get to the substance of the bill.

The pontificating we do sometimes around here, the posturing about, oh, we are cut off—what is a leader supposed to do when told the motion to proceed to a bill is going to be filibustered? At that point, I have to take action to move a bill, such as the intelligence authorization, forward. When the smoke cleared, it passed. We got that bill done.

We got to the State-Justice-Commerce appropriations bill, a bill that quite often takes days, sometimes weeks, sometimes longer than weeks, with lots of amendments offered. As a matter of fact, with the cooperation of both sides of the aisle, on Thursday night at approximately 9:45 that legislation was passed.

Today I went over and shook the hand of Senator REID of Nevada and said: It would not have happened without your aggressive work in clearing amendments that could be accepted, in getting amendments withdrawn that really did not need to be offered.

We did it on both sides of the aisle. I went to Republicans and said: You do not want to do this here. And Senator DASCHLE did the same thing on the Democratic side of the aisle. That is how one works through the appropriations bills because many of these amendments had no business being offered at that hour on that bill and on those subjects with no consideration being given by the committees or by the chairmen.

If we can reinstate rule XVI today, we will see our appropriations bills able to go through without as much dilatory action or without as many amendments that really are strictly legislation on appropriations bills. I do believe that on both sides of the aisle Members know this precedent needs to be put back in place.

Will it cure all the problems? No. As a matter of fact, Senators may just use other dilatory tactics, and if they can find a way to do that or if they can appeal the ruling of the Chair, maybe the precedent will be reversed again. That will be the will of the body. I will have no great concern about that. Then we can move on from this to the next step.

Senator STEVENS and Senator BYRD have proposed amendments that will go beyond what reinstating this particular rule XVI will do. I hope we would take a look at that before this year is out.

So I may have to come back later on to respond in wrapup on some of these issues. But I do, again, refer you to the Shakespeare quote from Hamlet: I do think you ''protest too much'' as we work to reinstate a precedent that we all know will serve the institution quite well.

Mr. REID. Will the majority leader yield?

Mr. LOTT. I am glad to yield. You have no time; you have used it all today. We understand you had a lot of speakers. I would like to reserve as much of our time as possible for other Senators who wish to come to the floor to speak on this subject on our side.

Having said that, I will be glad to yield.

Mr. REID. Thank you.

I say to my friend, for whom I have the utmost respect, I know how hard you work trying to move things along. I have tried to be as much help as I can be. But from the most junior Member of the Senate, Senator BAYH, to the most senior Member on this side, Senator BYRD, there has been a general belief today that we need to do more legislating, with fewer quorum calls; some more debate needs to take place. So I hope my friend understands the belief of the membership of the minority that we need to do more legislating.

I also say to my friend that I have asked—in colloquies here with Members from the majority who came to speak today—how is it logically consistent that you can vote to change rule XVI and not vote to change rule XXVIII? And they all three said—I only asked three the question—it is not logical to do that.

I hope that the majority would take a very close look at rule XXVIII to see to it that we do not wind up with a situation like we wound up in last fall, with a 1,500-page bill that just a few people developed.

So I hope, I repeat, that the Senator will listen to the spirit of the debate today. It was not acrimonious. I think it was constructive criticism. We all love the Senate. You are the leader. We recognize that. But we need to move along and do more legislating as the Senate, we think, should be legislating.

I thank you very much for yielding.

Mr. BYRD. Will the distinguished Senator yield?

Mr. LOTT. I yield to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, having been majority leader in the 95th and the 96th and again in the 100th Congress, I want to assure the distinguished majority leader that I have experienced all of his troubles, all of his problems. And this business of having to deal with a filibuster on a motion to proceed is nothing new around here. That has been the case for decades. So the distinguished majority leader is not experiencing something that I did not experience or that other leaders did not experience.

The motion to proceed to the civil rights bill of 1964 was debated 2 weeks. That was just the motion to proceed. And the bill itself was before the Senate 77 days. It was actually debated 57 days, including 6 Saturdays. All in all, including the time that it took to get up the motion to proceed, and the time to deal with the bill itself, and then including, I believe it was, 9 days following cloture before the vote on passage occurred on the bill, it took 103 days—103 calendar days—to deal with the Civil Rights Act of 1964.

I was the only non-Southern Democrat—the only non-Southern Democrat—to vote against that bill. And I was against cloture on it. Other than Senator Hayden and Senator Bible, I was the only non-Southern Democrat to vote against cloture. So I have been through all these travails and trials that the majority leader has experienced. And I empathize with him and sympathize with him, because I have been there, too. But it is nothing new to be confronted with a possible filibuster on a motion to proceed. I had to deal with that many times.

Mr. LOTT. Would the Senator yield?

Mr. BYRD. Yes. The distinguished Senator has the floor.

Mr. LOTT. Didn't the Senator occasionally file a cloture motion on a filibuster of a motion to proceed?

Mr. BYRD. I did.

Mr. LOTT. That is what I have had to do on occasion, too. And sometimes the majority leader might decide not to do that, to go ahead.

Mr. BYRD. This leader did so on occasion. But this leader did not do it all the time, nor did this leader fill the tree all the time. I filled the tree a few times, very few times, but not all the time.

I do not call up many amendments here. I am not one of those whom the distinguished majority leader has in mind when he talks about Senators calling up many amendments.

Mr. LOTT. That is right.

Mr. BYRD. I do not do that often. But Senators do have the right to offer amendments. The distinguished majority leader has his problems. I know them. I know them well. I sympathize with him and want to work with him and want to help him.

I call attention to the fact that there are 63 Senators in this body who never served in this body when I was majority leader—63. I said this morning that more than a third, but it was actually almost two-thirds of the Members of this body were not here when I was majority leader.

I was glad to hear the Senator quote Shakespeare. Let me quote from Shakespeare also:

'Tis in my memory lock'd
And you yourself shall keep the key of it.

So, Mr. President, I certainly will always want to cooperate with the distinguished leader when I can. I have to say I think there is too much partisanship in this Senate, on both sides, far more partisanship in the Senate than there was when I came here. I would urge again that the distinguished Majority Leader let Democrats call up amendments and that he call up legislative bills, and thereby give Senators a chance to call up their amendments so that they will not have to resort to offering them on appropriations bills.

Mr. LOTT. Mr. President, could I respond to some of the comments Senator BYRD has made?

Mr. BYRD. Absolutely.

Mr. LOTT. Because there are several points you have made to which I would like to respond.

Mr. BYRD. Absolutely.

Mr. LOTT. We have other Senators who may want to speak, but I did not want to interrupt if you were about to make a point. But I do want to comment on some of those issues that you mentioned.

Mr. BYRD. Mr. President, I hope the Senator will proceed.

Mr. LOTT. First of all, with regard to the partisanship, as a matter of fact, I

think I would have to disagree with the Senator from West Virginia. I have not been in the Senate nearly as long as he has, but I have been working with Congress for 30 years—30 years. I am 57. I came here when I was 26. I was a staff member for 4 years; 16 years in the House. I saw partisanship at its worst in the House when I was a Member and part of an oppressed minority in the House.

I have been in the Senate for going on 11 years. I really do not feel that much partisanship. I feel a real warmth toward a number of Democrats. And I thought it was just this year, just a short time ago, that we came through a historic impeachment trial in which we stood in these aisles—this center aisle here—together and said, this was a tough task; it was a constitutional requirement we had a duty to do. We performed our duty, and whether you agreed with the end result or not, most folks felt it was done fairly and not with shrill partisanship.

Even when we disagree on substantive issues, I think the Senate is almost the only place in this city where it does not get to be shrill partisanship. I see the distinguished ranking member from New York of the Finance Committee. The Finance Committee is probably the most bipartisan, nonpartisan committee in the entire Congress. We do not always come out with a bipartisan bill, but usually we report a bill that has votes from both sides of the aisle. That was the case just last week on the tax bill; a couple Democrats voted with the Republicans.

I don't believe that is partisanship, No. 1. The reason I think it doesn't get that shrill is because we are sensitive to each other's needs to be heard, to our individual needs. We have tried to be a Senate that understands that Senators have families, and I think just that relationship helps because Members are not exhausted and mad at each other. I want to continue to further that.

In terms of giving the Democrats a chance, while there has been a lot of hollering about it, the fact is, you have been getting a pretty good chance. As a matter of fact, on the juvenile justice bill, I could have gone through all kinds of contortions and gyrations to try to block that, but I thought it was a bill that came out of the Judiciary Committee on a bipartisan basis after 3 years of work, and we ought to take it up.

Did I like the way it went on a week more than I had been told it would take to get it done? No. As the Senator from West Virginia said, the Senate had to work its will, and there were more amendments cooking out there. I didn't run around out here trying to block them. Some of my colleagues said I should have done that. We worked our will.

We wrangled around on the Patients' Bill of Rights for almost a year. We could have done that bill last fall, but we couldn't come to agreement. We came to agreement. We took the bill up. We got it done.

Now, there were some speeches made the day before we completed that bill about how terrible the process was, but the night we got it done, Senators on both sides stood up and said: Well, I don't like all this and it wasn't perfect, but basically we got our fair shot, and we got our work done.

As far as giving people the chance, I have a list, two pages of bills that have been done this year that are not appropriations bills. We did the first concurrent budget resolution on time, only the second time in 25 years. We provided small business loan guarantees to small businesses that have year 2000 problems. We passed a national missile defense bill, which the President signed just the other day. And by the way, in his statement with his signing it, he misstated what the bill did. We passed a soldiers' and sailors' pay raise bill. We passed education flexibility. We had some Democrats who worked on that all the way. The President was saying all the way: I will veto it; I will veto it. Finally we got it done and he signed it. We passed the water resources bill. This is an area where we haven't passed an authorization bill, I think, in 5 years. We have passed it. The House has passed it, and after a lot of work, we actually got it into conference. Juvenile justice, we passed that through. The majority leader is trying to get to conference on that. We are going to have to have a bipartisan effort to get to conference.

Defense authorization; energy bill package; financial modernization, a bill that has been coming for 10 years—people didn't think the Senate would have any chance to pass a financial modernization bill. We got it through the Senate. Hopefully, we will get it through. The list goes on in terms of Senators being able to have amendments on authorizations bills and getting important authorization bills through.

While the majority leader has to sometimes say we ought to be doing more, the fact of the matter is, we have been doing pretty good this year. I invite my colleagues and the public to take a look at this two-page list of bills. As a matter of fact, we have already passed eight appropriations bills. We are probably a week or maybe a bill or two behind where we ought to be on appropriations, but in recent history, that is pretty good progress. I would like to keep that going.

In terms of filling up the tree, again, I didn't invent this idea. In fact, I think I first saw it when Senator Mitchell used it. But Senator Dole used it on the 1985 budget resolution. Senator BYRD used it in 1977 on the energy deregulation bill. In fact, to study the brilliant use of the rules of the Senate, I have gone back and read and reread that particular bill and how Senator BYRD handled it. Of course, as I recall, I think Senator Baker was probably working with you on that issue, but I know it was tough. You had to have vote after vote after vote after vote to break basically an amendment filibuster.

Mr. BYRD. Which bill was that?

Mr. LOTT. The energy deregulation bill, of 1977, during the Carter years. As I recall Senator Metzenbaum and others were resisting in every way possible. Senator BYRD filled up the tree on the Grove City bill in 1984, and the campaign finance bill in 1988, Senator BYRD filled up the tree there—there were eight cloture votes on that particular bill—and then on the emergency supplemental appropriations bill in 1993.

Sometimes I thought it was a brilliant move. Sometimes I thought it was the right thing; sometimes I didn't.

But the Senator is right, the majority leader has a job to do. Sometimes it is not easy. Sometimes it is quite difficult. But I think it is important that he continues to try to encourage the Senate forward and do it in such a way that when he leaves at the close of business on Monday, the 26th, he will be able to come back the 27th and work with every Senator the next day.

I wanted to respond on some of those comments.

Mr. BYRD. Will the majority leader yield?

Mr. LOTT. Surely.

Mr. BYRD. The majority leader was not on the floor earlier when I said that as the majority leader, I resorted to filling the tree a few times. So what the distinguished majority leader said doesn't reveal anything that is new and doesn't really reveal anything that I haven't myself already said today. I did that. I may have been the first one to fill up the tree in my service in the Senate—I am not sure—but I did do that on a few occasions, but only on a very few occasions. I didn't make it a practice.

I also compliment the majority leader, and have done so on several occasions, for his judicious and very fair handling of the impeachment trial. I think the Senate did itself honor and did well by virtue of the fact that both leaders put the welfare of the Senate and the welfare of the country ahead of political party. I complimented the majority leader at that time, and I do again. He demonstrated real statesmanship on that occasion.

Let me just say, again, what I said earlier this morning about political party. It is important to me, but I have never felt that political party is the most important thing. The Senate is more important than any political party. Many things are more important than political party. I have said that. But during my tenure as the majority leader, I always tried to protect the rights of the minority. Many times I made a point of it. I tried to protect the rights of the minority because that is a great part of what this forum is all about, protection of minority rights.

I can also say that Senator STEVENS and I did work together to come up

with some proposals that would have improved our situation, I think. We came up with a resolution containing several rules changes, with the understanding of the distinguished majority leader and with his full knowledge. I wanted it to be called up and debated and acted upon, but it is still in the Rules Committee. Nothing has ever been done about it.

Our concern, going back to rule XVI, is this: Under the earlier operation of Rule XVI, a point of order could be made against legislation on an appropriations bill. If the question of germaneness was raised, the matter was submitted to the Senate for an immediate vote. The Senate voted on it. If the Senate decided on that vote that the House had already opened the door to legislation on an appropriations bill, the Senate certainly had a right to respond by further amendment.

The problem now is, we are calling up appropriations bills that come out of the Senate Appropriations Committee. They are Senate appropriations bills. No point of order can be made that they constitute legislation on appropriations bills. There is no question of germaneness. If we go back to rule XVI, unless we take up the House appropriations bills, we cannot make the point of germaneness against a Senate appropriations bill. That is our problem.

Senators right now, myself included, who voted to uphold the Chair on that occasion and stay with rule XVI, are concerned about going back to it now because we are normally acting on Senate appropriations bills, not House Appropriations bills. I have to applaud Senator STEVENS. He is one of the best Appropriations Committee chairmen I have served with, and he seeks to take advantage of the time and get something done. We have Senate hearings and we mark up regular appropriations bills and then we act on them on the floor. When the House bill comes over to the Senate we substitute the text of the Senate bill in lieu of the House bill. That is all well and good. It saves time. But it does away with the opportunity to raise the question of germaneness. The question of germaneness cannot be raised unless we bring the House Appropriations bill up and the House has previously opened the door to legislation. I hate to vote against going back to rule XVI; I would like to go back to it.

Mr. LOTT. If the Senator will yield, I had the impression earlier that Senator STEVENS wanted to reinstate rule XVI, and I actually had the impression that the Senator from West Virginia also wanted to.

Mr. BYRD. I did. But as I explained this morning, it is the only way Senators, in many instances—the majority leader has mentioned the juvenile justice bill and he has mentioned——

Mr. LOTT. The Patients' Bill of Rights.

Mr. BYRD. Yes, the Patients' Bill of Rights. Those are bills that he allowed the Senate to work its will on. The product that came out at the end was a product of the will of the Senate.

Mr. LOTT. Mr. President, if I could, if the Senator will allow——

Mr. BYRD. If I might finish my sentence, the majority leader has the floor, but I hope he lets me respond to the point he is making. We majority leaders like to finish our points, you know.

Mr. LOTT. I get awfully excited when a point is made that I feel like I need to respond to. I will withhold until the Senator finishes his statement.

Mr. BYRD. I have always been a majority leader willing to hear the other man respond. He mentioned two or three bills, and those are good examples of the work the Senate can do when it is given the opportunity to offer amendments and take time on the bill. I hope that we do more of that.

My reason for voting, as I will later today, against going back to that rule is two or threefold. One is, the majority who had the votes then overturned the rule. The majority, which has the votes now, will reinstitute it. In the future, I am wondering if the situation will arise when it will be to the majority's benefit again and it will use its vote to overturn the rule again. But the reason I will vote against it today is because Senators on this side, according to my observations—and I don't make much of a big to-do often here—but Senators on this side of the aisle are simply not given the right to act on legislative bills much of the time, so they have no other resort but the appropriations bills. Therefore, I think I have to vote against reinstituting the rule.

Mr. LOTT. Mr. President, if I might respond to that, I think what is involved here is Democrats want to dictate the schedule around here. The Democrats want to dictate what the schedule is. When you say yes, juvenile justice and the Patients' Bill of Rights are examples of the way it can be done around here, it is because those were bills on which there was pressure to bring them up, not in the order that had been planned. But is the Senator saying, for instance, that the Democrats didn't also support or were not involved in these other bills that actually had bipartisan support, such as the national missile defense, which Senator INOUYE was a cosponsor of; the soldiers and sailors pay raise bill, which had bipartisan support; education flexibility, which had bipartisan support; water resources, which passed unanimously, and defense authorization? These are not bills that I bring up because they are bills Republicans want; these are bills that are in the interest of the country.

Mr. BYRD. The majority leader is preeminently correct. He is talking about bills that can be brought up in which both sides have had an opportunity to give and take and offer amendments, so the country benefits.

Mr. LOTT. The list is very long here. I don't quite understand what the complaint is.

Mr. BYRD. If I wanted to point to a list, I could point to a list of bills on this calendar that is very long that haven't been taken up.

Mr. LOTT. That is partially because of the amount of time that has been taken up with other bills that were not scheduled. Bankruptcy, for instance, has been bumped several times because it took longer. The will of the Senate was to take longer in the debate of other bills. There is the case of the nuclear waste legislation, which the Senate passed a couple years ago. Now the Energy and Natural Resources Committee has come up with a bill that is very different. I think maybe it could have even broader support than the previous bill, which I think got about 63, 64, or 65 votes, or was going to have that many.

So the point is, the majority has to try to bring up bills in which there is broad interest and that have support—things such as the State Department and Defense Department authorizations. My goodness, if we don't authorize the legislation for the Department of Defense, we can't get the appropriations bill, or it causes all kinds of problems. A lot of what I bring up is dictated by, frankly, what the Constitution requires, or what has to be done to keep the Government operating in an appropriate way.

Here is a bill, the Workforce Incentives Improvement Act, which had problems when it came out of committee. They were worked on and this bill passed, I think, probably overwhelmingly, if not unanimously. It is one that was a high Democratic priority, but also had the support of the chairman of the Finance Committee and the ranking member. The Y2K bill was a bill that had bipartisan support out of Judiciary and also out of a second committee, where you had Democrats involved in both instances. Yet it took us weeks to get that bill done. I think we had to go through three cloture votes to get that bill done, which the President signed into law.

Mr. BYRD. But if it is an important bill, what is wrong with taking 3 weeks?

Mr. LOTT. Because if you take 3 weeks on a bill like Y2K liability limits, which should have gone through here relatively quickly, that makes it more difficult to call up other bills that Senators would also like to consider.

I think maybe the Senator and I are involved in a discussion of scheduled events and rules which is important to us and important to the way the body works. I think the main thing we need to be saying to the American people is that we are going to work together to try to get our business done. By the way, the length of speech doesn't necessarily mean that the merit is all that great.

In terms of bipartisanship, I think I have proven several times, including

working with the administration in 1996 and 1997 to get Medicare reform, tax cuts for working Americans, budget restraint, welfare reform, illegal immigration reform, health care portability—we have worked in a lot of areas in a bipartisan way across the aisle and across the Capitol and with the administration. I would like for us to continue doing that. I am one of the few Members—to show just how nonpartisan or bipartisan I am, I came to the city thinking I was a Democrat, but I was elected as a Republican. So I served on both sides of the aisle.

Mr. BYRD. Will the Senator yield?

Mr. LOTT. I yield to the Senator.

Mr. BYRD. I certainly don't want to appear to be trying to take anything away from the distinguished majority leader, who has accomplished many things. I compliment him, and I have done so many times. I have spoken behind his back as well as to his face that he has many attributes that I admire. But surely the distinguished majority leader didn't mean what he said when he said the Democrats were trying to dictate the scheduling. This Democrat doesn't do that, and the majority leader knows that. This Democrat has no such intention, and I don't think the Democrats here, who are in the minority, would attempt to try to dictate the schedule.

The Democrats, as I observe them, are trying to stand up for their rights, and they certainly have the right to debate and the right to offer amendments. I have no interest in taking over the schedule here. But I do have an interest in the Senate. I think the Senate has gone downhill. I think it is too partisan, and I don't think the minority has been given the right to call up amendments. I have seen the distinguished majority leader call up a bill and immediately put a cloture motion on it. I have done that a few times, too, my friend, but I never made it a practice to do it day after day and time after time. You can search my record if you want to, but I also have a memory. I was majority leader here, as I say, before 63 of the current Senators, including the majority leader, got here. I am pretty well informed about what has gone on before.

I am not here to attack the majority leader today. I admire him. I count him as my friend. As far as I am concerned, he will remain that way. But I think the Senate is being hurt. I don't want the Senate to be hurt. I think the American people want their work done.

I had the same problem that the Senator is talking about. I called our Democratic Senators one day into my office, and I said: Now, I'll tell you what I am going to do. We are going to have a week's or ten-day break every 4 weeks here. We are going to go home and talk to our people.

I got a big hand of applause.

Then I said: Now, the other side of that coin is, we are going to be here 5 days a week, and we are going to work 5 days a week. And we are going to have votes 5 days a week, on Mondays as well as on Fridays.

I first offered the carrot, and then I offered the stick, and it worked.

I am the one—I am the culprit—who started this business of having breaks every 4 or 5 weeks. But I also kept the Senate here. Not everybody on this side of the aisle liked me for it. As I said, it is not the quality of life around here that counts to me; as long as I am the majority leader, it is the quality of work that counts.

I have been through all of that. We got the work done. Senators were able to call up their amendments. They were able to get votes on them. Look at the Record of the 100th Congress. You will see a good record.

Mr. LOTT. Mr. President, when the Senator was talking about the rights of the minority, I thought it was I speaking. I remembered my saying the same thing. In fact, I was sitting right over there. I think there were only three desks there. I remember pleading with Senator Mitchell, who was standing right there, the majority leader. I believed I was being oppressed and that the minority rights were not being honored.

I remember also sitting right over there pleading with the Senator from Texas, who was chairman of the Finance Committee, Senator Bentsen, to offer an amendment. As I recall, it had something to do with university loans or scholarships. I remember being prohibited from offering that amendment.

I know when you are in the minority you are not always happy with the way you are treated. But I think we need to work together to try to not have that be the all-consuming viewpoint around here, and I don't think it has.

I remember how rough it was being in the minority. I was there for 21 years. I didn't like it at all. I like the majority much better. But I think you have to try to be reasonable on both sides of the aisle. That is why I have been a little bit shocked today by the tone of the debate which I was watching. Although I was not participating in it, I thought I had to come out here and, in effect, explain what happened—explain what this really means, and a little bit to defend my honor.

But I appreciate what the Senator has said. I know he has been helpful since I have been the majority leader. I am sure he will help us try to get our work done in the future as he has done in the past.

If I could, let me ask unanimous consent.

Mr. BYRD. Will the Senator allow me once more?

Mr. LOTT. I would, but I would point out that we only have a few minutes left. I need to hold a few minutes. I see Senator CHAFEE may want to speak.

I will yield one more time.

Mr. BYRD. The Senator cannot quote one time today, or before today, in which I said anything that would or could be properly interpreted as impugning his honor. I would not do that. If he can cite one time, I will apologize for it right now.

Mr. LOTT. I wouldn't, couldn't, and would never expect to even try.

Mr. BYRD. Mr. President, I thank the leader.

Mr. LOTT. Mr. President, I thank Senator BYRD.

I ask unanimous consent that the votes in regard to the scope amendment and the vote on adoption of S. Res. 160 occur at 5:30 p.m. in stacked sequence with 2 minutes of debate between each vote and the final vote in the sequence being the cloture vote.

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

Mr. LOTT. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President. I strongly support S. Res. 160, and urge my colleagues to vote for this important measure.

If this resolution is approved, it will restore Rule XVI of the Standing Rules of the Senate—a rule which, in one form or another, has served the Senate well since 1850. By restoring Rule XVI, Senators will again have at their disposal a procedural tool—a point of order—which can be raised against legislative amendments to appropriations measures. Though this point of order can be waived by a simple majority, it nonetheless reinstates an important procedural safeguard to discourage this harmful practice of legislating on appropriations bills.

Since 1995, when the Senate voted in effect to overturn Rule XVI, we have witnessed a proliferation of so-called ''legislative riders'' on appropriations bills. Regrettably, much of this activity has been aimed at undermining our environmental laws. However, no authorizing committee's turf is safe without firm dividing lines clearly to differentiate the functions performed by these two types of committees.

Authorizing committees are responsible for developing and overseeing the laws and programs which fall within their respective jurisdictions. The Appropriations Committee is then tasked with establishing appropriate funding levels on an annual basis for each of these programs, based upon the availability of discretionary resources.

Shortly, the Senate is scheduled to consider the Fiscal 2000 Interior and Related Agencies Appropriation Bill. Unfortunately, this measure is laden with legislative riders. By singling these provisions out, I do not mean to suggest that they are not deserving of our consideration. To the contrary, these provisions should be thoroughly examined—but not in the context of the appropriations process.

The authorizing committees, which have the substantive expertise, are the proper fora within which to consider and evaluate these provisions. However, as most of us know, by attaching a rider to an appropriations bill, one

avoids having to defend it from the public scrutiny that comes with the authorizing committee process. Moreover, as part of must-pass annual funding bills, these often objectionable provisions are virtually assured of being signed into law, despite any misgivings a President might have.

In addition to miring the appropriations process in controversy, the ability to attach legislative riders to annual spending bills also undermines the power of the authorizing committees to advance authorizing legislation. In fact, appropriations riders have, in some cases, made it difficult to reauthorize some government programs.

Thus, Mr. President, the public interest is not well-served by the practice of including legislative provisions in appropriations bills. Unfortunately, reinstatement of Rule XVI will not fully address this problem because the point of order—this is important to note—only applies to legislative amendments which are offered on the floor, and not to legislative provisions added during committee action.

In the days when the Senate Appropriations Committee took up and amended House-passed appropriations measures, all of the Committee's changes were considered amendments. Today, as a general matter, the Senate Appropriations Committee develops its own original bills. Thus, the Rule XVI point of order does not apply to legislation added during the committee process—rather only to legislative amendments that are offered on the floor.

In other words, in a bill coming from the Appropriations Committee you can have, in effect, a legislative rider. That is there. As we are proposing it, as I understand it, the reinvigoration of rule XVI only applies to those legislative measures that are added on the floor.

Thus, while S. Res. 160 is an important first step, it does not go far enough. In order to fully protect the interests of the authorizing committees, the Rule XVI point of order should be made applicable to legislative provisions which have been added to appropriations bills during committee action.

For this reason, we should not only restore Rule XVI, but also strengthen it, as Senators STEVENS and BYRD have proposed in S. Res. 8, which they introduced earlier this year. As the Chairman and Ranking Member of the Senate Appropriations Committee, these Senators know better than most of us that legislative riders have hindered their ability to secure timely passage of the 13 annual spending bills. Their proposal would subject all legislation contained in appropriations measures—regardless of whether added on the floor or in committee—to the Rule XVI point of order.

Thus, while I will vote for S. Res. 160, I will continue to press my colleagues to further strengthen Rule XVI by adopting S. Res. 8.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1343

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

The PRESIDING OFFICER (Mr. HAGEL). The clerk will report.

The legislative assistant read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1343.

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

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

The amendment is as follows:

At the appropriate place add the following:

The presiding officer of the Senate shall apply all precedents of the Senate under Rule XXVIII in effect at the conclusion of the 103rd Congress.

Mr. DASCHLE. Mr. President, this amendment addresses what we consider to be one of the major procedural problems facing Senators today. It has to do with what is referred to here as the scope of conference.

For those who may be watching this debate and are not totally familiar with parliamentary procedure, after a bill is passed in the House and passed in the Senate, the bill goes to conference. Here the House- and Senate-passed bills, two separate pieces of legislation, are melded into one in a way that hopefully will be acceptable to members from both Chambers of Congress. Only one bill can become law. The conference report represents an agreement between the House and the Senate as to what specific proposals ought to be included in a single piece of legislation.

It has always been the case that when a bill comes to conference, if there is something in the House bill that is not in the Senate bill, or something in the Senate bill that is not in the House bill, a vote is taken and a decision made about the propriety of including that provision for the final version in the conference agreement.

At no time, up until recent years, was there ever consideration given to a situation where if a provision did not appear in either the House or Senate versions, could it even be considered in the conference.

However, a decision was made by the majority to allow original legislative provisions to be taken up in the conference, that is language that may not have even been debated in either body let alone received a recorded vote.

As a result of this decision made by the majority, we can go into this conference—whose purpose it is to work out the differences between the House and the Senate—and completely bypass the relevant authorizing and appropriations committees. In a sense, this decision set up a ''super'' legislative committee that makes up its mind oftentimes without the benefit of House or Senate hearings, without the benefit of action in any House or Senate committee, and without a vote on either the House or Senate floor. It is an amazing set of circumstances.

We have seen that happen over and over again. The most consequential incident occurred at the end of the last session when the White House and a relatively small group of Senate and House conferees made decisions that were not based on any actions taken in either body of Congress.

The distinguished Presiding Officer, after it happened on October 20, addressed this issue as eloquently and as succinctly as any Member I have heard. If my colleagues haven't had the opportunity to hear what he said, I think this excerpt states it so well:

I don't believe the Founding Fathers of this country ever intended for a few Members and staff to make more than one half of a trillion dollars worth of arbitrary, closed-door decisions for the rest of us, for America—almost one-third of the Federal budget—and then present them to all other Senators and Representatives, men and women, elected by the people of this country, by the taxpayers, and then say take it or leave it, an up-or-down vote.

So said the Senator from Nebraska.

The Senator from Utah said something similar and equally on point. Senator HATCH, on the same day on the Senate floor, said:

We should all be concerned about the perception this backward procedure—one in which we are considering conference reports on bills that have not even passed the Senate yet—will set a precedent for the future. Mr. President, I hope my colleagues on both sides of the aisle will join me in a sweeping denunciation of this as anything other than a one-time event.

I wish this had been a one-time event. Unfortunately, it happens over and over and over. It is a complete emasculation of the process our Founding Fathers had set up. It has nothing to do with the legislative process.

If you were going to write a book on how a bill becomes a law, you would need several volumes. In fact, if the consequences were not so profound, some could say you would need a comic book because it is almost hilarious to look at the lengths we have gone to thwart and undermine and, in an extraordinary way, destroy a process that has worked so well for 220 years.

This amendment simply says let's get real. If we mean what we say, and if we truly want to end this amazing process, now is our chance. This is the opportunity. I am very hopeful our colleagues will support our effort to put democracy back into the legislative process, to ensure the committees, authorizing and appropriating, have an opportunity to express themselves and to ensure every single Senator on the

Senate floor has an opportunity to express himself or herself.

As I noted earlier, the dictatorial, take-it-or-leave-it approach referred to by the two Republican Senators is, unfortunately, not a one-time event. It has happened over and over. If we are serious about making changes, I cannot think of anything that ought to change more quickly and with broader bipartisanship than this. We will have an opportunity.

I appreciate very much the eloquence, leadership, and interest in making changes expressed by our colleagues over the course of many different occasions, occasions just as egregious as the one last October. On each of these occasions, Senators have been denied their basic rights as elected Representatives of the people of their State, and a mockery has been made of our legal and legislative process.

This is a very critical amendment. We will have an opportunity to vote on it in 15 minutes. I hope we make the right decision. I hope it is a bipartisan decision. I hope we can do it in a way that will allow us the opportunity, once and for all, to put common sense and some semblance of order into our conference process and the conference reports that we are called to vote on after the process has been completed.

Mr. President, I will speak just briefly about the underlying matter; that is rule XVI. I appreciate very much the effort made by the assistant Democratic leader. He has managed our time so exceptionally well. I am grateful to him once more for the extraordinary effort he has made in making sure colleagues have the opportunity to express themselves and to orchestrate our response to arguments made by our colleagues on the other side. I think the record clearly shows what the Democratic position was several years ago when our colleagues overturned the ruling of the Chair. We had said at the time that rule XVI was there for a reason. We believe rule XVI existed because there is an authorizing and an appropriating process. What has happened since that vote is interesting. What has happened is the Senate has become more like the House of Representatives than I believe it has, probably, ever been in our Nation's history.

The House of Representatives has a very tight process by which amendments are considered. There has to be a Rules Committee. The Rules Committee decides, on each and every piece of legislation, how many amendments are offered. The majority dominates the Rules Committee, as we know, by a two-thirds to one-third ratio. When Democrats were in the majority, when I was in the House, I thought what an incredible power that is. For the Rules Committee, with its membership ratio tilted so heavily in favor of the majority, to decide means the majority gets its way virtually every single time. Only on rare occasions do a combination of minority and majority Members of the House join forces to thwart the will of the majority. That does not happen very often.

The Founding Fathers, in their wisdom, saw fit not to have a Rules Committee in the Senate in that same sense of the word. We do have a Rules Committee. It is very important and carries out some functions that are in large measure directly related to how this Senate operates. However the committee does not dictate how the Senate floor operates. There is no gatekeeper when it comes to legislation. The gatekeeper is all of us, 60 votes.

Yet, what do we see now all too frequently? On virtually every single piece of legislation that comes to the Senate floor, the bill is filed, the so-called parliamentary tree is filled, and cloture votes are scheduled. Why would we be opposed to that? We are opposed to that because once there is no opportunity for us to offer amendments—whether they are directly germane to the bill or not—we are precluded from being full partners as legislators. We are precluded from the opportunity to express ourselves, to make alterations, to offer suggestions, to have the kind of debate on public policy that I think our Founding Fathers understood.

As a result of all of this, we have become increasingly concerned about what is happening to the Senate as an institution, as well as what it is doing to the Democratic Members who want very much to be a part of the legislative process as full-fledged Senators. So our vote is in large measure a protest of the extraordinary ways the legislative process has been altered now for the last several years; a process I do not believe our Founding Fathers ever anticipated; a process that is very much in keeping with the attitude and the mentality created by the Rules Committee in the House of Representatives. That is not what we were supposed to be.

People who want those kinds of rules ought to run and get elected to the House of Representatives. They ought not want to serve in the Senate. The Senate is a different body. Who was it who said the Senate is a saucer within which emotions and the rage of the day cool. Legislation oftentimes can be passed directly through the House of Representatives. It is only after they have been deliberative and thoughtful and considerate of a lot of different issues, and a supermajority, sometimes on controversial issues, having been supported, do we ultimately allow a bill to be passed in the Senate.

So this vote is about the institution. It is about protecting Senators' rights to be full-fledged Members of this body. It is about whether we, as Senators, want to be more like the House or more like what the Founding Fathers envisioned in the first place—full-fledged U.S. Senators with every expectation we can represent our people, we can represent our ideas and our agenda in whatever opportunity presents itself legislatively. Our Democratic and Republican colleagues certainly should support that notion.

Our Republican colleagues used it many times to their advantage when they were in the minority. We simply want the same opportunity to do it now.

My colleagues will be voting against this overturning of the ruling of the Chair in large measure because we still are not confident the majority is prepared to open up the legislative process as it was designed to be open up the process to allow amendments, open up and give us the opportunity to work with them to fashion legislation that will create a true consensus on whatever bill may be presented.

We will have two votes at 5:30 p.m. The first will be the vote on whether or not legislation that has never been considered in the House or the Senate ought to be included in a conference report. Democrats say no; no, we should not allow that.

The second vote will be about whether we permit Members of the Senate to offer legislation, whether it is on appropriations or authorization bills, without the encumbrance of a Rules Committee, a right that, by all description, was anticipated by the Founding Fathers.

I hope we can adopt the amendment I have offered. I hope we will reject the overturning of the Chair on rule XVI. I hope we can work together to accomplish more in a bipartisan fashion in a way that will allow all Senators to be heard and to contribute.

I yield the floor.

Mr. HATCH. Mr. President, I noted that Senator DASCHLE used a quotation from a statement I made last fall concerning the Omnibus Appropriations bill for fiscal year 1990 in his arguments for his amendment to S. Res. 160.

I am flattered that he felt my words were of such import that he had them blown up to poster size and displayed them for all to see. I wish he would do that with all of my speeches.

In this case, however, I just wish he had quoted the entire statement. Although I, like many of our colleagues, expressed genuine frustration with the unusual process that resulted in the Omnibus Appropriations bill, my statement also defends it as necessary to prevent a devastating government shutdown. I regret that Senator DASCHLE took this excerpt out of context. Those who read my entire statement will see that it provides a much different position than what the Minority Leader suggests by excerpting this small section.

Mr. DOMENICI. I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1343. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

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

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—47

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

NAYS—51

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

NOT VOTING—2

McCain	Voinovich

The amendment (No. 1343) was rejected.

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

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

The motion to lay on the table was agreed to.

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

There are two minutes equally divided.

Who yields time?

Mr. COVERDELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, we yield our time.

The PRESIDING OFFICER. If all time is yielded, the question is on agreeing to the resolution. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—53

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

NAYS—45

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

NOT VOTING—2

McCain	Voinovich

The resolution (S. Res. 160) was agreed to, as follows:

S. RES. 160

Resolved, That the presiding officer of the Senate should apply all precedents of the Senate under rule 16, in effect at the conclusion of the 103d Congress.

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

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

The motion to lay on the table was agreed to.

JUVENILE JUSTICE REFORM ACT OF 1999

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled for this evening be vitiated and that the Senate now turn to H.R. 1501.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1344

(Purpose: In the nature of a substitute)

Mr. LOTT. Mr. President, I send an amendment to the desk to the pending juvenile justice bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1344.

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

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute to Calendar No. 165, H.R. 1501, the juvenile justice bill:

Trent Lott, Frank Murkowski, Chuck Hagel, Bill Frist, Jeff Sessions, Rick Santorum, Ben Nighthorse Campbell, Christopher Bond, Orrin G. Hatch, John Ashcroft, Robert F. Bennett, Pat Roberts, Jim Jeffords, Arlen Specter, Judd Gregg, and Connie Mack.

CLOTURE MOTION

Mr. LOTT. Mr. President, I now send another cloture motion to the desk to the pending bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 165, H.R. 1501, the juvenile justice bill:

Trent Lott, Frank Murkowski, Chuck Hagel, Bill Frist, Jeff Sessions, Rick Santorum, Ben Nighthorse Campbell, Christopher Bond, Orrin G. Hatch, John Ashcroft, Robert F. Bennett, Pat Roberts, Jim Jeffords, Arlen Specter, Judd Gregg, and Connie Mack.

AMENDMENT NO. 1345 TO AMENDMENT NO. 1344

Mr. LOTT. Mr. President, I send an amendment to the desk to the pending substitute.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1345 to amendment No. 1344.

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

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

The amendment is as follows:

In the substitute add the following:

This bill will become effective 1 day after enactment.

Mr. LOTT. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1346 TO AMENDMENT NO. 1345

Mr. LOTT. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1346 to amendment No. 1345.

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

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

The amendment is as follows:

In the amendment to the substitute add the following:

The bill will become effective 2 days after enactment.

AMENDMENT NO. 1347

Mr. LOTT. Mr. President, I send an amendment to the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1347 to the language of the bill proposed to be stricken.

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

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

The amendment is as follows:

In the bill add the following:

The bill will become effective 3 days after enactment.

Mr. LOTT. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1348 TO AMENDMENT NO. 1347

Mr. LOTT. Finally, Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1348 to amendment No. 1347.

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

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

The amendment is as follows:

In the amendment to the bill add the following:

The bill will become effective 4 days after enactment.

Mr. LOTT. Mr. President, for the information of all Senators, I have filled the tree on the juvenile justice bill with the text of the Senate bill in an effort to send this bill to conference. The cloture vote on the pending amendment will occur on Wednesday morning.

I ask unanimous consent that the cloture vote occur at 9:45 a.m. on Wednesday and that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. It is interesting to note, Mr. President, that after a lot of concern or even complaints about the process of filling up the tree, here I am having to do that in order to go to conference. In this case, I am sure the Democrats and the Republicans support this effort so we can get this legislation to conference for its consideration. This is a perfect example of the majority leader sometimes having to use this type of technique.

Mr. LEAHY. Mr. President, I came to the floor last Wednesday to demonstrate the seriousness with which Senate Democrats take the matters included in S. 254, the Hatch-Leahy juvenile justice bill. I took the extraordinary step of propounding a unanimous-consent request to move the Senate to a House-Senate conference. I talked to the Majority Leader and the Chairman of the Judiciary Committee in advance of making the unanimous-consent request. I noted the history of this measure and the need to move to conference expeditiously if we are to have these programs in place before school resumes in the fall in the course of my colloquy with the Majority Leader last week.

The Hatch-Leahy juvenile justice bill, S. 254, passed the Senate after 2 weeks of open debate and after significant improvements over two months ago, on May 20, by a strong bipartisan vote of 73–25. More than one month ago, on June 17, the House passed its version of juvenile justice legislation but chose not to take up the Senate bill and insert its language, as is standard practice to move Congress toward a conference and final passage of legislation.

Instead, what the House did was wait until last week to send the Senate a ''blue slip'' returning S. 254 to the Senate on the ground that it contains what they consider a ''revenue provision'' that did not originate in the House. The provision they point to is the amendment to S. 254 that would amend the federal criminal code to ban the import of high capacity ammunition clips. Whatever the merits of that particular provision—and I will simply say that I did not support it—it appeared to me that the House had resorted to a procedural technicality to avoid a conference on juvenile justice legislation.

Two weeks ago, Republican leaders of the House and Senate were talking about appointing conferees by the end of that week. Instead, they took no action to move us toward a House-Senate conference but, instead, were moving us away from one. By propounding the unanimous consent last week, I was trying on behalf of congressional Democrats, to break the logjam. The unanimous consent would have cured the procedural technicality and would have resulted in the Senate requesting a conference and appointing conferees without further delay.

While I regret that Republican objection was made to my request last Wednesday, I note that it was repropounded by the Majority Leader the next day. I thank the Majority Leader for that. Unfortunately, even then, objection was made and the process is being extended from literally seconds into days and possibly weeks before we can conference this important matter.

Today, the Senate takes the first step outlined in my unanimous request, proceeding to take up the House-passed bill. Senators can cooperate in taking the additional steps outlined in my consent request to get to a conference and the Senate could proceed to appoint its conferees and request a conference without further delay, today. Alternatively, Senators can exercise their procedural rights to obstruct each step of the way and require a series of cloture petitions and votes. I hope that in the interests of school safety and enacting the many worthwhile programs in the Hatch-Leahy juvenile justice bill, they will begin to cooperate. The delay is costing us valuable time to get this juvenile justice legislation enacted before school resumes this fall. This is just plain wrong.

I spoke to the Senate before the July 4th recess about the need to press forward without delay on this bill. I contrasted the inaction on the juvenile justice bill with the swift movement on providing special legal protections to certain business interests. In just a few months, big business successfully lobbied for the passage of legislation to protection themselves against any accountability for actions or losses their products may cause to consumers. By contrast, some are dragging their feet and now actively obstructing the House and Senate from moving to appoint conferees on the juvenile justice bill that can make a difference in the lives of our children and families.

New programs and protections for school children could be in place when school resumes this fall. All of us—whether we are parents, grandparents, teachers, or policy makers are puzzling over the causes of kids turning violent in our country. The root causes are likely multifaceted. Nevertheless, the Hatch-Leahy juvenile justice bill is a firm and significant step in the right direction. The passage of this bill shows that when this body rolls up its sleeves and gets to work, we can make significant progress. But that progress will amount to naught if the House and Senate do not conference and proceed to final passage on a good bill.

Every parent, teacher and student in this country is concerned this summer about school violence over the last two years and worried about the situation they will confront this fall. Each one of us wants to do something to stop this violence. There is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. It is unfortunate that the Senate is not moving full speed ahead to seize this opportunity to act on balanced, effective juvenile justice legislation.

I want to be assured that after the hard work we all put into crafting a good juvenile justice bill, that we can go to a House-Senate conference that is

fair, full, and productive. We have worked too hard in the Senate for a strong bipartisan juvenile justice bill to simply shrug our shoulders when the House returns a juvenile justice bill rather than proceeding to a conference and a narrow minority in the Senate would rather we do nothing. I will be vigilant in working to maintain this bipartisanship and to press for action on this important legislation.

MORNING BUSINESS

Mr. LOTT. Mr. President, I now ask unanimous consent that there be a period for morning business, with Members able to speak for up to 10 minutes each.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I will announce that it is the intent of the majority leader to go to the Interior appropriations bill tomorrow morning. There are some procedures we are having to work through. I hope that can be accomplished overnight and we will be able to move to the Interior appropriations bill soon after morning business as possible on Tuesday. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

(The remarks of Ms. LANDRIEU and Mr. AKAKA pertaining to the introduction of S. 1434 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. LANDRIEU. Mr. President, I yield back the remainder of my time.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1436 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

TRIBUTE TO MAJ. GEN. PAUL V. HESTER, USAF

Mr. LOTT. Mr. President, I would like to take a moment today to recognize one of the finest officers in the United States Air Force, Major General Paul V. Hester. On July 30th, General Hester will leave his current job as Director of the Air Force Office of Legislative Liaison to take over the important posts of Commander, United States Forces, Japan; Commander, 5th Air Force; and Commander, United States Air Forces, Japan. During his time here in Washington—particularly with regard to his work on Capitol Hill—General Hester personified the Air Force core values of integrity, selfless service and excellence in all things. Many Senators and Staff enjoyed the opportunity to interact with him on a variety of important issues and came to appreciate his many talents. Today it is my privilege to recognize some of Paul's many accomplishments since he entered the military 27 years ago, and to commend the superb service he provided the Air Force, the Congress and our Nation.

Paul Hester entered the Air Force through the Reserve Officer Training Corps from my alma mater, the University of Mississippi. While at ''Ole Miss'', he completed both bachelor's and master's degrees in Business Administration. He earned his pilot wings in December of 1971 at Columbus Air Force Base, Mississippi and was then assigned to Davis-Monthan Air Force Base, Arizona, where he flew the A–7D Corsair. A short time later, he was deployed to Southeast Asia where he distinguished himself flying combat missions and earned five Air Medals for outstanding airmanship and courage. Over his career, General Hester demonstrated his skill in other fighter aircraft, including the F–4, F–15 and F–16, and logged more than 2,600 hours of flying time.

General Hester's exceptional leadership skills were always evident to his superiors and he repeatedly proved himself in numerous select command positions. While stationed at Langley Air Force Base, Virginia, he served as the commander of the 94th Fighter Squadron, Captain Eddie Rickenbacker's famed ''Hat in the Ring Gang.'' He was also the first Commander of the 18th Operations Group, Kadena Air Base, Japan; Commander of the 35th Fighter Wing at Misawa Air Base, Japan, and prior to his assignment here in Washington, Commander of the 53rd Wing, Eglin Air Force Base, Florida. At each and every one of these important posts, Paul Hester inspired the airmen under his command to achieve their best, and ensured our forces were sharpened and ready to undertake our warfighting commitments.

Paul Hester also excelled in a variety of key staff billets. He served in the Air Force Directorate of Plans at the Pentagon, and he was a member of the Commanders' Action Group, Headquarters Tactical Air Command, Langley Air Force Base, Virginia. He experienced joint duty as both the J–5 Division Chief to the Joint Staff and as the Joint Chiefs of Staff representative to the Organization for Security and Cooperation in Europe, Vienna, Austria. As a Lieutenant Colonel, he was selected as the Chief of the Air Force's Legislative Liaison Office to the U.S. House of Representatives. His performance in that important position is the reason he was brought back as a Major General to lead the entire legislative directorate for the Secretary of the Air Force.

During his service to the 105th and 106th Congresses, General Hester has been the liaison to the Air Force on a variety of readiness issues and most recently, ALLIED FORCE operations in Kosovo. His clear, concise, and timely information was instrumental in supporting our deliberations of National Security matters. He was a crucial voice for the Air Force in representing its many programs on the Hill. General Hester's leadership, professional abilities and expertise enabled him to foster excellent working relationships that benefitted both the Air Force and the Senate. Throughout the time I have known Paul, I have been impressed with his skill in working with the Congress to address Air Force priorities.

We were all pleased to see that Paul was recently nominated by the President for his third star, which will be pinned on by the Air Force Chief of Staff this Friday. I offer my congratulations to him, to his wife Lynda, and three children Leslie, Doug and Shelby. The Congress and the country applaud the selfless commitment his family has made to the Nation in supporting his military career.

I know I speak for all my colleagues in expressing my heartfelt appreciation to General Hester. He is a credit to both the Air Force and our great Nation. We wish our friend the best of luck and are confident of his continued success in his new command.

A REFLECTION ON JOHN F. KENNEDY JR.

Mr. MOYNIHAN. Mr. President, of the half-dozen great journalists who wrote of the Kennedy era, as we think of that Presidency, none was closer to those involved, where they had come from, who they were, who they wished to be than Martin F. Nolan of the Boston Globe. He has done so once again, in a moving reflection of the deaths of John F. Kennedy, Jr., his wife and her sister, entitled ''Life Goes on, but it'll Never be the Same.''

I ask unanimous consent that his reflections be printed in the CONGRESSIONAL RECORD

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

[From the Boston Globe]

LIFE GOES ON, BUT IT'LL NEVER BE THE SAME

(By Martin F. Nolan)

When Sander Vanocur, the former NBC correspondent, first heard the news, he recalled what John O'Hara, the Irish-American novelist, said on a hot July day in 1937. ''They tell me that George Gershwin is suddenly dead at 38. That's what they tell me, but I don't have to believe it if I don't want to.''

The composer and songwriter died of a brain tumor, a celebrity death which, like many, caused shock, disbelief, and grief among thousands, even millions, who had never met him.

The death of John F. Kennedy Jr. is different because of Americans' attitude about history. However imperfectly, they knew that the young man who perished with his wife and sister-in-law while approaching Martha's Vineyard was ''a part of history.''

The prayers, the sadness, the flowers in TriBeCa all flow to a clan whose rise to glory began on the margins of American society, an underdog dynasty. John F. Kennedy Jr. was born 17 days after his father became the first Roman Catholic president amid the

fears of millions that the White House would be an outpost of the Vatican. Friday, as his life is celebrated at a Mass at St. Thomas More Church is New York City, anti-Catholicism has almost vanished in America.

The Kennedy saga covers most of the century. John F. ''Honey Fitz'' Fitzgerald was elected to the US House of Representatives in 1894. One of his grandsons, John, became president; two more, Edward and Robert, became senators; and two of his great-grandsons, Joseph and Patrick, also have served in the House. A half-dozen Frelinghuysens from New Jersey have served in Congress, but only four from another Dutch dynasty, the Roosevelts. The grandchildren of Franklin Delano Roosevelt have known little political fame.

The future has always been Kennedy country and the greatest Kennedy success could lie among its women. Caroline Kennedy Schloseberg has been a key decision maker on many matters, including her father's library. Kathleen Kennedy Townsend, the lieutenant governor of Maryland, may possess as much charm and savvy as her father, Robert, her uncles and cousins, and even her grandfather.

The much-photographed Kennedys have been reviled and revered. In a society anxious about ''family values,'' theirs has been on exuberant display for four decades, along with those of the Bouviers, Shakels, Bennetts, Smiths, Lawfords, and Shrivers. (A large family means many in-laws.)

In a nation of small families, size matters. When Edward Kennedy barely escaped death in the crash of a small plane in 1964, his brother Robert visited him and remarked in that ruefully wry Kennedyesque way, ''I guess the reason my mother and father had so many children was that some of them would survive.''

Edward Kennedy, the ninth of nine, is, at 67, the sole surviving son, the patriarch, and an all-too-accomplished eulogist. The Kennedys' famous fatalism was once expressed by President Kennedy's citation of a French fisherman's prayer: ''Oh God, thy sea is so great and my boat is so small.'' Thursday's burial was private and at sea off Cape Cod, that slip of land of which Henry David Thoreau said in 1865: ''A man may stand there and put all America behind him.''

The America John F. Kennedy Jr. leaves behind is one in which the median age is younger than his at his death. The vast majority of his fellow citizens have no contemporary memory of his father's violent death in 1963 nor that of his uncle in 1968. The grief of the Kennedys has been vivid in the nation's tribal memory as only a photograph or a video image, but no less vivid for being so.

Stanley Tretick, who died last week at 77, was a photographer for Look magazine. One of his most famous pictures was of the President Kennedy's young son climbing through a desk in the Oval Office. ''The Kennedys are great, but you have to do things their way,'' Tretick once said.

The Kennedys stage-managed their own public image in the days before 24-hour cable channels and the vast hordes of paparazzi that their fame and glamour enticed. The Hyannis Port family compound this week has been a logo for media fascination with one family's grief.

The old Latin liturgy once included an Augustinian admonition, ''Vita mutatur non tollitur''—''Life is changed not taken away.'' That belief sustains those of faith, in addition, there's always the Irish wake tradition of stories and memories, happy and sad.

Arthur N. Schlessinger Jr. wrote in ''A Thousand Days'' of how a young assistant secretary of labor, Daniel Patrick Moynihan, reacted to President Kennedy's death. ''I don't think there's any point in being Irish if you don't know that the world is going to break your heart eventually. I guess that we thought we had a little more time,'' Moynihan said. ''Mary McGrory said to me that we'll never laugh again. And I said, 'Heavens, Mary. We'll laugh again. It's just that we'll never be young again.' ''

Across America and the world, many people feel a lot less young than they did a week ago.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, July 23, 1999, the Federal debt stood at $5,636,001,455,884.82 (Five trillion, six hundred thirty-six billion, one million, four hundred fifty-five thousand, eight hundred eighty-four dollars and eighty-two cents).

One year ago, July 23, 1998, the Federal debt stood at $5,537,084,000,000 (Five trillion, five hundred thirty-seven billion, eighty-four million).

Fifteen years ago, July 23, 1984, the Federal debt stood at $1,534,379,000,000 (One trillion, five hundred thirty-four billion, three hundred seventy-nine million).

Twenty-five years ago, July 23, 1974, the Federal debt stood at $474,854,000,000 (Four hundred seventy-four billion, eight hundred fifty-four million) which reflects a debt increase of more than $5 trillion—$5,161,147,455,884.82 (Five trillion, one hundred sixty-one billion, one hundred forty-seven million, four hundred fifty-five thousand, eight hundred eighty-four dollars and eighty-two cents) during the past 25 years.

FUNDING FOR EMBASSY SECURITY

Mr. BIDEN. Mr. President, last week the Senate passed S. 1217, the Commerce, Justice, State appropriations bill. I want to take a minute now to express my serious concerns about the low level of funding for embassy security contained in the bill.

Just about one year ago, two United States embassies in East Africa were destroyed by terrorist bombs, killing hundreds of people and injuring thousands. The bombings underscored the great vulnerability of our diplomatic missions. In response, Congress promptly provided $1.4 billion in emergency funding to rebuild the two embassies and to take other urgent steps to bolster security at overseas missions.

Soon thereafter, two panels were convened by the Secretary of State to review the bombings. The two commissions were chaired by retired Admiral William Crowe, the former Chairman of the Joint Chiefs of Staff and former Ambassador to the United Kingdom. The Crowe commissions recommended that the U.S. government devote $1.4 billion per year for each of the next ten years to security.

Unfortunately, the legislation before the Senate falls far short of what the Crowe commissions recommended. The bill appropriates just $300 million for security in the State Department operations accounts, and just $110 million for security in the capital account. But of this latter amount, only $36 million is provided for construction or renovation of new embassies—$264 million below the President's request. Moreover, the bill rescinds $58 million in previously-appropriated funds in this same account. Neither the bill nor the Committee report explains how these funds will be restored to meet continuing and future needs.

Finally, the bill denies the Administration's request for $3.6 billion in advance funding for capital projects for Fiscal Years 2001 to 2005. The Department based this request on bitter experience. In the mid-1980s, after a commission chaired by Admiral Bobby Inman recommended massive increases in embassy security, Congress initially responded by providing significant funding and significant promises. But as the years passed, security became a second-order priority; the requested funding for security was denied by Congress, and some of the money that had been allocated for security was either rescinded by Congress or redirected to other priorities. By the mid-1990s, the Inman Commission report was collecting dust on government bookshelves, its recommendations barely recalled, and funding for security had been reduced considerably.

So, understandably, the State Department is skeptical that the grand promises made in the wake of the embassy bombings will be fulfilled. With considerable justification, the State Department experts have told Congress that it can best move forward on a sensible and rational construction program if it can be assured in advance of the necessary funds. Otherwise, the Department of State rightly fears, we will see a repeat of the experience after the Inman Commission.

The Committee on Foreign Relations, and then the full Senate, responded to this plea by providing a $3 billion authorization over five years in S. 886, the Foreign Relations Authorization Act. But that was just the first step. The authorization will be useless without appropriations. Unfortunately, the Committee on Appropriations has ignored the State Department's request in this bill.

I believe this bill breaks faith with the bold promises that were made in the wake of the embassy bombings last summer. We need to do much, much more to protect our dedicated public servants working overseas. I strongly urge the chairman and ranking member to look for additional resources to fund this important account, without compromising the other important foreign affairs accounts.

THE HATE CRIMES PREVENTION ACT OF 1999

Mr. LEAHY. Mr. President, one of the most significant amendments adopted by the Senate in consideration

of the Commerce, Justice, State and the Judiciary Appropriations Act for Fiscal Year 2000 is the Hate Crimes Prevention Act. I commend Senator KENNEDY for his leadership in this effort and on this bill, and I am proud to have been an original cosponsor. This legislation amends the federal hate crimes statute to make it easier for federal law enforcement officials to investigate and prosecute cases of racial and religious violence. It also focuses the attention and resources of the federal government on the problem of hate crimes committed against people because of their sexual preference, gender, or disability.

Violent crime motivated by prejudice demands attention from all of us. It is not a new problem, but recent incidents of hate crimes have shocked the American conscience. Just this month, an adherent of a white supremacist group killed two people and wounded nine others in a shooting rampage in Illinois and Indiana that was apparently motivated by racial and religious hate. Billy Jack Gaither, 39, was beaten to death in Alabama because he was gay. Matthew Sheppard, 21, was left to die on a fence in Wyoming because he was gay. James Byrd, Jr., 49, a father of three, was dragged to his death behind a pickup truck in Texas because he was black. These are sensational crimes, the ones that focus public attention. But there also is a toll we are paying each year in other hate crimes that find less notoriety, but with no less suffering for the victims and their families.

It remains painfully clear that we as a nation still have serious work to do in protecting all Americans from these crimes and in ensuring equal rights for all our citizens. The answer to hate and bigotry must ultimately be found in increased respect and tolerance. But strengthening our federal hate crimes legislation is a step in the right direction. Bigotry and hatred are corrosive elements in any society, but especially in a country as diverse and open as ours. We need to make clear that a bigoted attack on one or some of us diminishes each of us, and it diminishes our nation. As a nation, we must say loudly and clearly that we will defend ourselves against such violence.

All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted federal laws to protect the civil rights of all of our citizens for more than 100 years. This continues that great and honorable tradition.

Several of us come to this issue with backgrounds in local law enforcement. We support local law enforcement and work for initiatives that assist law enforcement. It is in this vein as well that I support the Hate Crimes Prevention Act, which has received strong bipartisan support from state and local law enforcement organizations across the country.

The bill has been materially improved since its introduction on March 16th. At that time, I questioned whether the bill was sufficiently respectful of state and local law enforcement interests and cautioned against federalizing prohibitions that may already exist at the state and local level. The Senate-passed bill includes a new certification requirement, which provides that the Federal government may only step in where the State has not assumed jurisdiction, the State has requested that the federal government assume jurisdiction, or the State's actions are likely to leave unvindicated the Federal interest in eradicating bias-motivated violence. I am satisfied that this provision will ensure that the Hate Crimes Prevention Act operates as intended, strengthening Federal jurisdiction over hate crimes as a back-up, but not a substitute, for state and local law enforcement.

The Hate Crimes Prevention Act gives us a formidable tool for combating acts of violence motivated by race, color, national origin, religion, sexual orientation, gender, or disability. I urge its speedy passage into law.

SENATE QUARTERLY MAIL COSTS

Mr. MCCONNELL. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriations for official mail expenses and a summary tabulation of Senate mass mail costs for the first and second quarter of FY99 to be printed in the RECORD. The first and second quarters of FY99 cover the periods of October 1, 1998, through December 31, 1998, and January 1, 1999 through March 31, 1999. The official mail allocations are available for franked mail costs, as stipulated in Public Law 105–275, the Legislative Branch Appropriations Act of 1999.

I ask unanimous consent that the frank mail allocations and summary tabulation be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Senators	FY 99 Official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending December 12, 1998				Senate quarterly mass mail volumes and costs for the quarter ending March 31, 1999			
		Total pieces	Pieces per capita	Total cost	Cost per capita	Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$111,746	0	0	$0.00	0	0	0	$0.00	0
Akaka	34,648	0	0	0.00	0	0	0	0.00	0
Allard	63,266	0	0	0.00	0	0	0	0.00	0
Ashcroft	77,190	0	0	0.00	0	0	0	0.00	0
Baucus	33,847	0	0	0.00	0	23,970	0.0300	21,348.57	0.02672
Bayh	60,223	0	0	0.00	0	0	0	0.00	0
Bennett	40,959	0	0	0.00	0	0	0	0.00	0
Biden	31,559	0	0	0.00	0	0	0	0.00	0
Bingaman	41,646	0	0	0.00	0	0	0	0.00	0
Bond	77,190	0	0	0.00	0	0	0	0.00	0
Boxer	301,322	0	0	0.00	0	0	0	0.00	0
Breaux	66,514	0	0	0.00	0	0	0	0.00	0
Brownback	49,687	0	0	0.00	0	0	0	0.00	0
Bryan	41,258	0	0	0.00	0	0	0	0.00	0
Bumpers	13,218	0	0	0.00	0	0	0	0.00	0
Bunning	46,853	0	0	0.00	0	0	0	0.00	0
Burns	33,857	0	0	0.00	0	4,295	0.00538	3,399.30	0.00425
Byrd	43,560	0	0	0.00	0	0	0	0.00	0
Campbell	63,266	0	0	0.00	0	0	0	0.00	0
Chafee	34,307	0	0	0.00	0	0	0	0.00	0
Cleland	95,484	0	0	0.00	0	0	0	0.00	0
Coats	21,139	0	0	0.00	0	0	0	0.00	0
Cochran	50,337	0	0	0.00	0	0	0	0.00	0
Collins	37,775	0	0	0.00	0	0	0	0.00	0
Conrad	31,000	198,640	0.31096	30,318.17	0.04746	37,870	0.05928	6,075.13	0.00951
Coverdell	95,484	0	0	0.00	0	0	0	0.00	0
Craig	35,841	0	0	0.00	0	3,000	0.0298	568.71	0.00056
Crapo	27,070	0	0	0.00	0	0	0	0.00	0
D'Amato	183,036	0	0	0.00	0	0	0	0.00	0
Daschle	31,638	0	0	0.00	0	0	0	0.00	0
DeWine	132,302	5,182	0.00048	4,549.16	0.00042	3,130	0.00029	2,072.47	0.00019
Dodd	56,116	0	0	0.00	0	0	0	0.00	0
Domenici	41,646	0	0	0.00	0	0	0	0.00	0
Dorgan	31,000	0	0	0.00	0	0	0	0.00	0
Durbin	128,275	0	0	0.00	0	0	0	0.00	0
Edwards	76,489	0	0	0.00	0	0	0	0.00	0
Enzi	29,891	0	0	0.00	0	0	0	0.00	0
Faircloth	29,275	0	0	0.00	0	0	0	0.00	0
Feingold	72,089	0	0	0.00	0	0	0	0.00	0
Feinstein	301,322	0	0	0.00	0	0	0	0.00	0
Fitzgerald	97,925	0	0	0.00	0	0	0	0.00	0

Senators	FY 99 Official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending December 12, 1998				Senate quarterly mass mail volumes and costs for the quarter ending March 31, 1999			
		Total pieces	Pieces per capita	Total cost	Cost per capita	Total pieces	Pieces per capita	Total cost	Cost per capita
Ford	16,353	0	0	0.00	0	0	0	0.00	0
Frist	76,208	0	0	0.00	0	0	0	0.00	0
Glenn	35,757	0	0	0.00	0	0	0	0.00	0
Gorton	78,087	1,410	0.00029	192.02	0.00004	0	0	0.00	0
Graham	182,107	0	0	0.00	0	0	0	0.00	0
Gramm	204,461	0	0	0.00	0	2,551	0.00015	902.37	0.00005
Grams	67,542	5,800	0.00133	1,169.33	0.00027	23,558	0.00538	10,939.04	0.00250
Grassley	52,115	0	0	0.00	0	0	0	0.00	0
Gregg	35,947	0	0	0.00	0	0	0	0.00	0
Hagel	40,350	0	0	0.00	0	133,000	0.0846	24,409.19	0.01546
Harkin	52,115	0	0	0.00	0	0	0	0.00	0
Hatch	40,959	0	0	0.00	0	0	0	0.00	0
Helms	100,311	0	0	0.00	0	0	0	0.00	0
Hollings	61,281	0	0	0.00	0	0	0	0.00	0
Hutchinson	50,285	0	0	0.00	0	0	0	0.00	0
Hutchison	204,461	0	0	0.00	0	0	0	0.00	0
Inhofe	58,788	0	0	0.00	0	0	0	0.00	0
Inouye	34,648	0	0	0.00	0	0	0	0.00	0
Jeffords	30,740	0	0	0.00	0	18,439	0.03277	7,600.92	0.01351
Johnson	31,638	0	0	0.00	0	0	0	0.00	0
Kempthorne	9,246	0	0	0.00	0	0	0	0.00	0
Kennedy	82,469	3,000	0.00050	1,036.89	0.00017	5,678	0.00094	2,019.95	0.00034
Kerrey	40,350	0	0	0.00	0	0	0	0.00	0
Kerry	82,469	0	0	0.00	0	0	0	0.00	0
Kohl	72,089	0	0	0.00	0	0	0	0.00	0
Kyl	68,434	0	0	0.00	0	0	0	0.00	0
Landrieu	66,514	78,000	0.01848	13,801.20	0.00327	0	0	0.00	0
Lautenberg	97,304	0	0	0.00	0	0	0	0.00	0
Leahy	30,740	1,128	0.00200	901.17	0.00160	3,123	0.00555	2,499.77	0.00444
Levin	111,476	0	0	0.00	0	2,000	0.00022	403.63	0.00004
Lieberman	56,116	0	0	0.00	0	0	0	0.00	0
Lincoln	38,142	0	0	0.00	0	0	0	0.00	0
Lott	50,337	0	0	0.00	0	0	0	0.00	0
Lugar	79,091	0	0	0.00	0	0	0	0.00	0
Mack	182,107	0	0	0.00	0	0	0	0.00	0
McCain	68,434	0	0	0.00	0	0	0	0.00	0
McConnell	61,650	0	0	0.00	0	0	0	0.00	0
Mikulski	71,555	0	0	0.00	0	0	0	0.00	0
Moseley-Braun	128,275	0	0	0.00	0	0	0	0.00	0
Moynihan	183,036	0	0	0.00	0	0	0	0.00	0
Murkowski	30,905	0	0	0.00	0	0	0	0.00	0
Murray	78,087	0	0	0.00	0	1,300	0.00027	433.14	0.00009
Nickles	58,788	0	0	0.00	0	702	0.00022	564.90	0.00018
Reed	34,307	0	0	0.00	0	0	0	0.00	0
Reid	41,258	0	0	0.00	0	0	0	0.00	0
Robb	87,385	0	0	0.00	0	0	0	0.00	0
Roberts	49,687	0	0	0.00	0	0	0	0.00	0
Rockefeller	43,560	0	0	0.00	0	0	0	0.00	0
Roth	31,559	0	0	0.00	0	0	0	0.00	0
Santorum	138,265	0	0	0.00	0	0	0	0.00	0
Sarbanes	71,555	0	0	0.00	0	9,300	0.00195	2,039.43	0.00043
Schumer	139,902	0	0	0.00	0	0	0	0.00	0
Sessions	67,265	0	0	0.00	0	0	0	0.00	0
Shelby	67,265	0	0	0.00	0	0	0	0.00	0
Smith, Gordon	56,383	0	0	0.00	0	0	0	0.00	0
Smith, Robert	35,947	0	0	0.00	0	0	0	0.00	0
Snowe	37,755	0	0	0.00	0	0	0	0.00	0
Specter	138,265	0	0	0.00	0	0	0	0.00	0
Stevens	30,905	0	0	0.00	0	0	0	0.00	0
Thomas	29,891	4,052	0.00893	3,488.32	0.00769	0	0	0.00	0
Thompson	76,208	0	0	0.00	0	0	0	0.00	0
Thurmond	61,281	0	0	0.00	0	0	0	0.00	0
Torricelli	97,304	7,585	0.00098	6,746.15	0.00087	8,410	0.00109	7,622.56	0.00098
Voinovich	101,012	0	0	0.00	0	0	0	0.00	0
Warner	87,385	0	0	0.00	0	0	0	0.00	0
Wellstone	67,42	0	0	0.00	0	0	0	0.00	0
Wyden	56,383	0	0	0.00	0	915	0.00032	723,80	0.00025
Total		304,797	0.34394	62,202.41	0.06179	281,241	0.23104	93.622.88	0.07952

Mr. TORRICELLI. Mr. President, I rise today to thank Chairman GREGG and Senator HOLLINGS for accepting an amendment I offered to the FY2000 Commerce, Justice, State Appropriations bill that will provide $500,000 for a truck safety program in New Jersey. This critical initiative will allow the State Police to finally purchase much needed portable scales and accompanying computer equipment that will enable them to better monitor and control large trucks that utilize local roads.

This amendment was necessary because more than 5,300 people, including 660 children, died in highway crashes with big trucks last year, and the number of carriers on local roads throughout the nation continues to rise. This problem has become particularly acute in New Jersey. For example, Route 31 in the northwest part of the state previously accommodated several hundreds trucks a day. That number has now grown to well over 3,000 trucks a day, and four people have died in truck related accidents on this road in the past 24 months.

In order to increase safety through improved enforcement efforts, I introduced this amendment to provide the New Jersey State Police with the modern equipment necessary to effectively regulate these oversized vehicles. This additional funding will be used to purchase almost 120 new mobile truck scales and 60 mobile data computers. The current scales, which often break down and require heavy, outdated batteries, will be replaced with lighter scales that are maintenance free. The new computers, which can be mounted in trooper's vehicles, would allow the police direct access to the Commercial Vehicle Information Safety Network and enable them to perform immediate checks on truckers who are violating the law.

This new equipment will go a long way towards keeping these oversized carriers off of smaller, undivided local roads and will send a strong message that we remain committed to protecting our communities. Again, I am grateful to Senators GREGG and HOLLINGS for their support.

EU HUSHKIT BAN

Mr. GORTON. Mr. President, I rise today to introduce a sense of the Senate amendment regarding the recent unilateral action of the EU effectively banning hushkitted and re-engineered aircraft from operating in European Union states. If this rule is implemented on May 1, 2000 it will have a discriminatory impact on U.S. carriers and equipment manufacturers, not to mention setting a bad precedent for action by countries or groups of countries outside of the established International Civil Aviation Organization (ICAO) standards-setting process.

This legislation was adopted by the EU on April 29, 1999, but implementation was delayed until May 2000 to

allow U.S. and EU representatives to work out the framework of a new, more stringent global aircraft noise standard within ICAO. The Federal Aviation Administration and the State Department have been in negotiations with the EU on the eventual withdraw of this unfair and discriminatory statute.

Many of my colleagues have seen recent efforts by the European Union to gain the upper hand over the United States in matters of trade. Aviation has proven to be no different. And this is deeply troubling, because aviation is not only a primary source of a favorable balance of trade for the United States, but, because of its global reach, represents an area where international standards are crucial to facilitating that commerce among nations. Yet, as I stated earlier, the EU has acted to preempt U.S. air carriers and carriers from other parts of the world from serving points in Europe with certain hushkitted or re-engineered aircraft. This restriction applies even though those aircraft fully comply with Stage 3 international noise standards adopted by the International Civil Aviation Organization (ICAO).

This European regulation, although its implementation has been deferred until May 2000, has already created financial hardships for U.S. aerospace manufacturers and airlines. It must be withdrawn or we will see a continued impact on U.S. jobs and profits. Modifying the rule or deferring its implementation for an added period of time will not offer the relief needed by U.S. aviation interests—the financial markets simply do not respond favorably to uncertainty. The U.S. government has engaged in extensive discussions with the European Council for the past year, without achieving a commitment to a repeal of this rule, which I might add expressly protects European aviation interests. The time has come to achieve a timely resolution of this problem through action.

The Sense of the Senate resolution I offer today cites the need for complying with international standards in the aviation arena and highlights the problems the rule is causing for U.S. manufacturers and operators. Failing an early commitment by the Europeans to withdraw this arbitrary and discriminatory rule, the resolution calls upon the Department of State to initiate an Article 84 proceeding before ICAO. It is my understanding that this type of proceeding is not a sanctions mechanism, but instead affords a process that provides an opportunity for the international aviation body to rule on whether this regulation complies with international aviation standards.

This Sense of the Senate further calls upon other agencies of the executive branch to use the tools at their disposal as well to achieve the early repeal of this rule. There is a broader point to be made as well, which is that, without restoring credibility to the international aviation standards process, we can have little or no confidence about any future international standards adopted by the international aviation community through ICAO. That is a very dangerous precedent for the global aviation environment in the future.

MAYOR'S PETITION ON THE NO_X SIP CALL

Mr. VOINOVICH. Mr. President, last year, EPA finalized the NO_X SIP call, forcing 22 states to submit plans to meet mandated reductions of nitrogen oxide (NO_X) emissions. Our nation's mayors are concerned that the SIP call will have adverse effects on brownfields redevelopment and economic growth.

Earlier this year, the National Conference of Black Mayors and the U.S. Conference of Mayors held their annual conferences. Over 100 mayors from around the country signed a petition calling on the U.S. Environmental Protection Agency to provide utility energy providers with maximum flexibility and the leadtime necessary to avoid higher energy costs to municipalities and local communities, including industrial and residential consumers.

The mayors are asking U.S. EPA to reconsider how the deadlines set in the NO_X SIP call could affect electricity reliability in urban and rural areas. In essence our mayor's are saying that any new programs to control NO_X emission must be weighed against potential economic adverse implications.

Mr. President, the U.S. Court of Appeals issued a stay of EPA's NO_X SIP call pending a decision on the lawsuit brought by states. Nonetheless, the Mayors' petition represents a commonsense plea to EPA that, should the agency move forward to implement NO_X reductions, that it do so in a way that allows for compliance in a cost-effective manner that does not adversely impact economic growth or significantly increase utility prices to consumers.

I ask unanimous consent that the petition be printed in the RECORD.

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

PETITION

EPA OZONE TRANSPORT NO_X SIP CALL

As part of its Ozone Transport initiative, the Environmental Protection Agency (EPA) has finalized a rulemaking forcing States to submit Implementation Plans (SIPs) to meet mandated reductions of oxides of nitrogen (NO_X) emissions in the Agency's effort to control inter-state ozone transport impacts. The rule focuses on 22 mid-eastern States, with the likelihood that EPA will expand the application of the rule to several additional States.

Several States have joined in litigation challenging the EPA rule on grounds that it is contrary to congressional intent, an abuse of Agency discretion and disregards traditional Federal/State relationships. EPA has even taken the unprecedented step of threatening to impose its own Federal Implementation Plan (FIP) in the absence of acceptable State action. Several additional States are considering whether to file an amicus brief in support of the Complaint. The U.S. Court of Appeals recently stayed EPA's NO_X SIP Call pending appeal of the Court's decision setting aside EPA's new Ozone and Particulate Matter standards.

One element of the rule would force local utilities to control NO_X emissions at levels unprecedented to date. The reductions are of a magnitude that will require capital intensive technology with likely significant passthrough costs to energy consumers. The unavoidable consequence will be higher energy costs to municipalities and local communities, including industrial and residential consumers alike. As rural and urban communities seek investment to spur economic growth, the shadow of higher energy costs could have significant adverse effects on Brownfields redevelopment and rural/urban revitalization generally.

The EPA compliance deadline are so stringent that electric utilities could be forced to shut down generating plants to install the necessary control equipment within a very short time. This could result in a temporary disruption of electricity supply.

Significant NO_X emissions reductions will continue to be realized under *existing* mobile and stationary control programs as the Clean Air Act continues to be implemented thus minimizing the need, if any, for such potentially disruptive requirements as called for in the EPA NO_X rule. This is especially true for local areas in the mid-east that are dealing effectively with ozone compliance challenges. Any new control programs, before being implemented, must be weighed against the potential adverse implications for local rural and urban communities.

Accordingly, by our signatures below, we collectively call on EPA to reconsider the NO_X rule in light of these concerns. In light of the Court's stay of the NO_X SIP Call, at a minimum, we urge EPA to provide maximum flexibility to and address lead-time needs of utility energy providers so as to minimize potential adverse economic consequences to local rural and urban communities. Further, we call on EPA to restore balance and cooperation between states and EPA so that States can comply with the rule while protecting their rights to determine the best methods of doing so.

Finally, we direct that copies of this Petition be provided to the President, the Vice President, Members of Congress, Governors and other local officials as are appropriate.

Alabama: Moses, Walter S. Hill.

Arkansas: North Little Rock, Patrick H. Hayes; Marianna, Robert Taylor; Sunset, James Wilburn.

California: Alameda, Ralph J. Appezzato; Fairfield, George Pettygrove; Fresno, Jim Patterson; Inglewood, Rosevelt F. Dorn; Modesto, Richard A. Lang; Turlock, Dr. Curt Andre; Westminster, Frank G. Fry.

Florida: Eatonville, Anthony Grant; Gretna, Anthony Baker; North Lauderdale, Jack Brady; South Bay, Clarence Anthony; Tamarac, Joe Schreiber; Titusville, Larry D. Bartley.

Georgia: Augusta, Bob Young; Dawson, Robert Albritten; East Point, Patsy Jo Hiliard; Savannah, Floyd Adams, Jr.; Stone Mountain, Chuck Burris.

Guam: Santa Nita, Joe C. Wesky; Yigo, Robert S. Lizama.

Illinois: Brooklyn, Ruby Cook; Carol Stream, Ross Ferraro; Centreville, Riley L. Owens III; Dekalb, Bessie Chronopoulos; East St. Louis, Gordon Bush; Evanston, Lorraine H. Morton; Glendale Heights, J. Ben Fajardo; Lincolnwood, Madeleine Grant; Robbins, Irene H. Brodie; Rockford, Charles E. Box; Sun River Terrace, Casey Wade, Jr.

Indiana: Carmel, Jim Brainard; Fort Wayne, Paul Helmke.

Louisiana: Boyce, Julius Patrick, Jr.; Chataignier, Herman Malveaux; Cullen,

Bobby R. Washington; Jeanerette, James Alexander, Sr.; Napoleonville, Darrell Jupiter, Sr.; New Orleans, Marc Morial; St. Gabriel, George L. Grace; White Castle, Maurice Brown.

Maine: Lewiston, Kaileigh A. Tara.

Maryland: Seat Pleasant, Eugene F. Kennedy.

Massachusetts: Leominster, Dean J. Mazzarella; Taunton, Robert G. Nunes.

Michigan: Detroit, Dennis Archer; Garden City, James L. Barker; Inkster, Edward Bevins; Muskegon Heights, Robert Warren; Taylor, Gregory E. Pitoniak.

Minnesota: Rochester, Charles J. Canfield; Saint Paul, Nori Coleman.

Mississippi: Fayette, Roger W. King; Glendora, Johnny Thomas; Laurel, Susan Boone Vincent; Marks, Dwight F. Barfield; Pace, Robert Le Flore; Shelby, Erick Holmes; Tutwiler, Robert Grayson; Winstonville, Milton Tutwiler.

Missouri: Kinloch, Bernard L. Turner, Sr.

Nebraska: Omaha, Hal Daub.

New Jersey: Chesilhurst, Arland Poindexter; Hope, Timothy C. McDonough; Newark, Sharpe James; Orange, Muis Herchet.

New York: Hempstead, James A Garner; Rochester, William A. Johnson, Jr.; White Plains, Joseph Delfino.

North Carolina: Charlotte, Pat McCrory; Durham, Nicholas J. Tennyson; Greenevers, Alfred Dixon.

North Dakota: Fargo, Bruce W. Furness.

Ohio: Columbus, Greg Lashutka; Lyndhurst, Leonard M. Creary; Middleburg Heights, Gary W. Starr.

Oklahoma: Muskogee, Jim Bushnell; Oklahoma City, Kirk D. Humphrey; Tatums, Cecil Jones.

Oregon: Tualatin, Lou Ogden.

Rhode Island: Providence, V.A. Cianci, Jr.

South Carolina: Andrews, Lovith Anderson, Sr.; Greenwood, Floyd Nicholson.

Tennessee: Germantown, Sharon Goldsworthy; Knoxville, Victor Ashe.

Texas: Ames, John White; Arlington, Elzie Odom; Beaumont, David Moore; Bedford, Richard D. Hurt; Euless, Mary Lib Salem; Hurst, Bill Souder; Hutchens, Mary Washington; Kendleton, Carolyn Jones; Kyle, James Adkins; North Richland Hills, Charles Scoma; Port Arthur, Oscar G. Ortiz; Waxahachee, James Beatty.

Virginia: Portsmouth, Dr. James W. Holley III.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

REPORT ON PROGRESS TOWARD ACHIEVING BENCHMARKS IN BOSNIA—MESSAGE FROM THE PRESIDENT—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

As required by section 7 of Public Law 105–174, the 1998 Supplemental Appropriations and Rescissions Act, I transmit herewith a 6-month periodic report on progress made toward achieving benchmarks for a sustainable peace process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 23, 1999*.

REPORTS ENTITLED ''MOTOR VEHICLE SAFETY'' AND ''HIGHWAY SAFETY'' FOR CALENDAR YEARS 1996—MESSAGE FROM THE PRESIDENT—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I transmit herewith the 1996 calendar year reports as prepared by the Department of Transportation on activities under the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 26, 1999*.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1427. A bill to authorize the Attorney General to appoint a special counsel to investigate or prosecute a person for a possible violation of criminal law when the Attorney General determines that the appointment of a special counsel is in the public interest.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated on July 22, 1999:

EC–4291. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled ''Central and Southern Florida Project-Comprehensive Review Study''; to the Committee on Environment and Public Works.

EC–4292. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated July 12, 1999; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Energy and Natural Resources, and to the Committee on Foreign Relations.

EC–4293. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Compromises'' (TD 8829), received July 19, 1999; to the Committee on Finance.

EC–4294. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''T.D. 8828, Electronic Funds Transfers of Federal Deposits'' (RIN1545–AW41), received July 12, 1999; to the Committee on Finance.

EC–4295. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''August 1999 Applicable Federal Rates'' (Revenue Ruling 99–32), received July 19, 1999; to the Committee on Finance.

EC–4296. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled ''1999 Federal Financial Management Status Report and Five-Year Plan'', dated June 1999; to the Committee on Governmental Affairs.

EC–4297. A communication from the Deputy Director for Support, Personal and Family Readiness Division, U.S. Marine Corps, Department of the Navy, transmitting, pursuant to law, a report entitled ''Retirement Plan for Civilian Employees of the United States Marine Corps Morale, Welfare and Recreation Activities; The Morale, Welfare and Recreation Support Activity and Miscellaneous Nonappropriated Fund Instrumentalities'', dated June 1999; to the Committee on Governmental Affairs.

EC–4298. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to Physicians Comparability Allowances; to the Committee on Governmental Affairs.

EC–4299. A communication from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the annual report for calendar year 1998 of the Resolution Funding Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC–4300. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Call for Large Position Reports,'' received July 13, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4301. A communication from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Export Administration Regulations; Commerce Control List: Revisions to Categories 1, 2, 3, 4, 5, 6, 7, and 9 Based on Wassenaar Arrangement Review'' (RIN0694–AB86), received July 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4302. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''21 CFR Part 712; Credit Union Service Organizations,'' received July 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4303. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''21 CFR Part 712; Credit Union Service Organizations,'' received July 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4304. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for calendar year 1998 for the Orphans Products Board; to the Committee on Health, Education, Labor, and Pensions.

EC–4305. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Criteria and Procedures for DOE Contractor Employee Protection Program'' (RIN1901–AA78), received July 16, 1999; to the Committee on Energy and Natural Resources.

EC–4306. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Conference Management'' (N 110.3), received July 16, 1999; to the Committee on Energy and Natural Resources.

EC–4307. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Deviations, Local Clauses, Uniform Contract Format, and Clause Matrix'' (AL 99–05), received July 16, 1999; to the Committee on Energy and Natural Resources.

EC–4308. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report for calendar year 1998 relative to Low-Level Radioactive Waste Management Progress; to the Committee on Energy and Natural Resources.

EC–4309. A communication from the General Counsel, the Presidio Trust, transmitting, pursuant to law, the draft of a proposed rule entitled ''Management of the Presidio: Environmental Quality,'' received July 19, 1999; to the Committee on Energy and Natural Resources.

EC–4310. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney JT9D Series Turbofan Engines; Docket No. 98–ANE–31 (7–16/7–19)'' (RIN2120–AA64) (1999–0273), received July 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4311. A communication from the Senior Analyst, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Passenger Tariff-Filing Requirements Exemption'' (RIN2105–AC61), received July 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4312. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Adoption of Consensus Standards for Breakout Tanks'' (RIN2137–AC11), received July 19, 1999; to the Committee on Commerce, Science, and Transportation.

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated on July 26, 1999:

EC–4313. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services under a contract in the amount of $22,000,000 with Italy and Spain; to the Committee on Foreign Relations.

EC–4314. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement for the export of defense services under a contract in the amount of $50,000,000 or more with the United Kingdom; to the Committee on Foreign Relations.

EC–4315. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–4316. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to France; to the Committee on Foreign Relations.

EC–4317. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to France and the United Kingdom; to the Committee on Foreign Relations.

EC–4318. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report relative to commercial and industrial functions performed by contractors during fiscal year 1998; to the Committee on Armed Services.

EC–4319. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report entitled ''Pilot Program for Revitalizing the Laboratories and Test Evaluation Centers of the Department of Defense,'' dated May 1999; to the Committee on Armed Services.

EC–4320. A communication from the Director, Administration and Management, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of the Under Secretary of the Air Force, the designation of an Acting Under Secretary, and the nomination of an Under Secretary; to the Committee on Armed Services.

EC–4321. A communication from the Secretary of Defense, transmitting the report of a retirement; to the Committee on Armed Services.

EC–4322. A communication from the Alternate Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''CHAMPUS Extension of the Active Duty Dependents Dental Plan to Overseas Areas'' (RIN0720–AA36), received July 21, 1999; to the Committee on Armed Services.

EC–4323. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the semi-annual ''Monetary Policy Report,'' dated July 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4324. A communication from the Executive Director, Committee for the Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule entitled ''Additions to and Deletions from the Procurement List,'' received July 6, 1999; to the Committee on Governmental Affairs.

EC–4325. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–4326. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Veterans Education: Effective Date for Reducing Educational Assistance'' (RIN2900–AJ39), received July 21, 1999: to the Committee on Veterans' Affairs.

EC–4327. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption'' (98F–0894), received July 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4328. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption'' (98F–0894), received July 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4329. A communication from the General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled ''AmeriCorps Education Awards'' (RIN3045–AA09), received July 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4330. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly Regulation; Removal of Regulated Areas'' (Docket No. 98–082–5), received July 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4331. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Licensing Requirements for Dogs and Cats'' (Docket No. 97–018–4), received July 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4332. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cut Flowers'' (Docket No. 98–021–2), received July 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4333. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Addition to Quarantined Areas'' (Docket No. 95–086–3), received July 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4334. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Part 47—Rules of Practice Under the Perishable Agricultural Commodities Act (PACA)'' (Docket No. FV98–358), received July 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4335. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Revision in Minimum Grade, Container, and Pack Requirements'' (Docket No. FV98–925–3 FIR), received July 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4336. A communication from the Deputy Under Secretary, Natural Resources and

Environment, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Land Uses; Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands; Mediation of Grazing Disputes'' (RIN0596–AB59), received July 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4337. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Zinc Phosphide; Extension of Tolerance for Emergency Exemptions'' (FRL #6090–9), received July 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4338. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Priorities List for Uncontrolled Hazardous Waste Sites'' (FRL #6401–5), received July 21, 1999; to the Committee on Environment and Public Works.

EC–4339. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plan; Indiana'' (FRL #6401–9), received July 20, 1999; to the Committee on Environment and Public Works.

EC–4340. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; California'' (FRL # 6378–2), received July 20, 1999; to the Committee on Environment and Public Works.

EC–4341. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Classification of the San Francisco Bay Area Ozone Nonattainment Area for Congestion Mitigation and Air Quality (CMAQ) Improvement Program Purposes'' (FRL # 6401–6), received July 20, 1999; to the Committee on Environment and Public Works.

EC–4342. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Pollutant Discharge Elimination System Permit Application Requirements for Publicly Owned Treatment Works and Other Treatment Works Treating Domestic Sewage'' (FRL # 6401–2), received July 20, 1999; to the Committee on Environment and Public Works.

EC–4343. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Monitoring the Effectiveness of Maintenance at Nuclear Power Plants'' (RIN3150–AF95), received July 21, 1999; to the Committee on Environment and Public Works.

EC–4344. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Pollock Fisheries off Alaska'' (RIN0648–AM08), received July 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4345. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Proposed Establishment of Class E Airspace; Imperial County, CA; Docket No. 98–AWP–33 (7–16/7–19)'' (RIN2120–AA66) (1999–0224), received July 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4346. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Indianapolis, IN; and Revocation of Class E Airspace; Greenwood, IN; Docket No. 99–AGL–26 (7–16/7–19)'' (RIN2120–AA66) (1999–0227), received July 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4347. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Legal Description of the Class D Airspace; Cincinnati, OH; Docket No. 99–AGL–25 (7–16/7–19)'' (RIN2120–AA66) (1999–0225), received July 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4348. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Legal Description of the Class D Airspace; Cincinnati, OH; Docket No. 99–AGL–25 (7–16/7–19)'' (RIN2120–AA66) (1999–0225), received July 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4349. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of VOR Federal Airways; Kahului, HI; Correction; Docket No. 99–AWP–35 (7–16/7–19)'' (RIN2120–AA66) (1999–0223), received July 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4350. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Minden, NV; Docket No. 97–AWP–33 (7–16/7–19)'' (RIN2120–AA66) (1999–0222), received July 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4351. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Retention Limit Adjustment (Angling Category),'' received July 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4352. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Inseason Transfer (Purse Seine Category),'' received July 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4353. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to transportation security for calendar year 1997; to the Committee on Commerce, Science, and Transportation.

EC–4354. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General of the Department of Commerce, the designation of an Acting Inspector General, and the nomination of an Inspector General; to the Committee on Commerce, Science, and Transportation.

EC–4355. A communication from the Associate Administrator for Human Resources and Education, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Administrator; to the Committee on Commerce, Science, and Transportation.

EC–4356. A communication from the Under Secretary, Food, and Nutrition and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: 1995 Quality Control Technical Amendments'' (RIN0584–AB38), received July 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4357. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, Office of Governmentwide Policy, transmitting, pursuant to law, on behalf of the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration the Report of a rule entitled ''FAC 97–13, Reform of Affirmative Action in Federal Procurement'' (RIN9000–AH59), received July 19, 1999; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated on July 22, 1999:

POM–260. A resolution adopted by the Legislature of the State of Alaska relative to tobacco settlement funds; to the Committee on Finance.

LEGISLATIVE RESOLVE NO. 5

Whereas the State of Alaska, taking all of the risks inherent in litigation, brought suit against major cigarette and smokeless tobacco manufacturers based on state antitrust and consumer protection claims solely to collect the state's smoking-related expenditures; and

Whereas none of the claims asserted by the state were based on a Medicaid recoupment statute or included the assertion of claims based on federal law for the federal government's tobacco-related medical expenditures; and

Whereas the State of Alaska entered into a settlement agreement in state court based on state antitrust and consumer protection law claims with cigarette and smokeless tobacco companies for $669,000,000 on November 23, 1998; and

Whereas the federal government, through the Health Care Finance Administration, has asserted that it is entitled to a significant share of the state settlement on the basis that it represents the federal share of Medicaid costs; and

Whereas the federal government declined to bring its own action to assert a claim for the federal money it spent for the treatment of smoking-related illnesses in Alaska and provided no assistance to the state during the litigation or during settlement negotiations; and

Whereas the federal government asserts that it is authorized and obligated, under Social Security Act, to collect its share of any settlement funds attributed to Medicaid; and

Whereas the state tobacco lawsuit was brought for violation of state law under state law theories and the state lawsuit did not make any federal claims; and

Whereas the state bore all the risk and expense in the litigation brought in state court and settled without any assistance from the federal government; and

Whereas the state is entitled to all of the funds negotiated in the tobacco settlement agreement without any federal claim; now, therefore, be it

Resolved, That the Twenty-First Alaska State Legislature respectfully requests the Congress to enact and the President to sign legislation to prohibit any federal claim against money obtained by settlement of state tobacco litigation; and be it further

Resolved, That the Twenty-First Alaska State Legislature respectfully urges the President of the United States to direct the Health Care Finance Administration to refrain from taking steps to pursue recoupment of dollars.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Donna E. Shalala, Secretary of the U.S. Department of Health and Human Services; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Kay Bailey Hutchison, U.S. Senator from Texas; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–261. A resolution adopted by the House of the Legislature of the State of Illinois relative to tobacco settlement funds; to the Committee on Finance.

HOUSE RESOLUTION NO. 139

Whereas, The November 23, 1998 tobacco settlement and prior settlements in four states call for the distribution of settlement funds to states over the next 25 years; we must act quickly to ensure that the settlement funds actually reach the states; and

Whereas, Receipt of half or more of these funds is in doubt because of the federal government's attempt to recoup state settlement money as Medicaid overpayments; and

Whereas, There is a bi-partisan congressional coalition led by Texas Senator Kay Bailey Hutchison, Florida Senator Robert Graham, Washington Senator Slade Gorton, Indiana Senator Evan Bayh, Ohio Senator George Voinovich, and Florida Congressman Michael Bilirakis that is advocating legislation to negate the recoupment claim; and

Whereas, States initiated the suits that ultimately led to the settlements; and

Whereas, The States assumed all risks; and

Whereas, The States used their resources to challenge the tobacco industry; and

Whereas, The federal government played no role in the suits nor in the settlements; the November 23 accord makes no mention of Medicaid or federal recoupment; and

Whereas, Our State is making initial fiscal determinations regarding the most responsible allocation of these settlement funds; and

Whereas, We cannot and should not be threatened with the seizure of these funds by the federal government; Now, therefore, be it

Resolved, by the House of Representatives of the ninety-first General Assembly of the State of Illinois, That we call on the United States Congress and urge its members to support United States House Resolution 351; and be it further

Resolved, That a suitable copy of this resolution be delivered to the Illinois Congressional delegation, the Speaker of the U.S. House of Representatives, the Majority Leader of the U.S. Senate, the Vice President of the United States, and the President of the United States.

Adopted by the House of Representatives on May 5, 1999.

POM–262. A resolution adopted by the Legislature of the State of Alaska relative to the marriage penalty; to the Committee on Finance.

LEGISLATIVE RESOLVE NO. 16

Whereas the federal government is anticipating a budget surplus of $1.6 trillion over the next 10 years; and

Whereas the Congress is considering various options for returning some of that surplus to hardworking taxpayers; and

Whereas, under current law, 21,000,000 married couples pay approximately $1,400 more a year in taxes than they would if they were single; and

Whereas the institution of marriage should be supported and not penalized by the federal government; Now, therefore, be it

Resolved by the Alaska State Legislature, That the Congress of the United States is urged to pass legislation to remove from the Internal Revenue Code of 1986 the current discrimination against married individuals in all instances of such discrimination; and be it further

Resolved, That the income tax rate paid by a married couple be no higher and the standard deduction no lower than that of two single individuals.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Robert E. Rubin, Secretary of the U.S. Treasury; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to all other members of the U.S. Senate and the U.S. House of Representatives serving in the 106th Congress.

POM–263. A resolution adopted by the Legislature of the State of Alaska relative to the federal estate and gift taxes; to the Committee on Finance.

LEGISLATIVE RESOLVE NO. 15

Whereas our form of government is premised on the right to enjoy the fruit of one's labor, to own one's own possessions, and to pass on one's bounty to one's heirs; and

Whereas, when a person works for a lifetime to build assets, saving and investing money, building a business, or buying and developing land, that person has a moral right to pass those assets on to the person's family without being penalized with inheritance taxes; and

Whereas there is a fundamental problem of double taxation when a decedent's survivors are forced to pay an inheritance tax on assets acquired by the decedent with after-tax dollars; and

Whereas we need a tax system that encourages lifelong saving and enterprise and that rewards, rather than punishes, the traditional family; and

Whereas we need a government that rewards ''blood, sweat, and tears'' by abolishing the estate and gift taxes completely; and

Whereas repealing the federal estate and gift taxes is not an issue of politics and wealth but a matter of principle; now, therefore, be it

Resolved, That the Alaska State Legislature respectfully requests the United States Congress to enact H.R. 86 and repeal subtitle B of the Internal Revenue Code of 1986, relating to the federal estate, gift taxes, and generation-skipping transfer.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Christopher Cox, U.S. Representative from California, primary sponsor of H.R. 86; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–264. A resolution adopted by the Legislature of the State of Alaska relative to the proposed ''American Land Sovereignty Act''; to the Committee on Energy and Natural Resources.

LEGISLATIVE RESOLVE NO. 13

Whereas the United Nations has designated 67 sites in the United States as ''World Heritage Sites'' or ''Biosphere Reserves,'' which altogether are about equal in size to the State of Colorado, the eighth largest state; and

Whereas art. IV, sec. 3, United States Constitution, provides that the United States Congress shall make all needed regulations governing lands belonging to the United States; and

Whereas many of the United Nations' designations include private property inholdings and contemplate ''buffer zones'' of adjacent land; and

Whereas some international land designations such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Culture Organization operate under independent national committees such as the United States National Man and Biosphere Committee that have no legislative directives or authorization from the Congress; and

Whereas these international designations as presently handled are an open invitation to the international community to interfere in domestic economies and land use decisions; and

Whereas local citizens and public officials concerned about job creation and resource based economies usually have no say in the designation of land near their homes for inclusion in an international land use program; and

Whereas former Assistant Secretary of the Interior George T. Frampton, Jr., and the President used the fact that Yellowstone National Park had been designated as a ''World Heritage Site'' as justification for intervening in the environmental impact statement process and blocking possible development of an underground mine on private land in Montana outside of the park; and

Whereas a recent designation of a portion of Kamchatka as a ''World Heritage Site'' was followed immediately by efforts from environmental groups to block investment insurance for development projects on Kamchatka that are supported by the local communities; and

Whereas environmental groups and the National Park Service have been working to establish an International Park, a World Heritage Site, and a Marine Biosphere Reserve

covering parts of western Alaska, eastern Russia, and the Bering Sea; and

Whereas, as occurred in Montana, such designations could be used to block development projects on state and private land in western Alaska; and

Whereas foreign companies and countries could use such international designations in western Alaska to block economic development that they perceive as competition; and

Whereas animal rights activists could use such international designations to generate pressure to harass or block harvesting of marine mammals by Alaska Natives; and

Whereas such international designations could be used to harass or block any commercial activity, including pipelines, railroads, and power transmission lines; and

Whereas the President and the executive branch of the United States have, by Executive Order and other agreements, implemented these designations without approval by the Congress; and

Whereas the United States Department of Interior, in cooperation with the Federal Interagency panel for World Heritage, has identified the Aleutian Island Unit of the Alaska Maritime National Wildlife Refuge, Arctic National Wildlife Refuge, Cape Krusenstern National Monument, Denali National Park, Gates of the Arctic National Park, and Katmai National Park as likely to meet the criteria for future nominations as World Heritage Sites; and

Whereas the Alaska State legislature objects to the nomination or designation of any World Heritage Sites or Biosphere Reserves in Alaska without the specific consent of the Alaska State Legislature; and

Whereas actions by the President in applying international agreements to lands owned by the United States may circumvent the Congress; and

Whereas Congressman Don Young introduced House Resolution No. 901 in the 105th Congress entitled the ''American Land Sovereignty Protection Act of 1997'' that required the explicit approval of the Congress prior to restricting any use of the United States land under international agreements; and

Whereas Congress Don Young has reintroduced this legislation in the 106th Congress as House Resolution No. 883, which is entitled the ''American Land Sovereignty Protection Act''; Now, therefore, be it

Resolved, That the Alaska State Legislature supports House Resolution 883, the ''American Land Sovereignty Protection Act,'' that reaffirms the constitutional authority of the Congress as the elected representatives of the people over the federally owned land of the United States and urges the swift introduction and passage of such act by the 106th Congress; and be it further

Resolved, That the Alaska State Legislature objects to the nomination or designation of any sites in Alaska as World Heritage Sites or Biosphere Reserves without the prior consent of the Alaska State Legislature.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–265. A resolution adopted by the Legislature of Guam relative to the election of the Attorney General of Guam; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 126

Whereas, in 1998 Guam's delegate to the U.S. Congress introduced, and the Congress passed into law, an amendment to the Organic Act of Guam that allows for the election of the Attorney General of Guam in the next gubernatorial general election, which is scheduled for the year 2002; and

Whereas, I Miná Bente Singko Na Liheslaturan Guahan subsequently passed, and I *Magálahen Guahan* signed into law, Public Law Number 25–44, which mandates an elected Attorney General starting with the election allowed by the newly amended Organic Act of Guam; and

Whereas, three and a half (3½) years seems like an inordinately long period of time to postpone what should be the right of the people of Guam; Now therefore, be it

Resolved, That I MináBente Sigko Na Liheslaturan Guahan does hereby, on behalf of the people of Guam, respectfully request that Guam's Delegate to the U.S. Congress introduce legislation that would further amend the Organic Act of Guam to allow for the first election of the Attorney General of Guam to be held in the General Election in the year 2000; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the President of the U.S. Senate; to the Speaker of the U.S. House of Representatives; to Guam's Delegate to the U.S. Congress; and to the Honorable Carl T.C. Gutierrez, I Magálahen Guahan.

POM–266. A resolution adopted by the Legislature of the State of Alaska relative to evaluation and selection criteria for military base realignment and closure; to the Committee on Armed Services.

LEGISLATIVE RESOLVE NO. 4

Whereas the Secretary of the United States Department of Defense has called for the reestablishment of a Base Realignment and Closure (BRAC) Commission to conduct two new rounds of military base closures beginning in 2001; and

Whereas, under the process established for the BRAC Commissions in 1991, 1993, and 1995, each of the armed services developed categories for its own bases and evaluated and ranked each of its bases within those categories by applying criteria established by the United States Department of Defense and the Congress; and

Whereas these single-service evaluations severely restricted the opportunity to consider the effect of a base's closure on the operational readiness of the United States Department of Defense's total force; and

Whereas the shortcomings of this single-service approach were recognized by the BRAC Commission that recommended that the United States Department of Defense develop procedures for considering potential joint or common activities among the services in several training and support areas; and

Whereas this recommendation led to the creation in 1994 of Joint Cross-Service Groups that worked with the services in the five functional areas of depot maintenance, military medical treatment facilities, test and evaluation, undergraduate pilot training, and laboratories, in preparation for the 1995 BRAC round; and

Whereas the strategic challenges now facing the United States as we enter the new century may require an even greater emphasis on creating and fielding a fully integrated total force capable of projecting our nation's military power around the world from bases with our country's borders; and

Whereas this military force structure should be supported by a military base structure that is focused on strategic mobility, joint operations, and joint training considerations in addition to individual service considerations; Now, therefore, be it

Resolved, That the Alaska State Legislature respectfully requests the President of the United States, the United States Congress, and the Secretary of the United States Department of Defense to establish new Joint Cross-Service Groups this year to study issues of power projection and deployment, joint training, joint operations, and other total force considerations; and be it further

Resolved by the Alaska State Legislature, That these Joint Cross-Service Groups then be directed to develop new evaluation and selection criteria and procedures based on their findings to be incorporated into any future base realignment and closure proceedings to ensure that total force and power projection factors are major military value considerations in base structure decisions.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tem of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable William S. Cohen, Secretary of the U.S. Department of Defense; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–267. A resolution adopted by the Legislature of the State of Alaska relative to a recent article published by the American Psychological Association; to the Committee on Health, Education, Labor, and Pensions.

LEGISLATIVE RESOLVE NO. 18

Whereas children are a precious gift and responsibility; and

Whereas the spiritual, physical, and mental well-being of children is our sacred duty; and

Whereas no segment of our society is more critical to the future of human survival and society than our children; and

Whereas it is the obligation of all public policymakers not only to support but also to defend the health and rights of parents, families, and children; and

Whereas information endangering to children is being made public and, in some instances, may be given unwarranted or unintended credibility through release under professional titles or through professional organizations; and

Whereas elected officials have a duty to inform and counter actions they consider damaging to children, parents, families, and society; and

Whereas Alaska has made sexual molestation of a child a felony and has declared parents who sexually molest their children to be unfit; and

Whereas virtually all studies in this area, including those published by the American Psychological Association, condemn child sexual abuse as criminal and harmful to children; and

Whereas the American Psychological Association has recently published, but did not endorse, a study that suggests that sexual relationships between adults and willing children are less harmful than believed and might even be positive for ''willing'' children; now, therefore, be it

Resolved, That the Alaska State Legislature condemns and denounces all suggestions in the recently published study by the American Psychological Association that indicates sexual relationships between adults

and willing children are less harmful than believed and might even be positive for ''willing'' children; and be it further

Resolved, That the Alaska State Legislature urges the United States Congress and the President of the United States to likewise reject and condemn, in the strongest honorable written and vocal terms possible, any suggestion that sexual relations between children and adults are anything but abusive, destructive, exploitive, reprehensible, and punishable by law; and be it further

Resolved, That the Alaska State Legislature encourages competent investigations to continue to research the effects of child sexual abuse using the best methodology so that the public and public policymakers may act upon accurate information.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable David Satcher, M.D. Ph.D., Surgeon General of the United States; and to the Honorable Ed Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–268. A resolution adopted by the Legislature of the State of Alaska relative to the Amchitka nuclear tests; to the Committee on the Judiciary.

LEGISLATIVE RESOLVE NO. 19

Whereas the largest underground nuclear bomb tests ever conducted by the government of the United States were conducted as part of the Amchitka nuclear bomb test program; and

Whereas many Alaska workers who worked at the Amchitka Island, Alaska, nuclear bomb test program have reported what appears to be an inordinately high rate of radiation-related diseases, including various kinds of cancer; and

Whereas the workers have been unable for years to obtain information on the tests in which they were involved in order to prove their entitlement to compensation for their medical needs because the United States Department of Energy has advised them that the information is classified; and

Whereas the Amchitka Technical Advisory Group has unanimously requested a medical surveillance program of Amchitka workers; and

Whereas some of the information necessary for workers to establish their entitlement to medical benefits and other compensation has been released, but more information apparently remains classified; Now, therefore be it

Resolved, That the Alaska State Legislature requests the Congress of the United States to fund a medical surveillance program to cover the health concerns of the Amchitka workers; and be it further

Resolved, That the United States Department of Energy and the department's subcontractors are requested to expeditiously resolve the pending worker compensation claims and litigation filed by injured workers from Amchitka and the surviving family members of deceased workers at Amchitka; and be it further

Resolved, That the Congress of the United States amend the Radiation Exposure Compensation Act of 1990 to include Amchitka Island, Alaska, within its coverage.

Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Bill Richardson, Secretary of the U.S. Department of Energy; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–269. A resolution adopted by the Legislature of the State of Alaska relative to oil and gas exploration, development, and production in the Arctic National Wildlife Refuge; to the Committee on Energy and Natural Resources.

LEGISLATION RESOLVE NO. 8

Whereas, in sec. 1002 of the Alaska National Interest Lands Conservation Act (ANILCA), the United States Congress reserved the right to permit further oil and gas exploration, development, and production within the coastal plain of the Arctic National Wildlife Refuge, Alaska; and

Whereas the oil industry, the state, and the United States Department of the Interior consider the coastal plain to have the highest potential for discovery of very large oil and gas accumulations on the continent of North America, estimated to be as much as 10,000,000,000 barrels of recoverable oil; and

Whereas the residents of the North Slope Borough, within which the coastal plain is located, are supportive of development in the ''1002 study area''; and

Whereas oil and gas exploration and development of the coastal plain of the refuge and adjacent land could result in major discoveries that would reduce our nation's future need for imported oil, help balance the nation's trade deficit, and significantly increase the nation's security; and

Whereas domestic demand for oil continues to rise while domestic crude production continues to fall with the result that the United States imports additional oil from foreign sources; and

Whereas development of oil at Prudhoe Bay, Kuparuk, Endicott, Lisburne, and Milne Point has resulted in thousands of jobs throughout the United States, and projected job creation as a result of coastal plain oil development will have a positive effect in all 50 states; and

Whereas Prudhoe Bay production is declining by approximately 10 percent a year; and

Whereas, while new oil field developments on the North Slope of Alaska, such as Alpine, Badami, and West Sak, may slow or temporarily stop the decline in production, only giant coastal plain fields have the theoretical capability of increasing the production volume of Alaska oil to a significant degree; and

Whereas opening the coastal plain of the Arctic National Wildlife Refuge now allows sufficient time for planning environmental safeguards, development, and national security review; and

Whereas the oil and gas industry and related state employment have been severely affected by reduced oil and gas activity, and the reduction in industry investment and employment has broad implications for the state's work force and the entire state economy; and

Whereas the 1,500,000-acre coastal plain of the refuge comprises only eight percent of the 19,000,000-acre refuge, and the development of the oil and gas reserves in the refuge's coastal plain would affect an area of only 2,000 to 7,000 acres, which is less than one-half of one percent of the area of the coastal plain; and

Whereas 8,000,000 of the 19,000,000 acres of the refuge have already be set aside as wilderness; and

Whereas the oil industry has shown at Prudhoe Bay, as well as at other locations along the Arctic coastal plain, that it can safely conduct oil and gas activity without adversely affecting the environment or wildlife populations; and

Whereas the state will ensure the continued health and productivity of the Porcupine Caribou herd and the protection of land, water, and wildlife resources during the exploration and development of the coastal plain of the Arctic National Wildlife Refuge, Alaska; and

Whereas the oil industry is using innovative technology and environmental practices in the new field developments at Alpine and Northstar, and those techniques are directly applicable to operating on the coastal plain and would enhance environmental protection beyond traditionally high standards; Now, therefore be it

Resolved by the Alaska State Legislature, That the Congress of the United States is urged to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production, and that the Alaska State Legislature is adamantly opposed to further wilderness or other restrictive designation in the area of the coastal plain of the Arctic National Wildlife Refuge, Alaska; and be it further

Resolved, That that activity be conducted in a manner that protects the environment and uses the state's work force to the maximum extent possible.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and president of the U.S. Senate; the Honorable Bruce Babbitt, Secretary of the Interior; the Honorable Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Trent Lott, Majority Leader of the U.S. Senate; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to all other members of the U.S. Senate and the U.S. House of Representatives serving in the 106th United States Congress.

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated on July 26, 1999:

POM–270. A joint resolution adopted by the Legislature of the State of New Hampshire relative to oxygenate additives for gasoline; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 9

Whereas, the federal Clean Air Act has required that oxygenates be added to gasoline for the purpose of reducing air pollution and, in particular, ground-level ozone and carbon monoxide; and

Whereas, automobile improvements over the last several years have considerably reduced the benefits of oxygenates for controlling carbon monoxide emissions by eliminating much of the carbon monoxide which would be emitted in the absence of oxygenates; and

Whereas, automobile improvements over the last several years have likewise considerably reduced the benefits of oxygenates for controlling hydrocarbon emissions; and

Whereas, substantial evidence has been developed over the last few years that, in much of the country, the formation of ground-level ozone is not significantly dependent upon amounts of hydrocarbon emissions; and

Whereas, questions have been raised as to whether one oxygenate in common use,

methyl t-butyl ether (MTBE), is degrading water quality to an extent that more than offsets its limited and decreasing benefits for air pollution control; and

Whereas, the threat that MTBE poses to the water resources of New Hampshire could be lessened in the short term by substituting conventional gasoline, which contains a much lower concentration of MTBE, for reformulated gasoline in the 4 southern counties (Hillsborough, Merrimack, Rockingham, and Strafford) required by federal regulation to use reformulated gasoline; and

Whereas, such gasoline substitution is not possible in New Hampshire without the Environmental Protection Agency granting the state a waiver to do so; now, therefore, be it

Resolved by the senate and house of representatives in general court convened:

That Congress should eliminate the oxygenate requirements of the federal Clean Air Act without imposing any new federal requirements to reduce air pollution; and

That the Environmental Protection Agency should expeditiously grant New Hampshire the short-term waivers necessary to permit the substitution of conventional gasoline for reformulated gasoline, without requiring substitute air emission reduction strategies as part of the state's air pollution implementation plan; and

That such gasoline substitution should be allowed prior to the completion of the ongoing, long-term comparative risk studies that will eventually identify the relative health and environmental costs and benefits of using gasoline formulations that have reduced MTBE levels; and

That when a better understanding has been reached of the comparative risks of different gasoline formulations, the Environmental Protection Agency should utilize incentive-based programs, rather than command-and-control measures, to further reduce MTBE levels in gasoline, provided that such reduction is consistent with the comparative risk analyses; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the chairpersons of committees of the United States Congress having jurisdiction over the Clean Air Act, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

POM–271. A joint resolution adopted by the Legislature of the State of New Hampshire relative to federal air pollution programs, to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 2

Whereas, the federal Clean Air Act has in the past allocated pollution allowances, which are items of commercial value, to pollution sources based on emissions existing on arbitrary baseline dates, where higher emissions equated to being granted more allowances; and

Whereas, such a policy has rewarded dirtier operators by allocating to them more allowances than their cleaner competitors, and further, has unfairly served to punish operators who have happened to install expensive air pollution controls shortly before the baseline dates; and

Whereas, these past actions have made it more difficult to encourage polluters to reduce emissions prior to regulatory deadlines; now, therefore, be it

Resolved by the senate and house of representatives in General Court convened:

That future federal air pollution legislation should avoid using baseline pollution as a basis for allocation of allowances or other items of commercial value, or any future reduction requirements; and

That to the extent that the federal government chooses to continue to use baseline emissions to determine allowance allocation and future reduction requirements, either to individual polluters or to states, that it choose a baseline date far enough in the past in order that recently-improved sources are not placed at a competitive disadvantage against dirtier competitors that have not made such investments and have smaller capital and operating costs as a result; and

That such care with baselines be used not only for sulfur dioxide and nitrogen oxide emissions, but also for any other emissions which the federal government may subsequently choose to control with allowance-based mechanisms; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the chairpersons of committees of the United States Congress having jurisdiction over the Clean Air Act, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

POM–272. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to border corridor highways; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION 4

Whereas, recent authorization of the Transportation Equity Act of the 21st Century, (TEA–21), provides funding for the coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade during federal fiscal years 1999–2003 under Sections 1118 and 1119; and

Whereas, allocations of funding may be made to transportation corridors identified in Section 1150(c) of TEA–21's predecessor, ISTEA and to other designated border transportation corridors using specified considerations; and

Whereas, the Coordinated Border Infrastructure Program has been established to improve the safe and efficient movement of people and goods at or across the United States/Canadian and United States/Mexican borders; and

Whereas, U.S. Route 2 traverses laterally through the northernmost parts of Maine, New Hampshire, and Vermont, originating in Bangor, Maine and continuing through New Hampshire to Alburg, Vermont on the shores of Lake Champlain; and directly providing key connectivity to the Canadian provinces of New Brunswick and Quebec at Maine and Vermont as a de facto East-West Highway Connector; and

Whereas, U.S. Route 2 also serves as a major gateway and longitudinal connector for northern New England to the rest of the nation through its connectivity with Interstate Highways I–89, I–91, and I–93 in Vermont, and I–95 in Maine, and enjoys a tri-state designation as a primary east-west corridor by the states of Maine, New Hampshire, and Vermont; and

Whereas, the future economic viability of northern New England through its trading and tourism relationship with Quebec and the Maritime Provinces is contingent upon the upgrade and maintenance of the U.S. Route 2 transportation corridor link; now, therefore, be it

Resolved by the house of representatives, the senate concurring:

That the United States Secretary of Transportation expeditiously authorize the inclusion of U.S. Route 2 through the states of Maine, New Hampshire, and Vermont as a designated border corridor highway under the auspices of Sections 1118 and 1119 of the Transportation Equity Act of the 21st Century; and

That copies of this resolution, signed by the speaker of the house and the president of the senate, be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Transportation, and the congressional delegations of New Hampshire, Vermont, and Maine.

POM–273. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to the Individuals with Disabilities Education Act; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION 6

Whereas, since its enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has helped millions of children with special needs to receive a quality education and to develop to their full capacities; and

Whereas, the IDEA has moved children with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, the IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the federal government enacted the Individuals with Disabilities Education Act, it promised to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 9 percent of the actual cost of special education services; and

Whereas, local school districts and state governments end up bearing the largest share of the cost of special education services; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; now, therefore, be it

Resolved by the house of representatives, the senate concurring:

That the New Hampshire general court urges the President and the Congress to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under the IDEA to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

POM–274. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to Nuclear Decommissioning Reserve Funds; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 11

Whereas, proper decommissioning of nuclear power plants serves important public health and safety goals; and

Whereas, existing federal tax provisions recognize the importance of adequately funding decommissioning costs by providing incentives for establishing and adequately funding Nuclear Decommissioning Reserve Funds; and

Whereas, section 468A of the Internal Revenue Code permits taxpayers with qualifying interests in nuclear power plants to deduct contributions to Nuclear Decommissioning Reserve Funds; and

Whereas, the income of Nuclear Decommissioning Reserve Funds is taxed at a fixed 20 percent rate rather than at the normal corporate tax rate; and

Whereas, the amount that taxpayers with qualifying interests may contribute to Nuclear Decommissioning Reserve Funds is limited to a portion of the total nuclear decommissioning costs which is based on the estimated useful life of the nuclear power plant; and

Whereas, electric utility restructuring by the states may encourage or require actions by taxpayers with qualifying interests that deviate from the decommissioning funding formula in federal tax laws, including: prefunding of decommissioning obligations as a condition of the sale of the qualifying interest; the discontinuation of including decommissioning funding in cost of service rates, which will be replaced by competitive market-based rates; and reliance on nonbypassable transition charges to retail customers of a former nuclear power plant owner, such as stranded cost or wires charges, to recover future decommissioning contributions; and

Whereas, states may require that nuclear decommissioning funding be completed in a period shorter than the estimated useful life of the nuclear power plant, and some portion of these state-mandated contributions may be ineligible for deposit in a Nuclear Decommissioning Reserve Fund; and

Whereas, there should be no federal tax disincentive to fund as promptly as possible the expenditures required for the safe decommissioning of nuclear power plants; and

Whereas, compliance with state electric utility restructuring requirements and the transition to a competitive electric market may force nuclear power plant owners into decommissioning funding obligations with adverse federal tax consequences under current law; and

Whereas, these adverse federal tax consequences will ultimately cause higher rates for retail electricity customers; now, therefore, be it

Resolved by the house of representatives, the senate concurring:

That the general court of New Hampshire hereby urges the United States Congress and the Internal Revenue Service to make changes to the Internal Revenue Code and federal tax regulations necessary to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds and to permit all contributions toward future decommissioning expenses to receive beneficial tax treatment; and

That copies of this resolution, signed by the speaker of the house of representatives and the president of the senate, be forwarded by the house clerk to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the New Hampshire Congressional delegation, and to the Commissioner of Internal Revenue.

POM–275. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to health care choices for senior citizens; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 9

Whereas, all senior citizens in New Hampshire deserve access to all Medicare options to ensure greater health care choice; therefore, be it

Resolved by the house of representatives, the senate concurring:

That the general court of New Hampshire hereby urges the federal government to review Medicare policies and procedures to ensure that New Hampshire senior citizens retain all Medicare options. Specifically, the federal government should evaluate the Medicare environment in New Hampshire to ensure that:

(a) Existing policies and procedures provide for citizens to have a choice of Medicare options;

(b) Medicare reimbursement rates for physicians, hospitals, and home health care providers are sufficient to allow for access to needed care statewide and greater product choice in rural areas of the state;

(c) Medicare premium rates for New Hampshire managed care products be set at a level that allows attractive benefit coverage to citizens;

(d) Applications for Medicare insurance product introduction or expansions in New Hampshire receive high priority status by the federal government; and

(e) Congress reviews the impact of the ''Balanced Budget Act'' of 1997 on the ability of Medicare health maintenance organizations and home health care providers to continue to operate in New Hampshire; and

That a copy of this resolution be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire delegation.

POM–276. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to tobacco settlement funds; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 12

Whereas, on November 23, 1998, representatives from 46 states signed a settlement agreement with the 5 largest tobacco manufacturers; and

Whereas, the Attorneys General Master Tobacco Settlement Agreement culminated legal action that began in 1994 when states began filing lawsuits against the tobacco industry; and

Whereas, the respective states are presently in the process of finalizing the terms of the Master Tobacco Settlement Agreement, and are making initial fiscal determinations relative to the most responsible ways and means to utilize the settlement funds; and

Whereas, under the terms of the agreement, tobacco manufactures will pay $206 billion over the next 25 years to the respective states in up-front and annual payments; and

Whereas, New Hampshire is projected to receive $1,304,689,150 through the year 2025 under the terms of the Master Tobacco Settlement; and

Whereas, because many state lawsuits sought to recover Medicaid funds spent to treat illnesses caused by tobacco use, the Health Care Financing Administration (HCFA) contends that it is authorized and obligated, under the Social Security Act, to collect its share of any tobacco settlement funds attributable to Medicaid; and

Whereas, the Master Tobacco Settlement Agreement does not address the Medicaid recoupment issue, and thus the Social Security Act must be amended to resolve the recoupment issue in favor of the respective states; and

Whereas, as we move toward final approval of the Master Tobacco Settlement Agreement, it is imperative that state sovereignty be preserved; now, therefore, be it

Resolved by the State house of representatives, the senate concurring:

That the New Hampshire legislature urges the United States Congress to enact legislation amending the Social Security Act to prohibit recoupment by the federal government of state tobacco settlement funds; and

That it is the sense of the New Hampshire state legislature that the respective state legislatures should have complete autonomy over the appropriation and expenditure of state tobacco settlements funds; and

That the New Hampshire state legislature most fervently opposes any efforts by the federal government to earmark or impose any other restrictions on the respective states' use of state tobacco settlement funds; and

That copies of this resolution be transmitted by the house clerk to the President of the United States; the President and the Secretary of the United States Senate; the Speaker and the Clerk of the United States House of Representatives; and to each member of New Hampshire's congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 1429: An original bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2000 (Rept. No. 106–120).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 692) to prohibit Internet gambling, and for other purposes (Rept. No. 106–121).

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Carlos Murguia, of Kansas, to the United States District Judge for the District of Kansas.

(The above nomination was reported with the recommendation that it be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 1429. An original bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2000; from the Committee on Finance; placed on the calendar.

By Mr. THOMAS (for himself and Mr. SMITH of Oregon):

S. 1430. A bill to set forth the policy of the United States with respect to Macau, and for other purposes; to the Committee on Foreign Relations.

By Mr. LAUTENBERG:

S. 1431. A bill to suspend temporarily the duty on mixtures of sennosides; to the Committee on Finance.

S. 1432. A bill to suspend temporarily the duty on dark couverture chocolate; to the Committee on Finance.

By Mr. HOLLINGS:

S. 1433. A bill to amend the Internal Revenue Code of 1986 to impose a retail excise

tax on merchandise sold via the Internet, through catalogs, or sold other than through local merchants in other to supplement the funding for elementary and secondary school teacher salaries; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. AKAKA, and Mr. CLELAND):

S. 1434. A bill to amend the National Historic Preservation Act to reauthorize that Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Mr. KERRY):

S. 1435. A bill to amend section 9 of the Small Business Act to provide for the establishment of volunteer mentoring programs; to the Committee on Small Business.

By Mr. CONRAD:

S. 1436. A bill to amend the Agricultural Marketing Transition Act to provide support for United States agricultural producers that is equal to the support provided agricultural producers by the European Union, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MOYNIHAN:

S. 1437. A bill to protect researchers from compelled disclosure of research in Federal courts, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 162. A resolution to authorize testimony of employee of the Senate in State of New Mexico v. Felix Lucero Chavez; considered and agreed to.

By Mrs. BOXER:

S. Res. 163. A resolution to establish a special committee of the Senate to study the causes of firearms violence in America; to the Committee on Rules and Administration.

By Mr. THOMAS (for himself, Mr. ROBB, Mr. ROTH, and Mr. SMITH of Oregon):

S. Con. Res. 48. A concurrent resolution relating to the Asia-Pacific Economic Cooperation Forum; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself and Mr. SMITH of Oregon):

S. 1430. A bill to set forth the policy of the United States with respect to Macau, and for other purposes; to the Committee on Foreign Relations.

THE UNITED STATES-MACAU POLICY ACT OF 1999

Mr. THOMAS. Mr. President, as the chairman of the Subcommittee on East Asian and Pacific Affairs, I rise to introduce S. 1430, the United States-Macau policy Act of 1999. I ask unanimous consent that the text be printed in the RECORD.

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

S. 1430

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 ''United States—Macau Policy Act of 1999''.

SEC. 2 FINDINGS AND DECLARATIONS.

The Congress makes the following findings and declarations'

(1) The Congress recognizes that under the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau, dated April 13, 1987—

(A) the People's Republic of China and the Republic of Portugal have agreed that the People's Republic of China will resume the exercise of sovereignty over Macau on December 20, 1999, and until that time, Portugal will be responsible for the continuing administration of Macau;

(B) the People's Republic of China has guaranteed that, on and after December 20, 1999, the Macau Special Administrative Region of the People's Republic of China, will continue to enjoy a high degree of autonomy on all matters other than defense and foreign affairs;

(C) the People's Republic of China will implement a ''one country, two systems'' policy with respect to Macau, under which Macau will retain its current legal, social, and economic systems until at least the year 2049;

(D) provision is made for the continuation in force of bilateral and multilateral agreements implemented as of December 20, 1999, and for the ability of the Macau Special Administrative Region to conclude new agreements.

(2) The Congress supports the full and complete implementation of the provisions of the Joint Declaration.

(3) The Congress supports the policies and objectives set forth in the Joint Declaration.

(4) It is the sense of the Congress that—

(A) continued economic prosperity in Macau furthers United States interests in Asia and in our relationship with the People's Republic of China;

(B)(i) support for principles of democracy is a fundamental tenent of United States foreign policy, and as such, will also play a central role in United States policy toward Macau, now and after December 19, 1999; and

(ii) safeguarding the human rights of the people of Macau is of great importance to the United States and is directly relevant to United States interests in Macau;

(iii) a fully successful transition in the exercise of sovereignty over Macau must safeguard those human rights; and

(iv) human rights also serve as a basis for Macau's continued economic prosperity.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) prior to December 20, 1999, the term ''Macau'' means the Portuguese Dependent Territory of Macau, and on and after December 20, 1999, the term ''Macau'' means the Macau Special Administration Region of the People's Republic of China;

(2) the term ''Joint Declaration'' means the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau, dated April 13, 1987; and

(3) the term ''laws of the United States'' means provisions of law enacted by the Congress.

TITLE I—POLICY

SEC. 101. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the United States should play an active role before, on, and after December 20, 1999, in assisting Macau in maintaining its confidence and prosperity, its unique cultural heritage, and the mutually beneficial ties between the people of the United States and the people of Macau; and

(2) through its policies, the United States should assist Macau in maintaining a high degree of autonomy in matters other than defense and foreign affairs as guaranteed by the People's Republic of China and the Republic of Portugal in the Joint Declaration, particularly with respect to such matters as trade, commerce, law enforcement, finance, monetary policy, aviation, shipping, communications, tourism, cultural affairs, sports, and participation in international organizations, consistent with the national security and other interests of the United States.

TITLE II—THE STATUS OF MACAU IN UNITED STATES LAW

SEC. 201. CONTINUED APPLICATION OF UNITED STATES LAW.

(a) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Macau, and subject to subsections (b) and (c), the laws of the United States shall continue to apply with respect to Macau, on and after December 20, 1999, in the same manner as the laws of the United States were applied with respect to Macau before such date unless otherwise expressly provided by law or by Executive order under section 202.

(b) INTERNATIONAL AGREEMENTS.—For all purposes, including actions in any court of the United States, the Congress approves of the continuation in force on and after December 20, 1999, of all treaties and other international agreements, including multilateral conventions, entered into before such date between the United States and Macau, or entered into force before such date between the United States and the Republic of Portugal with respect to, or as applied to, Macau, unless or until terminated in accordance with law. If, in carrying out this title, the President determines that Macau is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Macau's obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, the President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such determination, and shall take appropriate action to modify or terminate such treaty or other international agreement.

(c) EXPORT CONTROLS.—Notwithstanding subsection (a) or any other provision of law, within 90 days after the date of the enactment of this Act the President—in close consultation with the relevant committees of the Congress—shall establish with respect to Macau, such export control policies and regulations as he determines to be necessary to protect fully the national security interests of the United States.

SEC. 202. PRESIDENTIAL ORDER.

(a) PRESIDENTIAL DETERMINATION.—On or after December 20, 1999, whenever the President determines that Macau is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China, the President may issue an Executive order suspending the application of section 201(a) to such law or provision of law. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning any such determination.

(b) FACTOR FOR CONSIDERATION.—In making a determination under subsection (a) with respect to the application of a law of the United States, or any provision thereof, to Macau, the President should consider the terms, obligations, and expectations expressed in the Joint Declaration with respect to Macau.

(c) PUBLICATION IN FEDERAL REGISTER.—Any Executive order issued under subsection

(a) shall be published in the Federal Register and shall specify the law or provision of law affected by the order.

(d) TERMINATION OF SUSPENSION.—An Executive order issued under subsection (a) may be terminated by the President with respect to a particular law or provision of law whenever the President determines that Macau has regained sufficient autonomy to justify treatment under the law or provision of law in question. Notice of any such termination shall be published in the Federal Register.

SEC. 203. RULES AND REGULATIONS.

The President is authorized to prescribe such rules and regulations as he considers appropriate to carry out this Act.

SEC. 204. CONSULTATION WITH CONGRESS.

In carrying out this title, the President shall consult appropriately with the Congress, in particular with:

(a) the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(b) the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

TITLE III—REPORTING PROVISIONS

SEC. 301. REPORTING REQUIREMENT.

Not later than 90 days after the date of the enactment of this Act, and not later than March 31 of each of the years 2000, 2001, and 2002, the Secretary of State shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on conditions in Macau of interest to the United States. This report shall cover (in the case of the initial report) the period since the date of the enactment of this Act or (in the case of subsequent reports) the period since the most recent report pursuant to this section, and shall describe, inter alia—

(1) significant developments in United States relations with Macau;

(2) significant developments related to any change in the exercise of sovereignty over Macau affecting United States interests in Macau or United States relations with Macau and the People's Republic of China;

(3) steps taken by the United States to implement section 201(c) (relating to export controls with respect to Macau), including any significant problems or other developments arising with respect to the application of United States export controls to Macau;

(4) the laws of the United States with respect to which the application of section 201(a) (relating to the application of United States laws to Macau) has been suspended pursuant to section 202(a) or with respect to which such a suspension has been terminated pursuant to section 202(d), and the reasons for the suspension or termination, as the case may be;

(5) the treaties and other international agreements with respect to which the President has made a determination described in the last sentence of section 201(b) (relating to the application of treaties and other international agreements to Macau), the reasons for each such determination, and the steps taken as a result of such determination;

(6) the development of democratic institutions in Macau;

(7) compliance by the Government of the People's Republic of China and the Government of the Republic of Portugal with their obligations under the Joint Declaration; and

(8) the nature and extent of Macau's participation in multilateral forums.

SEC. 302. SEPARATE PART OF COUNTRY REPORTS.

Whenever a report is transmitted to the Congress on a country-by-country basis, there shall be included in such report, where applicable, a separate subreport on Macau under the heading of the state that exercises sovereignty over Macau.

By Mr. LAUTENBERG:

S. 1431. A bill to suspend temporarily the duties on mixtures of sennosides; to the Committee on Finance.

S. 1432. A bill to suspend temporarily the duty on dark couverture chocolate; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MIXTURES OF SENNOSIDES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.00	Mixtures of sennosides (provided for in subheading 2938.90.00)	Free	No Change	No Change	On or before 12/31/2002.	"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DARK COUVERTURE CHOCOLATE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.18.06	Dark couverture chocolate (provided for in subheading 1806.20.50)	Free	No Change	No Change	On or before 12/31/2002.	"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Ms. LANDRIEU (for herself, Mr. AKAKA, and Mr. CLELAND):

S. 1434. A bill to amend the National Historic Preservation Act to reauthorize that Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise on behalf of myself and Senators AKAKA and CLELAND to introduce this legislation that would extend the authorization for appropriations for the National Historic Preservation Fund, as established by the Historic Preservation Act amendments of 1976. On September 30, 1997, the authorization for deposits into the Historic Preservation Fund from revenues due and payable to the United States under the Outer Continental Shelf Lands Act expired. So we introduce this legislation with the purpose of reauthorizing the deposits at the same level of $150 million annually through the year 2005.

As you are aware, and others in this Chamber, this fund account supports roughly one-half of the cost of the Nation's historic preservation programs. State governments contribute the other half. This is a partnership that is working—preserving our communities, creating jobs, and providing opportunities for this partnership to flourish.

States and certain local governments and Native American tribes carry out our historic preservation programs under the act for the Secretary of the Interior and the Advisory Council on Historic Preservation. This program involves the identification of historic places, working with property owners in nominating significant places to the National Register, consulting with Federal agencies on projects that may adversely impact historic places, advising investors on important tax credits for the rehabilitation of historic buildings, and offering information and educational opportunities to the private and public sectors on historic preservation.

This program is made possible through the Historic Preservation Fund, and it contributes significantly, as I have said, to community revitalization and to economic development.

We believe it is extremely worthwhile, it is a program that works, and we must reauthorize this fund so the State historic preservation offices and the Advisory Council on Historic Preservation may continue this important work.

I would just like to state for the RECORD some very brief examples of how this has worked around the Nation.

One example is from my hometown in New Orleans. The Maginnis Cotton Mill, which was constructed in 1884, was the largest textile manufacturing plant in the South. It was once a ''model institution'' employing 450 workers. The Maginnis Mill remained the largest in the South until it closed in 1944. Over 50 years had passed before

any restorative work was done to the mill.

In 1996, while maintaining the original ascetic integrity of this enormous complex in downtown New Orleans, the Historic Restoration Group, Inc., converted the old mill into 267 apartments. It has now been completed. It is a beautiful renovation project. It is now the home for 267 residents and their families, and it has increased the housing in that area by 26 percent. The building, which has been called a ''freeze frame'' of the development of the city, has greatly increased property values in that area, not to mention the surrounding area.

Another example is Chinatown, Honolulu. Once nearly engulfed with high-rise redevelopment, Chinatown today is protected by a requirement that new construction be reviewed by a design commission. Tools used include a National Register of Historic Places nomination, Advisory Council on Historic Preservation review, and the preservation tax incentives.

Another example is the Indianapolis Union Railway Station. A $40 million rehabilitation project over a decade drew on several Federal funding programs and extensive consultation with the State and has spurred other adjacent rehabilitations. The station now serves as a festival marketplace with hotel and transportation facilities.

Another example is Formosan Termite Control. A threat to the Vieux Carre and other historic districts in the South, the Formosan termite is immune to common treatment. A Historic Preservation Fund grant is enabling Louisiana State University to study ways of improving detection and eradication of the pest.

Another example is Ledbetter Heights low-income housing, Shreveport. Section 8 housing designation and the preservation tax incentives were used to purchase and rehabilitate shotgun houses in the St. Paul's Bottoms Historic District. Shreveport Landmarks, Inc., cooperated with a tenants' council in the process.

There are literally hundreds of other examples of successful renovation projects that would not be possible without the Historic Preservation Fund. From Hawaii to Maine, from Louisiana to North Dakota, and all in between, there are places in urban and rural areas that have greatly benefited by the presence of this fund.

So I introduce this legislation tonight. I look forward to finding the funding for not just a one-time appropriation. As you know, S. 25 is a bill that seeks to find a permanent source of funding for many important environmental and wildlife conservation projects. Perhaps our National Historic Fund could become part of that so this permanent source of funding could go on to our cities and our communities so they would have a steady stream of revenue to continue to improve these areas in our communities, both in urban and rural parts of our Nation.

Mr. AKAKA. I join my colleague, Senator LANDRIEU, in introducing legislation to reauthorize the Historic Preservation Fund and the Advisory Council on Historic Preservation. As my colleagues may know, the authorization for the Historic Preservation Fund expired on September 30, 1997, and the authorization for the Advisory Council expires on September 30, 2000. This bill would reauthorize the fund and the Council through fiscal year 2005.

There is a growing backlog of preservation needs throughout our country that is not being met. To ensure that this situation is not exacerbated, and to address these shortfalls on a long-term basis, the Historic Preservation Fund should be reauthorized at the earliest opportunity.

The National Historic Preservation Act of 1966 was amended in 1976 to establish the Historic Preservation Fund. Administered by the National Park Service, the Fund provides grants-in-aid to States, certified local governments, and outlying areas. The National Historic Preservation Act provides that $150 million from Outer Continental shelf oil and gas receipts is deposited in the Fund each year. The revenue remains available in the Fund until appropriated by Congress. Since September 30, 1997, no additional deposits from OCS revenues into the Fund have been authorized.

Reauthorization of the Historic Preservation Fund is critical because it provides for the continuation of grants used by States, Tribes, Native Hawaiians, Alaska Natives, and local governments to pay the costs of surveys, comprehensive historic preservation plans, National Register nominations, brochures and educational materials, as well as architectural plans, historic structure reports, and engineering studies necessary to repair listed properties.

Since 1968, over $800 million in grant funds has been awarded to 59 States, territories, local governments, Native Hawaiian organizations, Indian tribes, and the National Trust for Historic Preservation. In Fiscal Year 1998, the States received a total of $29.4 million in historic preservation grants-in-aid, an average allocation of $524,000, which typically is matched by $350,000 in non-federal matching share contributions.

During 1998, States surveyed 14.9 million acres of historic resources and added 185,100 properties to their inventories. Also in 1998, States submitted 1,602 nominations to the National Register of Historic Places and reviewed 89,000 Federal projects for compliance with Section 106 of the National Historic Preservation Act. In Hawaii, over 38,000 properties are maintained on the state's inventory of known historic properties.

Besides providing grants-in-aid, the Historic Preservation Fund also administers a grant program for Native Hawaiians, Indian Tribes, and Alaska Natives for cultural heritage programs. The Tribal Preservation Program has directly assisted over 170 tribes through the award of 259 grants.

For example, the Hopi Tribe in Arizona received a grant to document the rock art sites at Antelope Mesa, resulting in 100 sites being included in their Cultural Resources Management Plan. In Alaska, the Native Village of Venetie drafted a historic preservation plan for Venetie and Arctic Village utilizing a grant from the Historic Preservation Fund. The Seneca Nation of Indians in New York used a grant to develop educational materials for their school children using oral interviews with tribal elders.

In all, more than $9 million in grant funds has been used to assist tribes in assuming State Historic Preservation Office responsibilities, in drafting preservation ordinances, implementing cultural resource management plans, identifying and protecting historic sites, and conducting preservation needs assessments.

In addition, the Fund provides matching grants to Historically Black Colleges and Universities to preserve threatened historic buildings located on their campuses. Funding for preservation projects has been used at Fisk University and Knoxville College in Tennessee; Miles College, Talladega College, Selma University, Stillman College, Concordia College in Alabama; Allen University, Claflin College, Voorhees College in South Carolina; and Rust College and Tougaloo University in Mississippi.

In addition to the Historic Preservation Fund, Congress created the Advisory Council on Historic Preservation under the National Historic Preservation Act of 1966. As an independent federal agency, in cooperation with the Secretary of the Interior, the Council is the major policy advisor to the Federal government on historic preservation. The Council administers programs including, but not limited to, the Historic Preservation Fund, the National Register, and programs of the National Trust. The Council also reviews the policies of Federal agencies in implementing the National Historic Preservation Act, conducts training and educational programs, and encourages public participation in historic preservation. The Council's authorization expires in Fiscal Year 2000.

The Council's role in working with Federal agencies to support the National Historic Preservation Act is essential for protecting this country's historical resources. The Council coordinates many different preservation programs. The Council works with the Housing and Urban Development's HOME program for affordable housing, promotes preservation of historic properties during natural disasters, and promotes preservation and reuse of historic properties during military base closures. The Council, working with State and local governments through State Historic Preservation Officers, has significantly enhanced our ability to preserve our national heritage.

Both the Historic Preservation Fund and the Advisory Council contribute to ongoing Federal, Native Hawaiian, Tribal, State, local and private partnerships in historic preservation. Matching funds are contributed by the States and local and private partners to enhance the investment in our historic heritage. Federal and State funding for historic preservation creates jobs, promotes economic development, and helps leverage commitments from private and public sources.

Historic sites in our country are tangible reminders of our diverse and rich heritage and provide us with a sense of continuity with our past. The Historic Preservation Fund has provided numerous opportunities for preserving our country's irreplaceable historic and archeological resources. For example, in Hawaii, preservation projects in the Oahu Market in Chinatown and at the Mission Houses were funded through Historic Preservation Fund grants. Similarly, New Hampshire used preservation funding to assist with the transformation of the 1925 Goffstown High School into an apartment complex for the town's older inhabitants. The Alaska Gold Rush Centennial was developed as a heritage tourism initiative of the Alaska State Historic Preservation Office using historic preservation funds to establish State-community partnerships. Also, the Save America's Treasures program funded by the Historic Preservation Fund has provided grants for preservation projects of national scope and significance, including restoration of the Star-Spangled Banner and the Declaration of Independence.

A similar bill introduced by the Senator from Louisiana (Ms. LANDRIEU) passed the Senate last year by unanimous consent but was not acted on by the House. I hope that the legislation we are offering today—a simple reauthorization of the Fund and Council through 2005—can be adopted expeditiously.

This legislation is supported by the National Trust for Historic Preservation, the National Conference of State Historic Preservation Officers, the National Alliance of Statewide Preservation Organizations, the National Coordinating Committee for the Promotion of History, Preservation Action, the Society for American Archaeology, and the American Historical Association. I urge my colleagues to support this measure as well.

By Mr. LEVIN (for himself and Mr. KERRY):

S. 1435. A bill to amend section 9 of the Small Business Act to provide for the establishment of volunteer mentoring programs; to the Committee on Small Business.

LEGISLATION TO ESTABLISH A VOLUNTEER MENTORING PROGRAM FOR THE SBIR AND STTR PROGRAMS

Mr. LEVIN. Mr. President, small businesses are the biggest job producers in our economy and technology is an increasingly important component to those growth figures. Contributing to that continued high technology job growth is a high technology procurement program that allows small and innovative high technology companies to bid on some of the federal government's research and development proposals. The Small Business Innovation Research (SBIR) program gives these small technology companies a tool to compete in the big leagues by giving them fairer access to federal research and a way to finance that research in order to commercialize it. It also gives the federal government access to highly innovative companies that can custom design and develop specialized technology for an agency's specific needs—something bigger companies may not be able to do as well.

The SBIR program does this by mandating that each federal agency with a research and development budget that is contracted to outside vendors in excess of $100 million designate 2.5 percent of this budget for awards to small businesses. Currently there are 10 federal agencies participating in the SBIR program. A smaller component of this program is the Small Business Technology Transfer program (STTR), which allows 5 agencies to allocate three twentieths of one percent of these funds to small businesses that partner with non-profit institutions to do the research and development.

The SBIR program creates jobs, increases our capacity for technological innovation and boosts our international competitiveness. According to an April 1998 GAO study, about 50 percent of SBIR research is commercialized or receives additional research funding. That's a pretty good success rate. It's also a great example of federal agencies working together with small businesses to develop technologies to solve specific problems and fill government procurement needs in a cost effective way.

The SBIR and STTR programs are successful programs and we can make them even more successful by establishing a volunteer mentoring program. Such a program would partner CEOs of small high technology companies that have successfully completed a SBIR or STTR program with small businesses in low participation areas to guide them through the process, increasing their chances for success and, ultimately, the commercialization of their research.

Many states believe they can do better regarding the number of SBIR awards their small businesses win. Since the SBIR and STTR programs are highly competitive and merit-based programs and should remain so, I believe the best way to increase participation is through outreach and mentoring. My bill would target its mentoring program to low participation areas which receive a disproportionately low number of SBIR awards as compared with other areas in the state or in the country.

Michigan is just one example of a state which has many low participation areas within it that could improve their participation in the program. In 1997 Michigan small businesses nevertheless won 102 SBIR awards worth a total of $24.6 million, ranking it 14th nationally. But Michigan should be doing better. Based on its population, Michigan ranks 8th nationally, not 14th as it does in number of SBIR awards. I believe the volunteer mentoring program I am proposing will help small high technology businesses from those areas within Michigan and around the country that lack access to research universities, venture capital or other resources to increase their chances of participating successfully in this program.

Last summer, the Senate Small Business Committee held an SBIR oversight hearing to begin to develop a hearing record in preparation for SBIR's reauthorization. At that hearing, GAO presented a study favorably reviewing the program. It pointed out, however, that because agencies are adhering to the program requirements that they not use SBIR funds to pay for the administrative costs of the program, this funding restriction has limited their ability to provide some needed administrative support. For example, some agencies reported they do not have the necessary funds to provide personnel to act as mentors to their SBIR companies or engage in activities that could possibly increase the program's success in phase III. GAO also said the lack of administrative support means agencies are unable to provide SBIR participants with much-needed training in business skills. A volunteer mentoring program could fill this void.

Also at that hearing, a number of Senators expressed a desire to see more geographical distribution of SBIR awards and hearing witnesses suggested this could be addressed through outreach to make more high technology small businesses aware of the program. A natural complement to reaching out to new companies to tell them about the SBIR and STTR programs is the establishment of a mentoring program to increase their odds for success in those programs.

Many SBIR-company CEOs have benefitted from the program, are committed to its success and have told me they want to give something back. They propose doing this in the way of mentoring small businesses that are new to the SBIR process. The bill I am introducing today would establish a program to coordinate that process and reimburse volunteer mentors for their out-of-pocket-expenses. It would also address the desire to expand participation in the program by targeting the mentoring to low participation areas.

I am pleased to have the Senate Small Business Committee Ranking Member, JOHN KERRY, join me as an original cosponsor of this bill. My legislation also has the support of key members of the SBIR community.

My bill would establish a Mentoring program where past SBIR and STTR recipients partner with new applicant companies in low participation areas to help guide them through the process and increase their chances of success. A small business's failure to obtain a phase I or Phase II award may have nothing to do with the capability of its technology but rather is often a result of a lack of understanding the government procurement process and procedures. This mentoring program would help bring new companies into the SBIR program from areas that have not traditionally participated at high rates. It would also increase Phase III awards and commercialization of the technology being developed.

Specifically, my bill would establish a competitively bid volunteer mentoring grant program for the SBIR and STTR programs. The Small Business Administration would be responsible for administering the program. Organizations representing SBIR and STTR awardees could apply for grants ranging from $50,000 -$200,000 to participate in the program. Qualifying organizations would match small businesses in low participation areas new to the SBIR/STTR process with CEOs and others of small, high technology companies that have successfully completed one or more SBIR/STTR contracts, grants or cooperative agreements. The ''volunteer mentors'' would be reimbursed only for their out-of-pocket expenses. Their time, energy and know-how would be donated free-of-charge. The program would be authorized at $1 million per year to cover administration of the program and reimbursement of volunteer mentors for their out-of-pocket expenses.

There are a number of effective organizations and entities representing SBIR and STTR companies that would be eligible to apply for the program. This legislation is intended to attract organizations such as the Small Business Technology Coalition, various regional groups or entities working with SBIR companies as well as some technology oriented specialized Small Business Development Centers, and others. Some of these eligible entities and organizations may even chose to partner together in a collaborative effort to apply to the program.

The SBIR program, originally established in 1982 and reauthorized and expanded in 1992, expires in fiscal year 2000. This highly competitive program has a well deserved reputation for success and has enjoyed bipartisan support over the years. I hope my bill can be included in that reauthorizing legislation to improve what is already a successful program giving small high technology companies access to federal research and development and the federal government access to some of the world's best innovation.

Mr. President, I ask unanimous consent that the letters of endorsement for the bill be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SMALL BUSINESS
TECHNOLOGY COALITION,
Washington, DC, July 22, 1999.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: The Small Business Technology Coalition (SBTC) wishes to express its support for your ''mentoring'' bill to amend the reauthorization of the Small Business Innovation Research (SBIR) Program. The amendment would provide much needed support to small business in ''low participating areas'' applying for grants under the SBIR program.

As you know, the amendment would establish a competitively bid volunteer mentoring grant program for the SBIR. The Small Business Administration would be responsible for administering the program. Organizations representing SBIR awardees could apply for grants ranging from $50,000 to $200,000 to participate in the program. Qualifying organizations would match small businesses new to the SBIR process with CEOs and other of small, high-technology companies that have been successful SBIR award winners. These ''volunteer mentors'' would be reimbursed only for their out-of-pocket expenses incurred while mentoring, not for their time. The program would be authorized at $1 million per year to cover administration of the program and reimbursement of volunteer mentors for their out-of-pocket expenses.

As the nation-wide trade association of small high tech business CEOs, SBTC can attest to the value of a mentoring program to help small businesses new to the SBIR process. SBTC members have hands-on experience and know the importance of expert technical assistance in locating venture capital, seeking Phase III partners and commercialization. SBTC speaks for the small high tech business community and knows through experience that mentoring is a key to success in the SBIR process.

The anticipated result of your amendment would be an increase in SBIR awards to businesses in areas which traditionally have had low numbers of awards. With the passage of this amendment, businesses in certain areas that do not have access to research or venture capital for example, could connect with companies with demonstrated expertise in those fields. Successful mentoring in these low participating areas would broaden the geographic and demographic distribution of SBIR awards.

As the leading industry association representing the interest and needs of small, emerging, research-intensive, technology-based companies, we support your amendment to help small businesses in rural areas succeed in the SBIR program.

Sincerely,

JEFF NOAH.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC, June 28, 1999.

Hon. OLYMPIA J. SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE: On behalf of the Small Business Legislative Council (SBLC), I urge you to support an amendment to the Small Business Innovation Research (SBIR) reauthorization to be offered by Senator Levin. The purpose of the amendment is to create a ''mentoring'' program to encourage small businesses in states not currently benefitting from the SBIR program to participate.

As you know, the SBIR program is a ''win-win'' program. The federal government obtains necessary research and small businesses obtain the opportunity to develop commercially feasible products and processes.

SBLC is a permanent, independent coalition of eighty trade and professional associations that share a common commitment to the future of small business. Our members represent the interest of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, tourism and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views. For your information, a list of our members is enclosed.

Sincerely,

JOHN S. SATAGAJ,
President and General Counsel.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

ACIL.
Air Conditioning Contractors of America.
Alliance for Affordable Services.
Alliance for American Innovation.
Alliance of Independent Store Owners and Professionals.
American Animal Hospital Association.
American Association of Equine Practitioners.
American Bus Association.
American Consulting Engineers Council.
American Machine Tool Distributors Association.
American Nursery and Landscape Association.
American Road & Transportation Builders Association.
American Society of Interior Designers.
American Society of Travel Agents, Inc.
American Subcontractors Association.
American Textile Machinery Association.
Architectural Precast Association.
Associated Equipment Distributors.
Associated Landscape Contractors of America.
Association of Small Business Development Centers.
Association of Sales and Marketing Companies.
Automative Recyclers Association.
Automotive Service Association.
Bowling Proprietors Association of America.
Building Service Contractors Association International.
Business Advertising Council.
CBA.
Council of Fleet Specialists.
Council of Growing Companies.
Direct Selling Association.
Electronics Representative Association.
Florists Transworld Delivery Association.
Health Industry Representatives Association.
Helicopter Association International.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Formalwear Association.
International Franchise Association.
Machinery Dealers National Association.
Mail Advertising Service Association.
Manufacturers Agents for the Food Service Industry.
Manufacturers Agents National Association.
Manufacturers Representatives of America, Inc.
National Association for the Self-Employed.
National Association of Home Builders.
National Association of Plumbing-Heating-Cooling Contractors.

National Association of Realtors.
National Association of RV Parks and Campgrounds.
National Association of Small Business Investment Companies.
National Association of the Remodeling Industry.
National Chimney Sweep Guild.
National Community Pharmacists Association.
National Electrical Contractors Association.
National Electrical Manufacturers Representatives Association.
National Funeral Directors Association, Inc.
National Lumber & Building Materials Dealers, Association.
National Moving and Storage Association.
National Ornamental & Miscellaneous Metals Association.
National Paperbox Association.
National Society of Accountants.
National Tooling and Machining Association.
National Tour Association.
National Wood Flooring Association.
Organization for the Promotion and Advancement of Small Telephone Companies.
Petroleum Marketers Association of America.
Printing Industries of America, Inc.
Professional Lawn Care Association of America.
Promotional Products Association International.
The Retailer's Bakery Association.
Saturation Mailers: Coalition.
Small Business Council of America, Inc.
Small Business Exporters Association.
Small Business Technology Coalition.
SMC Business Councils.
Society of American Florists.
Turfgrass Producers International.
Tire Association of North America.
United Motorcoach Association.

• Mr. KERRY. Mr. President, today I join my colleague from Michigan, Senator LEVIN, in introducing the Small Business Innovation Research (SBIR) and Small Technology Transfer (STTR) Volunteer Mentoring Program. This bill seeks to increase, through company-to-company mentoring, the number of SBIR awards given to small businesses located in areas, known as ''low participation areas,'' where historically few awards have been made in proportion to other areas of the country.

The Small Business Innovation Research (SBIR) program is a great example of how government and business can work together to advance the cause of science and a healthy economy. The results have been dramatic for small, high-technology companies participating in the program. Since 1983 when the program was started, some 16,000 small, high-technology firms have received more than 46,000 SBIR research awards through 1997, totaling $7.5 billion.

Complementing the SBIR program, we have the Small Business Technology Transfer (STTR) program, another important R&D opportunity for small businesses. It was established to provide a strong incentive for small businesses and technical experts at research institutions to team up and move ideas from the laboratory to the marketplace.

Technological advancement is a key element of economic growth. According to a recent Congressional Research Service Report, Small, High Tech Companies and Their Role in the Economy: Issues in the Reauthorization of the Small Business Innovation (SBIR) Program, ''technical progress is responsible for up to one-half the growth of the U.S. economy and is one of the principle driving forces for increases in our standard of living.''

As Ranking Member of the Senate Small Business Committee, and a Senator representing a state with one of the most active hi-tech industries in the country, I am always interested in new initiatives, or improving existing ones, to develop and nurture technology-based companies throughout the region and the nation.

The SBIR program has been good to my home state of Massachusetts. So good that we are the second largest recipient of SBIR awards in the country. In 1997, Massachusetts' small, hi-tech firms won 702 awards, totaling $164 million. But it's not by coincidence—it's because we have the right mix of small high-tech companies, an active venture capital community, and a cluster of universities that understand the benefits of technology transfer, attract academic research funds and graduate a highly qualified workforce.

Similarly, a variation of that combination is also what cultivates and supports innovative hi-tech companies in states such as California, Virginia and Ohio that have historically been among the largest recipients of SBIR awards.

We on the Senate Small Business Committee have the tough job of crafting a solution that helps small businesses in states that don't have this infrastructure. However, we should not change the program's reliance on competition. Merit is the only way to maintain the integrity of the research. Only one in seven or eight Phase I proposals is awarded. The highly competitive nature of SBIR awards is one of the main reasons the program has been so popular and successful.

One of the experiments working around the country is mentoring—experienced SBIR award winners helping SBIR applicants navigate the process. For example, Innovative Training Systems (ITS) in Newton, Mass., mentored Pro-Change Behavior Systems out of West Kingston, RI, when it applied for its first SBIR award. ITS specializes in health care multi-media programs such as smoking prevention and cessation for high school students and has gotten several SBIR awards from the National Institutes of Health (NIH). Pro-Change also specializes in health care multimedia for health behavior change and needed help getting an SBIR award for cancer prevention from NIH. Pro-Change says, among many things, the mentoring helped by explaining the rating system (it learned to target resources to those aspects of the proposal that counted most) and by saving the company time and reducing confusion on the financial and business requirements behind a proposal. As a representative for Pro-Change said, ''SBIR mentoring leads to long-lasting business partnerships, spawning exciting new ventures.''

Mentoring may not be exclusively responsible for Pro-Change's success in getting its first SBIR award, but it played an important role. Just look at the numbers. The process is highly competitive, with only one in seven or eight Phase I proposals getting funded. Furthermore, this company got another award in Rhode Island, a state where only six awards were given in 1997. Since that first award in 1998, Pro-Change has gone on to apply for three more Fast-Track Phase II proposals and one Phase I proposal to NIH. We can and should replicate and facilitate this process.

This bill would elevate and reinforce that informal mentoring by authorizing competitive grants, ranging from $50,000 to $200,000, to any entity that represents small businesses that participate in SBIR or STTR programs. The entity would be obligated to match experienced, successful SBIR or STTR award winners with small businesses located in low SBIR-participation areas—advising and guiding them from application to award to project completion.

Though it will be up to the SBA Administrator to define what areas receive a disproportionate amount of awards, this bill is intended to help states such as such as Maine and Montana, which received only five awards in 1997, and rural pockets of states such as Michigan and Massachusetts which do well overall in the program but get the concentration of awards in university towns or the largest city.

Because founders of hi-tech companies are often more scientific inventors than business experts, the mentor companies could help with management assistance, proposal writing, commercialization or venture capital networking. The mentor companies would be volunteers, but would be eligible for reimbursement of out-of-pocket expenses, authorized travel and reasonable bills for telephone calls and faxes. And like the volunteers in SBA's successful volunteer business counselor program, the Service Corps of Retired Executives (SCORE), SBIR mentor volunteers would get automatic liability coverage.

I know the Committee on Small Business will have a roundtable on August 4th to discuss with program managers, SBIR companies and SBIR advocates how to increase the low number of awards given in certain states, and I look forward to hearing comments on this bill and on any alternative programs.

Mr. President, in closing, I want to thank Senator LEVIN for his work on this bill and ask that a letter of support from the Small Business Technology Coalition be included for the RECORD.

The letter follows:

SMALL BUSINESS
TECHNOLOGY COALITION,
Washington, DC, July 16, 1999.

Senator JOHN KERRY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: The Small Business Technology Coalition (SBTC) urges you to cosponsor Senator Levin's amendment to the reauthorization of the Small Business Innovation Research (SBIR) Program. The amendment would provide much needed support to small businesses applying for grants under the SBIR program.

Senator Levin's amendment would establish a competitively bid volunteer mentoring grant program for the SBIR. The Small Business Administration would be responsible for administering the program. Organizations representing SBIR awardees could apply for grants ranging from $50,000 to $500,000 to participate in the program. Qualifying organizations would match small businesses new to the SBIR process with CEOs and other of small, high-technology companies that have been successful SBIR award winners. These ''volunteer mentors'' would be reimbursed only for their out-of-pocket expenses incurred while mentoring, not for their time. The program would be authorized at $1 million per year to cover administration of the program and reimbursement of volunteer mentors for their out-of-pocket expenses.

As the nation-wide trade association of small high tech business CEOs, SBTC can attest to the value of a mentoring program to help small businesses new to the SBIR process. SBTC members have hands-on experience and know the importance of expert technical assistance in locating venture capital, seeking Phase III partners and commercialization. SBTC speaks for the small high tech business community and knows through experience that mentoring is a key to success in the SBIR process.

The anticipated result of Senator Levin's amendment would be an increase in SBIR awards to businesses in states which traditionally have had low numbers of awards. With the passage of this amendment, businesses in certain states that do not have access to research or venture capital for example, could connect with companies with demonstrated expertise in those areas. Successful mentoring in these states would broaden the geographic and demographic distribution of SBIR awards.

As the leading industry association representing the interest and needs of small, emerging, research-intensive, technology-based companies, we urge you to cosponsor Senator Levin's amendment and help businesses in rural areas compete in the SBIR program.

Sincerely,

JEFF NOAH,
Executive Director.●

By Mr. CONRAD:

S. 1436. A bill to amend the Agricultural Marketing Transition Act to provide support for United State agricultural producers that is equal to the support provided agricultural producers by the European Union, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AMENDING THE AGRICULTURAL MARKETING TRANSITION ACT

Mr. CONRAD. Mr. President, I rise to introduce new, permanent farm legislation. I think virtually everyone from farm country understands that our farmers have been hit by a triple whammy—the triple whammy of bad prices, bad weather, and bad policy. The results are catastrophic.

In my home State of North Dakota, one of the most agricultural States in the Nation, our farmers are being pressured as never before. They are in a cost price squeeze that is almost unprecedented. The results will be the loss of thousands of farm families unless there is a Federal response.

I think most of us know we need to have a disaster response because prices have collapsed, and adverse weather conditions continue across the country. So it is critically important that we take short-term steps to address what is happening in farm country.

A disaster bill is not enough. We need more than that. We also need to respond with a long-term change in farm policy.

If I could direct the attention of my colleagues and others who might be watching to this chart, when I talk about the triple whammy of bad prices, bad weather, and bad policy, this shows what has happened to prices over the last 53 years. The blue line shows what has happened to wheat prices; the red line to barley. As a viewer can see, we are now at the lowest level for these commodities in constant dollars in 53 years.

We are witnessing a price collapse that is almost unprecedented. That is putting enormous pressure on our producers.

In addition to that, in my State we have been hit by almost a 5-year pattern now of bad weather—weather that is overly wet in my State; other parts of the country it is overly dry. In North Dakota, we have 3 million acres that have not even been planted this year. On top of bad prices and bad weather, we are also hit by bad policy because the last farm bill put us at a very severe disadvantage with our major competitors, the Europeans.

The EU trumps the U.S. in farm support. This chart shows just with respect to wheat and corn for 1999—the red bar is what the Europeans provide their producers on wheat; the blue bar what we are doing in the United States. You can see, they are trumping us by 38 percent. In other words, their support is 38 percent higher in wheat, 46 percent higher in corn.

It does not end there because the Europeans are also badly outspending us with respect to export subsidy. This shows for 1998—the last year for which we have full figures—this is the European Union in red: $5 billion a year of support for subsidies. This is the United States: $104 million.

For that 1 year alone, the Europeans are outspending us, are outgunning us, 50 to 1. It is no wonder that our farmers are at a disadvantage. We, in effect, are saying to our farmers: You go out there and compete against the French farmer, the German farmer; and while you're at it, you take on the French Government and the German Government, as well.

That is not a fair fight.

If we look worldwide at agricultural export subsidies, what we see is that the European Union accounts for 84 percent of agriculture subsidies worldwide. The United States has 1.4 percent. We are outgunned 60 to 1 by that measure.

Whether it is 50 to 1 or 60 to 1, the hard reality is, the U.S. producers are not in a fair fight. Something must be done to respond.

If we look back at the policy change that was made in the farm bill—our last farm bill—what we see is there was a dramatic cut in the level of support for our producers.

Under the previous farm bill, the 1990 farm bill, we were getting on average $10 billion a year of support for our farmers. That was cut in half to $5 billion—that at the very time our major competitors are spending $50 billion a year to support their producers. So $50 billion for Europe; $5 billion for the United States.

It is not a fair fight. The result is, our farmers are losing the battle. I call this ''unilateral disarmament.'' We would never do that in a military confrontation. Why have we done it in a trade confrontation? The results are the same: They win; we lose. The chief negotiator for the Europeans told me several years ago: Senator, we believe we are in a trade war in agriculture with the United States. He said: Senator, we believe at some point there will be a cease-fire. We believe there will be a cease-fire in place, and we want to occupy the high ground. And the high ground is market share.

How well that strategy and plan are working, because the Europeans, in just the last few years, have moved from being major importers to being major exporters. They have gone from being the biggest importing region in the world to being the biggest exporting region in the world, and they have done it the old-fashioned way—they have gone out and bought these markets.

In the last 10 years alone, they have spent $500 billion, and now they are starting to get a return on that investment, because in the last trade negotiation, what happened? Europeans have a higher level of support than we do. They are at a higher level. We are at a lower level. Was there a closing of the gap? Not at all. Instead, the conclusion was equal percentage reductions on both sides—36 percent in export subsidies, 24 percent in domestic support. The result is that our farmers were again left in a second position.

If it happens again in the trade talks that are to begin this fall, our farmers will be put in a position of perhaps falling off the cliff, being put in a position that they cannot possibly survive.

Some say let's let the market work. I am all for letting the market work. But that is not what is happening in world agriculture. What is happening in world agriculture is, the Europeans are spending enormous sums of money

to win a dominant position. They believe that is a position they can preserve because they think the United States is unwilling to fight back.

We have to prove them wrong. We have to demonstrate that the United States is not going to roll over, is not going to surrender, is not going to give up, that we intend to fight for these markets to achieve a level playing field so our farmers have a chance to compete. Our farmers can compete against anyone anywhere, but they can't compete against the governments of the European Union. That is not a fair fight.

We can see the pattern because while we have cut support for our producers and the Europeans have had a 50- to 60-to-1 edge on us with respect to export subsidy, the value of our farm exports has dropped like a rock. We have gone from $60 billion a year as recently as 1996 to, this last year, $49 billion. At the same time, if we look at the European pattern, we see they have gone from being a major importer to a major exporter. They have a strategy; they have a plan. It is working. If we don't fight back, we are going to wake up after this next round of negotiations and we are going to find that the United States is falling off the cliff. We are going to find literally thousands of our farm families consigned to failure. That is the message I have received in farm meeting after farm meeting all across my State.

I asked our Trade Representative: What is our leverage in the next round of trade talks? The truth is, we have no leverage because the Europeans are occupying the high ground. They are waiting for the cease-fire, the cease-fire in place. They are waiting to win this victory. They are confident the United States will not fight back. We have to prove them wrong. We have to demonstrate that the United States is not willing to cede these markets.

This chart shows what has happened to just one commodity, wheat. This blue line is European exports; the red line is American exports. You can see the trend line for the United States is down, down, down—lots of zigzags along the way, but the trend line is straight down; the European trend line, straight up. They have had a little setback recently, but you can see they have gone from being in a totally inferior position, a more than two-to-one gap between us to our advantage, to their now being in the dominant position, and they have accomplished this in less than 20 years.

That is what my FITE legislation is all about. It says: Let's fight back. Let's send a message the United States is not going to wave the white flag of surrender. The United States intends to fight for these markets. The United States intends to give our farmers a fair chance to compete. That is what this legislation does.

These charts show it. FITE levels the playing field for wheat. Under our proposal, as I described before, Europe is at $5.20 in wheat, we are at $3.22. We would level the playing field. If they are going to provide $5.20, we will provide $5.20. We do the same thing on corn. We even the score on corn. They are at $4.85 today. We are at $2.25 a bushel on corn. If they want to stay at $4.85, we will match them; we will meet them in the competition. We will take them on head to head, dollar for dollar, so we don't surrender these markets and find ourselves in an inferior position.

Not only do we even the score with respect to support to producers, we even the score with respect to export subsidy, because in the FITE bill we provide $4 billion a year of support for export subsidy, because we believe that will send a message to the Europeans that the United States intends to fight. This would put us in a strong position for the talks this fall because right now we have no leverage.

The question is, How do we respond?

I have a series of letters from groups endorsing the FITE legislation. I ask unanimous consent to have them printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NORTH DAKOTA ASSOCIATION OF
RURAL ELECTRIC COOPERATIVES,
Mandan, ND, July 26, 1999.

Senator KENT CONRAD,
Hart Office Building, Washington, DC.

SENATOR CONRAD: As president of the North Dakota Association of Rural Electric Cooperatives, I want to commend you for bringing forth your ''FITE'' proposal in response to the current farm crisis.

In our program, we know this ag crisis is real. We deal, every month, with the stranded assets of people leaving the land—giving up the dream of making their living and raising their families on the land.

Your Farm Income and Trade Equity Act is a thoughtful, fair and solid response to the crisis. You've correctly identified in this proposal that unfair trade subsidies and rock-bottom commodity prices are at the root of this crisis. Your FITE proposal provides a solution to this problem.

You can count on North Dakota's RECs to help get this legislation through the Congress and on the President's desk for his signature. We need action, and this FITE proposal makes a great deal of sense to us. We'll help however we can.

Sincerely,

ADOLPH FEYEREISEN,
President.

NORTH DAKOTA
NATIONAL FARMERS ORGANIZATION,
Marion, ND, July 21, 1999.

Senator KENT CONRAD,
U.S. Senate, Washington, DC.

DEAR SENATOR CONRAD: The North Dakota National Farmers Organization is happy to endorse your introduction of FITE (Farm Income and Trade Equity Act of 1999).

I must also add that on behalf of NDNFO members, we appreciate your efforts to help correct the severe income problems we are experiencing in rural America and particularly in North Dakota.

Good luck and thanks,

RALPH DANUSER,
President.

U.S. DURUM GROWERS ASSN.,
July 23, 1999.

Senator KENT CONRAD,
Hart Senate Office Building,
Washington, DC.

SENATOR CONRAD: The US Durum Growers Association would like to congratulate and thank you for introducing the Farm Income and Trade Equity Fairness Investment Transition Act farm package. Your work in developing a comprehensive farm program that would finally put US producers on equal footing with European farmers is to be complimented.

As you know, commodity prices are extremely low. That is particularly true of durum, which is substantially lower than the average prices of recent years. The low farm prices have pushed the northern plains economy, which is very dependent on durum production, into a near depression-like state. The support levels that you are proposing in the FITE legislation would enhance durum farmers' profitability and in turn, contribute to the revitalization of the rural economy.

The USDGA has a long standing policy in support of increasing marketing loans and we are pleased that your farm program proposal offers that as a base of support. The additional payment over the loan rate to equalize the subsidies received by US and European producers helps ensure a competitive environment in the world trade of durum.

The FITE is the only proposal to date that puts US producers at a competitive position with the farmers in the European Union. The support offered by this bill will provide the US with negotiating power needed in this fall's WTO talks.

Thank you for your work in formulating and introducing the bill, the US Durum Growers Association pledges to work with you to gain acceptance for this bill in Congress.

Sincerely,

MARK BIRDSALL,
President.

MILK PRODUCERS ASSOCIATION
OF NORTH DAKOTA, INC.,
Manning, ND, July 22, 1999.

Senator KENT CONRAD.

DEAR SENATOR CONRAD: We the Milk Producers Association of N.D. support your effort to make positive changes in Congress to help our Nations family farmers. Although this bill does not intend to help the Dairy Industry directly, we believe that indirectly it will benefit us by strengthening our family farm economy.

Needless to say, time is running out for many of our family farmers and we urge you to work hard in the next few months to get this bill passed through Congress.

Sincerely,

DOUG DUKART.

AMERICAN RENEWABLE
OIL ASSOCIATION,
Bismarck, ND, July 23, 1999.

Senator KENT CONRAD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CONRAD: The American Renewable Oil Association (AROA), represents North Dakota's 350 plus crambe growers. The AROA appreciates the efforts you have made to try and address the inequities in the US farm program. We support farmer assistance equal to that of other countries.

In order for the American producer to survive in the global market, producers must be on an equal playing field with all trading partners. The 'FITE' bill addresses these inequities. The AROA has not been able to schedule a board meeting to take an official stance on the bill. I do see a potential problem with base acres and land diversion.

Please forward me a full draft when possible so I may review it with the full AROA board. I look forward to working with you on this bill.

Sincerely,

RAY FEGLEY,
President.

NORTH DAKOTA
BANKERS ASSOCIATION,
Bismarck, ND, July 23, 1999.

Hon. KENT CONRAD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CONRAD: On Thursday I surveyed the NDBA Board of Directors and Ag Committee to determine their level of support for the Farm Income and Trade Equity Act (FITE) to be introduced on Monday.

I received 16 responses and all indicated that NDBA should endorse the concept embodied in the legislation and support your efforts on this issue. Kirby Josephson, chairman of the NDBA Ag Committee from Litchville, ND, stated that ''ag lenders in North Dakota will support your efforts to improve farm income. It is time we do something to address the ag crisis our North Dakota farmers are facing. Senator Conrad is taking a bold approach to restoring farm income.''

Respondents indicated that they believe the Export Enhancement Program has been under utilized. However, some concerns were expressed with the 10 percent conservation set aside and the fact that this legislation may encourage overproduction and discourage crop diversification.

Please keep NDBA advised of your efforts and the status of this legislation and please feel free to call if you need any further clarification on the position taken by the North Dakota Bankers Association.

Cordially,

JAMES D. SCHLOSSER,
Executive Vice President.

CENTRAL POWER ELECTRIC COOPERATIVE
BOARD OF DIRECTORS RESOLUTION #1999–06

FARM INCOME AND TRADE EQUITY ACT OF 1999

Whereas, American farmers are the world's most efficient and productive, but heavy farm subsidies in competing countries have put U.S. producers at an unfair advantage, and

Whereas, Senator Kent Conrad (D–ND) has introduced the Farm Income and Trade Equity Act of 1999 (''FITE'') to level the playing field beetween U.S. farmers and their primary competitors in Europe by matching European Union subsidies dollar-for-dollar, and

Whereas, Central Power Electric Cooperative is sensitive to the economic crisis currently facing farmers.

Now therefore be it *Resolved*, That the Board of Directors of Central Power Electric Cooperative hereby supports the FITE legislation and its goals to address the current agricultural crisis and protect American agriculture in future trade negotiations.

Dated: July 21, 1999.

SQUARE BUTTE ELECTRIC COOPERATIVE,
RESOLUTION NO. 242

Whereas, American farmers are the World's most efficient and productive, but heavy farm subsidies in competing countries have put U.S. producers at an unfair advantage; and

Whereas, Senator Kent Conrad (D–ND) has introduced the Farm Income and Trade Equity Act of 1999 (''FITE'') to level the playing field between U.S. farmers and their primary competitors in Europe by matching European Union subsidies dollar-for-dollar; and

Whereas, Square Butte Electric Cooperative is sensitive to the economic crisis currently facing farmers;

Now therefore be it *Resolved*, That the Board of Directors of Square Butte Electric Cooperative hereby supports the FITE legislation and its goals to address the current agricultural crisis and protect American agriculture in future trade negotiations.

NORTH DAKOTA RURAL
DEVELOPMENT COUNCIL,
Bismarck ND, July 22, 1999.

Senator KENT CONRAD,
Senate Office Building,
Washington, DC.

DEAR SENATOR CONRAD: The North Dakota Rural Development Council is a relatively new organization with the focal contention that the future depends most heavily upon the vitality of our communities. Hence, one of the primary objectives is to strive for the elimination of barriers which are known to hinder effective rural development efforts.

As eloquently expressed in the Overview section of the Farm Income and Trade Equity Act of 1999, the heavy farm subsidies available to commodity producers in competing foreign countries, places our farmers at a tremendous and untenable disadvantage.

Please consider this correspondence as a tangible indication of support for FITE, and, a written endorsement for the introduction of such timely and all-important farm and rural community survival and preservation legislation. Thank you for your untiring and meaningful efforts and demonstrated commitment, as further evidenced by the Farm Income and Trade Equity Act of 1999.

Sincerely,

CORNELIUS P. GRANT,
Executive Director.

NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION, INC.,
Bismarck, ND, July 23, 1999.

Senator KENT CONRAD,
Hart Senate Building, Washington, DC.

DEAR SENATOR CONRAD: The North Dakota School Boards Association is favorable to The Farm Income and Trade Equity Act of 1999. As you know our rural agriculture communities are struggling to keep their family farms going. This, of course, impacts the resources available to support their public schools.

NDSBA supports your efforts to assist the family farmers and the rural economy of North Dakota.

We would also like to thank you for your continued support of locally controlled public schools.

Sincerely,

MIKE ZIMMERMAN,
President.

54TH ANNUAL MEETING OF THE MIDWESTERN LEGISLATIVE CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS, JULY 18–21, 1999

RESOLUTION ON FAIR MARKETS FOR AMERICAN AGRICULTURAL PRODUCTS

Whereas, the U.S. stock market continues to reach record highs almost daily and the American economy experiences unprecedented expansion and growth; and

Whereas, farm commodity prices continue to plummet while agricultural production costs steadily rise, forcing American farmers and agribusiness into bankruptcy while the rest of the economy prospers; and

Whereas, American farmers and ranchers, who are recognized as the most efficient and productive in the world, are at a considerable disadvantage in competing in the world markets because of the heavy subsidies their primary competitors, the members of the European Union, receive; and

Whereas, this extreme imbalance in our economy and the unfair competition with the European Union cannot be corrected without our government's intervention; now therefore be it

Resolved, that Midwestern Legislative Conference favors legislation that would include support to American producers which would put prices received for crops on even per with those of our European Union competitors; and be it further

Resolved, that Midwestern Legislative Conference favors sensible legislation that would allow our agriculture producers to compete in the global economy while providing an abundance of reasonably priced food for our domestic market; and be it further

Resolved, that the Midwestern Legislative Conference urges the Administration and Congress to secure measures to protect American producers now and in the future from unfair competition so that the citizens of the United States can continue to enjoy the benefits of high quality food at reasonable prices.

Mr. CONRAD. We have support from the North Dakota Farmers Union, the North Dakota Association of Rural Electric Co-ops, the North Dakota NFO, the U.S. Duram Growers Association, the Milk Producers Association of North Dakota, the American Renewable Oil Association, the North Dakota Bankers Association, the Central Power Electric Cooperative Board of Directors, the Square Butte Electric Cooperative, the North Dakota Rural Development Council, and even a resolution of support from the Midwestern Legislative Conference of the Council of State Governments that, while not endorsing the specifics of this legislation, specifically endorsed the concept in which they say:

The Midwestern Legislative Conference favors legislation that would include support to American producers which would put prices received for crops on an even par with those of our European Union competitors.

Mr. President, the Midwest Council of State Governments has it right. We simply cannot permit our farmers to be left at a competitive disadvantage. We must fight back. That is what the FITE legislation will do.

We have had an unprecedented outpouring of support in North Dakota. In addition to those who have sent written comments, the North Dakota Wheat Commission has gone on record supporting this legislation. We have many more who are considering resolutions of support. I am hopeful that this will start a ground swell that will spread across the country and send a message that the United States does not intend to give up our agricultural dominance. That would be a mistake. It would be one we would live to regret. We are very close now to these negotiations this fall. If we don't alter dramatically the negotiating environment, we are going to lose. Make no mistake about it. We are going to lose.

It doesn't have to be that way. It should not be that way. But it is in our hands. We have a choice to make. Do we fight back, or do we give up?

At a time of unprecedented economic prosperity in this country, it would be a travesty for us to have lost the world

agricultural trade battle because we were unwilling at this critical moment to respond. I hope we don't let this opportunity pass us by.

Some people watching me say: Well, why should we help farmers?

I believe farm families are the backbone of strength for this country. They are absolutely fundamental to America's success. They have long been the dominant source of our trade surpluses. Overall, we run massive trade deficits. But in agriculture, we have run trade surpluses. It has been one of two sectors of this economy that has run trade surpluses, and we are right at the brink of losing that. That would be a tragedy for this country—not just because of the dollars or just because of the economics, but because of what it would mean to the fundamental strength of this country.

In Europe, they made a decision. They decided they wanted to have people out across the land. They didn't want everybody forced into the cities, so they made it possible for people to prosper in the rural parts of Europe. Perhaps their being hungry twice before informed those decisions. But whatever the reason, you can travel through the French countryside and the German countryside and it is prosperous; they are doing well. But go through the countryside of my State and what you see is an area that is in economic decline. It is not just in North Dakota; it is all across the heartland of America.

The question is, Are we going to let it go? You know, it would be one thing if it were a fair competition. It would be one thing if it were simply the fact that our farmers weren't as competitive or as efficient as our competitors. But that is not the case. It is not the case. The fact is, our farmers are as competitive and as efficient as any in the world. What is hurting them is that other nations are willing to fight for their producers, and we have been in retreat.

We have to decide what kind of country we want to have. Do we want everybody to move to town? Or do we want people out across the land? Europe has made a decision that they want people out across the countryside, and they have made it possible economically to be there. Now the choice comes to us. The hour is late because these negotiations will start this fall, and if we don't do something to change the rules of the game, our side is going to lose. It doesn't have to be that way. It should not be that way. But we have choices to make in this Chamber, and across in the other Chamber, about what is going to be the policy of America, what is going to be our position.

I hope very much that we will decide we are going to give our farmers a fighting chance. I hope very much that we are going to make a decision that the best policy is to have people out across the land, not to have everybody come to the cities. I hope very much we are going to conclude that it is in our national interest, just as the Europeans have concluded that it is in their interest, to give farmers a fighting chance. There is no way they are going to win this battle when the odds are stacked against them: 10-to-1, 50-to-1, that is the unevenness of the fight our farmers are in now. It is in our hands; it is our decision.

I hope very much that we can start across this country a move to say: Let's fight back. Let's put our farmers on a level playing field. Let's rearm our negotiators. Let's prepare for this battle. Let's not lose. Let's win a victory that would make a difference for hundreds of thousands of farm families across America and the cities and towns that are dependent upon them and, at the end of the day, for a country that needs them.

I yield the floor.

By Mr. MOYNIHAN:

S. 1437. A bill to protect researchers from compelled disclosure of research in Federal courts, and for other purposes; to the Committee on the Judiciary.

THOMAS JEFFERSON RESEARCHER'S PRIVILEGE ACT OF 1999

Mr. MOYNIHAN. Mr. President, it is with great pleasure that I rise today to introduce the Thomas Jefferson Researcher's Privilege Act. This bill protects the rights of researchers in their work. This is an issue that Professor Robert O'Neil of the University of Virginia Law School has done much to advance, and I am extremely grateful for all his assistance.

Two points, followed by a coda, if I may. The first point is that the Thomas Jefferson Act gets to the heart of the first amendment and the principles that our nation was founded on. This Act would protect researchers from the compelled disclosure of their research, studies, data, surveys, etc. Too often researchers are forced to turn over this information in open courts. This interrupts their research and makes it nearly impossible for them to finish and publish their research. If researchers are unable to publish their findings, then the flow and dissemination of information are choked off. This runs counter to the essence of the first amendment.

We need a uniform standard that protects the work of researchers. Some courts have ruled in favor of researchers while others have ruled against them. We need consistency in this field, where researchers feel comfortable to produce their research and do not have to fear that it will be taken from them. This bill will provide that consistency and comfort.

To the second point. We have reached a time in our society where we have to decide between what should be shared and what should be protected. In this case, it is very important to society as a whole to protect a researcher's notes and data before they are ready to be released. It is from these data and research that ideas and thoughts are formed, ideas that will eventually help man and society progress. If a researcher's data are released prematurely, then their ideas may never bear fruit. In the long run, protecting a researcher's data will only lead to more information and ideas in the future. This is what the first amendment is all about.

No one describes the utility of free speech and the dissemination of original ideas better than John Stuart Mill. In *On Liberty*, he argues that neither government nor a public acting informally may legitimately use coercion to stifle free expression, and the reason he gives is a utilitarian, or at least a consequentialist one. If the opinion is right, the human race is deprived of it; if wrong, they are deprived of the opportunity to reinforce—through surviving a challenge—their understanding of what is right. The quashing of opinion is therefore, a much more far-reaching evil than the mere loss of something valuable to the individual, for it deprived society at large of something of benefit. This is exactly what happens when researchers are forced to turn over their work prematurely and prevented from developing and sharing their thoughts. The Thomas Jefferson Bill would help rectify just this situation.

I conclude by saying that I could think of no better namesake for this bill than Thomas Jefferson, our third president and author of the Declaration of Independence. A philosophical statesman rather than a political philosopher, he contributed to democracy and liberalism a faith rather than a body of doctrine. By his works alone he must be adjudged one the greatest of all Americans, while the influence of this energizing faith cannot be measured.

One of Jefferson's greatest contributions to our nation was his protection and advocacy of free speech. From the Declaration of Independence to the Virginia Statute for Religious Freedom to the founding of the University of Virginia, he was a passionate proponent of education, human liberty, and free thought. He wrote: ''If nature has made any one thing exclusive property, it is the idea, which an individual may exclusively possess . . .; but the moment it is divulged, it forces itself into the possession of everyone . . .'' Jefferson, always a step or several steps ahead of his age, understood the importance of the freedom of speech in the development of an individual and a nation.

It is only appropriate that the Thomas Jefferson Researcher's Privilege Act be introduced in the month of July, when our nation declared its independence, and be named after Thomas Jefferson, one of our greatest political thinkers and one of our greatest advocates of the free mind.

I ask unanimous consent that the Thomas Jefferson Researcher's Privilege Act be printed in the RECORD.

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

S. 1437

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 ''Thomas Jefferson Researcher's Privilege Act of 1999''.

SEC. 2. FREEDOM OF INFORMATION REQUESTS.

Section 552(b)(4) of title 5, United States Code, is amended—

(1) by inserting ''(A)'' after ''(4)''; and

(2) by adding at the end the following:

''(B) data, records, or information, including actual research documents, collected or produced in the conduct of or as a result of study or research on academic, commercial, scientific, or technical issues, including—

''(i) unpublished lecture notes, unpublished research notes, data, processes, results or other confidential information from research which is in progress, unpublished or not yet verified; or

''(ii) any other information related to research, the disclosure of which could affect—

''(I) the conduct or outcome of the research;

''(II) the likelihood of similar research in the future;

''(III) the ability to obtain patents or copyrights from the research; or

''(IV) any other proprietary rights any entity may have in the research or results of the research;''.

SEC. 3. FEDERAL RULES OF CIVIL PROCEDURE.

Rule 45(c)(3) of the Federal Rules of Civil Procedure is amended—

(1) in subparagraph (A)—

(A) in clause (iv) by striking the period and inserting a comma and ''or''; and

(B) by adding at the end the following:

''(v) requires disclosure of data, records, or information, including actual research documents, collected or produced in the conduct of or as a result of study or research on academic, commercial, scientific, or technical issues, including—

''(I) unpublished lecture notes, unpublished research notes, data, processes, results or other confidential information from research which is in any progress, unpublished or not yet verified, or

''(II) any other information related to research, the disclosure of which could affect the conduct or outcome of the research, the likelihood of similar research in the future, the ability to obtain patents or copyrights from the research, or any other proprietary rights any entity may have in the research or results of the research.''; and

(2) in subparagraph (B)—

(A) in clause (iii) by inserting ''or'' after the comma; and

(B) by inserting after clause (iii) the following:

''(iv) requires disclosure of data, records, or information, including actual research documents, collected or produced in the conduct of or as a result of study or research on academic, commercial, scientific, or technical issues, including—

''(I) unpublished lecture notes, unpublished research notes, data, processes, results or other confidential information from research which is in any progress, unpublished or not yet verified, or

''(II) any other information related to research, the disclosure of which could affect the conduct or outcome of the research, the likelihood of similar research in the future, the ability to obtain patents or copyrights from the research, or any other proprietary rights any entity may have in the research or the results of the research.''.

SEC. 4. FEDERAL RULES OF EVIDENCE.

Article V of the Federal Rules of Evidence is amended by adding after rule 501 the following:

''Rule 502. Privilege for research information

''A person engaged in the study or research of academic, commercial, scientific, or technical issues may claim the privilege to refuse to disclose data, records, or information, including actual research documents, concerning that study or research. Such person may refuse to disclose unpublished lecture notes, unpublished research notes, data, processes, results, or other confidential information from research which is in any progress, unpublished or not yet verified, and any other information related to research, the disclosure of which could affect the conduct or outcome of the research, the likelihood of similar research in the future, the ability to obtain patents or copyrights from the research, or any other proprietary rights any entity may have in the research or the results of the research.''.

SEC. 5. REPEAL OF REQUIREMENT REGARDING DATA PRODUCED UNDER FEDERAL GRANTS AND AGREEMENTS AWARDED TO INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS.

The fifth and sixth provisos under the subheading ''SALARIES AND EXPENSES'' under the heading ''OFFICE OF MANAGEMENT AND BUDGET'' under title III of the Treasury and General Government Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–495) are repealed.

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 9, a bill to combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes.

S. 10

At the request of Mr. DASCHLE, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 10, a bill to provide health protection and needed assistance for older Americans, including access to health insurance for 55 to 65 year olds, assistance for individuals with long-term care needs, and social services for older Americans.

S. 17

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 17, a bill to increase the availability, affordability, and quality of child care.

S. 71

At the request of Ms. SNOWE, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 307

At the request of Mr. WYDEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 307, a bill to amend title XVIII of the Social Security Act to eliminate the budget neutrality adjustment factor used in calculating the blended capitation rate for Medicare + Choice organizations.

S. 457

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 457, a bill to amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes.

S. 632

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 664

At the request of Mr. CHAFEE, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 666

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 666, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 765

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 765, a bill to ensure the efficient allocation of telephone numbers.

S. 777

At the request of Mr. FITZGERALD, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 777, a bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

S. 789

At the request of Mr. MCCAIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 789, a bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees.

S. 817

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 817, a bill to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 890

At the request of Mr. WELLSTONE, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 959

At the request of Mr. HOLLINGS, the names of the Senator from Maine (Ms. SNOWE), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. REED), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 959, a bill to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes.

S. 984

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 984, a bill to amend the Internal Revenue Code of 1986 to modify the tax credit for electricity produced from certain renewable resources.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1131

At the request of Mr. EDWARDS, the names of the Senator from California (Mrs. BOXER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Louisiana (Mr. BREAUX), the Senator from Nebraska (Mr. KERREY), the Senator from Alabama (Mr. SHELBY), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1131, a bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X.

S. 1133

At the request of Mr. GRAMS, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1172

At the request of Mr. TORRICELLI, the names of the Senator from Montana (Mr. BURNS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1172, a bill to provide a patent term restoration review procedure for certain drug products.

S. 1239

At the request of Mr. GRAHAM, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1239, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1268

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1268, a bill to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1321

At the request of Mr. WELLSTONE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1321, a bill to amend title III of the Family Violence Prevention and Services Act and title IV of the Elementary and Secondary Education Act of 1965 to limit the effects of domestic violence on the lives of children, and for other purposes.

S. 1327

At the request of Mr. CHAFEE, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1327, a bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

S. 1372

At the request of Mr. SPECTER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1372, a bill to require the filing of Shippers' Export Declarations through the Automated Export System of the Department of the Treasury with respect to certain transactions of proliferation concern, and for other purposes.

S. 1400

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1400, a bill to protect women's reproductive health and constitutional right to choice, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of Senate Joint Resolution 26, a joint resolution expressing the sense of Congress with respect to the court martial conviction of the late Rear Admiral Charles Butler McVay III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of Senate Concurrent Resolution 34, a concurrent resolution relating to the observence of ''In Memory'' Day.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the names of the Senator from Georgia

(Mr. CLELAND), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. TORRICELLI), the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Missouri (Mr. BOND), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of Senate Resolution 95, A resolution designating August 16, 1999, as ''National Airborne Day.''

SENATE CONCURRENT RESOLUTION 48—RELATING TO THE ASIA-PACIFIC ECONOMIC COOPERATION FORUM

Mr. THOMAS (for himself, Mr. ROBB, Mr. ROTH, and Mr. SMITH of Oregon) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 48

Whereas the Asia-Pacific Economic Cooperation (APEC) Forum was created ten years ago to promote free and open trade and closer economic cooperation among its member countries, as well as to sustain economic growth and equitable development in the region for the common good of its people;

Whereas the twenty-one member countries of APEC account for 55 percent of total world income and 46 percent of global trade;

Whereas APEC Leaders are committed to intensifying regional economic interdependence by going forward with measures to expand trade and investment liberalization, pursuing sectoral cooperation and development initiatives, and increasing business facilitation and economic and technical cooperation projects;

Whereas a strong international financial system underpins the economic success of the region;

Whereas given the challenges presented by the financial crisis, APEC Leaders last year pledged to work together in improving and strengthening social safety nets, financial systems and capital markets, trade and investment flows, corporate sector restructuring, the regional scientific and technological base, human resources development, economic infrastructure, and existing business and commercial links for the purpose of supporting sustained growth into the 21st century;

Whereas the outstanding leadership of New Zealand during its year in the APEC Chair has produced a series of important themes for the annual APEC Leaders meeting in Auckland, New Zealand on September 12–14, 1999, including:

(1) expanding opportunities for private sector businesses through the reduction of tariff and non-tariff barriers;

(2) strengthening the functioning of regional markets, with a particular focus on building institutional capacity, making public and corporate economic governance arrangements more transparent, and guiding regulatory reform so that benefits of trade liberalization are maximized; and

(3) broadening support for and understanding of APEC goals to demonstrate the positive benefits of the organization's work for the entire Asia-Pacific community;

Whereas the unique and close partnership between the public and private sectors exhibited through the APEC Forum has contributed to the successful conclusion of the GATT Uruguay Round and agreement over other multilateral trade pacts involving information technology, telecommunications and financial services;

Whereas APEC member countries have provided helpful momentum, through active consideration of the Early Voluntary Sectoral Liberalization plan, to the next round of multilateral trade negotiations scheduled to begin this year at the Third WTO Ministerial Meeting in Seattle, Washington;

Whereas the APEC Leaders have resolved to achieve the ambitious goal of free and open trade and investment in the region no later than 2010 for the industrialized economies and 2020 for developing economies: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that Congress—

(1) acknowledges the importance of greater economic cooperation in the Asia-Pacific region and the key role played by the Asia-Pacific Economic Cooperation (APEC) Forum;

(2) urges the Administration fully to support the APEC Forum and work to achieve its goals of greater economic growth and stability;

(3) calls upon the Administration to continue its close cooperation with the private sector in advancing APEC goals; and

(4) expresses appreciation to the Government and people of New Zealand for their exceptional efforts in chairing the APEC Forum this year.

SECTION 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

SENATE RESOLUTION 162—TO AUTHORIZE TESTIMONY OF EMPLOYEE OF THE SENATE IN STATE OF NEW MEXICO V. FELIX LUCERO CHAVEZ

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 162

Whereas, in the case of *State of New Mexico* v. *Felix Lucero Chavez*, No CR 4646–99, pending in the Metropolitan Court for Bernalillo County, New Mexico, a subpoena has been served on Kristen Ludecke, an employee of the Senate;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Kristen Ludecke is authorized to testify in the case of *State of New Mexico* v. *Felix Lucero Chavez*, except concerning matters for which a privilege should be asserted.

SENATE RESOLUTION 163—TO ESTABLISH A SPECIAL COMMITTEE OF THE SENATE TO STUDY THE CAUSES OF FIREARMS VIOLENCE IN AMERICA

Mrs. BOXER submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 163

Resolved,

SECTION 1. FINDINGS.

Congress finds that—

(1) In the past eleven years, nearly 400,000 Americans have died from gunshots, and about 35,000 Americans will die in 1999 because of gun violence;

(2) Death by gunshots is the second leading cause of accidental death in the United States and is expected to become the number one cause within the next four years;

(3) Treating gunshot injuries costs the American health care system approximately $4.5 billion annually, with 80 percent of the costs paid for by the public in tax dollars or cost-shifting.

SEC. 2. ESTABLISHMENT OF SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—There is established a special committee of the Senate to be known as the Special Committee on Firearms Violence (hereafter in this resolution referred to as the ''special committee'').

(b) PURPOSE.—The purpose of the special committee is—

(1) to study the causes of firearms violence in America;

(2) to make such findings of fact as are warranted and appropriate, including the impact of firearms violence on the well-being of American children; and

(3) to explore ways to reduce firearms violence in America, including increasing controls on the sale and distribution of firearms, and to make recommendations for such legislation and administrative actions as the special committee determines to be necessary and appropriate.

No proposed legislation shall be referred to the special committee, nor shall the special committee have power to report by bill or otherwise have legislative jurisdiction.

(c) TREATMENT AS STANDING COMMITTEE.—For purposes of paragraphs 1, 2, 7(a)(1) and (2), and 10(a) of rule XXVI and rule XXVII of the Standing Rules of the Senate, and section 202(i) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

SEC. 3. MEMBERSHIP AND ORGANIZATION.

(a) MEMBERSHIP.—

(1) IN GENERAL.—the special committee shall consist of 7 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 3 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) VACANCIES.—Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee and shall be filled in the same manner as original appointments are made.

(3) SERVICE.—For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the special committee shall not be taken into account.

(b) CHAIRMAN.—The chairman of the special committee shall be selected by the Majority Leader of the Senate and the vice chairman of the special committee shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the special committee or the chairman may assign.

SEC. 3. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—For the purposes of this resolution, the special committee is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

(6) to take depositions and other testimony;

(7) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(8) with the prior consent of the Government department or agency concerned and the Committee on rules and Administration, to use on a non-reimbursable basis the services of personnel of any such department or agency.

(b) OATHS FOR WITNESSES.—The chairman of the special committee or any member thereof may administer oaths to witnesses.

(c) SUBPOENAS.—Subpoenas authorized by the special committee may be—

(1) issued over the signature of the chairman after consultation with the vice chairman, or any member of the special committee designated by the chairman after consultation with the vice chairman; and

(2) served by any person designated by the chairman or the member signing the subpoena.

(d) OTHER COMMITTEE STAFF.—The special committee may use, with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee of any committee of the Senate and on a nonreimbursable basis, the facilities or services of any members of the staff of such other Senate committee whenever the special committee or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the special committee to make the investigation and study provided for in this resolution.

SEC. 4. REPORT AND TERMINATION.

The special committee shall report its findings, together with such recommendations as it deems appropriate, to the Senate prior to December 31, 2000.

SEC. 5. FUNDING.

(a) IN GENERAL.—From the date this resolution is agreed to through December 31, 2000, the expenses of the special committee incurred under this resolution shall be paid out of the miscellaneous items account of the contingent fund of the Senate and shall not exceed $250,000 for the period beginning on the date of adoption of this resolution through March 1, 2000, and $250,000 for the period of March 1, 2000 through December 31, 2000, of which amount not to exceed $75,000 shall be available for each period for the procurement of the services of individual consultants, or organization thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(b) PAYMENT OF BENEFITS.—The retirement and health benefits of employees of the special committee shall be paid out of the miscellaneous items account of the contingent fund of the Senate.

AMENDMENTS SUBMITTED

RELATING TO THE ENFORCEMENT OF RULE 16

DASCHLE AMENDMENT NO. 1343

Mr. DASCHLE proposed an amendment to the resolution (S. Res. 160) to restore enforcement of rule 16; as follows:

At the appropriate place add the following:

The presiding officer of the Senate shall apply all precedents of the Senate under Rule XXVIII in effect at the conclusion of the 103rd Congress.

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1999

LOTT AMENDMENT NO. 1344

Mr. LOTT proposed an amendment to the bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes; as follows:

Strike all after the enacting clause and insert the part printed in italic:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) at the outset of the 20th century, the States adopted a separate justice system for juvenile offenders;

(2) violent crimes committed by juveniles, such as homicide, rape, and robbery, were an unknown phenomenon then, but the rate at which juveniles commit such crimes has escalated astronomically since that time;

(3) in 1994—

(A) the number of persons arrested overall for murder in the United States decreased by 5.8 percent, but the number of persons who are less than 15 years of age arrested for murder increased by 4 percent; and

(B) the number of persons arrested for all violent crimes increased by 1.3 percent, but the number of persons who are less than 15 years of age arrested for violent crimes increased by 9.2 percent, and the number of persons less than 18 years of age arrested for such crimes increased by 6.5 percent;

(4) from 1985 to 1996, the number of persons arrested for all violent crimes increased by 52.3 percent, but the number of persons under age 18 arrested for violent crimes rose by 75 percent;

(5) the number of juvenile offenders is expected to undergo a massive increase during the first 2 decades of the twenty-first century, culminating in an unprecedented number of violent offenders who are less than 18 years of age;

(6) the rehabilitative model of sentencing for juveniles, which Congress rejected for adult offenders when Congress enacted the Sentencing Reform Act of 1984, is inadequate and inappropriate for dealing with many violent and repeat juvenile offenders;

(7) the Federal Government should encourage the States to experiment with progressive solutions to the escalating problem of juveniles who commit violent crimes and who are repeat offenders, including prosecuting such offenders as adults, but should not impose specific strategies or programs on the States;

(8) an effective strategy for reducing violent juvenile crime requires greater collection of investigative data and other information, such as fingerprints and DNA evidence, as well as greater sharing of such information—

(A) among Federal, State, and local agencies, including the courts; and

(B) among the law enforcement, educational, and social service systems;

(9) data regarding violent juvenile offenders should be made available to the adult criminal justice system if recidivism by criminals is to be addressed adequately;

(10) holding juvenile proceedings in secret denies victims of crime the opportunity to attend and be heard at such proceedings, helps juvenile offenders to avoid accountability for their actions, and shields juvenile proceedings from public scrutiny and accountability;

(11) the injuries and losses suffered by the victims of violent crime are no less painful or devastating because the offender is a juvenile; and

(12) the prevention, investigation, prosecution, adjudication, and punishment of criminal offenses committed by juveniles, and the rehabilitation and correction of juvenile offenders are, and should remain, primarily the responsibility of the States, to be carried out without interference from the Federal Government.

(b) PURPOSES.—The purposes of this Act are—

(1) to reform Federal juvenile justice programs and policies in order to promote the emergence of juvenile justice systems in which the paramount concerns are providing for the safety of the public and holding juvenile wrongdoers accountable for their actions, while providing the wrongdoer a genuine opportunity for self-reform;

(2) to revise the procedures in Federal court that are applicable to the prosecution of juvenile offenders; and

(3) to encourage and promote, consistent with the ideals of federalism, adoption of policies by the States to ensure that the victims of violent crimes committed by juveniles receive the same level of justice as do victims of violent crimes that are committed by adults.

SEC. 3. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—JUVENILE JUSTICE REFORM

SEC. 101. SURRENDER TO STATE AUTHORITIES.

Section 5001 of title 18, United States Code, is amended by striking the first undesignated paragraph and inserting the following:

''Whenever any person who is less than 18 years of age is been arrested and charged with the commission of an offense (or an act of delinquency that would be an offense were it committed by an adult) punishable in any court of the United States or of the District of Columbia, the United States Attorney for the district in which such person has been arrested may forego prosecution pursuant to section 5032(a)(2) if, after investigation by the United States Attorney, it appears that—

''(1) such person has committed an act that is also an offense or an act of delinquency under the law of any State or the District of Columbia;

''(2) such State or the District of Columbia, as applicable, can and will assume jurisdiction over such juvenile and will take such juvenile into custody and deal with the juvenile in accordance with the law of such State or the District of Columbia, as applicable; and

''(3) it is in the best interests of the United States and of the juvenile offender.''.

SEC. 102. TREATMENT OF FEDERAL JUVENILE OFFENDERS.

(a) IN GENERAL.—Section 5032 of title 18, United States Code, is amended to read as follows:

''§ 5032. Delinquency proceedings in district courts; juveniles tried as adults; transfer for other criminal prosecution

''(a) IN GENERAL.—

''(1) DELINQUENCY PROCEEDINGS IN DISTRICT COURTS.—A juvenile who is alleged to have committed a Federal offense shall, except as provided in paragraph (2), be tried in the appropriate district court of the United States—

''(A) in the case of an offense described in subsection (c), and except as provided in subsection (i), if the juvenile was not less than 14 years of age at the time of the offense, as an adult at the discretion of the United States Attorney in the appropriate jurisdiction, upon certification by that United States Attorney (which certification shall not be subject to review in or by any court, except as provided in subsection (d)(2)) that—

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

''(ii) the ends of justice otherwise so require;

''(B) in the case of a felony offense that is not described in subsection (c), and except as provided in subsection (i), if the juvenile was not less than 14 years of age at the time of the offense, as an adult, upon certification by the Attorney General (which certification shall not be subject to review in or by any court, except as provided in subsection (d)(2)) that—

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

''(ii) the ends of justice otherwise so require;

''(C) in the case of a juvenile who has, on a prior occasion, been tried and convicted as an adult under this section, as an adult; and

''(D) in all other cases, as a juvenile.

''(2) REFERRAL BY UNITED STATES ATTORNEY; APPLICATION TO CONCURRENT JURISDICTION.—

''(A) IN GENERAL.—If the United States Attorney in the appropriate jurisdiction (or in the case of an offense under paragraph (1)(B), the Attorney General), declines prosecution of an offense under this section, the matter may be referred to the appropriate legal authorities of the State or Indian tribe with jurisdiction over both the offense and the juvenile.

''(B) APPLICATION TO CONCURRENT JURISDICTION.—The United States Attorney in the appropriate jurisdiction (or, in the case of an offense under paragraph (1)(B), the Attorney General), in cases in which both the Federal Government and a State or Indian tribe have penal provisions that criminalize the conduct at issue and both have jurisdiction over the juvenile, shall exercise a presumption in favor of referral pursuant to subparagraph (A), unless the United States Attorney pursuant to paragraph (1)(A) (or the Attorney General pursuant to paragraph (1)(B)) certifies (which certification shall not be subject to review in or by any court) that—

''(i) the prosecuting authority or the juvenile court or other appropriate court of the State or Indian tribe refuses, declines, or will refuse or will decline to assume jurisdiction over the conduct or the juvenile; and

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

''(C) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

''(b) JOINDER; LESSER INCLUDED OFFENSES.—In a prosecution under this section, a juvenile may be prosecuted and convicted as an adult for any offense that is properly joined under the Federal Rules of Criminal Procedure with an offense described in subsection (c), and may also be convicted of a lesser included offense.

''(c) OFFENSES DESCRIBED.—An offense is described in this subsection if it is a Federal offense that—

''(1) is a serious violent felony or a serious drug offense (as those terms are defined in section 3559(c), except that section 3559(c)(3) does not apply to this subsection); or

''(2) is a conspiracy or an attempt to commit an offense described in paragraph (1).

''(d) WAIVER TO JUVENILE STATUS IN CERTAIN CASES; LIMITATIONS ON JUDICIAL REVIEW.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (a)(1) shall not be reviewable in any court.

''(2) DETERMINATION BY COURT ON TRIAL AS ADULT OF CERTAIN JUVENILE.—In any prosecution of a juvenile under subsection (a)(1)(A) if the juvenile was less than 16 years of age at the time of the offense, or under subsection (a)(1)(B), upon motion of the defendant and after a hearing, the court in which criminal charges have been filed shall determine whether to issue an order to provide for the transfer of the defendant to juvenile status for the purposes of proceeding against the defendant or for referral under subsection (a).

''(3) TIME REQUIREMENTS.—A motion by a defendant under paragraph (2) shall not be considered unless that motion is filed not later than 30 days after the date on which the defendant—

''(A) appears through counsel to answer an indictment; or

''(B) expressly waives the right to counsel and elects to proceed pro se.

''(4) PROHIBITION.—The court shall not order the transfer of a defendant to juvenile status under paragraph (2) unless the defendant establishes by a preponderance of the evidence or information that removal to juvenile status would be in the interest of justice. In making a determination under paragraph (2), the court may consider—

''(A) the nature of the alleged offense, including the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities;

''(B) whether prosecution of the juvenile as an adult is necessary to protect property or public safety;

''(C) the age and social background of the juvenile;

''(D) the extent and nature of the prior criminal or delinquency record of the juvenile;

''(E) the intellectual development and psychological maturity of the juvenile;

''(F) the nature of any treatment efforts and the response of the juvenile to those efforts; and

''(G) the availability of programs designed to treat any identified behavioral problems of the juvenile.

''(5) STATUS OF ORDERS.—

''(A) IN GENERAL.—An order of the court made in ruling on a motion by a defendant to transfer a defendant to juvenile status under this subsection shall not be a final order for the purpose of enabling an appeal, except that an appeal by the United States shall lie to a court of appeals pursuant to section 3731 from an order of a district court removing a defendant to juvenile status.

''(B) APPEALS.—Upon receipt of a notice of appeal of an order under this paragraph, a court of appeals shall hear and determine the appeal on an expedited basis.

''(6) INADMISSIBILITY OF EVIDENCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no statement made by a defendant during or in connection with a hearing under this subsection shall be admissible against the defendant in any criminal prosecution.

''(B) EXCEPTIONS.—The prohibition under subparagraph (A) shall apply, except—

''(i) for impeachment purposes; or

''(ii) in a prosecution for perjury or giving a false statement.

''(7) RULES.—The rules concerning the receipt and admissibility of evidence under this subsection shall be the same as prescribed in section 3142(f).

''(e) APPLICABLE PROCEDURES.—Any prosecution in a district court of the United States under this section—

''(1) in the case of a juvenile tried as an adult under subsection (a), shall proceed in the same manner as is required by this title and by the Federal Rules of Criminal Procedure in any proceeding against an adult; and

''(2) in all other cases, shall proceed in accordance with this chapter, unless the juvenile has requested in writing, upon advice of counsel, to be proceeded against as an adult.

''(f) APPLICATION OF LAWS.—

''(1) APPLICABILITY OF SENTENCING PROVISIONS.—

''(A) IN GENERAL.—Except as otherwise provided in this chapter, and subject to subparagraph (C) of this paragraph, in any case in which a juvenile is prosecuted in a district court of the United States as an adult, 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, except that no person shall be subject to the death penalty for an offense committed before the person attains the age of 18 years.

''(B) STATUS AS ADULT.—No juvenile sentenced to a term of imprisonment shall be released from custody on the basis that the juvenile has attained the age of 18 years.

''(C) APPLICABLE GUIDELINES.—Each juvenile tried as an adult shall be sentenced in accordance with the Federal sentencing guidelines promulgated under section 994(z) of title 28, United States Code, once such guidelines are promulgated and take effect.

''(2) APPLICABILITY OF MANDATORY RESTITUTION PROVISIONS TO CERTAIN JUVENILES.—If a juvenile is tried as an adult for any offense to which the mandatory restitution provisions of sections 3663A, 2248, 2259, 2264, and 2323 apply, those sections shall apply to that juvenile in the same manner and to the same extent as those provisions apply to adults.

''(g) OPEN PROCEEDINGS.—

''(1) IN GENERAL.—Any offense tried or adjudicated in a district court of the United States under this section shall be open to the general public, in accordance with rules 10, 26, 31(a), and 53 of the Federal Rules of Criminal Procedure, unless good cause is established by the moving party or is otherwise found by the court, for closure.

''(2) STATUS ALONE INSUFFICIENT.—The status of the defendant as a juvenile, absent other factors, shall not constitute good cause for purposes of this subsection.

''(h) AVAILABILITY OF RECORDS.—

''(1) IN GENERAL.—In making a determination concerning the arrest or prosecution of a juvenile in a district court of the United States under this section, the United States Attorney of the appropriate jurisdiction, or, as appropriate, the Attorney General, shall have complete access to the prior Federal juvenile records of the subject juvenile and, to the extent permitted by State law, the prior State juvenile records of the subject juvenile.

''(2) CONSIDERATION OF ENTIRE RECORD.—In any case in which a juvenile is found guilty or adjudicated delinquent in an action under this section, the district court responsible for imposing sentence shall have complete access to the prior Federal juvenile records of the subject juvenile and, to the extent permitted under State law, the prior State juvenile records of the subject juvenile. At sentencing, the district court shall consider the entire available prior juvenile record of the subject juvenile.

''(i) APPLICATION TO INDIAN COUNTRY.—Notwithstanding sections 1152 and 1153, certification under subparagraph (A) or (B) of subsection (a)(1) shall not be made nor granted with respect to a juvenile who is subject to the criminal jurisdiction of an Indian tribal government if the juvenile is less than 15 years of age at the time of offense and is alleged to have committed an offense for which there would be Federal jurisdiction based solely on commission of the offense in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place where the alleged offense was committed has, before the occurrence of the alleged offense, notified the Attorney General in writing of its election that prosecution as an adult may take place under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 403 of title 18, United States Code, is amended by striking the item relating to section 5032 and inserting the following:

''5032. Delinquency proceedings in district courts; juveniles tried as adults; transfer for other criminal prosecution.''.

(2) ADULT SENTENCING.—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 YOUNGER THAN 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, a serious violent felony or a serious drug offense (as those terms are defined in section 3559(c)).

''(h) TREATMENT OF JUVENILE CRIMINAL HISTORY IN FEDERAL SENTENCING.—

''(1) IN GENERAL.—

''(A) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, the United States Sentencing Commission (referred to in this subsection as the 'Commission') shall amend the Federal sentencing guidelines to provide that, in determining the criminal history score under the Federal sentencing guidelines for any adult offender or any juvenile offender being sentenced as an adult, prior juvenile convictions and adjudications for offenses described in paragraph (2) shall receive a score similar to that which the defendant would have received if those offenses had been committed by the defendant as an adult, if any portion of the sentence for the offense was imposed or served within 15 years after the commencement of the instant offense.

''(B) REVIEWS.—The Commission shall review the criminal history treatment of juvenile adjudications or convictions for offenses other than those described in paragraph (2) to determine whether the treatment should be adjusted as described in subparagraph (A), and make any amendments to the Federal sentencing guidelines as necessary to make whatever adjustments the Commission concludes are necessary to implement the results of the review.

''(2) OFFENSES DESCRIBED.—The offenses described in this paragraph include any—

''(A) crime of violence;

''(B) controlled substance offense;

''(C) other offense for which the defendant received a sentence or disposition of imprisonment of 1 year or more; and

''(D) other offense punishable by a term of imprisonment of more than 1 year for which the defendant was prosecuted as an adult.

''(3) DEFINITIONS.—The Federal sentencing guidelines described in paragraph (1) shall define the terms 'crime of violence' and 'controlled substance offense' in substantially the same manner as those terms are defined in Guideline Section 4B1.2 of the November 1, 1995, Guidelines Manual.

''(4) JUVENILE ADJUDICATIONS.—In carrying out this subsection, the Commission—

''(A) shall assign criminal history points for juvenile adjudications based principally on the nature of the acts committed by the juvenile; an

''(B) may provide for some adjustment of the score in light of the length of sentence the juvenile received.

''(5) EMERGENCY AUTHORITY.—The Commission shall promulgate the Federal sentencing guidelines and amendments under this subsection as soon as practicable, and in any event not later than 90 days after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that authority had not expired, except that the Commission shall submit to Congress the emergency guidelines or amendments promulgated under this section, and shall set an effective date for those guidelines or amendments not earlier than 30 days after their submission to Congress.

''(6) CAREER OFFENDER DETERMINATION.—Pursuant to its authority under section 994 of title 28, the Commission shall amend the Federal sentencing guidelines to provide for inclusion, in any determination regarding whether a juvenile or adult defendant is a career offender under section 994(h) of title 28, and any computation of the sentence that any defendant found to be a career offender should receive, of any act for which the defendant was previously convicted or adjudicated delinquent as a juvenile that would be a felony covered by that section if it had been committed by the defendant as an adult.''.

SEC. 103. DEFINITIONS.

Section 5031 of title 18, United States Code, is amended to read as follows:

''§ 5031. Definitions

''In this chapter:

''(1) ADULT INMATE.—The term 'adult inmate' means an individual who has attained the age of 18 years and who is in custody for, awaiting trial on, or convicted of criminal charges committed while an adult or an act of juvenile delinquency committed while a juvenile.

''(2) JUVENILE.—The term 'juvenile' means—

''(A) a person who has not attained the age of 18 years; or

''(B) for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained the age of 21 years.

''(3) JUVENILE DELINQUENCY.—The term 'juvenile delinquency' means the violation of a law of the United States committed by a person before the eighteenth birthday of that person, if the violation—

''(A) would have been a crime if committed by an adult; or

''(B) is a violation of section 922(x).

''(4) PROHIBITED PHYSICAL CONTACT.—

''(A) IN GENERAL.—The term 'prohibited physical contact' means—

''(i) any physical contact between a juvenile and an adult inmate; and

''(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

''(B) EXCLUSION.—The term does not include supervised proximity between a juvenile and an adult inmate that is brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

''(5) SUSTAINED ORAL COMMUNICATION.—

''(A) IN GENERAL.—The term 'sustained oral communication' means the imparting or interchange of speech by or between a juvenile and an adult inmate.

''(B) EXCEPTION.—The term does not include—

''(i) communication that is accidental or incidental; or

''(ii) sounds or noises that cannot reasonably be considered to be speech.

''(6) STATE.—The term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4506(e))).

''(7) VIOLENT JUVENILE.—The term 'violent juvenile' means any juvenile who is alleged to have committed, has been adjudicated delinquent for, or has been convicted of an offense that, if committed by an adult, would be a crime of violence (as defined in section 16).''.

SEC. 104. NOTIFICATION AFTER ARREST.

Section 5033 of title 18, United States Code, is amended—

(1) in the first sentence, by striking ''immediately notify the Attorney General and'' and inserting the following: ''immediately, or as soon as practicable thereafter, notify the United States Attorney of the appropriate jurisdiction and shall promptly take reasonable steps to notify''; and

(2) in the second sentence of the second undesignated paragraph, by inserting before the period at the end the following: '', and the juvenile shall not be subject to detention under conditions that permit prohibited physical contact with adult inmates or in which the juvenile and an adult inmate can engage in sustained oral communication''.

SEC. 105. RELEASE AND DETENTION PRIOR TO DISPOSITION.

(a) DUTIES OF MAGISTRATE.—Section 5034 of title 18, United States Code, is amended—

(1) by striking ''The magistrate shall insure'' and inserting the following:

''(a) IN GENERAL.—

''(1) REPRESENTATION BY COUNSEL.—The magistrate shall ensure'';

(2) by striking ''The magistrate may appoint'' and inserting the following:

''(2) GUARDIAN AD LITEM.—The magistrate may appoint'';

(3) by striking ''If the juvenile'' and inserting the following:

''(b) RELEASE PRIOR TO DISPOSITION.—Except as provided in subsection (c), if the juvenile''; and

(4) by adding at the end the following:

''(c) RELEASE OF CERTAIN JUVENILES.—A juvenile who is to be tried as an adult pursuant to section 5032 shall be released pending trial only in accordance with the applicable provisions of chapter 207. The release shall be conducted in the same manner and shall be subject to the same terms, conditions, and sanctions for violation of a release condition as provided for an adult under chapter 207.

''(d) PENALTY FOR AN OFFENSE COMMITTED WHILE ON RELEASE.—

''(1) IN GENERAL.—A juvenile alleged to have committed, while on release under this section, an offense that, if committed by an adult, would be a Federal criminal offense, shall be subject to prosecution under section 5032.

''(2) APPLICABILITY OF CERTAIN PENALTIES.—Section 3147 shall apply to a juvenile who is to be tried as an adult pursuant to section 5032 for an offense committed while on release under this section.''.

(b) DETENTION PRIOR TO DISPOSITION.—Section 5035 of title 18, United States Code, is amended—

(1) by striking ''A juvenile'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), a juvenile'';

(2) in subsection (a), as redesignated—

(A) in the third sentence, by striking ''regular contact'' and inserting ''prohibited physical contact or sustained oral communication''; and

(B) after the fourth sentence, by inserting the following: ''To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.''; and

(3) by adding at the end the following:

''(b) DETENTION OF CERTAIN JUVENILES.—

''(1) IN GENERAL.—A juvenile who is to be tried as an adult pursuant to section 5032 shall be subject to detention in accordance with chapter 207 in the same manner, to the same extent, and subject to the same terms and conditions as an adult would be subject to under that chapter.

''(2) EXCEPTION.—A juvenile shall not be detained or confined in any institution in which the juvenile has prohibited physical contact or sustained oral communication with adult inmates. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.''.

SEC. 106. SPEEDY TRIAL.

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

(1) by inserting ''who is to be proceeded against as a juvenile pursuant to section 5032 and'' after ''If an alleged delinquent'';

(2) by striking ''thirty'' and inserting ''70''; and

(3) by striking ''the court,'' and all that follows through the end of the section and inserting the following: ''the court. The periods of exclusion under section 3161(h) shall apply to this section. In determining whether an information should be dismissed with or without prejudice, the court shall consider the seriousness of the alleged act of juvenile delinquency, the facts and circumstances of the case that led to the dismissal, and the impact of a reprosecution on the administration of justice.''.

SEC. 107. DISPOSITIONAL HEARINGS.

Section 5037 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) DISPOSITIONAL HEARING.—

''(A) IN GENERAL.—In a proceeding under section 5032(a)(1)(D), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e).

''(B) PREDISPOSITION REPORT.—A predisposition report shall be prepared by the probation officer, who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the predisposition 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 to present any information in relation to the disposition.

''(2) ACTIONS OF COURT AFTER HEARING.—After a dispositional hearing under paragraph (1), after considering any pertinent policy statements promulgated by the United States Sentencing Commission pursuant to section 994 of title 28, and in conformance with any guidelines promulgated by the United States Sentencing Commission pursuant to section 994(z)(1)(B) of title 28, the court shall—

''(A) place the juvenile on probation or commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult; and

''(B) enter an order of restitution pursuant to section 3663.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''or supervised release'' after ''probation'';

(B) by striking ''extend—'' and all that follows through ''The provisions'' and inserting the following: ''extend, in the case of a juvenile, beyond the maximum term of probation that would be authorized by section 3561, or beyond the maximum term of supervised release authorized by section 3583, if the juvenile had been tried and convicted as an adult. The provisions dealing with supervised release set forth in section 3583 and the provisions''; and

(C) in the last sentence, by inserting ''or supervised release'' after ''on probation''; and

(3) in subsection (c), by striking ''may not extend—'' and all that follows through ''Section 3624'' and inserting the following: ''may not extend beyond the earlier of the 26th birthday of the juvenile or the termination date of the maximum term of imprisonment, exclusive of any term of supervised release, that would be authorized if the juvenile had been tried and convicted as an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile attains the age of 18 years. Section 3624''.

SEC. 108. USE OF JUVENILE RECORDS.

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

''§ 5038. Use of juvenile records

''(a) IN GENERAL.—Throughout a juvenile delinquency proceeding under section 5032 or 5037, the records of such proceeding shall be safeguarded from disclosure to unauthorized persons, and shall only be released to the extent necessary for purposes of—

''(1) compliance with section 5032(h);

''(2) docketing and processing by the court;

''(3) responding to an inquiry received from another court of law;

''(4) responding to an inquiry from an agency preparing a presentence report for another court;

''(5) responding to an inquiry from a law enforcement agency, if the request for information is related to the investigation of a crime or a position within that agency or analysis requested by the Attorney General;

''(6) responding to a written inquiry from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

''(7) responding to an inquiry from an agency considering the person for a position immediately and directly affecting national security;

''(8) responding to an inquiry from any victim of such juvenile delinquency or, if the victim is deceased, from a member of the immediate family of the victim, related to the final disposition of such juvenile by the court in accordance with section 5032 or 5037, as applicable; and

''(9) communicating with a victim of such juvenile delinquency or, in appropriate cases, with the official representative of a victim, in order to—

''(A) apprise the victim or representative of the status or disposition of the proceeding;

''(B) effectuate any other provision of law; or

''(C) assist in the allocution at disposition of the victim or the representative of the victim.

''(b) RECORDS OF ADJUDICATION.—

''(1) TRANSMISSION TO FBI.—Upon an adjudication of delinquency under section 5032 or 5037, the court shall transmit to the Director of the Federal Bureau of Investigation a record of such adjudication.

''(2) MAINTAINING RECORDS.—The Director of the Federal Bureau of Investigation shall maintain, in the central repository of the Federal Bureau of Investigation, in accordance with the established practices and policies relating to adult criminal history records of the Federal Bureau of Investigation—

''(A) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sexual molestation of a child, or a conspiracy or attempt to commit any such offense, that is equivalent to, and maintained and disseminated in the same manner and for the same purposes, as are adult criminal history records for the same offenses; and

''(B) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would be any felony offense (other than an offense described in subparagraph (A)) that is equivalent to, and maintained and disseminated in the same manner, as are adult criminal history records for the same offenses—

''(i) for use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of an accused person, criminal offender, or juvenile delinquent; and

''(ii) for purposes of responding to an inquiry from an agency considering the subject of the record for a position or clearance immediately and directly affecting national security.

''(3) AVAILABILITY OF RECORDS TO SCHOOLS IN CERTAIN CIRCUMSTANCES.—Notwithstanding paragraph (2), the Director of the Federal Bureau of Investigation shall make an adjudication record of a juvenile maintained pursuant to subparagraph (A) or (B) of that paragraph, or conviction record described in subsection (d), available to an official of an elementary, secondary, or post-secondary school, in appropriate circumstances (as defined by and under rules issued by the Attorney General), if—

''(A) the subject of the record is a student enrolled at the school, or a juvenile who seeks, intends, or is instructed to enroll at that school;

''(B) the school official is subject to the same standards and penalties under applicable Federal and State law relating to the handling and disclosure of information contained in juvenile adjudication records as are employees of law enforcement and juvenile justice agencies in the State; and

''(C) information contained in the record is not used for the sole purpose of denying admission.

''(c) NOTIFICATION OF RIGHTS.—A district court of the United States that exercises jurisdiction over a juvenile shall notify the juvenile, and a parent or guardian of the juvenile, in writing, and in clear and nontechnical language, of the rights of the juvenile relating to the adjudication record of the juvenile. Any juvenile may petition the court after a period of 5 years to have a record relating to such juvenile and described in this section (except a record relating to an offense described in subsection (b)(2)(A)) removed from the Federal Bureau of Investigation database if that juvenile can establish by clear and convincing evidence that the juvenile is no longer a danger to the community.

''(d) RECORDS OF JUVENILES TRIED AS ADULTS.—In any case in which a juvenile is tried as an adult in Federal court, the Federal criminal record of the juvenile shall be made available in the same manner as is applicable to the records of adult defendants.''.

SEC. 109. IMPLEMENTATION OF A SENTENCE FOR JUVENILE OFFENDERS.

(a) IN GENERAL.—Section 5039 of title 18, United States Code, is amended to read as follows:

''§ 5039. Implementation of a sentence

''(a) IN GENERAL.—Except as otherwise provided in this chapter, the sentence for a juvenile who is adjudicated delinquent or found guilty of an offense under any proceeding in a district court of the United States under section 5032 shall be carried out in the same manner as for an adult defendant.

''(b) SENTENCES OF IMPRISONMENT, PROBATION, AND SUPERVISED RELEASE.—Subject to subsection (d), the implementation of a sentence of imprisonment is governed by subchapter C of chapter 229 and, if the sentence includes a term of probation or supervised release, by subchapter A of chapter 229.

''(c) SENTENCES OF FINES AND ORDERS OF RESTITUTION; SPECIAL ASSESSMENTS.—

''(1) IN GENERAL.—A sentence of a fine, an order of restitution, or a special assessment under section 3013 shall be implemented and collected in the same manner as for an adult defendant.

''(2) PROHIBITION.—The parent, guardian, or custodian of a juvenile sentenced to pay a fine may not be made liable for such payment by any court.

''(d) SEGREGATION OF JUVENILES; CONDITIONS OF CONFINEMENT.—

''(1) IN GENERAL.—No juvenile committed for incarceration, whether pursuant to an adjudication of delinquency or conviction for an offense, to the custody of the Attorney General may, before the juvenile attains the age of 18 years, be placed or retained in any jail or correctional institution in which the juvenile has prohibited physical contact with adult inmate or can engage in sustained oral communication with adult inmates. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

''(2) REQUIREMENTS.—Each juvenile who is committed for incarceration shall be provided with—

''(A) adequate food, heat, light, sanitary facilities, bedding, clothing, and recreation; and

''(B) as appropriate, counseling, education, training, and medical care (including necessary psychiatric, psychological, or other care or treatment).

''(3) COMMITMENT TO FOSTER HOME OR COMMUNITY-BASED FACILITY.—Except in the case of a juvenile who is found guilty of a violent felony or who is adjudicated delinquent for an offense that would be a violent felony if the juvenile had been prosecuted as an adult, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community if that commitment is—

''(A) practicable;

''(B) in the best interest of the juvenile; and

''(C) consistent with the safety of the community.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 403 of title 18, United States Code, is amended by striking the item relating to section 5039 and inserting the following:

''5039. Implementation of a sentence.''.

SEC. 110. MAGISTRATE JUDGE AUTHORITY REGARDING JUVENILE DEFENDANTS.

Section 3401(g) of title 18, United States Code, is amended—

(1) in the second sentence, by inserting after ''magistrate judge may, in any'' the following: ''class A misdemeanor or any''; and

(2) in the third sentence, by striking '', except that no'' and all that follows before the period at the end of the subsection.

SEC. 111. FEDERAL SENTENCING GUIDELINES.

(a) APPLICATION OF GUIDELINES TO CERTAIN JUVENILE DEFENDANTS.—Section 994(h) of title 28, United States Code, is amended by inserting '', or in which the defendant is a juvenile who is tried as an adult,'' after ''old or older''.

(b) GUIDELINES FOR JUVENILE CASES.—

(1) IN GENERAL.—Section 994 of title 28, United States Code, is amended by adding at the end the following:

''(z) GUIDELINES FOR JUVENILE CASES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, the Commission, by affirmative vote of not less than 4 members of the Commission, and pursuant to its rules and regulations and consistent with all pertinent provisions of any Federal statute, shall promulgate and distribute to all courts of the United States and to the United States Probation System—

''(A) guidelines, as described in this section, for use by a sentencing court in determining the sentence to be imposed in a criminal case if the defendant committed the offense as a juvenile, and is tried as an adult pursuant to section 5032 of title 18, United States Code; and

''(B) guidelines, as described in this section, for use by a court in determining the sentence to be imposed on a juvenile adjudicated delinquent pursuant to section 5032 of title 18, United States Code, and sentenced pursuant to a dispositional hearing under section 5037 of title 18, United States Code.

''(2) DETERMINATIONS.—In carrying out this subsection, the Commission shall make the determinations required by subsection (a)(1) and promulgate the policy statements and guidelines required by paragraphs (2) and (3) of subsection (a).

''(3) CONSIDERATIONS.—In addition to any other considerations required by this section, the Commission, in promulgating guidelines—

''(A) pursuant to paragraph (1)(A), shall presume the appropriateness of adult sentencing provisions, but may make such adjustments to sentence lengths and to provisions governing downward departures from the guidelines as reflect the specific interests and circumstances of juvenile defendants; and

''(B) pursuant to paragraph (1)(B), shall ensure that the guidelines—

''(i) reflect the broad range of sentencing options available to the court under section 5037 of title 18, United States Code; and

''(ii) effectuate a policy of an accountability-based juvenile justice system that provides substantial and appropriate sanctions, that are graduated to reflect the severity or repeated nature of violations, for each delinquent act, and reflect the specific interests and circumstances of juvenile defendants.

''(4) REVIEW PERIOD.—The review period specified by subsection (p) applies to guidelines promulgated pursuant to this subsection and any amendments to those guidelines.''.

(2) TECHNICAL CORRECTION TO ASSURE COMPLIANCE OF SENTENCING GUIDELINES WITH PROVISIONS OF ALL FEDERAL STATUTES.—Section 994(a) of title 28, United States Code, is amended by striking ''consistent with all pertinent provisions of this title and title 18, United States

Code,'' and inserting ''consistent with all pertinent provisions of any Federal statute''.

SEC. 112. STUDY AND REPORT ON INDIAN TRIBAL JURISDICTION.

Not later than 18 months after the date of enactment of this Act, the Attorney General shall conduct a study of the juvenile justice systems of Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) and shall report to the Chairman and Ranking Member of the Committee on the Judiciary and the Committee on Indian Affairs of the Senate and the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives on—

(1) the extent to which tribal governments are equipped to adjudicate felonies, misdemeanors, and acts of delinquency committed by juveniles subject to tribal jurisdiction; and

(2) the need for and benefits from expanding the jurisdiction of tribal courts and the authority to impose the same sentences that can be imposed by Federal or State courts on such juveniles.

TITLE II—JUVENILE GANGS

SEC. 201. 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) of this title.

''(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) CONFORMING AMENDMENT.—The analysis for 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.''.

SEC. 202. INCREASED PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (c), by striking ''one year'' and inserting ''5 years''.

SEC. 203. PENALTIES FOR USE OF MINORS IN CRIMES OF VIOLENCE.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''§ 25. Use of minors in crimes of violence

''(a) PENALTIES.—Except as otherwise provided by law, whoever, being not less than 18 years of age, knowingly and intentionally uses a minor to commit a Federal offense that is a crime of violence, or to assist in avoiding detection or apprehension for such an offense, shall—

''(1) be subject to 2 times the maximum imprisonment and 2 times the maximum fine that would otherwise be imposed for the offense; and

''(2) for second or subsequent convictions under this subsection, be subject to 3 times the maximum imprisonment and 3 times the maximum fine that would otherwise be imposed for the offense.

''(b) DEFINITIONS.—In this section:

''(1) CRIME OF VIOLENCE.—The term 'crime of violence' has the meaning given the term in section 16 of this title.

''(2) MINOR.—The term 'minor' means a person who is less than 18 years of age.

''(3) USES.—The term 'uses' means employs, hires, persuades, induces, entices, or coerces.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''25. Use of minors in crimes of violence.''.

SEC. 204. 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. 205. HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.

(a) DEFINITIONS.—In this section:

(1) GOVERNOR.—The term ''Governor'' means a Governor of a State or the Mayor of the District of Columbia.

(2) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREA.—The term ''high intensity interstate gang activity area'' means an area within a State that is designated as a high intensity interstate gang activity area under subsection (b)(1).

(3) STATE.—The term ''State'' means a State of the United States or the District of Columbia.

(b) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.—

(1) DESIGNATION.—The Attorney General, upon consultation with the Secretary of the Treasury and the Governors of appropriate States, may designate as a high intensity interstate gang activity area a specified area that is located—

(A) within a State; or

(B) in more than 1 State.

(2) ASSISTANCE.—In order to provide Federal assistance to a high intensity interstate gang activity area, the Attorney General may—

(A) facilitate the establishment of a regional task force, consisting of Federal, State, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal activities of gangs and gang members in the high intensity interstate gang activity area; and

(B) direct the detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to the high intensity interstate gang activity area.

(3) CRITERIA FOR DESIGNATION.—In considering an area (within a State or within more than 1 State) for designation as a high intensity interstate gang activity area under this section, the Attorney General shall consider—

(A) the extent to which gangs from the area are involved in interstate or international criminal activity;

(B) the extent to which the area is affected by the criminal activity of gang members who—

(i) are located in, or have relocated from, other States; or

(ii) are located in, or have immigrated (legally or illegally) from, foreign countries;

(C) the extent to which the area is affected by the criminal activity of gangs that originated in other States or foreign countries;

(D) the extent to which State and local law enforcement agencies have committed resources to respond to the problem of criminal gang activity in the area, as an indication of their determination to respond aggressively to the problem;

(E) the extent to which a significant increase in the allocation of Federal resources would enhance local response to gang-related criminal activities in the area; and

(F) any other criteria that the Attorney General considers to be appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 1999 through 2004, to be used in accordance with paragraph (2).

(2) USE OF FUNDS.—Of amounts made available under paragraph (1) in each fiscal year—

(A) 60 percent shall be used to carry out subsection (b)(2); and

(B) 40 percent shall be used to make grants for community-based programs to provide crime prevention and intervention services that are designed for gang members and at-risk youth in areas designated pursuant to this section as high intensity interstate gang activity areas.

(3) REQUIREMENT.—

(A) IN GENERAL.—The Attorney General shall ensure that not less than 10 percent of amounts made available under paragraph (1) in each fiscal year are used to assist rural States affected as described in subparagraphs (B) and (C) of subsection (b)(3).

(B) DEFINITION OF RURAL STATE.—In this paragraph, the term ''rural State'' has the meaning given the term in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b)).

SEC. 206. INCREASING THE PENALTY FOR USING PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''as provided in paragraph (2)'' and inserting ''as provided in paragraph (3)'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) USE OF PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.—Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

''(A) influence, delay, or prevent the testimony of any person in an official proceeding;

''(B) cause or induce any person to—

''(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

''(ii) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

''(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

''(iv) be absent from an official proceeding to which such person has been summoned by legal process; or

''(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).''; and

(D) in paragraph (3), as redesignated, by striking subparagraph (B) and inserting the following:

''(B) in the case of—

''(i) an attempt to murder; or

''(ii) the use of physical force against any person;

imprisonment for not more than 20 years.'';

(2) in subsection (b), by striking ''or physical force''; and

(3) by adding at the end the following:

''(j) CONSPIRACY.—Whoever conspires to commit any offense under this section or section 1513 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.''.

SEC. 207. AUTHORITY TO MAKE GRANTS TO PROSECUTORS' OFFICES TO COMBAT GANG CRIME AND YOUTH VIOLENCE.

(a) IN GENERAL.—Section 31702 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) to allow the hiring of additional prosecutors, so that more cases can be prosecuted and backlogs reduced;

''(6) to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

''(7) to provide funding to assist prosecutors with funding for technology, equipment, and training to assist prosecutors in reducing the incidence of, and increase the successful identification and speed of prosecution of young violent offenders; and

''(8) to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative efforts with police, school officials, probation officers, social service agencies, and community organizations.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle, $50,000,000 for 2000 through 2004.''.

SEC. 208. 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, as amended by section 204 of this Act.

(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 as amended by section 204 of this Act, 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. 209. 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' includes 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;

''(C) the use of 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; or

''(D) 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 (as added by section 201 of this Act), 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. 210. PROHIBITIONS RELATING TO FIREARMS.

(a) SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL PREDICATES.—Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by adding ''or'' at the end; and

(3) by adding at the end the following:

''(iii) any act of juvenile delinquency that, if committed by an adult, would be an offense described in clause (i) or (ii);''.

(b) TRANSFER OF FIREARMS TO MINORS FOR USE IN CRIME.—Section 924(h) of title 18, United States Code, is amended by inserting ''and if the transferee is a person who is under 18 years of age, imprisoned not less than 3 years,'' after ''10 years,''.

SEC. 211. CLONE PAGERS.

(a) IN GENERAL.—Section 2511(2)(h) of title 18, United States Code, is amended by striking clause (i) and inserting the following:

''(i) to use a pen register, trap and trace device, or clone pager, as those terms are defined in chapter 206 of this title (relating to pen registers, trap and trace devices, and clone pagers); or'';

(b) EXCEPTION.—Section 3121 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register, trap and trace device, or clone pager without first obtaining a court order under section 3123 or 3129 of this title, or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).'';

(2) in subsection (b), by striking ''a pen register or a trap and trace device'' and inserting ''a pen register, trap and trace device, or clone pager''; and

(3) by striking the section heading and inserting the following:

''§ 3121. General prohibition on pen register, trap and trace device, and clone pager use; exception''.

(c) ASSISTANCE.—Section 3124 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(2) by inserting after subsection (b) the following:

''(c) CLONE PAGER.—Upon the request of an attorney for the Government or an officer of a law enforcement agency authorized to use a clone pager under this chapter, a provider of electronic communication service shall furnish to such investigative or law enforcement officer all information, facilities, and technical assistance necessary to accomplish the use of the clone pager unobtrusively and with a minimum of interference with the services that the person so ordered by the court provides to the subscriber, if such assistance is directed by a court order, as provided in section 3129(b)(2) of this title.''; and

(3) by striking the section heading and inserting the following:

''§ 3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager''.

(d) EMERGENCY INSTALLATIONS.—Section 3125 of title 18, United States Code, is amended—

(1) by striking ''pen register or a trap and trace device'' and ''pen register or trap and trace device'' each place they appear and inserting ''pen register, trap and trace device, or clone pager'';

(2) in subsection (a), by striking ''an order approving the installation or use is issued in accordance with section 3123 of this title'' and inserting ''an application is made for an order approving the installation or use in accordance with section 3122 or section 3128 of this title'';

(3) in subsection (b), by adding at the end the following: ''If such application for the use of a clone pager is denied, or in any other case in which the use of the clone pager is terminated without an order having been issued, an inventory shall be served as provided for in section 3129(e) of this title.''; and

(4) by striking the section heading and inserting the following:

''§ 3125. Emergency installation and use of pen register, trap and trace device, and clone pager''.

(e) REPORTS.—Section 3126 of title 18, United States Code, is amended—

(1) by striking ''pen register orders and orders for trap and trace devices'' and inserting ''orders for pen registers, trap and trace devices, and clone pagers''; and

(2) by striking the section heading and inserting the following:

''§ 3126. Reports concerning pen registers, trap and trace devices, and clone pagers''.

(f) DEFINITIONS.—Section 3127 of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''or'' at the end; and

(B) by striking subparagraph (B) and inserting the following:

''(B) with respect to an application for the use of a pen register or trap and trace device, a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or a trap and trace device; or

''(C) with respect to an application for the use of a clone pager, a court of general criminal jurisdiction of a State authorized by the law of that State to issue orders authorizing the use of a clone pager;'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(7) the term 'clone pager' means a numeric display device that receives communications intended for another numeric display paging device.''.

(g) APPLICATIONS.—Chapter 206 of title 18, United States Code, is amended by adding at the end the following:

''§ 3128. Application for an order for use of a clone pager

''(a) APPLICATION.—

''(1) FEDERAL REPRESENTATIVES.—Any attorney for the Government may apply to a court of competent jurisdiction for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

''(2) STATE REPRESENTATIVES.—A State investigative or law enforcement officer may, if authorized by a State statute, apply to a court of competent jurisdiction of such State for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

''(b) CONTENTS OF APPLICATION.—An application under subsection (a) of this section shall include—

''(1) the identity of the attorney for the Government or the State law enforcement or investigative officer making the application and the identity of the law enforcement agency conducting the investigation;

''(2) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

''(3) a description of the numeric display paging device to be cloned;

''(4) a description of the offense to which the information likely to be obtained by the clone pager relates;

''(5) the identity, if known, of the person who is subject of the criminal investigation; and

''(6) an affidavit or affidavits, sworn to before the court of competent jurisdiction, establishing probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

''§ 3129. Issuance of an order for use of a clone pager

''(a) IN GENERAL.—Upon an application made under section 3128 of this title, the court shall enter an ex parte order authorizing the use of a clone pager within the jurisdiction of the court if the court finds that the application has established probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

''(b) CONTENTS OF AN ORDER.—An order issued under this section—

''(1) shall specify—

''(A) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

''(B) the numeric display paging device to be cloned;

''(C) the identity, if known, of the subscriber to the pager service; and

''(D) the offense to which the information likely to be obtained by the clone pager relates; and

''(2) shall direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to use the clone pager under section 3124 of this title.

''(c) TIME PERIOD AND EXTENSIONS.—

''(1) IN GENERAL.—An order issued under this section shall authorize the use of a clone pager for a period not to exceed 30 days. Such 30-day period shall begin on the earlier of the day on which the investigative or law enforcement officer first begins use of the clone pager under the order or the tenth day after the order is entered.

''(2) EXTENSIONS.—Extensions of an order issued under this section may be granted, but only upon an application for an order under section 3128 of this title and upon the judicial finding required by subsection (a). An extension under this paragraph shall be for a period not to exceed 30 days.

''(3) REPORT.—Within a reasonable time after the termination of the period of a clone pager order or any extensions thereof under this subsection, the applicant shall report to the issuing court the number of numeric pager messages acquired through the use of the clone pager during such period.

''(d) NONDISCLOSURE OF EXISTENCE OF CLONE PAGER.—An order authorizing the use of a clone pager shall direct that—

''(1) the order shall be sealed until otherwise ordered by the court; and

''(2) the person who has been ordered by the court to provide assistance to the applicant may not disclose the existence of the clone pager or the existence of the investigation to the listed subscriber, or to any other person, until otherwise ordered by the court.

''(e) NOTIFICATION.—

''(1) IN GENERAL.—Within a reasonable time, not later than 90 days after the date of termination of the period of a clone pager order or any extensions thereof, the issuing judge shall cause to be served, on the individual or individuals using the numeric display paging device that was cloned, an inventory including notice of—

''(A) the fact of the entry of the order or the application;

''(B) the date of the entry and the period of clone pager use authorized, or the denial of the application; and

''(C) whether or not information was obtained through the use of the clone pager.

''(2) POSTPONEMENT.—Upon an ex-parte showing of good cause, a court of competent jurisdiction may in its discretion postpone the serving of the notice required by this subsection.''.

(h) CLERICAL AMENDMENTS.—The table of sections for chapter 206 of title 18, United States Code, is amended—

(1) by striking the item relating to section 3121 and inserting the following:

''3121. General prohibition on pen register, trap and trace device, and clone pager use; exception.'';

(2) by striking the items relating to sections 3124, 3125, and 3126 and inserting the following:

''3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager.

''3125. Emergency installation and use of pen register, trap and trace device, and clone pager.

''3126. Reports concerning pen registers, trap and trace devices, and clone pagers.''; and

(3) by adding at the end the following:

''3128. Application for an order for use of a clone pager.

''3129. Issuance of an order for use of a clone pager''.

(i) CONFORMING AMENDMENT.—Section 704(a) of the Communications Act of 1934 (47 U.S.C. 605(a)) is amended by striking ''chapter 119,'' and inserting ''chapters 119 and 206 of''.

TITLE III—JUVENILE CRIME CONTROL, ACCOUNTABILITY, AND DELINQUENCY PREVENTION

Subtitle A—Reform of the Juvenile Justice and Delinquency Prevention Act of 1974

SEC. 301. FINDINGS; DECLARATION OF PURPOSE; DEFINITIONS.

Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended to read as follows:

"TITLE I—FINDINGS AND DECLARATION OF PURPOSE

"SEC. 101. FINDINGS.

''Congress makes the following findings:

''(1) During the past decade, the United States has experienced an alarming increase in arrests of adolescents for murder, assault, and weapons offenses.

''(2) In 1994, juveniles accounted for 1 in 5 arrests for violent crimes, including murder, robbery, aggravated assault, and rape, including 514 such arrests per 100,000 juveniles 10 through 17 years of age.

''(3) Understaffed and overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities no longer adequately address the changing nature of juvenile crime, protect the public, or correct youth offenders.

''(4) The juvenile justice system has proven inadequate to meet the needs of society and the needs of children who may be at risk of becoming delinquents are not being met.

''(5) Existing programs and policies have not adequately responded to the particular threats that drugs, alcohol abuse, violence, and gangs pose to the youth of the Nation.

''(6) Projected demographic increases in the number of youth offenders require reexamination of current prosecution and incarceration policies for serious violent youth offenders and crime prevention policies.

''(7) State and local communities require assistance to deal comprehensively with the problems of juvenile delinquency.

''(8) Existing Federal programs have not provided the States with necessary flexibility, nor have these programs provided the coordination, resources, and leadership required to meet the crisis of youth violence.

''(9) Overlapping and uncoordinated Federal programs have created a multitude of Federal funding streams to States and units of local government, that have become a barrier to effective program coordination, responsive public safety initiatives, and the provision of comprehensive services for children and youth.

''(10) Violent crime by juveniles constitutes a growing threat to the national welfare that requires an immediate and comprehensive governmental response, combining flexibility and coordinated evaluation.

''(11) The role of the Federal Government should be to encourage and empower communities to develop and implement policies to protect adequately the public from serious juvenile crime as well as implement quality prevention programs that work with at-risk juveniles, their families, local public agencies, and community-based organizations.

''(12) A strong partnership among law enforcement, local government, juvenile and family courts, schools, public recreation agencies, businesses, philanthropic organizations, families, and the religious community, can create a community environment that supports the youth of the Nation in reaching their highest potential and reduces the destructive trend of juvenile crime.

"SEC. 102. PURPOSE AND STATEMENT OF POLICY.

''(a) IN GENERAL.—The purposes of this Act are to—

''(1) empower States and communities to develop and implement comprehensive programs that support families, reduce risk factors, and prevent serious youth crime and juvenile delinquency;

''(2) protect the public and to hold juveniles accountable for their acts;

''(3) encourage and promote, consistent with the ideals of federalism, the adoption by the States of policies recognizing the rights of victims in the juvenile justice system, and ensuring that the victims of violent crimes committed by juveniles receive the same level of justice as do the victims of violent crimes committed by adults;

''(4) provide for the thorough and ongoing evaluation of all federally funded programs addressing juvenile crime and delinquency;

''(5) provide technical assistance to public and private nonprofit entities that protect public safety, administer justice and corrections to delinquent youth, or provide services to youth at risk of delinquency, and their families;

''(6) establish a centralized research effort on the problems of youth crime and juvenile delinquency, including the dissemination of the findings of such research and all related data;

''(7) establish a Federal assistance program to deal with the problems of runaway and homeless youth;

''(8) assist States and units of local government in improving the administration of justice for juveniles;

''(9) assist the States and units of local government in reducing the level of youth violence and juvenile delinquency;

''(10) assist States and units of local government in promoting public safety by supporting juvenile delinquency prevention and control activities;

''(11) encourage and promote programs designed to keep in school juvenile delinquents expelled or suspended for disciplinary reasons;

''(12) assist States and units of local government in promoting public safety by encouraging accountability for acts of juvenile delinquency;

''(13) assist States and units of local government in promoting public safety by improving the extent, accuracy, availability and usefulness of juvenile court and law enforcement records and the openness of the juvenile justice system;

''(14) assist States and units of local government in promoting public safety by encouraging the identification of violent and hardcore juveniles;

''(15) assist States and units of local government in promoting public safety by providing resources to States to build or expand juvenile detention facilities;

''(16) provide for the evaluation of federally assisted juvenile crime control programs, and the training necessary for the establishment and operation of such programs;

''(17) ensure the dissemination of information regarding juvenile crime control programs by providing a national clearinghouse; and

''(18) provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs.

''(b) STATEMENT OF POLICY.—It is the policy of Congress to provide resources, leadership, and coordination to—

''(1) combat youth violence and to prosecute and punish effectively violent juvenile offenders;

''(2) enhance efforts to prevent juvenile crime and delinquency; and

''(3) improve the quality of juvenile justice in the United States.

"SEC. 103. DEFINITIONS.

''In this Act:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Office of Juvenile Crime Control and Prevention, appointed in accordance with section 201.

''(2) ADULT INMATE.—The term 'adult inmate' means an individual who—

''(A) has reached the age of full criminal responsibility under applicable State law; and

''(B) has been arrested and is in custody for, awaiting trial on, or convicted of criminal charges.

''(3) BOOT CAMP.—The term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

''(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training;

''(B) regular, remedial, special, and vocational education;

''(C) counseling and treatment for substance abuse and other health and mental health problems;

''(D) supervision by properly screened staff, who are trained and experienced in working with juveniles or young adults, in highly structured, disciplined surroundings, characteristic of a military environment; and

''(E) participation in community service programs, such as counseling sessions, mentoring, community service, or restitution projects, and a comprehensive aftercare plan developed through close coordination with Federal, State, and local agencies, and in cooperation with business and private organizations, as appropriate.

''(4) BUREAU OF JUSTICE ASSISTANCE.—The term 'Bureau of Justice Assistance' means the bureau established by section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741).

''(5) BUREAU OF JUSTICE STATISTICS.—The term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732).

''(6) COLLOCATED FACILITIES.—The term 'collocated facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

''(7) COMBINATION.—The term 'combination' as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a juvenile crime control and delinquency prevention plan.

''(8) COMMUNITY-BASED.—The term 'community-based' facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service that maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

''(9) COMPREHENSIVE AND COORDINATED SYSTEM OF SERVICES.—The term 'comprehensive and coordinated system of services' means a system that—

''(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

''(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

''(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

''(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency.

''(10) CONSTRUCTION.—The term 'construction' means erection of new buildings or acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings).

''(11) FEDERAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PROGRAM.—The term 'Federal juvenile

crime control, prevention, and juvenile offender accountability program' means any Federal program a primary objective of which is the prevention of juvenile crime or reduction of the incidence of arrest, the commission of criminal acts or acts of delinquency, violence, the use of alcohol or illegal drugs, or the involvement in gangs among juveniles.

''(12) GENDER-SPECIFIC SERVICES.—The term 'gender-specific services' means services designed to address needs unique to the gender of the individual to whom such services are provided.

''(13) GRADUATED SANCTIONS.—The term 'graduated sanctions' means an accountability-based juvenile justice system that protects the public, and holds juvenile delinquents accountable for acts of delinquency by providing substantial and appropriate sanctions that are graduated in such a manner as to reflect (for each act of delinquency or offense) the severity or repeated nature of that act or offense, and in which there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender.

''(14) HOME-BASED ALTERNATIVE SERVICES.—The term 'home-based alternative services' means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention.

''(15) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(16) JUVENILE.—The term 'juvenile' means a person who has not attained the age of 18 years who is subject to delinquency proceedings under applicable State law.

''(17) JUVENILE POPULATION.—The term 'juvenile population' means the population of a State under 18 years of age.

''(18) JAIL OR LOCKUP FOR ADULTS.—The term 'jail or lockup for adults' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

''(A) pending the filing of a charge of violating a criminal law;

''(B) awaiting trial on a criminal charge; or

''(C) convicted of violating a criminal law.

''(19) JUVENILE DELINQUENCY PROGRAM.—The term 'juvenile delinquency program' means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including—

''(A) drug and alcohol abuse programs;

''(B) the improvement of the juvenile justice system; and

''(C) any program or activity that is designed to reduce known risk factors for juvenile delinquent behavior, by providing activities that build on protective factors for, and develop competencies in, juveniles to prevent and reduce the rate of delinquent juvenile behavior.

''(20) LAW ENFORCEMENT AND CRIMINAL JUSTICE.—The term 'law enforcement and criminal justice' means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

''(21) NATIONAL INSTITUTE OF JUSTICE.—The term 'National Institute of Justice' means the institute established by section 202(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3721).

''(22) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

''(23) OFFICE.—The term 'Office' means the Office of Juvenile Crime Control and Prevention established under section 201.

''(24) OFFICE OF JUSTICE PROGRAMS.—The term 'Office of Justice Programs' means the office established by section 101 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711).

''(25) OUTCOME OBJECTIVE.—The term 'outcome objective' means an objective that relates to the impact of a program or initiative, that measures the reduction of high risk behaviors, such as incidence of arrest, the commission of criminal acts or acts of delinquency, failure in school, violence, the use of alcohol or illegal drugs, involvement of youth gangs, violent and unlawful acts of animal cruelty, and teenage pregnancy, among youth in the community.

''(26) PROCESS OBJECTIVE.—The term 'process objective' means an objective that relates to the manner in which a program or initiative is carried out, including—

''(A) an objective relating to the degree to which the program or initiative is reaching the target population; and

''(B) an objective relating to the degree to which the program or initiative addresses known risk factors for youth problem behaviors and incorporates activities that inhibit the behaviors and that build on protective factors for youth.

''(27) PROHIBITED PHYSICAL CONTACT.—

''(A) IN GENERAL.—The term 'prohibited physical contact' means—

''(i) any physical contact between a juvenile and an adult inmate; and

''(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

''(B) EXCLUSION.—The term does not include supervised proximity between a juvenile and an adult inmate that is brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

''(28) RELATED COMPLEX OF BUILDINGS.—The term 'related complex of buildings' means 2 or more buildings that share—

''(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

''(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28, Code of Federal Regulations, as in effect on December 10, 1996.

''(29) SECURE CORRECTIONAL FACILITY.—The term 'secure correctional facility' means any public or private residential facility that—

''(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

''(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

''(30) SECURE DETENTION FACILITY.—The term 'secure detention facility' means any public or private residential facility that—

''(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

''(B) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

''(31) SERIOUS CRIME.—The term 'serious crime' means criminal homicide, rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, drug trafficking, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony.

''(32) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(33) STATE OFFICE.—The term 'State office' means an office designated by the chief executive officer of a State to carry out this title, as provided in section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757).

''(34) SUSTAINED ORAL COMMUNICATION.—

''(A) IN GENERAL.—The term 'sustained oral communication' means the imparting or interchange of speech by or between an adult inmate and a juvenile.

''(B) EXCEPTION.—The term does not include—

''(i) communication that is accidental or incidental; or

''(ii) sounds or noises that cannot reasonably be considered to be speech.

''(35) TREATMENT.—The term 'treatment' includes medical and other rehabilitative services designed to protect the public, including any services designed to benefit addicts and other users by—

''(A) eliminating their dependence on alcohol or other addictive or nonaddictive drugs; or

''(B) controlling or reducing their dependence and susceptibility to addiction or use.

''(36) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means—

''(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

''(B) any law enforcement district or judicial enforcement district that—

''(i) is established under applicable State law; and

''(ii) has the authority to, in a manner independent of other State entities, establish a budget and raise revenues;

''(C) an Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

''(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

''(i) the District of Columbia; or

''(ii) any Trust Territory of the United States.

''(37) VALID COURT ORDER.—The term 'valid court order' means a court order given by a juvenile court judge to a juvenile—

''(A) who was brought before the court and made subject to such order; and

''(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States.

''(38) VIOLENT CRIME.—The term 'violent crime' means—

''(A) murder or nonnegligent manslaughter, forcible rape, or robbery; or

''(B) aggravated assault committed with the use of a firearm.

''(39) YOUTH.—The term 'youth' means an individual who is not less than 6 years of age and not more than 17 years of age.''.

SEC. 302. JUVENILE CRIME CONTROL AND PREVENTION.

(a) IN GENERAL.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended to read as follows:

"TITLE II—JUVENILE CRIME CONTROL AND PREVENTION

''PART A—OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

"SEC. 201. ESTABLISHMENT OF OFFICE.

''(a) IN GENERAL.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of Juvenile Crime Control and Prevention.

''(b) ADMINISTRATOR.—

''(1) IN GENERAL.—The Office shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile delinquency prevention and crime control programs.

''(2) REGULATIONS.—The Administrator may prescribe regulations consistent with this Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, amounts made available under this title.

''(3) RELATIONSHIP TO ATTORNEY GENERAL.—The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have with the Attorney General.

''(c) DEPUTY ADMINISTRATOR.—There shall be in the Office a Deputy Administrator, who shall be appointed by the Attorney General. The Deputy Administrator shall perform such functions as the Administrator may assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.

''(d) ASSOCIATE ADMINISTRATOR.—

''(1) IN GENERAL.—There shall be in the Office an Associate Administrator, who shall be appointed by the Administrator, and who shall be treated as a career reserved position within the meaning of section 3132 of title 5, United States Code.

''(2) DUTIES.—The duties of the Associate Administrator shall include keeping Congress, other Federal agencies, outside organizations, and State and local government officials informed about activities carried out by the Office.

''(e) DELEGATION AND ASSIGNMENT.—

''(1) IN GENERAL.—Except as otherwise expressly prohibited by law or otherwise provided by this title, the Administrator may—

''(A) delegate any of the functions of the Administrator, and any function transferred or granted to the Administrator after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, to such officers and employees of the Office as the Administrator may designate; and

''(B) authorize successive redelegations of such functions as may be necessary or appropriate.

''(2) RESPONSIBILITY.—No delegation of functions by the Administrator under this subsection or under any other provision of this title shall relieve the Administrator of responsibility for the administration of such functions.

''(f) REORGANIZATION.—The Administrator may allocate or reallocate any function transferred among the officers of the Office, and establish, consolidate, alter, or discontinue such organizational entities in that Office as may be necessary or appropriate.

"SEC. 202. PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS.

''(a) IN GENERAL.—The Administrator may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in the Administrator and to prescribe their functions.

''(b) OFFICERS.—The Administrator may select, appoint, and employ not to exceed 4 officers and to fix their compensation at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code.

''(c) DETAIL OF FEDERAL PERSONNEL.—Upon the request of the Administrator, the head of any Federal agency may detail, on a reimbursable basis, any of its personnel to the Administrator to assist the Administrator in carrying out the functions of the Administrator under this title.

''(d) SERVICES.—The Administrator may obtain services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the rate now or hereafter payable under section 5376 of title 5, United States Code.

"SEC. 203. VOLUNTARY SERVICE.

''The Administrator may accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

"SEC. 204. NATIONAL PROGRAM.

''(a) NATIONAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PLAN.—

''(1) IN GENERAL.—Subject to the general authority of the Attorney General, the Administrator shall develop objectives, priorities, and short- and long-term plans, and shall implement overall policy and a strategy to carry out such plan, for all Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities relating to improving juvenile crime control, the rehabilitation of juvenile offenders, the prevention of juvenile crime, and the enhancement of accountability by offenders within the juvenile justice system in the United States.

''(2) CONTENTS OF PLANS.—

''(A) IN GENERAL.—Each plan described in paragraph (1) shall—

''(i) contain specific, measurable goals and criteria for reducing the incidence of crime and delinquency among juveniles, improving juvenile crime control, and ensuring accountability by offenders within the juvenile justice system in the United States, and shall include criteria for any discretionary grants and contracts, for conducting research, and for carrying out other activities under this title;

''(ii) provide for coordinating the administration of programs and activities under this title with the administration of all other Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities, including proposals for joint funding to be coordinated by the Administrator;

''(iii) provide a detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, the time served by juveniles in custody, and the trends demonstrated by such data;

''(iv) provide a description of the activities for which amounts are expended under this title;

''(v) provide specific information relating to the attainment of goals set forth in the plan, including specific, measurable standards for assessing progress toward national juvenile crime reduction and juvenile offender accountability goals; and

''(vi) provide for the coordination of Federal, State, and local initiatives for the reduction of youth crime, preventing delinquency, and ensuring accountability for juvenile offenders.

''(B) SUMMARY AND ANALYSIS.—Each summary and analysis under subparagraph (A)(iii) shall set out the information required by clauses (i), (ii), and (iii) of this subparagraph separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

''(i) the types of offenses with which the juveniles are charged;

''(ii) the ages of the juveniles;

''(iii) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

''(iv) the length of time served by juveniles in custody; and

''(v) the number of juveniles who died or who suffered serious bodily injury while in custody and the circumstances under which each juvenile died or suffered such injury.

''(C) DEFINITION OF SERIOUS BODILY INJURY.—In this paragraph, the term 'serious bodily injury' means bodily injury involving extreme physical pain or the impairment of a function of a bodily member, organ, or mental faculty that requires medical intervention such as surgery, hospitalization, or physical rehabilitation.

''(3) ANNUAL REVIEW.—The Administrator shall annually—

''(A) review each plan submitted under this subsection;

''(B) revise the plans, as the Administrator considers appropriate; and

''(C) not later than March 1 of each year, present the plans to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives.

''(b) DUTIES OF ADMINISTRATOR.—In carrying out this title, the Administrator shall—

''(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile crime control, prevention, and juvenile offender accountability programs, and Federal policies regarding juvenile crime and justice, including policies relating to juveniles prosecuted or adjudicated in the Federal courts;

''(2) implement and coordinate Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities among Federal departments and agencies and between such programs and activities and other Federal programs and activities that the Administrator determines may have an important bearing on the success of the entire national juvenile crime control, prevention, and juvenile offender accountability effort including, in consultation with the Director of the Office of Management and Budget listing annually those programs to be considered Federal juvenile crime control, prevention, and juvenile accountability programs for the following fiscal year;

''(3) serve as a single point of contact for States, units of local government, and private entities to apply for and coordinate the use of and access to all Federal juvenile crime control, prevention, and juvenile offender accountability programs;

''(4) provide for the auditing of grants provided pursuant to this title;

''(5) collect, prepare, and disseminate useful data regarding the prevention, correction, and control of juvenile crime and delinquency, and issue, not less frequently than once each calendar year, a report on successful programs and juvenile crime reduction methods utilized by States, localities, and private entities;

''(6) ensure the performance of comprehensive rigorous independent scientific evaluations, each of which shall—

''(A) be independent in nature, and shall employ rigorous and scientifically valid standards and methodologies; and

''(B) include measures of outcome and process objectives, such as reductions in juvenile crime, youth gang activity, youth substance abuse, and other high risk factors, as well as increases in protective factors that reduce the likelihood of delinquency and criminal behavior;

''(7) involve consultation with appropriate authorities in the States and with appropriate private entities in the development, review, and revision of the plans required by subsection (a) and in the development of policies relating to juveniles prosecuted or adjudicated in the Federal courts;

''(8) provide technical assistance to the States, units of local government, and private entities in implementing programs funded by grants under this title;

''(9) provide technical and financial assistance to an organization composed of member

representatives of the State advisory groups appointed under section 222(b)(2) to carry out activities under this paragraph, if such an organization agrees to carry out activities that include—

''(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

''(B) disseminating information, data, standards, advanced techniques, and programs models developed through the Institute and through programs funded under section 261; and

''(C) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

''(10) provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to assist such organization to carry out the functions specified under subparagraph (A).

''(A) To be eligible to receive such assistance such organization shall agree to carry out activities that include—

''(i) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups; and

''(ii) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 261.

''(c) INFORMATION, REPORTS, STUDIES, AND SURVEYS FROM OTHER AGENCIES.—The Administrator through the general authority of the Attorney General, may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile crime control, prevention, and juvenile offender accountability program to provide the Administrator with such information and reports, and to conduct such studies and surveys, as the Administrator determines to be necessary to carry out the purposes of this title.

''(d) UTILIZATION OF SERVICES AND FACILITIES OF OTHER AGENCIES; REIMBURSEMENT.—The Administrator, through the general authority of the Attorney General, may utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

''(e) COORDINATION OF FUNCTIONS OF ADMINISTRATOR AND SECRETARY OF HEALTH AND HUMAN SERVICES.—All functions of the Administrator shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III.

''(f) ANNUAL JUVENILE DELINQUENCY DEVELOPMENT STATEMENTS.—

''(1) IN GENERAL.—Each Federal agency that administers a Federal juvenile crime control, prevention, and juvenile offender accountability program shall annually submit to the Administrator a juvenile crime control, prevention, and juvenile offender accountability development statement.

''(2) CONTENTS.—Each development statement submitted under paragraph (1) shall contain such information, data, and analyses as the Administrator may require. Such analyses shall include an analysis of the extent to which the program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile crime control, prevention, and juvenile offender accountability, prevention, and treatment goals and policies.

''(3) REVIEW AND COMMENT.—

''(A) IN GENERAL.—The Administrator shall review and comment upon each juvenile crime control, prevention, and juvenile offender accountability development statement transmitted to the Administrator under paragraph (1).

''(B) INCLUSION IN OTHER DOCUMENTATION.—The development statement transmitted under paragraph (1), together with the comments of the Administrator under subparagraph (A), shall be—

''(i) included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation that significantly affects juvenile crime control, prevention, and juvenile offender accountability; and

''(ii) made available for promulgation to and use by State and local government officials, and by nonprofit organizations involved in delinquency prevention programs.

''(g) JOINT FUNDING.—Notwithstanding any other provision of law, if funds are made available by more than 1 Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile crime control, prevention, or juvenile offender accountability program or activity—

''(1) any 1 of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced; and

''(2) in such a case, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in those regulations) that is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

''SEC. 205. JUVENILE DELINQUENCY PREVENTION CHALLENGE GRANT PROGRAM.

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to eligible States in accordance with this part for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

''(1) educational projects or supportive services for delinquent or other juveniles—

''(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

''(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

''(C) to assist in identifying learning difficulties (including learning disabilities);

''(D) to prevent unwarranted and arbitrary suspensions and expulsions;

''(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

''(F) that assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other disabled juveniles;

''(G) that develop locally coordinated policies and programs among education, juvenile justice, public recreation, and social service agencies; or

''(H) to provide services to juveniles with serious mental and emotional disturbances (SED) who are in need of mental health services;

''(2) projects that provide support and treatment to—

''(A) juveniles who are at risk of delinquency because they are the victims of child abuse or neglect; and

''(B) juvenile offenders who are victims of child abuse or neglect and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

''(3) to develop, implement or operate projects for the prevention or reduction of truancy through partnerships between local education agencies, local law enforcement, and, as appropriate, other community groups;

''(4) projects that support State and local programs to prevent juvenile delinquency by providing for—

''(A) assessments by qualified mental health professionals of incarcerated juveniles who are suspected of being in need of mental health services;

''(B) the development of individualized treatment plans for juveniles determined to be in need of mental health services pursuant to assessments under subparagraph (A);

''(C) the inclusion of discharge plans for incarcerated juveniles determined to be in need of mental health services; and

''(D) requirements that all juveniles receiving psychotropic medication be under the care of a licensed mental health professional;

''(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, public recreation staff, and adults working for community-based organizations and agencies) who are properly screened and trained and that—

''(A) the State establish criteria to assess the quality of those one-on-one mentoring projects;

''(B) the Administrator develop an annual report on the best mentoring practices in those projects; and

''(C) the State choose exemplary projects, designated Gold Star Mentoring Projects, to receive preferential access to funding;

''(6) community-based projects and services (including literacy and social service programs) that work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to remain in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

''(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances, giving priority to juveniles who have been arrested for an alleged act of juvenile delinquency or adjudicated delinquent;

''(8) projects that leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

''(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects, including youth violence courts targeted to juveniles aged 14 and younger;

''(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, child abuse and neglect courts, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, public recreation agencies, and private nonprofit agencies offering services to juveniles;

''(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

''(12) delinquency prevention activities that involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

''(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes

of establishing treatment plans for juvenile offenders;

''(14) family strengthening activities, such as mutual support groups for parents and their children and postadoption services for families who adopt children with special needs;

''(15) adoptive parent recruitment activities targeted at recruiting permanent adoptive families for older children and children with special needs in the foster care system who are at risk of entering the juvenile justice system;

''(16) projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers;

''(17) partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: Caring, citizenship, fairness, respect, responsibility and trustworthiness;

''(18) programs for positive youth development that provide youth at risk of delinquency with—

''(A) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

''(B) safe places and structured activities during nonschool hours;

''(C) a healthy start;

''(D) a marketable skill through effective education; and

''(E) an opportunity to give back through community service;

''(19) projects that use neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

''(20) programs designed and operated to provide eligible offenders with an alternative to adjudication that emphasizes restorative justice;

''(21) projects that expand the use of probation officers—

''(A) particularly for the purpose of permitting nonviolent juvenile offenders, including status offenders, to remain at home with their families as an alternative to detention; and

''(B) to ensure that juveniles follow the terms of their probation; and

''(22) projects that provide for initial intake screening, which may include drug testing, of each juvenile taken into custody—

''(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

''(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses.

''(b) ELIGIBILITY OF STATES.—

''(1) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit to the Administrator an application that contains the following:

''(A) An assurance that the State will use—

''(i) not more than 5 percent of such grant, in the aggregate, for—

''(I) the costs incurred by the State to carry out this part; and

''(II) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

''(ii) the remainder of such grant to make grants under subsection (c).

''(B) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

''(C) An assurance that such application was prepared after consultation with and participation by—

''(i) community-based organizations that carry out programs, projects, or activities to prevent juvenile delinquency; and

''(ii) police, sheriff, prosecutors, State or local probation services, juvenile courts, schools, public recreation agencies, businesses, and religious affiliated fraternal, nonprofit, and social service organizations involved in crime prevention.

''(D) An assurance that each eligible entity described in subsection (c)(1) that receives an initial grant under subsection (c) to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under subsection (a) by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

''(E) An assurance that each eligible entity described in subsection (c)(1) that receives a grant to carry out a project or activity under subsection (c) has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions to fund the project or activity, except that the Administrator may for good cause reduce the matching requirement to 33⅓ percent for economically disadvantaged communities.

''(F) An assurance that projects or activities funded by a grant under subsection (a) shall be carried out through or in coordination with a court with a juvenile crime or delinquency docket.

''(G) An assurance that of the grant funds remaining after administrative costs are deducted consistent with subparagraph (A)—

''(i) not less than 80 percent shall be used for the purposes designated in paragraphs (1) through (18) of subsection (a); and

''(ii) not less than 20 percent shall be used for the purposes in paragraphs (19) through (22) of subsection (a).

''(H) Such other information as the Administrator may reasonably require by rule.

''(2) APPROVAL OF APPLICATIONS.—

''(A) APPROVAL REQUIRED.—Subject to subparagraph (A), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of paragraph (1).

''(B) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

''(i)(I) the State submitted a plan under section 222 for such fiscal year; and

''(II) such plan is approved by the Administrator for such fiscal year; or

''(ii) the Administrator waives the application of clause (i) to such State for such fiscal year, after finding good cause for such a waiver.

''(c) GRANTS FOR LOCAL PROJECTS.—

''(1) SELECTION FROM AMONG APPLICATIONS.—

''(A) IN GENERAL.—Using a grant received under subsection (a), a State may make grants to eligible entities whose applications are received by the State in accordance with paragraph (2) to carry out projects and activities described in subsection (a).

''(B) SPECIAL CONSIDERATION.—For purposes of making such grants, the State shall give special consideration to eligible entities that—

''(i) propose to carry out such projects in geographical areas in which there is—

''(I) a disproportionately high level of serious crime committed by juveniles; or

''(II) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

''(ii)(I) agree to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

''(II) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

''(iii) state the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

''(2) RECEIPT OF APPLICATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a unit of local government shall submit to the State simultaneously all applications that are—

''(i) timely received by such unit from eligible entities; and

''(ii) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

''(B) DIRECT SUBMISSION.—If an application submitted to such unit by an eligible entity satisfies the requirements specified in clauses (i) and (ii) of subparagraph (A), such entity may submit such application directly to the State.

''(d) ELIGIBILITY OF ENTITIES.—

''(1) ELIGIBILITY.—Subject to paragraph (2) and except as provided in paragraph (3), to be eligible to receive a grant under subsection (c), a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), local recreation agency, nonprofit private organization (including a faith-based organization), unit of local government, or social service provider, and/or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of local government an application that contains the following:

''(A) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in 1 or more of paragraphs (1) through (22) of subsection (a) as specified in, such application.

''(B) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

''(C) A statement identifying the research (if any) such entity relied on in preparing such application.

''(2) REVIEW AND SUBMISSION OF APPLICATIONS.—Except as provided in paragraph (3), an entity shall not be eligible to receive a grant under subsection (c) unless—

''(A) such entity submits to a unit of local government an application that—

''(i) satisfies the requirements specified in subsection (a); and

''(ii) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

''(B) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

''(3) LIMITATION.—If an entity that receives a grant under subsection (c) to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.

''(e) REPORTING REQUIREMENT.—Not later than 180 days after the last day of each fiscal year, the Administrator shall submit to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a report, which shall—

''(1) describe activities and accomplishments of grant activities funded under this section;

''(2) describe procedures followed to disseminate grant activity products and research findings;

''(3) describe activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention;

''(4) identify successful approaches and making the recommendations for future activities to be conducted under this section; and

''(5) describe, on a State-by-State basis, the total amount of matching contributions made by States and eligible entities for activities funded under this section.

''(f) RESEARCH AND EVALUATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), of the amount made available to carry out this section in each fiscal year, the Administrator shall use the lesser of 5 percent or $5,000,000 for research, statistics, and evaluation activities carried out in conjunction with the grant programs under this section.

''(2) EXCEPTION.—No amount shall be available as provided in paragraph (1) for a fiscal year, if amounts are made available for that fiscal year for the National Institute of Justice for evaluation research of juvenile delinquency programs pursuant to subsection (b)(6) or (c)(6) of section 313.

''SEC. 206. GRANTS TO YOUTH ORGANIZATIONS.

''(a) GRANT PROGRAM.—The Administrator may make grants to Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act) and national, Statewide, or community-based, nonprofit organizations in crime prone areas, (such as Boys and Girls Clubs, Police Athletic Leagues, 4–H Clubs, YWCA, YMCA, Big Brothers and Big Sisters, and Kids 'N Kops programs) for the purposes of—

''(1) providing constructive activities to youth during after school hours, weekends, and school vacations;

''(2) providing supervised activities in safe environments to youth in those areas, including activities through parks and other recreation areas; and

''(3) providing anti-alcohol and other drug education to prevent alcohol and other drug abuse among youth.

''(b) APPLICATIONS.—

''(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the governing body of the Indian tribe or the chief operating officer of a national, Statewide, or community-based nonprofit organization shall submit an application to the Administrator, in such form and containing such information as the Administrator may reasonably require.

''(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

''(A) a request for a grant to be used for the purposes of this section;

''(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

''(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

''(D) written assurances that all activities funded under this section will be supervised by an appropriate number of responsible adults;

''(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs; and

''(F) any additional statistical or financial information that the Administrator may reasonably require.

''(c) GRANT AWARDS.—In awarding grants under this section, the Administrator shall consider—

''(1) the ability of the applicant to provide the intended services;

''(2) the history and establishment of the applicant in providing youth activities; and

''(3) the extent to which services will be provided in crime prone areas, including efforts to achieve an equitable geographic distribution of the grant awards.

''(d) ALLOCATION.—Of the amounts made available to carry out this section—

''(1) 20 percent shall be for grants to national or Statewide nonprofit organizations; and

''(2) 80 percent shall be for grants to community-based, nonprofit organizations.

''(e) CONTINUED AVAILABILITY.—Amounts made available under this section shall remain available until expended.

''SEC. 207. GRANTS TO INDIAN TRIBES.

''(a) IN GENERAL.—From the amount reserved under section 208(b) in each fiscal year, the Administrator shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 205 and part B.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Administrator an application in such form and containing such information as the Administrator may by regulation require.

''(2) PLANS.—Each application submitted under paragraph (1) shall include a plan for conducting projects described in section 205(a), which plan shall—

''(A) provide evidence that the Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

''(B) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted by the Indian tribe in the area under the jurisdiction of the Indian tribe with assistance provided by the grant;

''(C) provide for fiscal control and accounting procedures that—

''(i) are necessary to ensure the prudent use, proper disbursement, and accounting of funds received under this section; and

''(ii) are consistent with the requirements of subparagraph (B); and

''(D) comply with the requirements of section 222(a) (except that such subsection relates to consultation with a State advisory group) and with the requirements of section 222(c); and

''(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably prescribe to ensure the effectiveness of the grant program under this section.

''(c) FACTORS FOR CONSIDERATION.—In awarding grants under this section, the Administrator shall consider—

''(1) the resources that are available to each applicant that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

''(2) for each Indian tribe that receives assistance under such a grant—

''(A) the relative juvenile population; and

''(B) who will be served by the assistance provided by the grant.

''(d) GRANT AWARDS.—

''(1) IN GENERAL.—

''(A) COMPETITIVE AWARDS.—Except as provided in paragraph (2), the Administrator shall annually award grants under this section on a competitive basis. The Administrator shall enter into a grant agreement with each grant recipient under this section that specifies the terms and conditions of the grant.

''(B) PERIOD OF GRANT.—The period of each grant awarded under this section shall be 2 years.

''(2) EXCEPTION.—In any case in which the Administrator determines that a grant recipient under this section has performed satisfactorily during the preceding year in accordance with an applicable grant agreement, the Administrator may—

''(A) waive the requirement that the recipient be subject to the competitive award process described in paragraph (1)(A); and

''(B) renew the grant for an additional grant period (as specified in paragraph (1)(B)).

''(3) MODIFICATIONS OF PROCESSES.—The Administrator may prescribe requirements to provide for appropriate modifications to the plan preparation and application process specified in subsection (b) for an application for a renewal grant under paragraph (2)(B).

''(e) REPORTING REQUIREMENT.—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

''(f) MATCHING REQUIREMENT.—Funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

''(g) TECHNICAL ASSISTANCE.—From the amount reserved under section 208(b) in each fiscal year, the Administrator may reserve 1 percent for the purpose of providing technical assistance to recipients of grants under this section.

''SEC. 208. ALLOCATION OF GRANTS.

''(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amount allocated under section 291 to carry out section 205 in each fiscal year shall be allocated to the States as follows:

''(1) 0.5 percent shall be allocated to each eligible State.

''(2) The amount remaining after the allocation under subparagraph (A) shall be allocated among eligible States as follows:

''(A) 50 percent of such amount shall be allocated proportionately based on the juvenile population in the eligible States.

''(B) 50 percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

''(b) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts allocated under section 291 to carry out section 205 and part B in each fiscal year—

''(1) the Administrator shall reserve an amount equal to the amount which all Indian tribes that qualify for a grant under section 207 would collectively be entitled, if such tribes were collectively treated as a State for purposes of subsection (a); and

''(2) the Administrator shall reserve 5 percent to make grants to States under section 209.

''(c) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000 and not more than $100,000.

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

''SEC. 209. CONFIDENTIAL REPORTING OF INDIVIDUALS SUSPECTED OF IMMINENT SCHOOL VIOLENCE.

''(a) IN GENERAL.—Grants under this section shall be known as 'CRISIS Grants'.

''(b) AUTHORITY TO MAKE GRANTS.—From the amounts reserved by the Administrator under section 208(b)(2), the Administrator shall make a grant to each State in an amount determined under subsection (d), for use in accordance with subsection (c).

''(c) USE OF GRANT AMOUNTS.—Amounts made available to a State under a grant under this section may be used by the State—

''(1) to support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

''(2) to ensure proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (1);

''(3) to assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet web-pages or resources;

''(4) to enhance State efforts to offer appropriate counseling services to individuals who call a hotline described in paragraph (1) threatening to do harm to themselves or others; and

''(5) to further State efforts to publicize the services offered by the hotlines described in paragraph (1) and to encourage individuals to utilize those services.

''(d) ALLOCATION TO STATES.—The total amount reserved to carry out this section in each fiscal year shall be allocated to each State based on the proportion of the population of the State that is less than 18 years of age.

''PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

''SEC. 221. AUTHORITY TO MAKE GRANTS AND CONTRACTS.

''(a) IN GENERAL.—The Administrator may make grants to States and units of local government, or combinations thereof, to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

''(b) TRAINING AND TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—With not to exceed 2 percent of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local governments (and combinations thereof), and local private agencies to facilitate compliance with section 222 and implementation of the State plan approved under section 222(c).

''(2) ELIGIBLE RECIPIENTS.—Grants may be made and contracts may be entered into under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such training and technical assistance. In providing such training and technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 222(a)(1).

''SEC. 222. STATE PLANS.

''(a) IN GENERAL.—In order to receive formula grants under this part, a State shall submit a plan, developed in consultation with the State Advisory Group established by the State under subsection (b)(2)(A), for carrying out its purposes applicable to a 3-year period. A portion of any allocation of formula grants to a State shall be available to develop a State plan or for other activities associated with such State plan which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position. The State shall submit annual performance reports to the Administrator, each of which shall describe progress in implementing programs contained in the original plan, and amendments necessary to update the plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations that the Administrator shall prescribe, such plan shall—

''(1) designate a State agency as the sole agency for supervising the preparation and administration of the plan;

''(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

''(3) provide for the active consultation with and participation of units of local government, or combinations thereof, in the development of a State plan that adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies, including religious organizations;

''(4) to the extent feasible and consistent with paragraph (5), provide for an equitable distribution of the assistance received with the State, including rural areas;

''(5) require that the State or unit of local government that is a recipient of amounts under this part distributes those amounts intended to be used for the prevention of juvenile delinquency and reduction of incarceration, to the extent feasible, in proportion to the amount of juvenile crime committed within those regions and communities;

''(6) provide assurances that youth coming into contact with the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability;

''(7)(A) provide for—

''(i) an analysis of juvenile crime and delinquency problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State;

''(ii) an indication of the manner in which the programs relate to other similar State or local programs that are intended to address the same or similar problems; and

''(iii) a plan for the concentration of State efforts, which shall coordinate all State juvenile crime control, prevention, and delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile crime control and delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

''(B) contain—

''(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;

''(8) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;

''(9) provide for the development of an adequate research, training, and evaluation capacity within the State;

''(10) provide that not less than 75 percent of the funds available to the State under section 221, other than funds made available to the State advisory group under this section, whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

''(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, including—

''(i) for youth who need temporary placement: crisis intervention, shelter, and after-care; and

''(ii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

''(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;

''(C) comprehensive juvenile crime control and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, public recreation agencies, and private nonprofit agencies offering youth services;

''(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

''(E) educational programs or supportive services for delinquent or other juveniles—

''(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

''(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and

''(iii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

''(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

''(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

''(F) expanding the use of probation officers—

''(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(ii) to ensure that juveniles follow the terms of their probation;

''(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;

''(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;

''(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

''(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

''(K) boot camps for juvenile offenders;

''(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;

''(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;

''(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

''(O) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of such juveniles and the preservation of their families;

''(P) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts;

''(Q) programs designed to prevent and reduce hate crimes committed by juveniles;

''(R) court supervised initiatives that address the illegal possession of firearms by juveniles; and

''(S) programs for positive youth development that provide delinquent youth and youth at-risk of delinquency with—

''(i) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

''(ii) safe places and structured activities during nonschool hours;

''(iii) a healthy start;

''(iv) a marketable skill through effective education; and

''(v) an opportunity to give back through community service;

''(11) shall provide that—

''(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

''(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

''(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

''(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

''(B) juveniles—

''(i) who are not charged with any offense; and

''(ii) who are—

''(I) aliens; or

''(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;

''(12) provide that—

''(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have prohibited physical contact or sustained oral communication with adult inmates; and

''(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;

''(13) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

''(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

''(i) for processing or release;

''(ii) while awaiting transfer to a juvenile facility; or

''(iii) in which period such juveniles make a court appearance;

''(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

''(i) in which—

''(I) such juveniles do not have prohibited physical contact or sustained oral communication with adult inmates; and

''(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles; and

''(ii) that—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

''(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

''(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

''(C) juveniles who are accused of nonstatus offenses and who are detained or confined in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

''(i) such jail or lockup—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

''(II) has no existing acceptable alternative placement available;

''(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and the parent has the right to revoke such consent at any time;

''(iii) the juvenile has counsel, and the counsel representing such juvenile has an opportunity to present the juvenile's position regarding the detention or confinement involved to the court before the court finds that such detention or confinement is in the best interest of such juvenile and approves such detention or confinement; and

''(iv) detaining or confining such juvenile in accordance with this subparagraph is—

''(I) approved in advance by a court with competent jurisdiction;

''(II) required to be reviewed periodically, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention or confinement, which review may be in the presence of the juvenile; and

''(III) for a period preceding the sentencing (if any) of such juvenile;

''(14) provide assurances that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members, when possible, and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

''(15) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

''(16) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

''(17) provide reasonable assurances that Federal funds made available under this part for any period shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and shall in no event replace such State, local, and other non-Federal funds;

''(18) provide that the State agency designated under paragraph (1) will, not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that the agency considers necessary;

''(19) provide assurances that the State or each unit of local government that is a recipient of amounts under this part require that any person convicted of a sexual act or sexual contact involving any other person who has not attained the age of 18 years, and who is not less than 4 years younger than such convicted person, be tested for the presence of any sexually transmitted disease and that the results of such test be provided to the victim or to the family of the victim as well as to any court or other government agency with primary authority for sentencing the person convicted for the commission of the sexual act or sexual contact (as those terms are defined in paragraphs (2) and (3), respectively, of section 2246 of title 18, United States Code) involving a person not having attained the age of 18 years;

''(20) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

''(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

''(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

''(C) not later than 48 hours during which such juvenile is so held—

''(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

''(ii) such court shall conduct a hearing to determine—

''(I) whether there is reasonable cause to believe that such juvenile violated such order; and

''(II) the appropriate placement of such juvenile pending disposition of the violation alleged;

''(21) specify a percentage, if any, of funds received by the State under section 221 that the State will reserve for expenditure by the State to provide incentive grants to units of local government that reduce the case load of probation officers within such units;

''(22) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;

''(23) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 50 percent of funds received by the State under this section, other than funds made available to the State advisory group, shall be expended—

''(A) through programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan; and

''(B) through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof;

''(24) provide for the establishment of youth tribunals and peer 'juries' in school districts in the State to promote zero tolerance policies with respect to misdemeanor offenses, acts of juvenile delinquency, and other antisocial behavior occurring on school grounds, including truancy, vandalism, underage drinking, and underage tobacco use;

''(25) provide for projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers;

''(26) provide assurances that—

''(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

''(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

''(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;

''(27) to the extent that segments of the juvenile population are shown to be detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups, to a greater extent than the proportion of these groups in the general juvenile population, address prevention efforts designed to reduce such disproportionate confinement, without requiring the release or the failure to detain any individual; and

''(28) demonstrate that the State has in effect a policy or practice that requires State or local law enforcement agencies to—

''(A) present before a judicial officer any juvenile who unlawfully possesses a firearm in a school; and

''(B) detain such juvenile in an appropriate juvenile facility or secure community-based placement for not less than 24 hours for appropriate evaluation, upon a finding by the judicial officer that the juvenile may be a danger to himself or herself, to other individuals, or to the community in which that juvenile resides.

''(b) APPROVAL BY STATE AGENCY.—

''(1) STATE AGENCY.—The State agency designated under subsection (a)(1) shall approve the State plan and any modification thereof prior to submission of the plan to the Administrator.

''(2) STATE ADVISORY GROUP.—

''(A) ESTABLISHMENT.—The State advisory group referred to in subsection (a) shall be known as the 'State Advisory Group'. The State Advisory Group shall consist of representatives from both the private and public sector, each of whom shall be appointed for a term of not more than 6 years. The State shall ensure that members of the State Advisory Group shall have experience in the area of juvenile delinquency prevention, the prosecution of juvenile offenders, the treatment of juvenile delinquency, the investigation of juvenile crimes, or the administration of juvenile justice programs, and shall include not less than 1 prosecutor and not less than 1 judge from a court with a juvenile crime or delinquency docket. The chairperson of the State Advisory Group shall not be a full-time employee of the Federal Government or the State government.

''(B) CONSULTATION.—

''(i) IN GENERAL.—The State Advisory Group established under subparagraph (A) shall—

''(I) participate in the development and review of the State plan under this section before submission to the supervisory agency for final action; and

''(II) be afforded an opportunity to review and comment, not later than 30 days after the submission to the State Advisory Group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under subsection (a)(1).

''(ii) AUTHORITY.—The State Advisory Group shall report to the chief executive officer and the legislature of the State on an annual basis regarding recommendations related to the State's compliance under this section.

''(C) FUNDING.—From amounts reserved for administrative costs, the State may make available to the State Advisory Group such sums as may be necessary to assist the State Advisory Group in adequately performing its duties under this paragraph.

''(c) COMPLIANCE WITH STATUTORY REQUIREMENTS.—

''(1) IN GENERAL.—If a State fails to comply with any of the applicable requirements of paragraph (11), (12), (13), (27), or (28) of subsection (a) in any fiscal year beginning after September 30, 2000, the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 10 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

''(A) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

''(B) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.

''(2) WAIVER.—The Administrator may, upon request by a State showing good cause, waive the application of this subsection with respect to such State.

''SEC. 223. ALLOCATION OF GRANTS.

''(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amount allocated under section 291 to carry out this part in each fiscal year that remains after reservation under section 208(b) for that fiscal year shall be allocated to the States as follows:

''(1) 0.5 percent shall be allocated to each eligible State.

''(2) The amount remaining after the allocation under clause (i) shall be allocated proportionately based on the juvenile population in the eligible States.

''(b) SYSTEM SUPPORT GRANTS.—Of the amount allocated under section 291 to carry out this part in each fiscal year that remains after reservation under section 208(b) for that fiscal year, up to 10 percent may be available for use by the Administrator to provide—

''(1) training and technical assistance consistent with the purposes authorized under sections 204, 205, and 221;

''(2) direct grant awards and other support to develop, test, and demonstrate new approaches to improving the juvenile justice system and reducing, preventing, and abating delinquent behavior, juvenile crime, and youth violence;

''(3) for research and evaluation efforts to discover and test methods and practices to improve the juvenile justice system and reduce, prevent, and abate delinquent behavior, juvenile crime, and youth violence; and

''(4) information, including information on best practices, consistent with purposes authorized under sections 204, 205, and 221.

''(c) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000 and not more than $100,000.

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

''PART C—NATIONAL PROGRAMS

''SEC. 241. ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION.

''(a) IN GENERAL.—There is established within the National Institute of Justice a National Institute for Juvenile Crime Control and Delinquency Prevention, the purpose of which shall be to provide—

''(1) through the National Institute of Justice, for the rigorous and independent evaluation of the delinquency and youth violence prevention programs funded under this title; and

''(2) funding for new research, through the National Institute of Justice, on the nature, causes, and prevention of juvenile violence and juvenile delinquency.

''(b) ADMINISTRATION.—The National Institute for Juvenile Crime Control and Delinquency Prevention shall be under the supervision and direction of the Director of the National Institute of Justice (referred to in this part as the 'Director'), in consultation with the Administrator.

''(c) COORDINATION.—The activities of the National Institute for Juvenile Crime Control and Delinquency Prevention shall be coordinated with the activities of the National Institute of Justice.

''(d) DUTIES OF THE INSTITUTE.—

''(1) IN GENERAL.—The Administrator shall transfer appropriated amounts to the National Institute of Justice, or to other Federal agencies, for the purposes of new research and evaluation projects funded by the National Institute for Juvenile Crime Control and Delinquency Prevention, and for evaluation of discretionary programs of the Office of Juvenile Crime Control and Prevention.

''(2) REQUIREMENTS.—Each evaluation and research study funded with amounts transferred under paragraph (1) shall—

''(A) be independent in nature;

''(B) be awarded competitively; and

''(C) employ rigorous and scientifically recognized standards and methodologies, including peer review by nonapplicants.

''(e) POWERS OF THE INSTITUTE.—In addition to the other powers, express and implied, the National Institute for Juvenile Crime Control and Delinquency Prevention may—

''(1) request any Federal agency to supply such statistics, data, program reports, and other material as the National Institute for Juvenile Crime Control and Delinquency Prevention deems necessary to carry out its functions;

''(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

''(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

''(4) make grants and enter into contracts with public or private agencies, organizations, or individuals for the partial performance of any functions of the National Institute for Juvenile Crime Control and Delinquency Prevention; and

''(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter payable under section 5376 of title 5, United States Code, and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for

persons in the Government service employed intermittently.

''(f) INFORMATION FROM FEDERAL AGENCIES.—A Federal agency that receives a request from the National Institute for Juvenile Crime Control and Delinquency Prevention under subsection (e)(1) may cooperate with the National Institute for Juvenile Crime Control and Delinquency Prevention and shall, to the maximum extent practicable, consult with and furnish information and advice to the National Institute for Juvenile Crime Control and Delinquency Prevention.

"SEC. 242. INFORMATION FUNCTION.

''The Administrator, in consultation with the Director, shall—

''(1) on a continuing basis, review reports, data, and standards relating to the juvenile justice system in the United States;

''(2) serve as an information bank by collecting systematically and synthesizing the knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency; and

''(3) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs (including drug and alcohol programs and gender-specific programs) and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

"SEC. 242A. STATISTICAL ANALYSIS.

''The Administrator, under the supervision of the Assistant Attorney General for the Office of Justice Programs, and in consultation with the Director, may—

''(1) transfer funds to and enter into agreements with the Bureau of Justice Statistics or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile crime, the juvenile justice system, and youth violence, and for other purposes, consistent with the Violent and Repeat Juvenile Offender Accountability Act of 1999; and

''(2) plan and identify, in consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of each grant made or contract or other agreement entered into under this title.

"SEC. 243. RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.

''(a) IN GENERAL.—The Administrator, acting through the National Institute for Juvenile Crime Control and Delinquency Prevention, as appropriate, may—

''(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods that show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

''(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

''(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

''(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

''(B) assist in the provision by the Administrator of best practices of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

''(4) encourage the development of programs that, in addition to helping youth take responsibility for their behavior, through control and incarceration, if necessary, provide therapeutic intervention such as providing skills;

''(5) encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;

''(6) prepare, in cooperation with education institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to prevention of and intervention with juvenile violence and delinquency and the improvement of juvenile justice systems, including—

''(A) evaluations of programs and interventions designed to prevent youth violence and juvenile delinquency;

''(B) assessments and evaluations of the methodological approaches to evaluating the effectiveness of interventions and programs designed to prevent youth violence and juvenile delinquency;

''(C) studies of the extent, nature, risk, and protective factors, and causes of youth violence and juvenile delinquency;

''(D) comparisons of youth adjudicated and treated by the juvenile justice system compared to juveniles waived to and adjudicated by the adult criminal justice system (including incarcerated in adult, secure correctional facilities);

''(E) recommendations with respect to effective and ineffective primary, secondary, and tertiary prevention interventions, including for which juveniles, and under what circumstances (including circumstances connected with the staffing of the intervention), prevention efforts are effective and ineffective; and

''(F) assessments of risk prediction systems of juveniles used in making decisions regarding pretrial detention;

''(7) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency;

''(8) disseminate pertinent data and studies to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency; and

''(9) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

''(A) all aspects of juveniles as victims and offenders;

''(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

''(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

''(b) PUBLIC DISCLOSURE.—The Administrator or the Director, as appropriate, shall make available to the public—

''(1) the results of research, demonstration, and evaluation activities referred to in subsection (a)(8);

''(2) the data and studies referred to in subsection (a)(9); and

''(3) regular reports regarding each State's objective measurements of youth violence, such as the number, rate, and trend of homicides committed by youths.

"SEC. 244. TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.

''The Administrator may—

''(1) provide technical assistance and training assistance to Federal, State, and local governments and to courts, public and private agencies, institutions, and individuals in the planning, establishment, funding, operation, and evaluation of juvenile delinquency programs;

''(2) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders (including juveniles who commit hate crimes), and their families;

''(3) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, prosecutors, and defense attorneys, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

''(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies that work directly with juveniles and juvenile offenders; and

''(5) provide technical assistance and training to assist States and units of general local government.

"SEC. 245. ESTABLISHMENT OF TRAINING PROGRAM.

''(a) IN GENERAL.—The Administrator shall establish a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles. In carrying out this program the Administrator may make use of available State and local services, equipment, personnel, facilities, and the like.

''(b) QUALIFICATIONS FOR ENROLLMENT.—Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, public recreation personnel, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.

"SEC. 246. REPORT ON STATUS OFFENDERS.

''Not later than September 1, 2002, the Administrator, through the National Institute of Justice, shall—

''(1) conduct a study on the effect of incarceration on status offenders compared to similarly situated individuals who are not placed in secure detention in terms of the continuation of their inappropriate or illegal conduct, delinquency, or future criminal behavior, and evaluating the safety of status offenders placed in secure detention; and

''(2) submit to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate and the Chairman and Ranking Member of the Committee on Education and the Workforce of the House of Representatives a report on the results of the study conducted under paragraph (1).

"SEC. 247. CONSIDERATIONS FOR APPROVAL OF APPLICATIONS.

''(a) IN GENERAL.—Any agency, institution, or individual seeking to receive a grant, or enter into a contract, under section 243, 244, or 245 shall submit an application at such time, in

such manner, and containing or accompanied by such information as the Administrator or the Director, as appropriate, may prescribe.

''(b) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator or the Director, as appropriate, each application for assistance under section 243, 244, or 245 shall—

''(1) set forth a program for carrying out 1 or more of the purposes set forth in section 243, 244, or 245, and specifically identify each such purpose such program is designed to carry out;

''(2) provide that such program shall be administered by or under the supervision of the applicant;

''(3) provide for the proper and efficient administration of such program;

''(4) provide for regular evaluation of such program; and

''(5) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title.

''(c) FACTORS FOR CONSIDERATION.—In determining whether or not to approve applications for grants and for contracts under this part, the Administrator or the Director, as appropriate, shall consider—

''(1) whether the project uses appropriate and rigorous methodology, including appropriate samples, control groups, psychometrically sound measurement, and appropriate data analysis techniques;

''(2) the experience of the principal and coprincipal investigators in the area of youth violence and juvenile delinquency;

''(3) the protection offered human subjects in the study, including informed consent procedures; and

''(4) the cost-effectiveness of the proposed project.

''(d) SELECTION PROCESS.—

''(1) IN GENERAL.—

''(A) COMPETITIVE PROCESS.—Subject to subparagraph (B), programs selected for assistance through grants or contracts under section 243, 244, or 245 shall be selected through a competitive process, which shall be established by the Administrator or the Director, as appropriate, by rule. As part of such a process, the Administrator or the Director, as appropriate, shall announce in the Federal Register—

''(i) the availability of funds for such assistance;

''(ii) the general criteria applicable to the selection of applicants to receive such assistance; and

''(iii) a description of the procedures applicable to submitting and reviewing applications for such assistance.

''(B) WAIVER.—The competitive process described in subparagraph (A) shall not be required if the Administrator or the Director, as appropriate, makes a written determination waiving the competitive process with respect to a program to be carried out in an area with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists.

''(2) REVIEW PROCESS.—

''(A) IN GENERAL.—Programs selected for assistance through grants and contracts under this part shall be selected after a competitive process that provides potential grantees and contractors with not less than 90 days to submit applications for funds. Applications for funds shall be reviewed through a formal peer review process by qualified scientists with expertise in the fields of criminology, juvenile delinquency, sociology, psychology, research methodology, evaluation research, statistics, and related areas. The peer review process shall conform to the process used by the National Institutes of Health, the National Institute of Justice, or the National Science Foundation.

''(B) ESTABLISHMENT OF PROCESS.—Such process shall be established by the Administrator or the Director, as appropriate, in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation of such process, the Administrator or the Director, as appropriate, shall submit such process to such Directors, each of whom shall prepare and furnish to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

''(3) EMERGENCY EXPEDITED CONSIDERATION.—In establishing the process required under paragraphs (1) and (2), the Administrator or the Director, as appropriate, shall provide for emergency expedited consideration of a proposed program if the Administrator or the Director, as appropriate, determines such action to be necessary in order to avoid a delay that would preclude carrying out the program.

''(e) EFFECT OF POPULATION.—A city shall not be denied assistance under section 243, 244, or 245 solely on the basis of its population.

''(f) NOTIFICATION PROCESS.—Notification of grants and contracts made under sections 243, 244, and 245 (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator or the Director, as appropriate, to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate.

''SEC. 248. STUDY OF VIOLENT ENTERTAINMENT.

''(a) REQUIREMENT.—The National Institutes of Health shall conduct a study of the effects of violent 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, violence in video games and music adversely affects the emotional and psychological development of juveniles; and

''(2) whether violence in video games and music contributes to juvenile delinquency and youth violence.

''PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

''SEC. 251. DEFINITION OF JUVENILE.

''In this part, the term 'juvenile' means an individual who has not attained the age of 22 years.

''SEC. 252. GANG-FREE SCHOOLS AND COMMUNITIES.

''(a) IN GENERAL.—

''(1) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

''(A) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

''(i) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

''(ii) education, recreation, and social services designed to address the social and developmental needs of juveniles that such juveniles would otherwise seek to have met through membership in gangs;

''(iii) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

''(iv) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

''(v) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

''(B) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

''(C) To target elementary school students, with the purpose of steering students away from gang involvement.

''(D) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

''(E) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

''(F) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools that will assist such schools in maintaining a safe environment conducive to learning.

''(G) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

''(H) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substance analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)) by juveniles, provided through State and local health and social services agencies.

''(I) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

''(J) To provide services authorized in this section at a special location in a school or housing project or other appropriate site.

''(K) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

''(2) From not more than 15 percent of the total amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

''(A) to conduct research on issues related to juvenile gangs;

''(B) to evaluate the effectiveness of programs and activities funded under paragraph (1); and

''(C) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this section.

''(b) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—Any agency, organization, or institution seeking to receive a grant, or to enter into a contract, under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

''(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

''(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a) and specifically identify each such purpose such program or activity is designed to carry out;

''(B) provide that such program or activity shall be administered by or under the supervision of the applicant;

''(C) provide for the proper and efficient administration of such program or activity;

''(D) provide for regular evaluation of such program or activity;

''(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

''(F) describe how such program or activity is coordinated with programs, activities, and services available locally under part B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

''(G) certify that the applicant has requested the State planning agency to review and comment on such application and summarize the responses of such State planning agency to such request;

''(H) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

''(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

''(3) PRIORITY.—In reviewing applications for grants and contracts under this section, the Administrator shall give priority to applications—

''(A) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

''(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

''(C) for assistance for programs and activities that—

''(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

''(ii) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

''SEC. 253. COMMUNITY-BASED GANG INTERVENTION.

''(a) IN GENERAL.—The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

''(1) to reduce the participation of juveniles in the illegal activities of gangs;

''(2) to develop regional task forces involving State, local, and community-based organizations to coordinate the disruption of gangs and the prosecution of juvenile gang members and to curtail interstate activities of gangs; and

''(3) to facilitate coordination and cooperation among—

''(A) local education, juvenile justice, employment, recreation, and social service agencies; and

''(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

''(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

''(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

''(B) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

''(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—Programs and activities for which grants and contracts are to be made under this section may include—

''(1) the hiring of additional State and local prosecutors, and the establishment and operation of programs, including multijurisdictional task forces, for the disruption of gangs and the prosecution of gang members;

''(2) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

''(3) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

''(4) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

''(5) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)), by juveniles, provided through State and local health and social services agencies;

''(6) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

''(7) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

''(c) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

''(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

''(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a) and specifically identify each such purpose such program or activity is designed to carry out;

''(B) provide that such program or activity shall be administered by or under the supervision of the applicant;

''(C) provide for the proper and efficient administration of such program or activity;

''(D) provide for regular evaluation of such program or activity;

''(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

''(F) describe how such program or activity is coordinated with programs, activities, and services available locally under part B of this title and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

''(G) certify that the applicant has requested the State planning agency to review and comment on such application and summarize the responses of such State planning agency to such request;

''(H) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

''(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

''(3) PRIORITY.—In reviewing applications for grants and contracts under subsection (a), the Administrator shall give priority to applications—

''(A) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

''(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

''(C) for assistance for programs and activities that—

''(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

''(ii) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

''SEC. 254. PRIORITY.

''In making grants under this part, the Administrator shall give priority to funding programs and activities described in subsections (a)(2) and (b)(1) of section 253.

''PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

''SEC. 261. GRANTS AND PROJECTS.

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to, and enter into contracts with, States, units of local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

''(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

''SEC. 262. GRANTS FOR TRAINING AND TECHNICAL ASSISTANCE.

''The Administrator may make grants to, and enter into contracts with, public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

''SEC. 263. ELIGIBILITY.

''To be eligible to receive assistance pursuant to a grant or contract under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof, shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

''SEC. 264. REPORTS.

''Each recipient of assistance pursuant to a grant or contract under this part shall submit to

the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which the assistance was provided.

''PART F—MENTORING

''SEC. 271. MENTORING.

''The purposes of this part are to, through the use of mentors for at-risk youth—

''(1) reduce juvenile delinquency and gang participation;

''(2) improve academic performance; and

''(3) reduce the dropout rate.

''SEC. 272. DEFINITIONS.

''In this part—

''(1) the term 'at-risk youth' means a youth at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities; and

''(2) the term 'mentor' means a person who works with an at-risk youth on a one-to-one basis, providing a positive role model for the youth, establishing a supportive relationship with the youth, and providing the youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the youth to become a responsible adult.

''SEC. 273. GRANTS.

''(a) LOCAL EDUCATIONAL GRANTS.—The Administrator shall make grants to local education agencies and nonprofit organizations to establish and support programs and activities for the purpose of implementing mentoring programs that—

''(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, elders in Alaska Native villages, and adults working for community-based organizations and agencies; and

''(2) are intended to achieve 1 or more of the following goals:

''(A) Provide general guidance to at-risk youth.

''(B) Promote personal and social responsibility among at-risk youth.

''(C) Increase at-risk youth's participation in and enhance their ability to benefit from elementary and secondary education.

''(D) Discourage at-risk youth's use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

''(E) Discourage involvement of at-risk youth in gangs.

''(F) Encourage at-risk youth's participation in community service and community activities.

''(b) FAMILY-TO-FAMILY MENTORING GRANTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) FAMILY-TO-FAMILY MENTORING PROGRAM.—The term 'family-to-family mentoring program' means a mentoring program that—

''(i) utilizes a 2-tier mentoring approach that matches volunteer families with at-risk families allowing parents to directly work with parents and children to work directly with children; and

''(ii) has an afterschool program for volunteer and at-risk families.

''(B) POSITIVE ALTERNATIVES PROGRAM.—The term 'positive alternatives program' means a positive youth development and family-to-family mentoring program that emphasizes drug and gang prevention components.

''(C) QUALIFIED POSITIVE ALTERNATIVES PROGRAM.—The term 'qualified positive alternatives program' means a positive alternatives program that has established a family-to-family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

''(2) AUTHORITY.—The Administrator shall make and enter into contracts with a qualified positive alternatives program.

''SEC. 274. REGULATIONS AND GUIDELINES.

''(a) PROGRAM GUIDELINES.—The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

''(b) MODEL SCREENING GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

''SEC. 275. USE OF GRANTS.

''(a) PERMITTED USES.—Grants awarded under this part shall be used to implement mentoring programs, including—

''(1) hiring of mentoring coordinators and support staff;

''(2) recruitment, screening, and training of adult mentors;

''(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

''(4) such other purposes as the Administrator may reasonably prescribe by regulation.

''(b) PROHIBITED USES.—Grants awarded pursuant to this part shall not be used—

''(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

''(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;

''(3) to support litigation of any kind; or

''(4) for any other purpose reasonably prohibited by the Administrator by regulation.

''SEC. 276. PRIORITY.

''(a) IN GENERAL.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

''(1) serve at-risk youth in high crime areas;

''(2) have 60 percent or more of their youth eligible to receive funds under the Elementary and Secondary Education Act of 1965; and

''(3) have a considerable number of youths who drop out of school each year.

''(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

''(1) the geographic distribution (urban and rural) of applications;

''(2) the quality of a mentoring plan, including—

''(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or postsecondary education; and

''(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

''(3) the capability of the applicant to effectively implement the mentoring plan.

''SEC. 277. APPLICATIONS.

''An application for assistance under this part shall include—

''(1) information on the youth expected to be served by the program;

''(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

''(3) An assurance that no mentor or mentoring family will be assigned a number of youths that would undermine their ability to be an effective mentor and ensure a one-to-one relationship with mentored youths;

''(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

''(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

''(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

''(C) assistance with homework assignments; and

''(D) exposure to experiences that youth might not otherwise encounter;

''(5) an assurance that projects operated in elementary schools will provide youth with—

''(A) academic assistance;

''(B) exposure to new experiences and activities that youth might not encounter on their own; and

''(C) emotional support;

''(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;

''(7) the method by which mentors and youth will be recruited to the project;

''(8) the method by which prospective mentors will be screened; and

''(9) the training that will be provided to mentors.

''SEC. 278. GRANT CYCLES.

''Each grant under this part shall be made for a 3-year period.

''SEC. 279. FAMILY MENTORING PROGRAM.

''(a) DEFINITIONS.—In this section—

''(1) the term 'cooperative extension services' has the meaning given that term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103);

''(2) the term 'family mentoring program' means a mentoring program that—

''(A) utilizes a 2-tier mentoring approach that uses college age or young adult mentors working directly with at-risk youth and uses retirement-age couples working with the parents and siblings of at-risk youth; and

''(B) has a local advisory board to provide direction and advice to program administrators; and

''(3) the term 'qualified cooperative extension service' means a cooperative extension service that has established a family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

''(b) MODEL PROGRAM.—The Administrator, in cooperation with the Secretary of Agriculture, shall make a grant to a qualified cooperative extension service for the purpose of expanding and replicating family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

''(c) ESTABLISHMENT OF NEW FAMILY MENTORING PROGRAMS.—

''(1) IN GENERAL.—The Administrator, in cooperation with the Secretary of Agriculture, may make 1 or more grants to cooperative extension services for the purpose of establishing family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

''(2) MATCHING REQUIREMENT AND SOURCE OF MATCHING FUNDS.—

''(A) IN GENERAL.—The amount of a grant under this subsection may not exceed 35 percent of the total costs of the program funded by the grant.

''(B) SOURCE OF MATCH.—Matching funds for grants under this subsection may be derived from amounts made available to a State under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), except that the total amount derived from Federal sources may not exceed 70 percent of the total cost of the program funded by the grant.

''SEC. 280. CAPACITY BUILDING.

''(a) MODEL PROGRAM.—The Administrator may make a grant to a qualified national organization with a proven history of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

''(b) ESTABLISHMENT OF NEW CAPACITY BUILDING PROGRAMS.—

''(1) IN GENERAL.—The Administrator may make one or more grants to national organizations with proven histories of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

''(2) MATCHING REQUIREMENT AND SOURCE OF MATCHING FUNDS.—

''(A) IN GENERAL.—The amount of a grant under this subsection may not exceed 50 percent of the total cost of the programs funded by the grant.

''(B) SOURCE OF MATCH.—Matching funds for grants under this subsection must be derived from a private agency, institution or business.

''PART G—ADMINISTRATIVE PROVISIONS

''SEC. 291. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this title, and to carry out part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), $1,100,000,000 for each of fiscal years 1999 through 2004.

''(b) ALLOCATION OF APPROPRIATIONS.—Of the amount made available under subsection (a) for each fiscal year—

''(1) $500,000,000 shall be for programs under sections 1801 and 1803 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), of which $50,000,000 shall be for programs under section 1803;

''(2) $75,000,000 shall be for grants for juvenile criminal history records upgrades pursuant to section 1802 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.);

''(3) $200,000,000 shall be for programs under section 205 of part A of this title;

''(4) $200,000,000 shall be for programs under part B of this title;

''(5) $40,000,000 shall be for prevention programs under part C of this title—

''(A) of which $20,000,000 shall be for evaluation research of primary, secondary, and tertiary juvenile delinquency programs; and

''(B) $2,000,000 shall be for the study required by section 248;

''(6) $20,000,000 shall be for programs under parts D and E of this title; and

''(7) $20,000,000 shall be for programs under part F of this title, of which $3,000,000 shall be for programs under section 279 and $3,000,000 for programs under section 280.

''(c) SOURCE OF SUMS.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

''(d) ADMINISTRATION AND OPERATIONS.—There is authorized to be appropriated for the administration and operation of the Office of Juvenile Crime Control and Prevention such sums as may be necessary for each of fiscal years 1999 through 2004.

''(e) AVAILABILITY OF FUNDS.—Amounts made available pursuant to this section and allocated in accordance with this title in any fiscal year shall remain available until expended.

''SEC. 292. RELIGIOUS NONDISCRIMINATION; RESTRICTIONS ON USE OF AMOUNTS; PENALTIES.

''(a) RELIGIOUS NONDISCRIMINATION.—The provisions of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply to a State or local government exercising its authority to distribute grants to applicants under this title.

''(b) RESTRICTIONS ON THE USE OF AMOUNTS.—

''(1) EXPERIMENTATION ON INDIVIDUALS.—

''(A) IN GENERAL.—No amounts made available to carry out this title may be used for any biomedical or behavior control experimentation on individuals or any research involving such experimentation.

''(B) DEFINITION OF BEHAVIOR CONTROL.—In this paragraph, the term 'behavior control'—

''(i) means any experimentation or research employing methods that—

''(I) involve a substantial risk of physical or psychological harm to the individual subject; and

''(II) are intended to modify or alter criminal and other antisocial behavior, including aversive conditioning therapy, drug therapy, chemotherapy (except as part of routine clinical care), physical therapy of mental disorders, electroconvulsive therapy, or physical punishment; and

''(ii) does not include a limited class of programs generally recognized as involving no such risk, including methadone maintenance and certain substance abuse treatment programs, psychological counseling, parent training, behavior contracting, survival skills training, restitution, or community service, if safeguards are established for the informed consent of subjects (including parents or guardians of minors).

''(2) PROHIBITION AGAINST PRIVATE AGENCY USE OF AMOUNTS IN CONSTRUCTION.—

''(A) IN GENERAL.—No amount made available to any private agency or institution, or to any individual, under this title (either directly or through a State office) may be used for construction.

''(B) EXCEPTION.—The restriction in clause (i) shall not apply to any juvenile program in which training or experience in construction or renovation is used as a method of juvenile accountability or rehabilitation.

''(3) LOBBYING.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no amount made available under this title to any public or private agency, organization or institution, or to any individual shall be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or other legislation, or any referendum, initiative, constitutional amendment, or any other procedure of Congress, any State legislature, any local council, or any similar governing body.

''(B) EXCEPTION.—This paragraph does not preclude the use of amounts made available under this title in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved.

''(4) LEGAL ACTION.—No amounts made available under this title to any public or private agency, organization, institution, or to any individual, shall be used in any way directly or indirectly to file an action or otherwise take any legal action against any Federal, State, or local agency, institution, or employee.

''(c) PENALTIES.—

''(1) IN GENERAL.—If any amounts are used for the purposes prohibited in either paragraph (3) or (4) of subsection (b), or in violation of subsection (a)—

''(A) funding for the agency, organization, institution, or individual at issue shall be immediately discontinued in whole or in part; and

''(B) the agency, organization, institution, or individual using amounts for the purpose prohibited in paragraph (3) or (4) of subsection (b), or in violation of subsection (a), shall be liable for reimbursement of all amounts granted to the individual or entity for the fiscal year for which the amounts were granted.

''(2) LIABILITY FOR EXPENSES AND DAMAGES.—In relation to a violation of subsection (b)(4), the individual filing the lawsuit or responsible for taking the legal action against the Federal, State, or local agency or institution, or individual working for the Government, shall be individually liable for all legal expenses and any other expenses of the Government agency, institution, or individual working for the Government, including damages assessed by the jury against the Government agency, institution, or individual working for the Government, and any punitive damages.

''SEC. 293. ADMINISTRATIVE PROVISIONS.

''(a) AUTHORITY OF ADMINISTRATOR.—The Office shall be administered by the Administrator under the general authority of the Attorney General.

''(b) APPLICABILITY OF CERTAIN CRIME CONTROL PROVISIONS.—Sections 809(c), 811(a), 811(b), 811(c), 812(a), 812(b), and 812(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d(c), 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), 3789g(d)) shall apply with respect to the administration of and compliance with this title, except that for purposes of this Act—

''(1) any reference to the Office of Justice Programs in such sections shall be considered to be a reference to the Assistant Attorney General who heads the Office of Justice Programs; and

''(2) the term 'this title' as it appears in such sections shall be considered to be a reference to this title.

''(c) APPLICABILITY OF CERTAIN OTHER CRIME CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply with respect to the administration of and compliance with this title, except that, for purposes of this title—

''(1) any reference to the Attorney General, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, or the Director of the Bureau of Justice Assistance shall be considered to be a reference to the Administrator;

''(2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be considered to be a reference to the Office of Juvenile Crime Control and Prevention; and

''(3) the term 'this title' as it appears in those sections shall be considered to be a reference to this title.

''(d) RULES, REGULATIONS, AND PROCEDURES.—The Administrator may, after appropriate consultation with representatives of States and units of local government, and an opportunity for notice and comment in accordance with subchapter II of chapter 5 of title 5, United States Code, establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and as are consistent with the purpose of this Act.

''(e) WITHHOLDING.—The Administrator shall initiate such proceedings as the Administrator determines to be appropriate if the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds that—

''(1) the program or activity for which the grant or contract involved was made has been so changed that the program or activity no longer complies with this title; or

''(2) in the operation of such program or activity there is failure to comply substantially with any provision of this title.''.

(b) REPEAL.—Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is repealed.

SEC. 303. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking ''accurate reporting of the problem nationally and to develop'' and inserting ''an accurate national reporting system to report the problem, and to assist in the development of''; and

(2) by striking paragraph (8) and inserting the following:

''(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;''.

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GRANTS FOR CENTERS AND SERVICES.—

''(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities

(and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

''(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

''(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

''(B) shall include—

''(i) safe and appropriate shelter; and

''(ii) individual, family, and group counseling, as appropriate; and

''(C) may include—

''(i) street-based services;

''(ii) home-based services for families with youth at risk of separation from the family; and

''(iii) drug abuse education and prevention services.'';

(2) in subsection (b)(2), by striking ''the Trust Territory of the Pacific Islands,''; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking ''paragraph (6)'' and inserting ''paragraph (7)'';

(B) in paragraph (10), by striking ''and'' at the end;

(C) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

''(A) information regarding the activities carried out under this part;

''(B) the achievements of the project under this part carried out by the applicant; and

''(C) statistical summaries describing—

''(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

''(ii) the services provided to such youth by the project.''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

''(2) provide backup personnel for on-street staff;

''(3) provide initial and periodic training of staff who provide such services; and

''(4) conduct outreach activities for runaway and homeless youth, and street youth.

''(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

''(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

''(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

''(4) provide initial and periodic training of staff who provide home-based services; and

''(5) ensure that—

''(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

''(B) staff providing such services will receive qualified supervision.

''(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

''(1) a description of—

''(A) the types of such services that the applicant proposes to provide;

''(B) the objectives of such services; and

''(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

''(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.''.

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

''SEC. 313. APPROVAL OF APPLICATIONS.

''(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

''(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

''(2) which areas of such State have the greatest need for such services.

''(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

''(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

''(2) eligible applicants that request grants of less than $200,000.''.

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking ''PURPOSE AND'';

(2) in subsection (a), by striking ''(a)''; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting '', and the services provided to such youth by such project,'' after ''such project''.

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

''SEC. 341. COORDINATION.

''With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

''(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

''(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.''.

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting ''EVALUATION,'' after ''RESEARCH,'';

(2) in subsection (a), by inserting ''evaluation,'' after ''research,''; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(j) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

''SEC. 381. REPORTS.

''(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

''(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

''(A) alleviating the problems of runaway and homeless youth;

''(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

''(C) strengthening family relationships and encouraging stable living conditions for such youth; and

''(D) assisting such youth to decide upon a future course of action; and

''(2) in the case of projects funded under part B—

''(A) the number and characteristics of homeless youth served by such projects;

''(B) the types of activities carried out by such projects;

''(C) the effectiveness of such projects in alleviating the problems of homeless youth;

''(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

''(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

''(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

''(G) activities and programs planned by such projects for the following fiscal year.

''(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

''(1) the evaluations performed by the Secretary under section 386; and

''(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.''.

(k) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

''SEC. 386. EVALUATION AND INFORMATION.

''(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

''(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

''(2) collecting additional information for the report required by section 383; and

''(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

''(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.''.

(l) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

''SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.

''(2) ALLOCATION.—

''(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

''(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

''(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

''(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.''.

(m) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

''PART E—SEXUAL ABUSE PREVENTION PROGRAM

''SEC. 351. AUTHORITY TO MAKE GRANTS.

''(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

''(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (l) of this section, is amended by adding at the end the following:

''(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.''.

(n) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (k) of this section, the following:

''SEC. 387. DEFINITIONS.

''In this title:

''(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

''(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

''(B) may include—

''(i) individual, family, group, and peer counseling;

''(ii) drop-in services;

''(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

''(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

''(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

''(2) HOME-BASED SERVICES.—The term 'home-based services'—

''(A) means services provided to youth and their families for the purpose of—

''(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

''(ii) assisting runaway youth to return to their families; and

''(B) includes services that are provided in the residences of families (to the extent practicable), including—

''(i) intensive individual and family counseling; and

''(ii) training relating to life skills and parenting.

''(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

''(A) who is—

''(i) not more than 21 years of age; and

''(ii) for the purposes of part B, not less than 16 years of age;

''(B) for whom it is not possible to live in a safe environment with a relative; and

''(C) who has no other safe alternative living arrangement.

''(4) STREET-BASED SERVICES.—The term 'street-based services'—

''(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

''(B) may include—

''(i) identification of and outreach to runaway and homeless youth, and street youth;

''(ii) crisis intervention and counseling;

''(iii) information and referral for housing;

''(iv) information and referral for transitional living and health care services;

''(v) advocacy, education, and prevention services related to—

''(I) alcohol and drug abuse;

''(II) sexual exploitation;

''(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

''(IV) physical and sexual assault.

''(5) STREET YOUTH.—The term 'street youth' means an individual who—

''(A) is—

''(i) a runaway youth; or

''(ii) indefinitely or intermittently a homeless youth; and

''(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

''(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

''(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

''(A) who is less than 18 years of age; and

''(B)(i) who has a history of running away from the family of such individual;

''(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

''(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.''.

(o) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, and 385, respectively.

(p) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''; and

(2) in section 344(a)(1), by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''.

SEC. 304. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) for 14 years, the National Center for Missing and Exploited Children has—

''(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

''(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

''(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

''(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

''(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

''(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

''(14) from its inception in 1984 through March 31, 1998, the Center has—

''(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

''(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

''(C) disseminated 15,491,344 free publications to citizens and professionals; and

''(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

''(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

''(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

''(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

''(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

''(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

''(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

''(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.''.

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the term 'Center' means the National Center for Missing and Exploited Children.''.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

''(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

''(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

''(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

''(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

''(B) operate the official national resource center and information clearinghouse for missing and exploited children;

''(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

''(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

''(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

''(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

''(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

''(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

''(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

''(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

''(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

''(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.''.

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting ''the Center and with'' before ''public agencies''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking ''1997 through 2001'' and inserting ''2000 through 2004''.

SEC. 305. TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section, unless otherwise provided or indicated by the context:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Juvenile Crime Control and Prevention established by operation of subsection (b).

(2) ADMINISTRATOR OF THE OFFICE.—The term ''Administrator of the Office'' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(3) BUREAU OF JUSTICE ASSISTANCE.—The term ''Bureau of Justice Assistance'' means the bureau established under section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

(4) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' by section 551(1) of title 5, United States Code.

(5) FUNCTION.—The term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(6) OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION.—The term ''Office of Juvenile Crime Control and Prevention'' means the office established by operation of subsection (b).

(7) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—The term ''Office of Juvenile Justice and Delinquency Prevention'' means the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, established by section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974, as in effect on the day before the date of enactment of this Act.

(8) OFFICE.—The term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Office of Juvenile Crime Control and Prevention all functions that the Administrator of the Office exercised before the date of enactment of this Act (including all related functions of any officer or employee of the Office of Juvenile Justice and Delinquency Prevention), and authorized after the date of enactment of this Act, relating to carrying out the Juvenile Justice and Delinquency Prevention Act of 1974.

(c) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other amounts employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Office of Juvenile Crime Control and Prevention.

(2) UNEXPENDED AMOUNTS.—Any unexpended amounts transferred pursuant to this subsection shall be used only for the purposes for which the amounts were originally authorized and appropriated.

(d) INCIDENTAL TRANSFERS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, at such time or times as the Director of that Office shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other amounts held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section.

(2) TERMINATION OF AFFAIRS.—The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(e) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day before the date of enactment of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Office of Juvenile Crime Control and Prevention to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(3) TRANSITION RULE.—The incumbent Administrator of the Office as of the date immediately preceding the date of enactment of this Act shall continue to serve as Administrator after the date of enactment of this Act until such time as the incumbent resigns, is relieved of duty by the President, or an Administrator is appointed by the President, by and with the advice and consent of the Senate.

(f) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that are in effect at the time this section takes effect, or were final before the date of enactment of this Act and are to become effective on or after the date of enactment of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—

(A) IN GENERAL.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Juvenile Justice and Delinquency Prevention on the date on which this section takes effect, with respect to functions transferred by this section but such proceedings and applications shall be continued.

(B) ORDERS; APPEALS; PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(C) DISCONTINUANCE OR MODIFICATION.—Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this paragraph had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the date of enactment of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Office of Juvenile Justice and Delinquency Prevention, or by or against any individual in the official capacity of such individual as an officer of the Office of Juvenile Justice and Delinquency Prevention, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Office of Juvenile Justice and Delinquency Prevention relating to a function transferred under this section may be continued, to the extent authorized by this section, by the Office of Juvenile Crime Control and Prevention with the same effect as if this section had not been enacted.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the authority under section 242A or 243 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by this Act.

(g) TRANSITION.—The Administrator may utilize—

(1) the services of such officers, employees, and other personnel of the Office of Juvenile Justice and Delinquency Prevention with respect to functions transferred to the Office of Juvenile Crime Control and Prevention by this section; and

(2) amounts appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(h) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Administrator of the Office of Juvenile Justice and Delinquency Prevention with regard to functions transferred by operation of subsection (b), shall be considered to refer to the Administrator of the Office of Juvenile Crime Control and Prevention; and

(2) the Office of Juvenile Justice and Delinquency Prevention with regard to functions transferred by operation of subsection (b), shall be considered to refer to the Office of Juvenile Crime Control and Prevention.

(i) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 5315 of title 5, United States Code, is amended by striking ''Administrator, Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Administrator, Office of Juvenile Crime Control and Prevention''.

(2) Section 4351(b) of title 18, United States Code, is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Prevention''.

(3) Subsections (a)(1) and (c) of section 3220 of title 39, United States Code, are each amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Prevention''.

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Prevention''.

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Prevention''.

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'';

(B) in section 214A(c)(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'';

(C) in sections 217 and 222 by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Prevention''; and

(D) in section 223(c) by striking ''section 262, 293, and 296'' and inserting ''sections 262, 299B, and 299E''.

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention''; and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking ''section 313'' and inserting ''section 331''.

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking ''sections 262, 293, and 296 of subpart II of title II'' and inserting ''sections 299B and 299E''; and

(B) in section 223(c) by striking ''section 262, 293, and 296 of title II'' and inserting ''sections 299B and 299E''.

(j) REFERENCES.—In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Prevention.

Subtitle B—Accountability for Juvenile Offenders and Public Protection Incentive Grants

SEC. 321. BLOCK 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 shall make, subject to the availability of appropriations, grants to States for use by States and units of local government in planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective investigation, prosecution, and punishment (including the imposition of graduated sanctions) of crimes or acts of delinquency committed by juveniles, programs to improve the administration of justice for and ensure accountability by juvenile offenders, and programs to reduce the risk factors (such as truancy, drug or alcohol use, and gang involvement) associated with juvenile crime or delinquency.

''(b) USE OF GRANTS.—Grants under this section may be used by States and units of local government—

''(1) for programs to enhance the identification, investigation, prosecution, and punishment of juvenile offenders, such as—

''(A) the utilization of graduated sanctions;

''(B) the utilization of short-term confinement of juvenile offenders;

''(C) the incarceration of violent juvenile offenders for extended periods of time;

''(D) the hiring of juvenile public defenders, juvenile judges, juvenile probation officers, and juvenile correctional officers to implement policies to control juvenile crime and violence and ensure accountability of juvenile offenders; and

''(E) the development and implementation of coordinated, multi-agency systems for—

''(i) the comprehensive and coordinated booking, identification, and assessment of juveniles arrested or detained by law enforcement agencies, including the utilization of multi-agency facilities such as juvenile assessment centers; and

''(ii) the coordinated delivery of support services for juveniles who have had or are at risk for contact with the juvenile or criminal systems, including utilization of court-established local service delivery councils;

''(2) for programs that require juvenile offenders to make restitution to the victims of offenses committed by those juvenile offenders, including programs designed and operated to further the goal of providing eligible offenders with an alternative to adjudication that emphasizes restorative justice;

''(3) for programs that require juvenile offenders to attend and successfully complete school or vocational training as part of a sentence imposed by a court;

''(4) for programs that require juvenile offenders who are parents to demonstrate parental responsibility by working and paying child support;

''(5) for programs that seek to curb or punish truancy;

''(6) for programs designed to collect, record, retain, and disseminate information useful in the identification, prosecution, and sentencing of juvenile offenders, such as criminal history information, fingerprints, DNA tests, and ballistics tests;

''(7) for the development and implementation of coordinated multijurisdictional or multiagency programs for the identification, control, supervision, prevention, investigation, and treatment of the most serious juvenile offenses and offenders, popularly known as a 'SHOCAP Program' (Serious Habitual Offenders Comprehensive Action Program);

''(8) for the development and implementation of coordinated multijurisdictional or multiagency programs for the identification, control, supervision, prevention, investigation, and disruption of youth gangs;

''(9) for the construction or remodeling of short- and long-term facilities for juvenile offenders;

''(10) for the development and implementation of technology, equipment, training programs for juvenile crime control, for law enforcement officers, judges, prosecutors, probation officers, and other court personnel who are employed by State and local governments, in furtherance of the purposes identified in this section;

''(11) for partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: Caring, citizenship, fairness, respect, responsibility and trustworthiness;

''(12) for programs to seek to target, curb and punish adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime, including programs that specifically provide for additional punishments or sentence enhancements for adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime;

''(13) for juvenile prevention programs (including curfews, youth organizations, antidrug, and anti-alcohol programs, anti-gang programs, and after school programs and activities);

''(14) for juvenile drug and alcohol treatment programs;

''(15) for school counseling and other schoolbase prevention programs;

''(16) for programs that drug test juveniles who are arrested, including follow-up testings; and

''(17) for programs for—

''(A) providing cross-training, jointly with the public mental health system, for State juvenile court judges, public defenders, prosecutors, and mental health and substance abuse agency representatives with respect to the appropriate use of effective, community-based alternatives to juvenile justice or mental health system institutional placements; or

''(B) providing training for State juvenile probation officers and community mental health and substance abuse program representatives on appropriate linkages between probation programs and mental health community programs, specifically focusing on the identification of mental disorders and substance abuse addiction in juveniles on probation, effective treatment interventions for those disorders, and making appropriate contact with mental health and substance abuse case managers and programs in the community, in order to ensure that juveniles on probation receive appropriate access to mental health and substance abuse treatment programs and services.

''(c) REQUIREMENTS.—To be eligible to receive an incentive grant under this section, a State shall submit to the Attorney General an application, in such form as shall be prescribed by the Attorney General, which shall contain assurances that, not later than 1 year after the date on which the State submits such application—

''(1) the State has established or will establish a system of graduated sanctions for juvenile offenders that ensures appropriate sanctions, which are graduated to reflect the severity or repeated nature of violations, for each act of delinquency;

''(2) the State has established or will establish a policy of drug testing (including followup testing) juvenile offenders upon their arrest for any offense within an appropriate category of offenses designated by the chief executive officer of the State; and

''(3) the State has an established policy recognizing the rights and needs of victims of crimes committed by juveniles.

''(d) ALLOCATION AND DISTRIBUTION OF STATE GRANTS.—

''(1) IN GENERAL.—

''(A) STATE AND LOCAL DISTRIBUTION.—Subject to subparagraph (B), of amounts made available to the State, 30 percent may be retained by the State for use pursuant to paragraph (2) and 70 percent shall be reserved by the State for local distribution pursuant to paragraph (3).

''(B) SPECIAL RULE.—The Attorney General may waive the requirements of this paragraph with respect to any State in which the criminal and juvenile justice services for delinquent or other youth are organized primarily on a statewide basis, in which case not more than 50 percent of funds shall be made available to all units of local government in that State pursuant to paragraph (3).

''(2) OTHER DISTRIBUTION.—Of amounts retained by the State under paragraph (1)—

''(A) not less than 50 percent shall be designated for—

''(i) programs pursuant to paragraph (1) or (9) of subsection (b), except that if the State designates any amounts for purposes of construction or remodeling of short- or long-term facilities pursuant to subsection (b)(9), such amounts shall constitute not more than 50 percent of the estimated construction or remodeling cost and that no funds expended pursuant to this subparagraph may be used for the incarceration of any offender who was more than 21 years of age at the time of the offense, and no funds expended pursuant to this subparagraph may be used for construction, renovation, or expansion of facilities for such offenders, except that funds may be used to construct juvenile facilities collocated with adult facilities; or

''(ii) drug testing upon arrest for any offense within the category of offenses designated pursuant to subsection (c)(3), and intensive supervision thereafter pursuant to programs under subsection (b)(7) and subsection (c)(3); and

''(B) not less than 25 percent shall be used for the purposes set forth in paragraph (13), (14), or (15) of subsection (b).

''(3) LOCAL ELIGIBILITY AND DISTRIBUTION.—

''(A) IN GENERAL.—

''(i) LOCAL DISTRIBUTION SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs that comply with the eligibility requirements of subsection (c).

''(ii) COORDINATED LOCAL EFFORT.—Prior to receiving a grant under this section, a unit of local government shall certify that it has or will establish a coordinated enforcement plan for reducing juvenile crime within the jurisdiction of the unit of local government, developed by a juvenile crime enforcement coalition, such coalition consisting of individuals within the jurisdiction representing the police, sheriff, prosecutor, State or local probation services, juvenile court, schools, business, and religious affiliated, fraternal, nonprofit, or social service organizations involved in crime prevention.

''(B) SPECIAL RULE.—The requirements of subparagraph (A) shall apply to an eligible unit that receives funds from the Attorney General under subparagraph (H), except that information that would otherwise be submitted to the State shall be submitted to the Attorney General.

''(C) LOCAL DISTRIBUTION.—From amounts reserved for local distribution under paragraph (1), the State shall allocate to such units of local government an amount that bears the same ratio to the aggregate amount of such funds as—

''(i) the sum of—

''(I) the product of—

''(aa) two-thirds; multiplied by

''(bb) 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—

''(aa) one-third; multiplied by

''(bb) 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—

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

''(D) 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.

''(E) 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.

''(F) 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 expenditure for a unit of local government is insufficient or inaccurate, the State shall—

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

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

''(G) 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 allocated 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.

''(H) DIRECT GRANTS TO ELIGIBLE UNITS.—

''(i) IN GENERAL.—If a State does not qualify or apply for a grant under this section, by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 70 percent of the allocation that the State would have received for grants under this section under subsection (e) for such fiscal year to provide grants to eligible units that meet the requirements for funding under subparagraph (A).

''(ii) AWARD BASIS.—In addition to the qualification requirements for direct grants for eligible units the Attorney General may use the average amount allocated by the States to like governmental units as a basis for awarding grants under this section.

''(I) ALLOCATION BY UNITS OF LOCAL GOVERNMENT.—Of the total amount made available under this section to a unit of local government for a fiscal year, not less than 25 percent shall be used for the purposes set forth in paragraph (13), (14), or (15) of subsection (b), and not less than 50 percent shall be designated for—

''(i) paragraph (1) or (9) of subsection (b), except that, if amounts are allocated for purposes of construction or remodeling of short- or long-term facilities pursuant to subsection (b)(9)—

''(I) the unit of local government shall coordinate such expenditures with similar State expenditures;

''(II) Federal funds shall constitute not more than 50 percent of the estimated construction or remodeling cost; and

''(III) no funds expended pursuant to this clause may be used for the incarceration of any offender who was more than 21 years of age at the time of the offense or for construction, renovation, or expansion of facilities for such offenders, except that funds may be used to construct juvenile facilities collocated with adult facilities, including separate buildings for juveniles and separate juvenile wings, cells, or areas collocated within an adult jail or lockup; or

''(ii) drug testing upon arrest for any offense within the category of offenses designated pursuant to subsection (c)(3), and intensive supervision thereafter pursuant to programs under subsection (b)(7) and subsection (c)(3).

''(4) NONSUPPLANTATION.—Amounts made available under this section to the States (or units of local government in the State) shall not be used to supplant State or local funds (or in the case of Indian tribal governments, to supplant amounts provided by the Bureau of Indian Affairs) but shall be used to increase the amount of funds that would in the absence of amounts received under this section, be made available from a State or local source, or in the case of Indian tribal governments, from amounts provided by the Bureau of Indian Affairs.

''(e) ALLOCATION OF GRANTS AMONG QUALIFYING STATES; RESTRICTIONS ON USE.—

''(1) ALLOCATION.—Amounts made available under this section shall be allocated as follows:

''(A) 0.5 percent shall be allocated to each eligible State.

''(B) The amount remaining after the allocation under subparagraph (A) shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

''(2) RESTRICTIONS ON USE.—Amounts made available under this section shall be subject to the restrictions of subsections (a) and (b) of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974, except that the penalties in section 292(c) of such Act do not apply.

''(f) GRANTS TO INDIAN TRIBES.—

''(1) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts appropriated pursuant to section 291 of the Juvenile Justice and Delinquency Prevention Act of 1974, for each fiscal year, the Attorney General shall reserve an amount equal to the amount to which all Indian tribes eligible to receive a grant under paragraph (3) would collectively be entitled, if such tribes were collectively treated as a State to carry out this subsection.

''(2) GRANTS TO INDIAN TRIBES.—From the amounts reserved under paragraph (1), the Attorney General shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 1801.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require. The requirements of subsection (c) apply to grants under this subsection.

''SEC. 1802. JUVENILE CRIMINAL HISTORY GRANTS.

''(a) IN GENERAL.—The Attorney General, through the Director of the Bureau of Justice Statistics and with consultation and coordination with the Office of Justice Programs and the Attorney General, upon application from a State (in such form and containing such information as the Attorney General may reasonably require) shall make a grant to each eligible State to be used by the State exclusively for purposes of meeting the eligibility requirements of subsection (b).

''(b) ELIGIBILITY.—A State is eligible for a grant under subsection (a) if its application provides assurances that, not later than 3 years after the date on which such application is submitted, the State will—

''(1) maintain, at the adult State central repository in accordance with the State's established practices and policies relating to adult criminal history records—

''(A) a fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sexual molestation of a child, or a conspiracy or attempt to commit any such offense (all as defined by State law), that is equivalent to, and maintained and disseminated in the same manner and for the same purposes as are adult criminal history records for the same offenses, except that the record may include a notation of expungement pursuant to State law; and

''(B) a fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would be a felony other than a felony described in subparagraph (A) that is equivalent to, and maintained and disseminated in the same manner for any criminal justice purpose as are adult criminal history records for the same offenses, except that the record may include a notation of expungement pursuant to State law; and

''(2) will establish procedures by which an official of an elementary, secondary, and post-secondary school may, in appropriate circumstances (as defined by applicable State law), gain access to the juvenile adjudication record of a student enrolled at the school, or a juvenile who seeks, intends, or is instructed to enroll at that school, if—

''(A) the official is subject to the same standards and penalties under applicable Federal and State law relating to the handling and disclosure of information contained in juvenile adjudication records as are employees of law enforcement and juvenile justice agencies in the State; and

''(B) information contained in the juvenile adjudication record may not be used for the purpose of making an admission determination.

''(c) VALIDITY OF CERTAIN JUDGMENTS.—Nothing in this section shall require States, in order to qualify for grants under this title, to modify laws concerning the status of any adjudication of juvenile delinquency or judgment of conviction under the law of the State that entered the judgment.

''(d) DEFINITIONS.—In this section—

''(1) the term 'criminal justice purpose' means the use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of accused persons, criminal offenders, or juvenile delinquents; and

''(2) the term 'expungement' means the nullification of the legal effect of the conviction or adjudication to which the record applies.

''SEC. 1803. GRANTS TO COURTS FOR STATE JUVENILE JUSTICE SYSTEMS.

''(a) IN GENERAL.—The Attorney General may make grants in accordance with this section to States and units of local government to assist State and local courts with juvenile offender dockets.

''(b) GRANT PURPOSES.—Grants under this section may be used—

''(1) for technology, equipment, and training for judges, probation officers, and other court personnel to implement an accountability-based juvenile justice system that provides substantial and appropriate sanctions that are graduated in such manner as to reflect (for each delinquent act or criminal offense) the severity or repeated nature of that act or offense;

''(2) to hire additional judges, probation officers, other necessary court personnel, victims counselors, and public defenders for juvenile courts or adult courts with juvenile offender dockets, including courts with specialized juvenile drug offense or juvenile firearms offense dockets to reduce juvenile court backlogs, and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

''(3) to provide funding to enable juvenile courts and juvenile probation officers to address drug, gang, and youth violence problems more effectively; and

''(4) to provide funds to—

''(A) effectively supervise and monitor juvenile offenders sentenced to probation or parole; and

''(B) enforce conditions of probation and parole imposed on juvenile offenders, including drug testing and payment of restitution.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each State or unit of local government that applies for a grant under this section shall submit an application to the Attorney General, in such form and containing such information as the Attorney General may reasonably require.

''(2) REQUIREMENTS.—In submitting an application for a grant under this part, a State or unit of local government shall provide assurances that the State or unit of local government will—

''(A) give priority to the prosecution of violent juvenile offenders;

''(B) seek to reduce any backlogs in juvenile justice cases and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

''(C) give adequate consideration to the rights and needs of victims of juvenile offenders; and

''(D) use amounts received under this section to supplement (and not supplant) State and local resources.

''(d) ALLOCATION OF GRANTS.—

''(1) IN GENERAL.—

''(A) ALLOCATION TO STATES.—

''(i) IN GENERAL.—In awarding grants under this part, the Attorney General may award grants provided for a State (including units of local government in that State) an aggregate amount equal to 0.75 percent of the amount made available to the Attorney General by appropriations for this section made pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (reduced by amounts reserved under subsection (e)).

''(ii) ADJUSTMENT.—If the Attorney General determines that an insufficient number of applications have been submitted for a State, the Attorney General may adjust the aggregate amount awarded for a State under clause (i).

''(B) REMAINING AMOUNTS.—Of the adjusted amounts available to the Attorney General to carry out the grant program under this section referred to in subparagraph (A) that remain after the Attorney General distributes the amounts specified in that subparagraph (referred to in this subparagraph as the 'remaining amount') the Attorney General may award an additional aggregate amount to each State (including any political subdivision thereof) that (or with respect to which a political subdivision thereof) submits an application that is approved by the Attorney General under this section that bears the same ratio to the remaining amount as the population of juveniles residing in that State bears to the population of juveniles residing in all States.

''(2) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that the distribution of grant amounts made available for a State (including units of local government in that State) under this section is made on an equitable geographic basis, to ensure that—

''(A) an equitable amount of available funds are directed to rural areas, including those jurisdictions serving smaller urban and rural communities located along interstate transportation routes that are adversely affected by interstate criminal gang activity, such as illegal drug trafficking; and

''(B) the amount allocated to a State is equitably divided between the State, counties, and other units of local government to reflect the relative responsibilities of each such unit of local government.

''(e) ADMINISTRATION; TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Attorney General may reserve for each fiscal year not more than 2 percent of amounts appropriated for this section pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974—

''(A) for the administration of this section; and

''(B) for the provision of technical assistance to recipients of or applicants for grant awards under this section.

''(2) CARRYOVER PROVISION.—Any amounts reserved for any fiscal year pursuant to paragraph (1) that are not expended during that fiscal year shall remain available until expended, except that any amount reserved under this subsection for the succeeding fiscal year from amounts made available by appropriations shall be reduced by an amount equal to the amount that remains available.

''(f) AVAILABILITY OF FUNDS.—Any grant amounts awarded under this section shall remain available until expended.''.

SEC. 322. PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.

(a) PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.—

(1) ESTABLISHMENT.—The Attorney General (or a designee of the Attorney General), in conjunction with the Secretary of the Treasury (or the designee of the Secretary), shall establish a pilot program (referred to in this section as the ''program'') to encourage and support communities that adopt a comprehensive approach to suppressing and preventing violent juvenile crime patterned after successful State juvenile crime reduction strategies.

(2) PROGRAM.—In carrying out the program, the Attorney General shall—

(A) make and track grants to grant recipients (referred to in this section as ''coalitions'');

(B) in conjunction with the Secretary of the Treasury, provide for technical assistance and training, data collection, and dissemination of relevant information; and

(C) provide for the general administration of the program.

(3) ADMINISTRATION.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall appoint or designate an Administrator (referred to in this section as the ''Administrator'') to carry out the program.

(4) PROGRAM AUTHORIZATION.—To be eligible to receive an initial grant or a renewal grant under this section, a coalition shall meet each of the following criteria:

(A) COMPOSITION.—The coalition shall consist of 1 or more representatives of—

(i) the local police department or sheriff's department;

(ii) the local prosecutors' office;

(iii) the United States Attorney's office;

(iv) the Federal Bureau of Investigation;

(v) the Bureau of Alcohol, Tobacco and Firearms;

(vi) State or local probation officers;

(vii) religious affiliated or fraternal organizations involved in crime prevention;

(viii) schools;

(ix) parents or local grass roots organizations such as neighborhood watch groups;

(x) local recreation agencies; and

(xi) social service agencies involved in crime prevention.

(B) OTHER PARTICIPANTS.—If possible, in addition to the representatives from the categories listed in subparagraph (A), the coalition shall include—

(i) representatives from the business community; and

(ii) researchers who have studied criminal justice and can offer technical or other assistance.

(C) COORDINATED STRATEGY.—A coalition shall submit to the Attorney General, or the Attorney General's designee, a comprehensive plan for reducing violent juvenile crime. To be eligible for consideration, a plan shall—

(i) ensure close collaboration among all members of the coalition in suppressing and preventing juvenile crime;

(ii) place heavy emphasis on coordinated enforcement initiatives, such as Federal and State programs that coordinate local police departments, prosecutors, and local community leaders to focus on the suppression of violent juvenile crime involving gangs;

(iii) ensure that there is close collaboration between police and probation officers in the supervision of juvenile offenders, such as initiatives that coordinate the efforts of parents, school officials, and police and probation officers to patrol the streets and make home visits to ensure that offenders comply with the terms of their probation;

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers; and

(v) ensure that effective crime prevention programs are in place, such as programs that provide after-school safe havens and other opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism.

(D) ACCOUNTABILITY.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and that receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that the plan will be evaluated on a regular basis to assess progress in reducing violent juvenile crime.

(5) GRANT AMOUNTS.—

(A) IN GENERAL.—The Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(B) NONSUPPLANTING REQUIREMENT.—A coalition seeking funds shall provide reasonable assurances that funds made available under this program to States or units of local government shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for programs described in this section, and shall in no event replace such State, local, or other non-Federal funds.

(C) SUSPENSION OF GRANTS.—If a coalition fails to continue to meet the criteria set forth in this section, the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

(D) RENEWAL GRANTS.—Subject to subparagraph (D), the Administrator may award a renewal grant to grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year, during the 4-year period following the period of the initial grant.

(E) LIMITATION.—The amount of a grant award under this section may not exceed $300,000 for a fiscal year.

(6) PERMITTED USE OF FUNDS.—A coalition receiving funds under this section may expend such Federal funds on any use or program that is contained in the plan submitted to the Administrator.

(7) CONGRESSIONAL CONSULTATION.—

(A) IN GENERAL.—Two years after the date of implementation of the program established in this section, the Comptroller General of the United States shall submit to Congress a report reviewing the effectiveness of the program in suppressing and reducing violent juvenile crime in the participating communities.

(B) CONTENTS OF REPORT.—The report submitted under subparagraph (A) shall include—

(i) an analysis of each community participating in the program, along with information regarding the plan undertaken in the community, and the effectiveness of the plan in reducing violent juvenile crime; and

(ii) recommendations regarding the efficacy of continuing the program.

(b) INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO COALITIONS.—

(1) COALITION INFORMATION.—For the purpose of audit and examination, the Attorney General—

(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this section; and

(B) may periodically request information from a coalition to ensure that the coalition meets the applicable criteria.

(2) REPORTING.—The Attorney General shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a coalition and expedite any application for a renewal grant made under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2000 through 2003.

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated pursuant to this subsection may be derived from the Violent Crime Reduction Trust Fund.

SEC. 323. REPEAL OF UNNECESSARY AND DUPLICATIVE PROGRAMS.

(a) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—

(1) TITLE III.—Title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13741 et seq.) is amended by striking subtitles A through C, and subtitles G through S.

(2) TITLE XXVII.—Title XXVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14191 et seq.) is repealed.

(b) REFORM OF GREAT PROGRAM.—Section 32401(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921(a)) is amended—

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

''(2) SELECTION OF COMMUNITIES.—

''(A) IN GENERAL.—Each community identified for a GREAT project referred to in paragraph (1) shall be selected by the Secretary of the Treasury on the basis of—

''(i) the level of gang activity and youth violence in the area in which the community is located;

''(ii) the number of schools in the community in which training would be provided under the project;

''(iii) the number of students who would receive the training referred to in clause (ii) in schools referred to in that clause; and

''(iv) a written description from officials of the community explaining the manner in which funds made available to the community under this section would be allocated.

''(B) EQUITABLE SELECTION.—The Secretary of the Treasury shall ensure that—

''(i) communities are identified and selected for GREAT projects under this subsection on an equitable geographic basis (except that this clause shall not be construed to require the termination of any projects selected prior to the beginning of fiscal year 1999); and

''(ii) the communities referred to in clause (i) include rural communities.''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''50 percent'' and inserting ''85 percent''; and

(B) in subparagraph (B), by striking ''50 percent'' and inserting ''15 percent''.

SEC. 324. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) for fiscal year 2001, $6,025,000,000;
''(2) for fiscal year 2002, $6,169,000,000;
''(3) for fiscal year 2003, $6,316,000,000;
''(4) for fiscal year 2004, $6,458,000,000; and
''(5) for fiscal year 2005, $6,616,000,000.''.

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

''SEC. 310002. DISCRETIONARY LIMITS.

''For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

''(1) with respect to fiscal year 2001—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

''(2) with respect to fiscal year 2002—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays; and

''(3) with respect to fiscal year 2003—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

''(4) with respect to fiscal year 2004—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,458,000 in new budget authority and $6,303,000,000 in outlays; and

''(5) with respect to fiscal year 2005—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.''.

SEC. 325. REIMBURSEMENT OF STATES FOR COSTS OF INCARCERATING JUVENILE ALIENS.

(a) IN GENERAL.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a), by inserting ''or illegal juvenile alien who has been adjudicated delinquent and committed to a juvenile correctional facility by such State or locality'' before the period;

(2) in subsection (b), by inserting ''(including any juvenile alien who has been adjudicated delinquent and has been committed to a correctional facility)'' before ''who is in the United States unlawfully''; and

(3) by adding at the end the following:

''(f) JUVENILE ALIEN DEFINED.—In this section, the term 'juvenile alien' means an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act) who has been adjudicated delinquent and committed to a correctional facility by a State or locality as a juvenile offender.''.

(b) ANNUAL REPORT.—Section 332 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1366) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) the number of illegal juvenile aliens that are committed to State or local juvenile correctional facilities, including the type of offense committed by each juvenile.''.

(c) CONFORMING AMENDMENT.—Section 241(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(B)) is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting ''; or''; and

(3) by adding at the end the following:

''(iv) is a juvenile alien with respect to whom section 501 of the Immigration Reform and Control Act of 1986 applies.''.

Subtitle C—Alternative Education and Delinquency Prevention

SEC. 331. ALTERNATIVE EDUCATION.

Part D of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6421 et seq.) is amended by adding at the end the following:

''Subpart 4—Alternative Education Demonstration Project Grants

''SEC. 1441. PROGRAM AUTHORITY.

''(a) GRANTS.—

''(1) IN GENERAL.—From amounts appropriated under section 1443, the Secretary, in consultation with the Administrator, shall make grants to State educational agencies or local educational agencies for not less than 10 demonstration projects that enable the agencies to develop models for and carry out alternative education for at-risk youth.

''(2) CONSTRUCTION.—Nothing in this subpart shall be construed to affect the requirements of the Individuals with Disabilities Education Act.

''(b) DEMONSTRATION PROJECTS.—

''(1) PARTNERSHIPS.—Each agency receiving a grant under this subpart may enter into a partnership with a private sector entity to provide alternative educational services to at-risk youth.

''(2) REQUIREMENTS.—Each demonstration project assisted under this subpart shall—

''(A) accept for alternative education at-risk or delinquent youth who are referred by a local school or by a court with a juvenile delinquency docket and who—

''(i) have demonstrated a pattern of serious and persistent behavior problems in regular schools;

''(ii) are at risk of dropping out of school;

''(iii) have been convicted of a criminal offense or adjudicated delinquent for an act of juvenile delinquency, and are under a court's supervision; or

''(iv) have demonstrated that continued enrollment in a regular classroom—

''(I) poses a physical threat to other students; or

''(II) inhibits an atmosphere conducive to learning; and

''(B) provide for accelerated learning, in a safe, secure, and disciplined environment, including—

''(i) basic curriculum focused on mastery of essential skills, including targeted instruction in basic skills required for secondary school graduation; and

''(ii) emphasis on—

''(I) personal, academic, social, and workplace skills; and

''(II) behavior modification.

''(c) APPLICABILITY.—Except as provided in subsections (c) and (e) of section 1442, the provisions of section 1401(c), 1402, and 1431, and subparts 1 and 2, shall not apply to this subpart.

''(d) DEFINITION OF ADMINISTRATOR.—In this subpart, the term 'Administrator' means the Administrator of the Office of Juvenile Crime Control and Prevention of the Department of Justice.

''SEC. 1442. APPLICATIONS; GRANTEE SELECTION.

''(a) APPLICATIONS.—Each State educational agency and local educational agency seeking a grant under this subpart shall submit an application in such form, and containing such information, as the Secretary, in consultation with the Administrator, may reasonably require.

''(b) SELECTION OF GRANTEES.—

''(1) IN GENERAL.—The Secretary shall select State educational agencies and local educational agencies to receive grants under this subpart on an equitable geographic basis, including selecting agencies that serve urban, suburban, and rural populations.

''(2) MINIMUM.—The Secretary shall award a grant under this subpart to not less than 1 agency serving a population with a significant percentage of Native Americans.

''(3) PRIORITY.—In awarding grants under this subpart, the Secretary may give priority to State educational agencies and local educational agencies that demonstrate in the application submitted under subsection (a) that the State has a policy of equitably distributing resources among school districts in the State.

''(c) QUALIFICATIONS.—To qualify for a grant under this subpart, a State educational agency or local educational agency shall—

''(1) in the case of a State educational agency, have submitted a State plan under section 1414(a) that is approved by the Secretary;

''(2) in the case of a local educational agency, have submitted an application under section 1423 that is approved by the State educational agency;

''(3) certify that the agency will comply with the restrictions of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974;

''(4) explain the educational and juvenile justice needs of the community to be addressed by the demonstration project;

''(5) provide a detailed plan to implement the demonstration project; and

''(6) provide assurances and an explanation of the agency's ability to continue the program funded by the demonstration project after the termination of Federal funding under this subpart.

''(d) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Grant funds provided under this subpart shall not constitute more than 35 percent of the cost of the demonstration project funded.

''(2) SOURCE OF FUNDS.—Matching funds for grants under this subpart may be derived from amounts available under section 205, or part B of title II, of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) to the State in which the demonstration project will be carried out, except that the total share of funds derived from Federal sources shall not exceed 50 percent of the cost of the demonstration project.

''(e) PROGRAM EVALUATION.—

''(1) IN GENERAL.—Each State educational agency or local educational agency that receives a grant under this subpart shall evaluate the demonstration project assisted under this subpart in the same manner as programs are evaluated under section 1431. In addition, the evaluation shall include—

''(A) an evaluation of the effect of the alternative education project on order, discipline, and an effective learning environment in regular classrooms;

''(B) an evaluation of the project's effectiveness in improving the skills and abilities of at-risk students assigned to alternative education, including an analysis of the academic and social progress of such students; and

''(C) an evaluation of the project's effectiveness in reducing juvenile crime and delinquency, including—

''(i) reductions in incidents of campus crime in relevant school districts, compared with school districts not included in the project; and

''(ii) reductions in recidivism by at-risk students who have juvenile justice system involvement and are assigned to alternative education.

''(2) EVALUATION BY THE SECRETARY.—The Secretary, in cooperation with the Administrator, shall comparatively evaluate each of the demonstration projects funded under this subpart, including an evaluation of the effectiveness of private sector educational services, and shall report the findings of the evaluation to the Committee on Education and the Workforce of the House of Representatives and the Committees on the Judiciary and Health, Education, Labor and Pensions of the Senate not later than June 30, 2005.

''SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $15,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.''.

Subtitle D—Parenting as Prevention

SEC. 341. SHORT TITLE.

This subtitle shall be cited as the ''Parenting as Prevention Act''.

SEC. 342. ESTABLISHMENT OF PROGRAM.

The Secretary of Health and Human Services, in consultation with the Attorney General, the Secretary of Education, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, and the Secretary of Defense shall establish a parenting support and education program as provided in sections 343, 344, and 345.

SEC. 343. NATIONAL PARENTING SUPPORT AND EDUCATION COMMISSION.

(a) ESTABLISH COMMISSION.—The Secretary of Health and Human Services shall establish a National Parenting Support and Education Commission (hereinafter referred to as the ''Commission'') to identify the best practices for parenting and to provide practical parenting advice for parents and caregivers based on the best available research data. She shall provide the Commission with necessary staff and other resources to fulfill its duties.

(b) MEMBERSHIP OF COMMISSION.—The Secretary shall appoint the Commission after consultation with the cabinet members identified in section 342. The Commission shall consist of the following members—

(1) an adolescent representative;

(2) a parent representative;

(3) an expert in brain research;

(4) experts in child development, youth development, early childhood education, primary education, and secondary education;

(5) an expert in children's mental health;

(6) an expert on children's health and nutrition;

(7) an expert on child abuse prevention, diagnosis, and treatment;

(8) a representative of parenting support programs;

(9) a representative of parenting education;

(10) a representative from law enforcement;

(11) an expert on firearm safety programs;

(12) a representative from a nonprofit organization that delivers services to children and their families which may include a faith based organization; and

(13) such other representatives as the Secretary deems necessary.

(c) DUTIES OF COMMISSION.—The Commission shall—

(1) identify best parenting practices for parents and caregivers of young children on topics including but not limited to brain stimulation, developing healthy attachments and social relationships, anger management and conflict resolution, character development, discipline, controlling access to television and other entertainment including computers, firearms safety, mental health, health care and nutrition including breastfeeding, encouraging reading and lifelong learning habits, and recognition and treatment of developmental and behavioral problems;

(2) identify best parenting practices of adolescents and pre-adolescents on topics including but not limited to methods of addressing peer pressure with respect to underage drinking, sexual relations, illegal drug use, and other negative behavior; developing healthy social and family relationships; exercising discipline; controlling access to television and other entertainment including computers, video games, and movies; firearm safety; encouraging success in school; and other issues of concern to parents of adolescents;

(3) identify best parenting practices and resources available for parents and caregivers of children with special needs including fetal alcohol syndrome, fetal alcohol effect, mental illness, autism, retardation, learning disabilities, behavioral disorders, chronic illness, and physical disabilities; and

(4) review existing parenting support and education programs and the data evaluating them and make recommendations to the Secretary and the Congress on which are most effective and should receive Federal support within 18 months of appointment.

(d) PUBLIC HEARINGS AND TESTIMONY.—The Commission shall conduct four public hearings, shall solicit and receive testimony from national experts and national organizations, shall conduct a comprehensive review of academic and other research literature, and shall seek information from the Governors on existing brain development and parenting programs which have been most successful.

(e) PUBLICATION OF MATERIALS.—If not otherwise available, the Commission shall prepare materials which may include written material, videotapes, CD's, and other audio and visual material on best parenting practices and shall make them available for distribution to parents, caregivers, and others through State and local government programs, hospitals, maternity centers, and other health care providers, adoption agencies, schools, public housing units, child care centers, and social service providers. If such materials are already available, the Commission may print, reproduce, and distribute such materials.

(f) REPORTING REQUIREMENT.—The Commission shall prepare and submit a report of its findings and recommendations to the Secretary and the Congress no later than 18 months after appointment.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated in fiscal year 2000 such sums as may be necessary to support the work of the Commission and to produce and distribute the materials described in subsection (e). Such sum shall remain available until expended. Any fund appropriated pursuant to this section shall remain available until expended.

SEC. 344. STATE AND LOCAL PARENTING SUPPORT AND EDUCATION GRANT PROGRAM.

(a) STATE ALLOTMENTS.—The Secretary shall make allotments to eligible States to support parenting support and training programs. Each State shall receive an amount that bears the same relationship to the amount appropriated as the total number of children in the State bears to the total number of children in all States, but no State shall receive less than one-half of one percent of the state allocation. From the amounts provided to each State with Indian or Alaska Native populations exceeding two percent of its total statewide population, the Governor shall set aside two percent for Indian tribes as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93–638, as amended; 25 U.S.C. 450b(e)) which shall be distributed based on the percentage of Indian children in each tribe except that with respect to Alaska, the funds shall be distributed to the nonprofit entities described in section 419(4)(B) of the Social Security Act pursuant to section 103 of Public Law 104–193 (110 Stat. 2159, 2160; 42 U.S.C. 619(4)(B)) which shall be allocated based on the percentage of Alaska Native children in each region.

(b) STATE PARENTING SUPPORT AND EDUCATION COUNCIL.—To be eligible to receive Federal funding, the Governor of each State shall appoint a State Parenting Support and Education Council (hereinafter referred to as the ''Council'') which shall include parent representatives, representatives of the State government, bipartisan representation from the State legislature, representatives from local communities, and interested children's organizations, except that the Governor may designate an existing entity that includes such groups. The Council shall conduct a needs and resources assessment of parenting support and education programs in the State to determine where programs are lacking or inadequate and identify what additional programs are needed and which programs require additional resources. It shall consider the findings and recommendations of the Parenting Commission in making those determinations. Upon completion of the assessment, the Council may consider grant applications from the State to provide statewide programs, from local communities including schools, and from nonprofit service providers including faith based organizations.

(c) GRANTS.—Grants may be made for:

(1) Parenting support to promote early brain development and childhood development and education including—

(A) assistance to schools to offer classroom instruction on brain stimulation, child development, and early childhood education;

(B) distribution of materials developed by the Commission or another entity that reflect best parenting practices;

(C) development and distribution of referral information on programs and services available to children and families at the local level, including eligibility criteria;

(D) voluntary hospital visits for postpartum women and in-home visits for families with infants, toddlers, or newly adopted children to provide hands-on training and one-on-one instruction on brain stimulation, child development, and early childhood education;

(E) parenting education programs including training with respect to the best parenting practices identified in subsection (c).

(2) Parenting support for adolescents and youth including funds for services and support for parents and other caregivers of young people being served by a range of education, social service, mental health, health, runaway and homeless youth programs. Programs may include the Boys and Girls Club, YMCA and YWCA, after school programs, 4–H programs, or other community based organizations. Eligible activities may include parent-caregiver support groups, peer support groups, parent education classes, seminars or discussion groups on problems facing adolescents, advocates and mentors to help parents understand and work with schools, the courts, and various treatment programs.

(3) Parenting support and education resource centers including—

(A) development of parenting resource centers which may serve as a single point of contact for the provision of comprehensive services available to children and their families including Federal, State, and local governmental and nonprofit services available to children. Such services may include child care, respite care, pediatric care, child abuse prevention programs, nutrition programs, parent training, infant and child CPR and safety training programs, caregiver training and education, and other related programs;

(B) a national toll free anonymous parent hotline with 24 hour a day consultation and advice including referral to local community based services;

(C) respite care for parents with children with special needs, single mothers, and at-risk youth.

(d) REPORTING.—Each entity that receives a grant under this section shall submit a report every 2 years to the Council describing the program it has developed, the number of parents and children served, and the success of the program using specific performance measures.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amounts received by a State may be used to pay for the administrative expenses of the Council in implementing the grant program.

(f) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for parenting support and education programs.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated such sums as are necessary for fiscal year 2000 and subsequent fiscal years.

SEC. 345. GRANTS TO ADDRESS THE PROBLEM OF VIOLENCE RELATED STRESS TO PARENTS AND CHILDREN.

(a) FINDINGS.—The Congress finds that a child's brain is wired between the ages of 0–3. A child's ability to learn, develop healthy family and social relationships, resist peer pressure, and control violent impulses depends on the quality and quantity of brain stimulation he receives. Research shows that children exposed to negative brain stimulation in the form of physical and sexual abuse and violence in the family or community causes the brain to be miswired making it difficult for the child to be successful in life. Intervention early in a child's life to correct the miswiring is much more successful than adult rehabilitation efforts.

(b) IN GENERAL.—The Secretary shall award grants, enter into contracts or cooperative agreements to public and nonprofit private entities, as well as to Indian tribes, Native Hawaiians, and Alaska Native nonprofit corporations to establish national and regional centers of excellence on psychological trauma response and to identify the best practices for treating psychiatric and behavioral disorders resulting from children witnessing or experiencing such stress.

(c) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the identifying best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school, and community violence, and disasters.

(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts, or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

(e) EVALUATION.—The Secretary shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan as part of his application for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

(f) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under this section, the period during which payments under such an award will be made to the recipient may not be less than 3 years. Such grants, contract or agreement may be renewed.

(g) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2000 and subsequent fiscal years.

TITLE IV—VOLUNTARY MEDIA AGREEMENTS FOR CHILDREN'S PROTECTION

Subtitle A—Children and the Media

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Children's Protection Act of 1999''.

SEC. 402. 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, many of the most popular 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. Other surveys of children as young as elementary school age found that almost half of them list violent computer games among their favorites.

(21) Violent video games often present violence in a glamorized light. Game players are often 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) As the popularity and graphic nature of such video games grows, so do their potential to negatively 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.

SEC. 403. PURPOSES; CONSTRUCTION.

(a) PURPOSES.—The purposes of this subtitle are to permit the entertainment industry—

(1) 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;

(2) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(3) 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.

(b) CONSTRUCTION.—This subtitle may not be construed as—

(1) 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

(2) 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.

SEC. 404. EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS.

(a) EXEMPTION.—Subject to subsection (b), 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—

(1) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing violence, sexual content, criminal behavior, or other subjects that are not appropriate for children; or

(2) to promote telecast material that is educational, informational, or otherwise beneficial to the development of children.

(b) LIMITATION.—The exemption provided in subsection (a) shall not apply to any joint discussion, consideration, review, action, or agreement which—

(1) results in a boycott of any person; or

(2) concerns the purchase or sale of advertising, including (without limitation) 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.

SEC. 405. EXEMPTION OF ACTIVITIES TO ENSURE COMPLIANCE WITH RATINGS AND LABELING SYSTEMS FROM APPLICABILITY OF ANTITRUST LAWS.

(a) EXEMPTION FROM ANTITRUST LAWS.—

(1) IN GENERAL.—The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement between or among persons in the motion picture, recording, or video game industry for the purpose of and limited to the development or enforcement of voluntary guidelines, procedures, and mechanisms designed to ensure compliance by persons and entities described in paragraph (2) with ratings and labeling systems to identify and limit dissemination of sexual, violent, or other indecent material to children.

(2) PERSONS AND ENTITIES DESCRIBED.—A person or entity described in this paragraph is a person or entity that is—

(A) engaged in the retail sales of motion pictures, recordings, or video games; or

(B) a theater owner or operator, video game arcade owner or operator, or other person or entity that makes available the viewing, listening, or use of a motion picture, recording, or video game to a member of the general public for compensation.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Antitrust Division of the Department of Justice, in conjunction with the Federal Trade Commission, shall submit to Congress a report on—

(1) the extent to which the motion picture, recording, and video game industry have developed or enforced guidelines, procedures, or mechanisms to ensure compliance by persons and entities described in subsection (b)(2) with ratings or labeling systems which identify and limit dissemination of sexual, violent, or other indecent material to children; and

(2) the extent to which Federal or State antitrust laws preclude those industries from developing and enforcing the guidelines described in subsection (b)(1).

SEC. 406. DEFINITIONS.

In this subtitle:

(1) ANTITRUST LAWS.—The term ''antitrust laws'' has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) 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.

(3) MOVIES.—The term ''movies'' means motion pictures.

(4) PERSON IN THE ENTERTAINMENT INDUSTRY.—The term ''person in the entertainment industry'' means a television network, any entity which produces or distributes television programming (including 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 entity which produces or distributes video games, the Recording Industry Association of America, and any entity which produces or distributes music, and includes any individual acting on behalf of such person.

(5) TELECAST.—The term ''telecast'' means any program broadcast by a television broadcast station or transmitted by a cable television system.

Subtitle B—Other Matters

SEC. 411. STUDY OF MARKETING PRACTICES OF MOTION PICTURE, RECORDING, AND VIDEO/PERSONAL COMPUTER GAME INDUSTRIES.

(a) STUDY.—

(1) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the motion picture, recording, and video/personal computer game industries.

(2) ISSUES EXAMINED.—In conducting the study under paragraph (1), the Commission and the Attorney General shall examine—

(A) the extent to which the motion picture, recording, and video/personal computer industries target the marketing of violent, sexually explicit, or other unsuitable material to minors, including whether such content is advertised or promoted in media outlets in which minors comprise a substantial percentage of the audience;

(B) the extent to which retail merchants, movie theaters, or others who engage in the sale or rental for a fee of products of the motion picture, recording, and video/personal computer industries—

(i) have policies to restrict the sale, rental, or viewing to minors of music, movies, or video/personal computer games that are deemed inappropriate for minors under the applicable voluntary industry rating or labeling systems; and

(ii) have procedures compliant with such policies;

(C) whether and to what extent the motion picture, recording, and video/personal computer industries require, monitor, or encourage the enforcement of their respective voluntary rating or labeling systems by industry members, retail merchants, movie theaters, or others who engage in the sale or rental for a fee of the products of such industries;

(D) whether any of the marketing practices examined may violate Federal law; and

(E) whether and to what extent the motion picture, recording, and video/personal computer industries engage in actions to educate the public on the existence, use, or efficacy of their voluntary rating or labeling systems.

(3) FACTORS FOR DETERMINATION.—In determining whether the products of the motion picture, recording, or video/personal computer industries are violent, sexually explicit, or otherwise unsuitable for minors for the purposes of paragraph (2)(A), the Commission and the Attorney General shall consider the voluntary industry rating or labeling systems of the industry concerned as in effect on the date of the enactment of this Act.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(c) AUTHORITY.—For the purposes of the study conducted under subsection (a), the Commission may use its authority under section 6(b) of the Federal Trade Commission Act to require the filing of reports or answers in writing to specific questions, as well as to obtain information,

oral testimony, documentary material, or tangible things.

TITLE V—GENERAL FIREARM PROVISIONS

SEC. 501. SPECIAL LICENSEES; SPECIAL REGISTRATIONS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) GUN SHOW.—The term 'gun show' means a gun show or event described in section 923(j).

''(36) SPECIAL LICENSE.—The term 'special license' means a license issued under section 923(m).

''(37) SPECIAL LICENSEE.—The term 'special licensee' means a person to whom a special license has been issued.

''(38) SPECIAL REGISTRANT.—The term 'special registrant' means a person to whom a special registration has been issued.

''(39) SPECIAL REGISTRATION.—The term 'special registration' means a registration issued under section 923(m).''.

(b) SPECIAL LICENSES; SPECIAL REGISTRATION.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

''(m) SPECIAL LICENSES; SPECIAL REGISTRATIONS.—

''(1) SPECIAL LICENSES.—

''(A) APPLICATION.—A person who—

''(i) is engaged in the business of dealing in firearms by—

''(I) buying or selling firearms solely or primarily at gun shows; or

''(II) buying or selling firearms as part of a gunsmith or firearm repair business or the conduct of other activity that, absent this subsection, would require a license under this chapter; and

''(ii) desires to have access to the National Instant Check System;

may submit to the Secretary an application for a special license.

''(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph—

''(i) requires a license for conduct that did not require a license before the date of enactment of this subsection; or

''(ii) diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, make repairs, or engage in any other conduct or activity, that was otherwise lawful to engage in without a license before the date of enactment of this subsection.

''(C) CONTENTS.—An application under subparagraph (A) shall—

''(i) contain a certification by the applicant that—

''(I) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1);

''(II)(aa) the applicant conducts the firearm business primarily or solely at gun shows, and the applicant has premises (or a designated portion of premises) that may be inspected under this chapter from which the applicant conducts business (or intends to establish such premises) within a reasonable period of time; or

''(bb) the applicant conducts the firearm business from a premises (or a designated portion of premises) of a gunsmith or firearms repair business (or intends to establish such premises within a reasonable period of time); and

''(III) the firearm business to be conducted under the license—

''(aa) is not engaged in business for regularly buying and selling firearms from the applicant's premises;

''(bb) will be engaged in the buying or selling of firearms only—

''(AA) primarily or solely for a firearm business at gun shows; or

''(BB) as part of a gunsmith or firearm repair business;

''(cc) shall be conducted in accordance with all dealer recordkeeping required under this chapter for a dealer; and

''(dd) shall be subject to inspection under this chapter, including the special licensee's (or a designated portion of the premises), pursuant to the provisions in this chapter applicable to dealers;

''(ii) include a photograph and fingerprints of the applicant; and

''(iii) be in such form as the Secretary shall by regulation promulgate.

''(D) COMPLIANCE WITH STATE OR LOCAL LAW.—

''(i) IN GENERAL.—An applicant under subparagraph (A) shall not be required to certify or demonstrate that any firearm business to be conducted from the premises or elsewhere, to the extent permitted under this subsection, is or will be done in accordance with State or local law regarding the carrying on of a general business or commercial activity, including compliance with zoning restrictions.

''(ii) DUTY TO COMPLY.—The issuance of a special license does not relieve an applicant or licensee, as a matter of State or local law, from complying with State or local law described in clause (i).

''(E) APPROVAL.—

''(i) IN GENERAL.—The Secretary shall approve an application under subparagraph (A) if the application meets the requirements of subparagraph (D).

''(ii) ISSUANCE OF LICENSE.—On approval of the application and payment by the applicant of a fee prescribed for dealers under this section, the Secretary shall issue to the applicant a license which, subject to the provisions of this chapter and other applicable provisions of law, entitles the licensee to conduct business during the 3-year period that begins on the date on which the license is issued.

''(iii) TIMING.—

''(I) IN GENERAL.—The Secretary shall approve or disapprove an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

''(II) FAILURE TO ACT.—If the Secretary fails to approve or disapprove an application within the time specified by subclause (I), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

''(2) SPECIAL REGISTRANTS.—

''(A) IN GENERAL.—A person who is not licensed under this chapter (other than a licensed collector) and who wishes to perform instant background checks for the purposes of meeting the requirements of section 922(t) at a gun show may submit to the Secretary an application for a special registration.

''(B) CONTENTS.—An application under subparagraph (A) shall—

''(i) contain a certification by the applicant that—

''(I) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1); and

''(II)(aa) any gun show at which the applicant will conduct instant checks under the special registration will be a show that is not prohibited by State or local law; and

''(bb) instant checks will be conducted only at gun shows that are conducted in accordance with Federal, State, and local law;

''(ii) include a photograph and fingerprints of the applicant; and

''(iii) be in such form as the Secretary shall by regulation promulgate.

''(C) APPROVAL.—

''(i) IN GENERAL.—The Secretary shall approve an application under subparagraph (A) if the application meets the requirements of subparagraph (B).

''(ii) ISSUANCE OF REGISTRATION.—On approval of the application and payment by the applicant of a fee of $100 for 3 years, and upon renewal of valid registration a fee of $50 for 3 years, the Secretary shall issue to the applicant a special registration, and notify the Attorney General of the United States of the issuance of the special registration.

''(iii) PERMITTED ACTIVITY.—Under a special registration, a special registrant may conduct instant check screening during the 3-year period that begins with the date on which the registration is issued.

''(D) TIMING.—

''(i) IN GENERAL.—The Secretary shall approve or deny an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

''(ii) FAILURE TO ACT.—If the Secretary fails to approve or disapprove an application under subparagraph (A) within the time specified by clause (i), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

''(E) USE OF SPECIAL REGISTRANTS.—

''(i) IN GENERAL.—A person not licensed under this chapter who desires to transfer a firearm at a gun show in the person's State of residence to another person who is a resident of the same State, may use (but shall not be required to use) the services of a special registrant to determine the eligibility of the prospective transferee to possess a firearm by having the transferee provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

''(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

''(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C).

''(ii) ACTION BY THE SPECIAL REGISTRANT.—The special registrant shall—

''(I) make inquiry of the national instant background check system (or as the Attorney General shall arrange, with the appropriate State point of contact agency for each jurisdiction in which the special registrant intends to offer services) concerning the prospective transferee in accordance with the established procedures for making such inquiries;

''(II) receive the response from the system;

''(III) indicate the response on both a portion of the inquiry form for the records of the special registrant and on a separate form to be provided to the prospective transferee;

''(IV) provide the response to the transferor; and

''(V) follow the procedures established by the Secretary and the Attorney General for advising a person undergoing an instant background check on the meaning of a response, and any appeal rights, if applicable.

''(iii) RECORDKEEPING.—A special registrant shall—

''(I) keep all records or documents that the special registrant collected pursuant to clause (ii) during the gun show; and

''(II) transmit the records to the Secretary when the special registration is no longer valid, expires, or is revoked.

''(iv) NO OTHER REQUIREMENTS.—Except for the requirements stated in this section, a special registrant is not subject to any of the requirements imposed on licensees by this chapter, including those in section 922(t) and paragraphs (1)(A) and (3)(A) of subsection (g) with respect to the proposed transfer of a firearm.

''(3) NO CAUSE OF ACTION OR STANDARD OF CONDUCT.—

''(A) IN GENERAL.—Nothing in this subsection—

''(i) creates a cause of action against any special registrant or any other person, including the transferor, for any civil liability; or

''(ii) establishes any standard of care.

''(B) EVIDENCE.—Notwithstanding any other provision of law, except to give effect to the provisions of paragraph (3)(vi), evidence regarding the use or nonuse by a transferor of the services of a special registrant under this paragraph

shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a civil action brought on any theory for harm caused by a product or by negligence.

''(4) IMMUNITY.—

''(A) DEFINITION.—In this paragraph:

''(i) IN GENERAL.—The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

''(ii) EXCLUSIONS.—The term 'qualified civil liability action' shall not include an action—

''(B) IMMUNITY.—Notwithstanding any other provision of law, a person who is—

''(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

''(ii) a licensee or special licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

''(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii);

shall be entitled to immunity from civil liability action as described in subparagraph (B).

''(C) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court—

''(i) brought against a transferor convicted under section 922(h), or a comparable State felony law, by a person directly harmed by the transferee's criminal conduct, as defined in section 922(h); or

''(ii) brought against a transferor for negligent entrustment or negligence per se.

''(D) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.

''(5) REVOCATION.—A special license or special registration shall be subject to revocation under procedures provided for revocation of licensees in this chapter.''.

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

''(7) SPECIAL LICENSEES; SPECIAL REGISTRANTS.—Whoever knowingly violates section 923(m)(1) shall be fined under this title, imprisoned not more than 5 years, or both.''.

SEC. 502. CLARIFICATION OF AUTHORITY TO CONDUCT FIREARM TRANSACTIONS AT GUN SHOWS.

Section 923 of title 18, United States Code, is amended by striking subsection (j) and inserting the following:

''(j) GUN SHOWS.—

''(1) IN GENERAL.—A licensed importer, licensed manufacturer, or licensed dealer may, under regulations promulgated by the Secretary, conduct business at a temporary location, other than the location specified on the license, described in paragraph (2).

''(2) TEMPORARY LOCATION.—

''(A) IN GENERAL.—A temporary location referred to in paragraph (1) is a location for a gun show, or for an event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

''(B) LOCATIONS OUT OF STATE.—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (3) of this subsection.

''(C) QUALIFIED GUN SHOWS OR EVENTS.—A gun show or an event shall qualify as a temporary location if—

''(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

''(ii) the gun show or event has 20 percent or more firearm exhibitors out of all exhibitors.

''(D) FIREARM EXHIBITOR.—The term 'firearm exhibitor' means an exhibitor who displays 1 or more firearms (as defined by section 921(a)(3)) and offers such firearms for sale or trade at the gun show or event.

''(3) RECORDS.—Records of receipt and disposition of firearms transactions conducted at a temporary location—

''(A) shall include the location of the sale or other disposition;

''(B) shall be entered in the permanent records of the licensee; and

''(C) shall be retained at the location premises specified on the license.

''(4) VEHICLES.—Nothing in this subsection authorizes a licensee to conduct business in or from any motorized or towed vehicle.

''(5) NO SEPARATE FEE.—Notwithstanding subsection (a), a separate fee shall not be required of a licensee with respect to business conducted under this subsection.

''(6) INSPECTIONS AND EXAMINATIONS.—

''(A) AT A TEMPORARY LOCATION.—Any inspection or examination of inventory or records under this chapter by the Secretary at a temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at the temporary location.

''(B) NO REQUIREMENT.—Nothing in this subsection authorizes the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license.

''(7) NO EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of this subsection, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.''.

SEC. 503. "INSTANT CHECK" GUN TAX AND GUN OWNER PRIVACY.

(a) PROHIBITION OF GUN TAX.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

''§ 540B. Prohibition of background check fee

''(a) IN GENERAL.—No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3) of title 18).

''(b) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540A the following:

''540B. Prohibition of background check fee.''.

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Gun owner privacy and ownership rights

''(a) IN GENERAL.—Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States shall—

''(1) perform any national instant criminal background check on any person through the system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the ''system'') if the system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, concerning the person if the person is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922 or by State law from receiving a firearm; or

''(2) continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

''(A) the National Instant Check System index complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

''(B) does not invoke the exceptions under subsection (j)(2) or paragraph (2) or (3) of subsection (k) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter.

''(b) APPLICABILITY.—Subsection (a)(1) does not apply to the retention or transfer of information relating to—

''(1) any unique identification number provided by the national instant criminal background check system pursuant to section 922(t)(1)(B)(i) of title 18, United States Code; or

''(2) the date on which that number is provided.

''(c) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''931. Gun owner privacy and ownership rights.''.

(c) PROVISION RELATING TO PAWN AND OTHER TRANSACTIONS.—

(1) REPEAL.—Section 655 of title VI of the Treasury and General Governmental Appropriations Act, 1999 (112 Stat. 2681–530) is repealed.

(2) RETURN OF FIREARM.—Section 922(t)(1) of title 18, United States Code, is amended by inserting ''(other than the return of a firearm to the person from whom it was received)'' before ''to any other person''.

SEC. 504. EFFECTIVE DATE.

(a) SECTIONS 501 AND 502.—The amendments made by sections 501 and 502 shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) SECTION 503.—The amendments made by section 503 take effect on the date of enactment of this Act, except that the amendment made by subsection (a) of that section takes effect on October 1, 1999.

TITLE VI—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SEC. 601. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking ''Whoever'' at the beginning of the first sentence, and inserting in lieu thereof, ''Except as provided in paragraph (6) of this subsection, whoever''; and

(2) in paragraph (6), by amending it to read as follows:

''(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) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

''(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

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

''(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in the commission of a violent felony.

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

''(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

''(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

''(C) For purposes of this paragraph a 'violent felony' means conduct as described in section 924(e)(2)(B) of this title.

''(D) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under clause (ii) of paragraph (A), 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 reaches the age of 18 years.''.

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922(x) of title 18, United States Code, is amended to read as follows:

''(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun;

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.

''(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun;

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.

''(3) This subsection does not apply to—

''(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile—

''(i) if the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and used by the juvenile—

''(I) in the course of employment,

''(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

''(III) for target practice,

''(IV) for hunting, or

''(V) for a course of instruction in the safe and lawful use of a firearm;

''(ii) clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

''(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(II) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

''(III) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault rifle with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

''(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the line of duty;

''(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

''(D) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

''(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

''(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

''(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

''(B) The court may use the contempt power to enforce subparagraph (A).

''(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

''(7) For purposes of this subsection only, the term 'large capacity ammunition feeding device' has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.''.

SEC. 602. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE VIII—EFFECTIVE GUN LAW ENFORCEMENT

Subtitle A—Criminal Use of Firearms by Felons

SEC. 801. SHORT TITLE.

This subtitle may be referred to as the ''Criminal Use of Firearms by Felons (CUFF) Act''.

SEC. 802. FINDINGS.

Congress finds the following:

(1) Tragedies such as those occurring recently in the communities of Pearl, Mississippi, Paducah, Kentucky, Jonesboro, Arkansas, Springfield, Oregon, and Littleton, Colorado are terrible reminders of the vulnerability of innocent individuals to random and senseless acts of criminal violence.

(2) The United States Congress has responded to the problem of gun violence by passing numerous criminal statutes and by supporting the development of law enforcement programs designed both to punish the criminal misuse of weapons and also to deter individuals from undertaking illegal acts.

(3) In 1988, the Administration initiated an innovative program known as Project Achilles. The concept behind the initiative was that the illegal possession of firearms was the Achilles heel or the area of greatest vulnerability of criminals. By aggressively prosecuting criminals with guns in Federal court, the offenders were subject to stiffer penalties and expedited prosecutions. The Achilles program was particularly effective in removing the most violent criminals from our communities.

(4) In 1991, the Administration expanded its efforts to remove criminals with guns from our streets with Project Triggerlock. Triggerlock continued the ideas formulated in the Achilles program and committed the Department of Justice resources to the prosecution effort. Under the program, every United States Attorney was directed to form special teams of Federal, State, and local investigators to look for gang and drug cases that could be prosecuted as Federal weapon violations. Congress appropriated additional funds to allow a large number of new law enforcement officers and Federal prosecutors to target these gun and drug offenders. In 1992, approximately 7048 defendants were prosecuted under this initiative.

(5) Since 1993, the number of ''Project Triggerlock'' type gun prosecutions pursued by the Department of Justice has fallen to approximately 3807 prosecutions in 1998. This is a decline of over 40 percent in Federal prosecutions of criminals with guns.

(6) The threat of criminal prosecution in the Federal criminal justice system works to deter criminal behavior because the Federal system is known for speedier trials and longer prison sentences.

(7) The deterrent effect of Federal gun prosecutions has been demonstrated recently by successful programs, such as ''Project Exile'' in

Richmond, Virginia, which resulted in a 22 percent decrease in violent crime since 1994.

(8) The Department of Justice's failure to prosecute the criminal use of guns under existing Federal law undermines the significant deterrent effect that these laws are meant to produce.

(9) The Department of Justice already possesses a vast array of Federal criminal statutes that, if used aggressively to prosecute wrongdoers, would significantly reduce both the threat of, and the incidence of, criminal gun violence.

(10) As an example, the Department of Justice has the statutory authority in section 922(q) of title 18, United States Code, to prosecute individuals who bring guns to school zones. Although the Administration stated that over 6,000 students were expelled last year for bringing guns to school, the Justice Department reports prosecuting only 8 cases under section 922(q) in 1998.

(11) The Department of Justice is also empowered under section 922(x) of title 18, United States Code, to prosecute adults who transfer handguns to juveniles. In 1998, the Department of Justice reports having prosecuted only 6 individuals under this provision.

(12) The Department of Justice's utilization of existing prosecutorial power is 1 of the most significant steps that can be taken to reduce the number of criminal acts involving guns, and represents a better response to the problem of criminal violence than the enactment of new, symbolic laws, which, if current Departmental trends hold, would likely be underutilized.

SEC. 803. CRIMINAL USE OF FIREARMS BY FELONS PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General and the Secretary of the Treasury shall establish in the jurisdictions specified in subsection (d) a program that meets the requirements of subsections (b) and (c). The program shall be known as the ''Criminal Use of Firearms by Felons (CUFF) Program''.

(b) PROGRAM ELEMENTS.—Each program established under subsection (a) shall, for the jurisdiction concerned—

(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 section 922(a)(6), 922(g)(1), 922(g)(2), 922(g)(3), 922(j), 922(q), 922(k), or 924(c) 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 section 922(a)(5) of title 18, United States Code, relating to firearms; 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 for a jurisdiction, the 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) COVERED JURISDICTIONS.—The jurisdictions specified in this subsection are the following 25 jurisdictions:

(1) The 10 jurisdictions with a population equal to or greater than 100,000 persons that had the highest total number of violent crimes according to the FBI uniform crime report for 1998.

(2) The 15 jurisdictions with such a population, other than the jurisdictions covered by paragraph (1), with the highest per capita rate of violent crime according to the FBI uniform crime report for 1998.

SEC. 804. 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 hired under the program under this subtitle 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) To the extent information is available, the average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

SEC. 805. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under section 803 $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 803(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 803(b)(4).

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 803(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 subtitle.

Subtitle B—Apprehension and Treatment of Armed Violent Criminals

SEC. 811. 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 to a person who has more than 1 previous conviction for a violent felony or a serious drug offense, committed under different circumstances.''.

Subtitle C—Youth Crime Gun Interdiction

SEC. 821. YOUTH CRIME GUN INTERDICTION INITIATIVE.

(a) IN GENERAL.—

(1) EXPANSION OF NUMBER OF CITIES.—The Secretary of the Treasury shall endeavor to expand the number of cities and counties directly participating in the Youth Crime Gun Interdiction Initiative (in this section referred to as the ''YCGII'') to 75 cities or counties by October 1, 2000, to 150 cities or counties by October 1, 2002, and to 250 cities or counties by October 1, 2003.

(2) SELECTION.—Cities and counties selected for participation in the YCGII shall be selected by the Secretary of the Treasury and in consultation with Federal, State and local law enforcement officials.

(b) IDENTIFICATION OF INDIVIDUALS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, utilizing the information provided by the YCGII, facilitate the identification and prosecution of individuals illegally trafficking firearms to prohibited individuals.

(2) SHARING OF INFORMATION.—The Secretary of the Treasury shall share information derived from the YCGII with State and local law enforcement agencies through on-line computer access, as soon as such capability is available.

(c) GRANT AWARDS.—

(1) IN GENERAL.—The Secretary of the Treasury shall award grants (in the form of funds or equipment) to States, cities, and counties for purposes of assisting such entities in the tracing of firearms and participation in the YCGII.

(2) USE OF GRANT FUNDS.—Grants made under this part shall be used to—

(A) hire or assign additional personnel for the gathering, submission and analysis of tracing data submitted to the Bureau of Alcohol, Tobacco and Firearms under the YCGII;

(B) hire additional law enforcement personnel for the purpose of identifying and arresting individuals illegally trafficking firearms; and

(C) purchase additional equipment, including automatic data processing equipment and computer software and hardware, for the timely submission and analysis of tracing data.

Subtitle D—Gun Prosecution Data

SEC. 831. COLLECTION OF GUN PROSECUTION DATA.

(a) REPORT TO CONGRESS.—On February 1, 2000, and on February 1 of each year thereafter, the Attorney General shall submit to the Committees on the Judiciary and on Appropriations of the Senate and the House of Representatives a report of information gathered under this section during the fiscal year that ended on September 30 of the preceding year.

(b) SUBJECT OF ANNUAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall require each component of the Department of Justice, including each United States Attorney's Office, to furnish for the purposes of the report described in subsection (a), information relating to any case

presented to the Department of Justice for review or prosecution, in which the objective facts of the case provide probable cause to believe that there has been a violation of section 922 of title 18, United States Code.

(c) ELEMENTS OF ANNUAL REPORT.—With respect to each case described in subsection (b), the report submitted under subsection (a) shall include information indicating—

(1) whether in any such case, a decision has been made not to charge an individual with a violation of section 922 of title 18, United States Code, or any other violation of Federal criminal law;

(2) in any case described in paragraph (1), the reason for such failure to seek or obtain a charge under section 922 of title 18, United States Code;

(3) whether in any case described in subsection (b), an indictment, information, or other charge has been brought against any person, or the matter is pending;

(4) whether, in the case of an indictment, information, or other charge described in paragraph (3), the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code;

(5) in any case described in paragraph (4) in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, whether a plea agreement of any kind has been entered into with such charged individual;

(6) whether any plea agreement described in paragraph (5) required that the individual plead guilty, to enter a plea of nolo contendere, or otherwise caused a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code;

(7) in any case described in paragraph (6) in which the plea agreement did not require that the individual plead guilty, enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code, identification of the charges to which that individual did plead guilty, and the reason for the failure to seek or obtain a conviction under that section;

(8) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, the result of any trial of such charges (guilty, not guilty, mistrial); and

(9) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document did not contain a count or counts alleging a violation of section 922 of title 18, United States Code, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial).

Subtitle E—Firearms Possession by Violent Juvenile Offenders

SEC. 841. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting ''(A)'' after ''(20)'';

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

''(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on 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 or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3)(A) shall not apply to this subparagraph).''; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking ''What constitutes'' and all that follows through ''this chapter,'' and inserting the following:

''(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,''.

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) has committed an act of violent juvenile delinquency.''; and

(2) in subsection (g)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) who has committed an act of violent juvenile delinquency,''.

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

Subtitle F—Juvenile Access to Certain Firearms

SEC. 851. PENALTIES FOR FIREARM VIOLATIONS INVOLVING JUVENILES.

(a) PENALTIES FOR FIREARM VIOLATIONS BY JUVENILES.—Section 924(a) of title 18, United States Code, is amended—

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

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

''(6) TRANSFER TO OR POSSESSION BY A JUVENILE.—

''(A) DEFINITIONS OF VIOLENT FELONY.—In this paragraph—

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

''(ii) the term 'violent felony' has the meaning given the term in subsection (e)(2)(B).

''(B) POSSESSION BY A JUVENILE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 5 years, or both.

''(ii) PROBATION.—Unless clause (iii) applies and unless a juvenile fails to comply with a condition of probation, the juvenile may be sentenced to probation on appropriate conditions if—

''(I) the offense with which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

''(iii) SCHOOL ZONES.—A juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

''(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony.

''(C) TRANSFER TO A JUVENILE.—A person other than a juvenile who knowingly violates section 922(x)—

''(i) shall be fined under this title, imprisoned not less than 1 year and not more than 5 years, or both; or

''(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, or semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title and imprisoned not less than 10 and not more than 20 years.

''(D) CASES IN UNITED STATES DISTRICT COURT.—Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under subparagraph (B)(iii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult.

''(E) NO RELEASE AT AGE 18.—No juvenile sentenced to a term of imprisonment shall be released from custody solely for the reason that the juvenile has reached the age of 18 years.''.

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922 of title 18, United States Code, is amended by striking subsection (x) and inserting the following:

''(x) JUVENILES.—

''(1) DEFINITION OF JUVENILE.—In this subsection, the term 'juvenile' means a person who is less than 18 years of age.

''(2) TRANSFER TO JUVENILES.—It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun; or

''(C) a semiautomatic assault weapon.

''(3) POSSESSION BY A JUVENILE.—It shall be unlawful for any person who is a juvenile to knowingly possess—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun; or

''(C) a semiautomatic assault weapon.

''(4) APPLICABILITY.—

''(A) IN GENERAL.—This subsection does not apply to—

''(i) if the conditions stated in subparagraph (B) are met, a temporary transfer of a handgun, ammunition, or semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, or semiautomatic assault weapon by a juvenile if the handgun, ammunition, or semiautomatic assault weapon is possessed and used by the juvenile—

''(I) in the course of employment;

''(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at

which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch);

''(III) for target practice;

''(IV) for hunting; or

''(V) for a course of instruction in the safe and lawful use of a handgun;

''(ii) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, or semiautomatic assault weapon in the line of duty;

''(iii) a transfer by inheritance of title (but not possession) of handgun, ammunition, or semiautomatic assault weapon to a juvenile; or

''(iv) the possession of a handgun, ammunition, or semiautomatic assault weapon taken in lawful defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

''(B) TEMPORARY TRANSFERS.—Clause (i) shall apply if—

''(i) the juvenile's possession and use of a handgun, ammunition, or semiautomatic assault weapon under this paragraph are in accordance with State and local law; and

''(ii)(I)(aa) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile, at all times when a handgun, ammunition, or semiautomatic assault weapon is in the possession of the juvenile, has in the juvenile's possession the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(bb) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in item (aa) is to take place, the firearm is unloaded and in a locked container or case, and during the transportation by the juvenile of the firearm, directly from the place at which such an activity took place to the transferor, the firearm is unloaded and in a locked container or case; or

''(II) with respect to ranching or farming activities as described in subparagraph (A)(i)(II)—

''(aa) a juvenile possesses and uses a handgun, ammunition, or semiautomatic assault weapon with the prior written approval of the juvenile's parent or legal guardian;

''(bb) the approval is on file with an adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(cc) the adult is directing the ranching or farming activities of the juvenile.

''(5) INNOCENT TRANSFERORS.—A handgun, ammunition, or semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation under this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when the handgun, ammunition, or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

''(6) ATTENDANCE BY PARENT OR LEGAL GUARDIAN AS CRIMINAL PROCEEDINGS.—In a prosecution of a violation of this subsection, the court—

''(A) shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings;

''(B) may use the contempt power to enforce subparagraph (A); and

''(C) may excuse attendance of a parent or legal guardian of a juvenile defendant for good cause.''.

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

Subtitle G—General Firearm Provisions

SEC. 861. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IMPROVEMENTS.

(a) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—The Attorney General shall expedite—

(A) not later than 90 days after the date of enactment of this section, a study of the feasibility of developing—

''(i) a single fingerprint convicted offender database in the Federal criminal records system maintained by the Federal Bureau of Investigation; and

(ii) procedures under which a licensed firearm dealer may voluntarily transmit to the National Instant Check System a single digitalized fingerprint for prospective firearms transferees;

(B) the provision of assistance to States, under the Crime Identification Technology Act of 1998 (112 Stat. 1871), in gaining access to records in the National Instant Check System disclosing the disposition of State criminal cases; and

(C) development of a procedure for the collection of data identifying persons that are prohibited from possessing a firearm by section 922(g) of title 18, United States Code, including persons adjudicated as a mental defective, persons committed to a mental institution, and persons subject to a domestic violence restraining order.

(2) CONSIDERATIONS.—In developing procedures under paragraph (1), the Attorney General shall consider the privacy needs of individuals.

(b) COMPATIBILITY OF BALLISTICS INFORMATION SYSTEMS.—The Attorney General and the Secretary of the Treasury shall ensure the integration and interoperability of ballistics identification systems maintained by the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, and Firearms through the National Integrated Ballistics Information Network.

(c) FORENSIC LABORATORY INSPECTION.—The Attorney General shall provide financial assistance to the American Academy of Forensic Science Laboratory Accreditation Board to be used to facilitate forensic laboratory inspection activities.

(d) RELIEF FROM DISABILITY DATABASE.—Section 925(c) of title 18, United States Code, is amended—

(1) by striking ''(c) A person'' and inserting the following:

''(c) RELIEF FROM DISABILITIES.—

''(1) IN GENERAL.—A person''; and

(2) by adding at the end the following:

''(2) DATABASE.—The Secretary shall establish a database, accessible through the National Instant Check System, identifying persons who have been granted relief from disability under paragraph (1).''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2000—

(1) to pay the costs of the Federal Bureau of Investigation in operating the National Instant Check System, $68,000,000;

(2) for payments to States that act as points of contact for access to the National Instant Check System, $40,000,000;

(3) to carry out subsection (a)(1), $40,000,000;

(4) to carry out subsection (a)(3), $25,000,000;

(5) to carry out subsection (b), $1,150,000; and

(6) to carry out subsection (c), $1,000,000.

(f) INCREASED AUTHORIZATION.—Section 102(e)(1) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(1)) is amended by striking ''this section'' and all that follows and inserting ''this section—

''(A) $250,000,000 for fiscal year 1999;

''(B) $350,000,000 for each of fiscal years 2000 through 2003.''.

TITLE IX—ENHANCED PENALTIES

SEC. 901. STRAW PURCHASES.

(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 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) In this paragraph—

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

''(ii) the term 'violent felony' has the meaning given the term in subsection (e)(2)(B).''.

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

SEC. 902. 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 by striking ''10 years, or both'' and inserting ''15 years, or both''; and

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

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

SEC. 903. INCREASE IN PENALTIES FOR CRIMES INVOLVING FIREARMS.

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

(1) in subsection (c)(1)(A)—

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

(B) 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. 904. INCREASED PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''one year'' and inserting ''5 years''.

SEC. 905. INCREASED PENALTY FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''three years'' each place that term appears and inserting ''5 years''.

TITLE X—CHILD HANDGUN SAFETY

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Safe Handgun Storage and Child Handgun Safety Act of 1999''.

SEC. 1002. PURPOSES.

The purposes of this title are as follows:

(1) To promote the safe storage and use of handguns by consumers.

(2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one of the circumstances provided for in the Youth Handgun Safety Act.

(3) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 1003. FIREARMS SAFETY.

(a) UNLAWFUL ACTS.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under the provisions of this chapter, unless the transferee is provided with a secure gun storage or safety device, as described in section 921(a)(35) of this chapter, for that handgun.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to the—

''(A)(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

''(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

''(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

''(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

''(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): Provided, That the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

''(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

''(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, where—

''(i) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

''(ii) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device.

A 'qualified civil liability action' shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.''.

(b) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''or (f)'' and inserting ''(f), or (p)''; and

(2) by adding at the end the following:

''(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

''(1) IN GENERAL.—

''(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

''(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

''(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

''(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

''(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.''.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this title shall be construed to—

(A) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this title shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

SEC. 1004. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE XI—SCHOOL SAFETY AND VIOLENCE PREVENTION

SEC. 1101. SCHOOL SAFETY AND VIOLENCE PREVENTION.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

''PART I—SCHOOL SAFETY AND VIOLENCE PREVENTION

''SEC. 14851. SCHOOL SAFETY AND VIOLENCE PREVENTION.

''Notwithstanding any other provision of titles IV and VI, funds made available under such titles may be used for—

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

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

''(B) crisis preparedness and intervention procedures; and

''(C) emergency response;

''(2) training for parents, teachers, school personnel and other interested members of the community regarding the identification and responses to early warning signs of troubled and violent youth;

''(3) innovative research-based delinquency and violence prevention programs, including—

''(A) school anti-violence programs; and

''(B) mentoring programs;

''(4) comprehensive school security assessments;

''(5) purchase of school security equipment and technologies, such as—

''(A) metal detectors;

''(B) electronic locks; and

''(C) surveillance cameras;

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

''(7) providing assistance to States, local educational agencies, or schools to establish school uniform policies;

''(8) school resource officers, including community policing officers; and

''(9) other innovative, local responses that are consistent with reducing incidents of school violence and improving the educational atmosphere of the classroom.''.

SEC. 1102. STUDY.

(a) STUDY.—The Comptroller General shall carry out a study regarding school safety issues, including examining—

(1) incidents of school-based violence in the United States;

(2) impediments to combating school-based violence, including local, state, and Federal education and law enforcement impediments;

(3) promising initiatives for addressing school-based violence;

(4) crisis preparedness of school personnel;

(5) preparedness of local, State, and Federal law enforcement to address incidents of school-based violence; and

(6) evaluating current school violence prevention programs.

(b) REPORT.—The Comptroller General shall prepare and submit to Congress a report regarding the results of the study conducted under paragraph (1).

SEC. 1103. SCHOOL UNIFORMS.

Part E of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8891 et seq.) is amended by adding at the end the following:

''SEC. 14515. SCHOOL UNIFORMS.

''(a) CONSTRUCTION.—Nothing in this Act shall be construed to prohibit any State, local educational agency, or school from establishing a school uniform policy.

''(b) FUNDING.—Notwithstanding any other provision of law, funds provided under titles IV and VI may be used for establishing a school uniform policy.''.

SEC. 1104. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended by adding after section 14603 (20 U.S.C. 8923) the following:

''SEC. 14604. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

''(a) NONAPPLICATION OF PROVISIONS.—The provisions of this section shall not apply to any disciplinary records transferred from a private, parochial, or other nonpublic school, person, institution, or other entity, that provides education below the college level.

''(b) DISCIPLINARY RECORDS.—Not later than 2 years after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.

SEC. 1105. SCHOOL VIOLENCE RESEARCH.

The Attorney General shall establish at the National Center for Rural Law Enforcement in Little Rock, Arkansas, a research center that shall serve as a resource center or clearinghouse for school violence research. The research center shall conduct, compile, and publish school violence research and otherwise conduct activities related to school violence research, including—

(1) the collection, categorization, and analysis of data from students, schools, communities,

parents, law enforcement agencies, medical providers, and others for use in efforts to improve school security and otherwise prevent school violence;

(2) the identification and development of strategies to prevent school violence; and

(3) the development and implementation of curricula designed to assist local educational agencies and law enforcement agencies in the prevention of or response to school violence.

SEC. 1106. NATIONAL CHARACTER ACHIEVEMENT AWARD.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to individuals under the age of 18, on behalf of the Congress, a National Character Achievement Award, consisting of medal of appropriate design, with ribbons and appurtenances, honoring those individuals for distinguishing themselves as a model of good character.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall design and strike a medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) ELIGIBILITY.—

(1) IN GENERAL.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall establish procedures for processing recommendations to be forwarded to the President for awarding National Character Achievement Award under subsection (a).

(2) RECOMMENDATIONS BY SCHOOL PRINCIPALS.—At a minimum, the recommendations referred to in paragraph (1) shall contain the endorsement of the principal (or equivalent official) of the school in which the individual under the age of 18 is enrolled.

SEC. 1107. NATIONAL COMMISSION ON CHARACTER DEVELOPMENT.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Character Development (referred to in this section as the ''Commission'').

(b) MEMBERSHIP.—

(1) APPOINTING AUTHORITY.—The Commission shall consist of 36 members, of whom—

(A) 12 shall be appointed by the President;

(B) 12 shall be appointed by the Speaker of the House of Representatives; and

(C) 12 shall be appointed by the President pro tempore of the Senate, on the recommendation of the majority and minority leaders of the Senate.

(2) COMPOSITION.—The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall each appoint as members of the Commission—

(A) 1 parent;

(B) 1 student;

(C) 2 representatives of the entertainment industry (including the segments of the industry relating to audio, video, and multimedia entertainment);

(D) 2 members of the clergy;

(E) 2 representatives of the information or technology industry;

(F) 1 local law enforcement official;

(G) 2 individuals who have engaged in academic research with respect to the impact of cultural influences on child development and juvenile crime; and

(H) 1 representative of a grassroots organization engaged in community and child intervention programs.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall study and make recommendations with respect to the impact of current cultural influences (as of the date of the study) on the process of developing and instilling the key aspects of character, which include trustworthiness, honesty, integrity, an ability to keep promises, loyalty, respect, responsibility, fairness, a caring nature, and good citizenship.

(2) REPORTS.—

(A) INTERIM REPORTS.—The Commission shall submit to the President and Congress such interim reports relating to the study as the Commission considers to be appropriate.

(B) FINAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit a final report to the President and Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study, together with recommendations for such legislation and administrative actions as the Commission considers to be appropriate.

(d) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(g) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2000 and 2001.

SEC. 1108. JUVENILE ACCESS TO TREATMENT.

(a) COORDINATED JUVENILE SERVICES GRANTS.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after section 205 the following:

''SEC. 205A. COORDINATED JUVENILE SERVICES GRANTS.

''(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, working in conjunction with the Center for Substance Abuse of the Substance Abuse and Mental Health Services Administration, may make grants to a consortium within a State of State or local juvenile justice agencies or State or local substance abuse and mental health agencies, and child service agencies to coordinate the delivery of services to children among these agencies. Any public agency may serve as the lead entity for the consortium.

''(b) USE OF FUNDS.—A consortium described in subsection (a) that receives a grant under this section shall use the grant for the establishment and implementation of programs that address the service needs of adolescents with substance abuse or mental health treatment problems, including those who come into contact with the justice system by requiring the following:

''(1) Collaboration across child serving systems, including juvenile justice agencies, relevant public and private substance abuse and mental health treatment providers, and State or local educational entities and welfare agencies.

''(2) Appropriate screening and assessment of juveniles.

''(3) Individual treatment plans.

''(4) Significant involvement of juvenile judges where appropriate.

''(c) APPLICATION FOR COORDINATED JUVENILE SERVICES GRANT.—

''(1) IN GENERAL.—A consortium described in subsection (a) desiring to receive a grant under this section shall submit an application containing such information as the Administrator may prescribe.

''(2) CONTENTS.—In addition to guidelines established by the Administrator, each application submitted under paragraph (1) shall provide—

''(A) certification that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

''(B) for the regular evaluation of the program funded by the grant and describe the methodology that will be used in evaluating the program;

''(C) assurances that the proposed program or activity will not supplant similar programs and activities currently available in the community; and

''(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

''(3) FEDERAL SHARE.—The Federal share of a grant under this section shall not exceed 75 percent of the cost of the program.

''(d) REPORT.—Each recipient of a grant under this section during a fiscal year shall submit to the Attorney General a report regarding the effectiveness of programs established with the grant on the date specified by the Attorney General.

''(e) FUNDING.—Grants under this section shall be considered an allowable use under section 205(a) and subtitle B.''.

SEC. 1109. BACKGROUND CHECKS.

Section 5(9) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(9)) is amended—

(1) in subparagraph (A)(i), by inserting ''(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)'' before the semicolon; and

(2) in subparagraph (B)(i), by inserting ''(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)'' before the semicolon.

SEC. 1110. DRUG TESTS.

(a) SHORT TITLE.—This section may be cited as the ''School Violence Prevention Act''.

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

''(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test; and''.

SEC. 1111. SENSE OF THE SENATE.

It is the sense of the Senate that States receiving Federal elementary and secondary education funding should require local educational agencies to conduct, for each of their employees (regardless of when hired) and prospective employees, a nationwide background check for the purpose of determining whether the employee has been convicted of a crime that bears upon his fitness to have responsibility for the safety or well-being of children, to serve in the particular capacity in which he is (or is to be) employed, or otherwise to be employed at all thereby.

TITLE XII—TEACHER LIABILITY PROTECTION ACT

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Teacher Liability Protection Act of 1999''.

SEC. 1202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the national scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of the children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

SEC. 1203. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 1204. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (d), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) NO EFFECT ON LIABILITY OF SCHOOL OR GOVERNMENTAL ENTITY.—Nothing in this section shall be construed to affect the liability of any school or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 1205. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 1206. DEFINITIONS.

For purposes of this title:

(1) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term ''harm'' includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term ''noneconomic losses'' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) SCHOOL.—The term ''school'' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term ''teacher'' means a teacher, instructor, principal, administrator, or other educational professional, that works in a school.

SEC. 1207. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

TITLE XIII—VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Violence Prevention Training for Early Childhood Educators Act''.

SEC. 1302. PURPOSE.

The purpose of this title is to provide grants to institutions that carry out early childhood education training programs to enable the institutions to include violence prevention training as part of the preparation of individuals pursuing careers in early childhood development and education.

SEC. 1303. FINDINGS.

Congress makes the following findings:

(1) Aggressive behavior in early childhood is the single best predictor of aggression in later life.

(2) Aggressive and defiant behavior predictive of later delinquency is increasing among our Nation's youngest children. Without prevention efforts, higher percentages of juveniles are likely to become violent juvenile offenders.

(3) Research has demonstrated that aggression is primarily a learned behavior that develops through observation, imitation, and direct experience. Therefore, children who experience violence as victims or as witnesses are at increased risk of becoming violent themselves.

(4) In a study at a Boston city hospital, 1 out of every 10 children seen in the primary care clinic had witnessed a shooting or a stabbing before the age of 6, with 50 percent of the children witnessing in the home and 50 percent of the children witnessing in the streets.

(5) A study in New York found that children who had been victims of violence within their families were 24 percent more likely to report violent behavior as adolescents, and adolescents who had grown up in families where partner violence occurred were 21 percent more likely to report violent delinquency than individuals not exposed to violence.

(6) Aggression can become well-learned and difficult to change by the time a child reaches adolescence. Early childhood offers a critical period for overcoming risk for violent behavior and providing support for prosocial behavior.

(7) Violence prevention programs for very young children yield economic benefits. By providing health and stability to the individual child and the child's family, the programs may reduce expenditures for medical care, special education, and involvement with the judicial system.

(8) Primary prevention can be effective. When preschool teachers teach young children interpersonal problem-solving skills and other forms of conflict resolution, children are less likely to demonstrate problem behaviors.

(9) There is evidence that family support programs in families with children from birth through 5 years of age are effective in preventing delinquency.

SEC. 1304. DEFINITIONS.

In this title:

(1) AT-RISK CHILD.—The term ''at-risk child'' means a child who has been affected by violence through direct exposure to child abuse, other domestic violence, or violence in the community.

(2) EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.—The term ''early childhood education training program'' means a program that—

(A)(i) trains individuals to work with young children in early child development programs or elementary schools; or

(ii) provides professional development to individuals working in early child development programs or elementary schools;

(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider; and

(C) leads to a bachelor's degree or an associate's degree, a certificate for working with young children (such as a Child Development Associate's degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.

(3) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(4) VIOLENCE PREVENTION.—The term ''violence prevention'' means—

(A) preventing violent behavior in children;

(B) identifying and preventing violent behavior in at-risk children; or

(C) identifying and ameliorating violent behavior in children who act out violently.

SEC. 1305. PROGRAM AUTHORIZED.

(a) GRANT AUTHORITY.—The Secretary of Education is authorized to award grants to institutions that carry out early childhood education training programs and have applications approved under section 1306 to enable the institutions to provide violence prevention training as part of the early childhood education training program.

(b) AMOUNT.—The Secretary of Education shall award a grant under this title in an amount that is not less than $500,000 and not more than $1,000,000.

(c) DURATION.—The Secretary of Education shall award a grant under this title for a period of not less than 3 years and not more than 5 years.

SEC. 1306. APPLICATION.

(a) APPLICATION REQUIRED.—Each institution desiring a grant under this title shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary of Education may require.

(b) CONTENTS.—Each application shall—

(1) describe the violence prevention training activities and services for which assistance is sought;

(2) contain a comprehensive plan for the activities and services, including a description of—

(A) the goals of the violence prevention training program;

(B) the curriculum and training that will prepare students for careers which are described in the plan;

(C) the recruitment, retention, and training of students;

(D) the methods used to help students find employment in their fields;

(E) the methods for assessing the success of the violence prevention training program; and

(F) the sources of financial aid for qualified students;

(3) contain an assurance that the institution has the capacity to implement the plan; and

(4) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution in carrying out the plan.

SEC. 1307. SELECTION PRIORITIES.

The Secretary of Education shall give priority to awarding grants to institutions carrying out violence prevention programs that include 1 or more of the following components:

(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).

(2) Preparation to engage in community outreach or collaboration with other services in the community.

(3) Preparation to use conflict resolution training with children.

(4) Preparation to work in economically disadvantaged communities.

(5) Recruitment of economically disadvantaged students.

(6) Carrying out programs of demonstrated effectiveness in the type of training for which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of the fiscal years 2000 through 2004.

TITLE XIV—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

SEC. 1401. PURPOSE.

The purpose of this title is to support the work of community-based organizations, local educational agencies, and schools in providing children and youth with alternatives to delinquency through strong school-based and after school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $15,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out school-based programs under section 1403; and

(2) $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the after school programs under section 1404.

(b) SOURCE OF FUNDING.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

SEC. 1403. SCHOOL-BASED PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to schools, or local educational agencies that enter into a partnership with a school, to support the development of character education programs in the schools in order to—

(1) reduce delinquency, school discipline problems, and truancy; and

(2) improve student achievement, overall school performance, and youths' positive involvement in their community.

(b) APPLICATIONS.—Each school or local educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(1) CONTENTS.—Each application shall include—

(A) a description of the community to be served and the needs that will be met with the program in that community;

(B) a description of how the program will reach youth at-risk of delinquency;

(C) a description of the activities to be assisted, including—

(i) how parents, teachers, students, and other members of the community will be involved in the design and implementation of the program;

(ii) the character education program to be implemented, including methods of teacher training and parent education that will be used or developed; and

(iii) how the program will coordinate activities assisted under this section with other youth serving activities in the larger community;

(D) a description of the goals of the program;

(E) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(F) an assurance that the school or local educational agency will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 1404. AFTER SCHOOL PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to community-based organizations to enable the organizations to provide youth with alternative activities, in the after school or out of school hours, that include a strong character education component.

(b) ELIGIBLE COMMUNITY-BASED ORGANIZATIONS.—The Secretary only shall award a grant under this section to a community-based organization that has a demonstrated capacity to provide after school or out of school programs to youth, including youth serving organizations, businesses, and other community groups.

(c) APPLICATIONS.—Each community-based organization desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(1) a description of the community to be served and the needs that will be met with the program in that community;

(2) a description of how the program will identify and recruit at-risk youth for participation in the program, and will provide continuing support for their participation;

(3) a description of the activities to be assisted, including—

(A) how parents, students, and other members of the community will be involved in the design and implementation of the program;

(B) how character education will be incorporated into the program; and

(C) how the program will coordinate activities assisted under this section with activities of schools and other community-based organizations;

(4) a description of the goals of the program;

(5) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(6) an assurance that the community-based organization will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 1405. GENERAL PROVISIONS.

(a) DURATION.—Each grant under this title shall be awarded for a period of not to exceed 5 years.

(b) PLANNING.—A school, local educational agency or community-based organization may use grant funds provided under this title for not more than 1 year for the planning and design of the program to be assisted.

(c) SELECTION OF GRANTEES.—

(1) CRITERIA.—The Secretary, in consultation with the Attorney General, shall select, through a peer review process, community-based organizations, schools, and local educational agencies to receive grants under this title on the basis of the quality of the applications submitted and taking into consideration such factors as—

(A) the quality of the activities to be assisted;

(B) the extent to which the program fosters in youth the elements of character and reaches youth at-risk of delinquency;

(C) the quality of the plan for measuring and assessing the success of the program;

(D) the likelihood the goals of the program will be realistically achieved;

(E) the experience of the applicant in providing similar services; and

(F) the coordination of the program with larger community efforts in character education.

(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this title in a manner that ensures, to the extent practicable, that programs assisted under this title serve different areas of the United States, including urban, suburban and rural areas, and serve at-risk populations.

(d) USE OF FUNDS.—Grant funds under this title shall be used to support the work of community-based organizations, schools, or local educational agencies in providing children and youth with alternatives to delinquency through strong school-based, after school, or out of school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

(d) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this Act have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) CHARACTER EDUCATION.—The term ''character education'' means an organized educational program that works to reinforce core elements of character, including caring, civic virtue and citizenship, justice and fairness, respect, responsibility, and trustworthiness.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

TITLE XV—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Violent Offender DNA Identification Act of 1999''.

SEC. 1502. ELIMINATION OF CONVICTED OFFENDER DNA BACKLOG.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, and after consultation with representatives of State and local forensic laboratories, shall develop a voluntary plan to assist State and local forensic laboratories in performing DNA analyses of DNA samples collected from convicted offenders.

(2) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to effectively eliminate the backlog of convicted offender DNA samples awaiting analysis in State or local forensic laboratory storage, including samples that need to be reanalyzed using upgraded methods, in an efficient, expeditious manner that will provide for their entry into the Combined DNA Indexing System (CODIS).

(b) PLAN CONDITIONS.—The plan developed under subsection (a) shall—

(1) require that each laboratory performing DNA analyses satisfy quality assurance standards and utilize state-of-the-art testing methods, as set forth by the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice; and

(2) require that each DNA sample collected and analyzed be accessible only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) IMPLEMENTATION OF PLAN.—Subject to the availability of appropriations under subsection (d), the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, shall implement the plan developed pursuant to subsection (a) with State and local forensic laboratories that elect to participate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $15,000,000 for each of fiscal years 2000 and 2001.

SEC. 1503. DNA IDENTIFICATION OF FEDERAL, DISTRICT OF COLUMBIA, AND MILITARY VIOLENT OFFENDERS.

(a) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

''(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include information on DNA identification records and analyses related to criminal offenses and acts of juvenile delinquency under Federal law, the Uniform Code of Military Justice, and the District of Columbia Code, in accordance with section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(b) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1), by striking ''persons convicted of crimes'' and inserting ''individuals convicted of criminal offenses or adjudicated delinquent for acts of juvenile delinquency, including qualifying offenses (as defined in subsection (d)(1))'';

(2) in subsection (b)(2), by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''; and

(3) by adding at the end the following:

''(d) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT OFFENDERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'crime of violence' has the meaning given such term in section 924(c)(3) of title 18, United States Code; and

''(B) the term 'qualifying offense' means a criminal offense or act of juvenile delinquency included on the list established by the Director of the Federal Bureau of Investigation under paragraph (2)(A)(i).

''(2) REGULATIONS.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, and at the discretion of the Director thereafter, the Director of the Federal Bureau of Investigation, in consultation with the Director of the Bureau of Prisons, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), and the Chief of Police of the Metropolitan Police Department of the District of Columbia, shall by regulation establish—

''(i) a list of qualifying offenses; and

''(ii) standards and procedures for—

''(I) the analysis of DNA samples collected from individuals convicted of or adjudicated delinquent for a qualifying offense;

''(II) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in subclause (I); and

''(III) with respect to juveniles, the expungement of DNA identification records and DNA analyses described in subclause (II) from the index established by this section in any circumstance in which the underlying adjudication for the qualifying offense has been expunged.

''(B) OFFENSES INCLUDED.—The list established under subparagraph (A)(i) shall include—

''(i) each criminal offense or act of juvenile delinquency under Federal law that—

''(I) constitutes a crime of violence; or

''(II) in the case of an act of juvenile delinquency, would, if committed by an adult, constitute a crime of violence;

''(ii) each criminal offense under the District of Columbia Code that constitutes a crime of violence; and

''(iii) any other felony offense under Federal law or the District of Columbia Code, as determined by the Director of the Federal Bureau of Investigation.

''(3) FEDERAL OFFENDERS.—

''(A) COLLECTION OF SAMPLES FROM FEDERAL PRISONERS.—

''(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who, before or after this subsection takes effect, has been convicted of or adjudicated delinquent for a qualifying offense.

''(ii) TIME AND MANNER.—The Director of the Bureau of Prisons shall specify the time and manner of collection of DNA samples under this subparagraph.

''(B) COLLECTION OF SAMPLES FROM FEDERAL OFFENDERS ON SUPERVISED RELEASE, PAROLE, OR PROBATION.—

''(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the agency responsible for the supervision under Federal law of an individual on supervised release, parole, or probation (other than an individual described in paragraph (4)(B)(i)) shall collect a DNA sample from each individual who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

''(ii) TIME AND MANNER.—The Director of the Administrative Office of the United States Courts shall specify the time and manner of collection of DNA samples under this subparagraph.

''(4) DISTRICT OF COLUMBIA OFFENDERS.—

''(A) OFFENDERS IN CUSTODY OF DISTRICT OF COLUMBIA.—

''(i) IN GENERAL.—The Government of the District of Columbia may—

''(I) identify 1 or more categories of individuals who are in the custody of, or under supervision by, the District of Columbia, from whom DNA samples should be collected; and

''(II) collect a DNA sample from each individual in any category identified under clause (i).

''(ii) DEFINITION.—In this subparagraph, the term 'individuals in the custody of, or under supervision by, the District of Columbia'—

''(I) includes any individual in the custody of, or under supervision by, any agency of the Government of the District of Columbia; and

''(II) does not include an individual who is under the supervision of the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997.

''(B) OFFENDERS ON SUPERVISED RELEASE, PROBATION, OR PAROLE.—

''(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Court Services and Offender Supervision Agency for the District of Columbia, or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997, as appropriate, shall collect a DNA sample from each individual under the supervision of the Agency or Trustee, respectively, who is on supervised release, parole, or probation and who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

''(ii) TIME AND MANNER.—The Director or the Trustee, as appropriate, shall specify the time and manner of collection of DNA samples under this subparagraph.

''(5) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, a person or agency responsible for the collection of DNA samples under this subsection may—

''(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected such a sample from the individual under this subsection or subsection (e); and

''(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

''(e) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT MILITARY OFFENDERS.—

''(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the Secretary of Defense shall prescribe regulations that—

''(A) specify categories of conduct punishable under the Uniform Code of Military Justice (referred to in this subsection as 'qualifying military offenses') that are comparable to qualifying offenses (as defined in subsection (d)(1)); and

''(B) set forth standards and procedures for—

''(i) the analysis of DNA samples collected from individuals convicted of a qualifying military offense; and

''(ii) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in clause (i).

''(2) COLLECTION OF SAMPLES.—

''(A) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Secretary of Defense shall collect a DNA sample from each individual under the jurisdiction of the Secretary of a military department who has, before or after this subsection takes effect, been convicted of a qualifying military offense.

''(B) TIME AND MANNER.—The Secretary of Defense shall specify the time and manner of collection of DNA samples under this paragraph.

''(3) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, the Secretary of Defense may—

''(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected or will collect such a sample from the individual under subsection (d); and

''(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

''(f) CRIMINAL PENALTY.—

''(1) IN GENERAL.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (d) who fails to cooperate in the collection of that sample shall be—

''(A) guilty of a class A misdemeanor; and

''(B) punished in accordance with title 18, United States Code.

''(2) MILITARY OFFENDERS.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (e) who fails to cooperate in the collection of that sample may be punished as a court martial may direct as a violation of the Uniform Code of Military Justice.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(1) to the Department of Justice to carry out subsection (d) of this section (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such subsection, as determined by the Attorney General) and section 3(d) of the Violent Offender DNA Identification Act of 1999—

''(A) $6,600,000 for fiscal year 2000; and

''(B) such sums as may be necessary for each of fiscal years 2001 through 2004;

''(2) to the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), such sums as may be necessary for each of fiscal years 2000 through 2004; and

''(3) to the Department of Defense to carry out subsection (e)—

''(A) $600,000 for fiscal year 2000; and

''(B) $300,000 for each of fiscal years 2001 through 2004.''.

(c) CONDITIONS OF RELEASE.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (7), by striking ''and'' at the end;

(B) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (8) the following:

''(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(2) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before ''The court shall also order'' the following: ''The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(3) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release pursuant to a conviction or adjudication of delinquency under the law of any jurisdiction (including an individual on parole pursuant to chapter 311 of title 18, United States Code, as in effect on October 30, 1997) is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and the sample has not otherwise been collected, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

(d) REPORT AND EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs of the Department of Justice and the Director of the Federal Bureau of Investigation, shall—

(1) conduct an evaluation to—

(A) identify criminal offenses, including offenses other than qualifying offenses (as defined in section 210304(d)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(d)(1)), as added by this section) that, if serving as a basis for the mandatory collection of a DNA sample under section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) or under State law, are likely to yield DNA matches, and the relative degree of such likelihood with respect to each such offense; and

(B) determine the number of investigations aided (including the number of suspects cleared), and the rates of prosecution and conviction of suspects identified through DNA matching; and

(2) submit to Congress a report describing the results of the evaluation under paragraph (1).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''.

(2) DNA IDENTIFICATION GRANTS.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk–2(3)) is amended by striking '', at regular intervals not exceeding 180 days,'' and inserting ''semiannual''.

(3) FEDERAL BUREAU OF INVESTIGATION.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''.

TITLE XVI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1601. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting ''(A)'' after ''(20)'';

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

''(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile

delinquency' means an adjudication of delinquency in Federal or State court, based on 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 or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3) shall not apply to this subparagraph).''; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking ''What constitutes'' and all that follows through ''this chapter,'' and inserting the following:

''(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,''.

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) has committed an act of violent juvenile delinquency.''; and

(2) in subsection (g)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) who has committed an act of violent juvenile delinquency,''.

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

SEC. 1602. SAFE STUDENTS.

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

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

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

(d) APPLICATION REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

(B) crisis preparedness and intervention procedures; and

(C) emergency response;

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

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

(4) comprehensive school security assessments;

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

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

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

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

(9) community policing in and around schools.

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

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

SEC. 1603. STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry, with respect to children.

(b) ISSUES EXAMINED.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to juveniles, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

SEC. 1604. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term ''Internet service provider'' means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

SEC. 1605. APPLICATION OF SECTION 923 (j) AND (m).

Notwithstanding any other provision of this Act, section 923 of title 18, United States Code, as amended by this Act, shall be applied by amending in subsections (j) and (m) the following:

(1) In subsection (j) amend—

(A) paragraph (2) (A), (B) and (C) to read as follows:

''(A) IN GENERAL.—A temporary location referred to in paragraph (1) is a location for a gun show, or event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

''(B) LOCATIONS OUT OF STATE.—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (7) of this subsection.

''(C) QUALIFIED GUN SHOWS OR EVENTS.—A gun show or an event shall qualify as a temporary location if—

''(i) the gun show or event is one which is sponsored, for profit or not, by an individual,

national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

''(ii) the gun show or event has—

''(I) 20 percent or more firearm exhibitors out of all exhibitors; or

''(II) 10 or more firearms exhibitors.''.

(B) paragraph (3)(C) to read as follows:

''(C) shall be retained at the premises specified on the license.''; and

(C) paragraph (7) to read as follows:

''(7) NO EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of the Firearms Owners' Protection Act, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.''.

(2) In subsection (m), amend—

(A) paragraph (2)(E)(i) to read as follows:

''(i) IN GENERAL.—A person not licensed under this section who desires to transfer a firearm at a gun show in his State of residence to another person who is a resident of the same State, and not licensed under this section, shall only make such a transfer through a licensee who can conduct an instant background check at the gun show, or directly to the prospective transferee if an instant background check is first conducted by a special registrant at the gun show on the prospective transferee. For any instant background check conducted at a gun show, the time period stated in section 922(t)(1)(B)(ii) of this chapter shall be 24 hours in a calendar day since the licensee contacted the system. If the services of a special registrant are used to determine the firearms eligibility of the prospective transferee to possesses a firearm, the transferee shall provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

''(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

''(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C).''; and

(B) paragraph (4) to read as follows:

''(4) IMMUNITY.—

''(A) DEFINITION.—In this paragraph:

''(i) IN GENERAL.—The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

''(ii) EXCLUSIONS.—The term 'qualified civil liability action' shall not include an action—

''(I) brought against a transferor convicted under section 924(h), or a comparable State felony law, by a person directly harmed by the transferee's criminal conduct, as defined in section 924(h); or

''(II) brought against a transferor for negligent entrustment or negligence per se.

''(B) IMMUNITY.—Notwithstanding any other provision of law, a person who is—

''(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

''(ii) a licensee or special licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

''(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii);

shall be entitled to immunity from civil liability action as described in subparagraphs (C) and (D).

''(C) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court.

''(D) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.''.

SEC. 1606. 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 that is placed on the campus of a public school in order to honor the memory of any person slain on that campus a part of which includes religious symbols, motifs, or sayings 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 fees and costs, notwithstanding any other provision of law, and

(2) the Attorney General of the United States is authorized to provide legal assistance to the school district or other governmental entity that is defending the legality of such memorial service.

SEC. 1607. TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) SHIPMENT OF INTOXICATING LIQUOR INTO STATE IN VIOLATION OF STATE LAW.—The Act entitled ''An Act divesting intoxicating liquors of their interstate character in certain cases'', approved March 1, 1913 (commonly known as the ''Webb-Kenyon Act'') (27 U.S.C. 122) is amended by adding at the end the following:

''SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

''(a) DEFINITIONS.—In this section—

''(1) the term 'attorney general' means the attorney general or other chief law enforcement officer of a State, or the designee thereof;

''(2) the term 'intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

''(3) the term 'person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

''(4) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general of a State has reasonable cause to believe that a person is engaged in, is about to engage in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction or other order) against the person, as the attorney general determines to be necessary to—

''(1) restrain the person from engaging, or continuing to engage, in the violation; and

''(2) enforce compliance with the State law.

''(c) FEDERAL JURISDICTION.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section.

''(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code.

''(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

''(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court shall issue a preliminary or permanent injunction or other order without requiring the posting of a bond.

''(2) NOTICE.—No preliminary or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party.

''(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

''(A) set forth the reasons for the issuance of the order;

''(B) be specific in terms;

''(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

''(D) be binding only upon—

''(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

''(ii) persons in active cooperation or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

''(e) CONSOLIDATION OF HEARING WITH TRIAL ON MERITS.—

''(1) IN GENERAL.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application.

''(2) ADMISSIBILITY OF EVIDENCE.—If the court does not order the consolidation of a trial on the merits with a hearing on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order that would be admissible at the trial on the merits shall become part of the record of the trial and shall not be required to be received again at the trial.

''(f) NO RIGHT TO TRIAL BY JURY.—An action brought under this section shall be tried before the court.

''(g) ADDITIONAL REMEDIES.—

''(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

''(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.''.

SEC. 1608. INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.

Chapter 59 of title 18, United States Code, is amended—

(1) in section 1263—

(A) by inserting ''a label on the shipping container that clearly and prominently identifies the contents as alcoholic beverages, and a'' after ''accompanied by''; and

(B) by inserting ''and requiring upon delivery the signature of a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made,'' after ''contained therein,''; and

(2) in section 1264, by inserting ''or to any person other than a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made,'' after ''consignee,''.

SEC. 1609. DISCLAIMER ON MATERIALS PRODUCED, PROCURED OR DISTRIBUTED FROM FUNDING AUTHORIZED BY THIS ACT.

(a) All materials produced, procured, or distributed, in whole or in part, as a result of Federal funding authorized under this Act for expenditure by Federal, State or local governmental recipients or other nongovernmental entities shall have printed thereon the following language:

''This material has been printed, procured or distributed, in whole or in part, at the expense of the Federal Government. Any person who objects to the accuracy of the material, to the completeness of the material, or to the representations made within the material, including objections related to this material's characterization of religious beliefs, are encouraged to direct their comments to the office of the Attorney General of the United States.''.

(b) All materials produced, procured, or distributed using funds authorized under this Act shall have printed thereon, in addition to the language contained in paragraph (a), a complete address for an office designated by the Attorney General to receive comments from members of the public.

(c) The office designated under paragraph (b) by the Attorney General to receive comments shall, every six months, prepare an accurate summary of all comments received by the office. This summary shall include details about the number of comments received and the specific nature of the concerns raised within the comments, and shall be provided to the Chairmen of the Senate and House Judiciary Committees, the Senate and House Education Committees, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives. Further, the comments received shall be retained by the office and shall be made available to any member of the general public upon request.

SEC. 1610. 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.

SEC. 1611. DRUG TESTS AND LOCKER INSPECTIONS.

(a) SHORT TITLE.—This section may be cited as the ''School Violence Prevention Act''.

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

''(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and''.

SEC. 1612. WAIVER FOR LOCAL MATCH REQUIREMENT UNDER COMMUNITY POLICING PROGRAM.

Section 1701(i) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding at the end of the first sentence the following:

''The Attorney General shall waive the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity that hires law enforcement officers for placement in public schools by a jurisdiction that demonstrates financial need or hardship.''.

SEC. 1613. CARJACKING OFFENSES.

Section 2119 of title 18, United States Code, is amended by striking '', with the intent to cause death or serious bodily harm''.

SEC. 1614. SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME.

Section 3681 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) FORFEITURE OF PROCEEDS.—Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense described in paragraph (2), and after notice to any interested party, the court shall order the defendant to forfeit all or any part of proceeds received or to be received by the defendant, or a transferee of the defendant, from a contract relating to the transfer of a right or interest of the defendant in any property described in paragraph (3), if the court determines that—

''(A) the interests of justice or an order of restitution under this title so require;

''(B) the proceeds (or part thereof) to be forfeited reflect the enhanced value of the property attributable to the offense; and

''(C) with respect to a defendant convicted of an offense against a State—

''(i) the property at issue, or the proceeds to be forfeited, have travelled in interstate or foreign commerce or were derived through the use of an instrumentality of interstate or foreign commerce; and

''(ii) the attorney general of the State has declined to initiate a forfeiture action with respect to the proceeds to be forfeited.

''(2) OFFENSES DESCRIBED.—An offense is described in this paragraph if it is—

''(A) an offense under section 794 of this title;

''(B) a felony offense against the United States or any State; or

''(C) a misdemeanor offense against the United States or any State resulting in physical harm to any individual.

''(3) PROPERTY DESCRIBED.—Property is described in this paragraph if it is any property, tangible or intangible, including any—

''(A) evidence of the offense;

''(B) instrument of the offense, including any vehicle used in the commission of the offense;

''(C) real estate where the offense was committed;

''(D) document relating to the offense;

''(E) photograph or audio or video recording relating to the offense;

''(F) clothing, jewelry, furniture, or other personal property relating to the offense;

''(G) movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind depicting the offense or otherwise relating to the offense;

''(H) expression of the thoughts, opinions, or emotions of the defendant regarding the offense; or

''(I) other property relating to the offense.''.

SEC. 1615. CALLER IDENTIFICATION SERVICES TO ELEMENTARY AND SECONDARY SCHOOLS AS PART OF UNIVERSAL SERVICE OBLIGATION.

(a) CLARIFICATION.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by inserting after ''under subsection (c)(3),'' the following: ''including caller identification services with respect to elementary and secondary schools,''.

(b) OUTREACH.—The Federal Communications Commission shall take appropriate actions to notify elementary and secondary schools throughout the United States of—

(1) the availability of caller identification services as part of the services that are within the definition of universal service under section 254(h)(1)(B) of the Communications Act of 1934; and

(2) the procedures to be used by such schools in applying for such services under that section.

SEC. 1616. PARENT LEADERSHIP MODEL.

(a) IN GENERAL.—The Administrator of the Office of Juvenile Crime Control and Prevention is authorized to make a grant to a national organization to provide training, technical assistance, best practice strategies, program materials and other necessary support for a mutual support, parental leadership model proven to prevent child abuse and juvenile delinquency.

(b) AUTHORIZATION.—There are authorized to be appropriated out of the Violent Crime Trust Fund, $3,000,000.

SEC. 1617. NATIONAL MEDIA CAMPAIGN AGAINST VIOLENCE.

There is authorized to be appropriated to the National Crime Prevention Council not to exceed $25,000,000, to be expended without fiscal-year limitation, for a 2-year national media campaign, to be conducted in consultation with national, statewide or community based youth organizations, Boys and Girls Clubs of America, and to be targeted to parents (and other caregivers) and to youth, to reduce and prevent violent criminal behavior by young Americans: Provided, That none of such funds may be used—(1) to propose, influence, favor, or oppose any change in any statute, rule, regulation, treaty, or other provision of law; (2) for any partisan political purpose; (3) to feature any elected officials, persons seeking elected office, cabinet-level officials, or Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213; or (4) in any way that otherwise would violate section 1913 of title 18 of the United States Code: Provided further, That, for purposes hereof, ''violent criminal behavior by young Americans'' means behavior, by minors residing in the United States (or in any jurisdiction under the sovereign jurisdiction thereof), that both is illegal under Federal, State, or local law, and involves acts or threats of physical violence, physical injury, or physical harm: Provided further, That not to exceed 10 percent of the funds appropriated pursuant to this authorization shall be used to commission an objective accounting, from a licensed and certified public accountant, using generally-accepted accounting principles, of the funds appropriated pursuant to this authorization and of any other funds or in-kind donations spent or used in the campaign, and an objective evaluation both of the impact and cost-effectiveness of the campaign and of the campaign-related activities of the Council and the Clubs, which accounting and evaluation shall be submitted by the Council to the Committees on Appropriations and the Judiciary of each House of Congress by not later than 9 months after the conclusion of the campaign.

SEC. 1618. VICTIMS OF TERRORISM.

(a) IN GENERAL.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended to read as follows:

''SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

''(a) DEFINITIONS.—In this section—

''(1) the term 'eligible crime victim compensation program' means a program that meets the requirements of section 1402(b);

''(2) the term 'eligible crime victim assistance program' means a program that meets the requirements of section 1404(b);

''(3) the term 'public agency' includes any Federal, State, or local government or nonprofit organization; and

''(4) the term 'victim'—

''(A) means an individual who is citizen or employee of the United States, and who is injured or killed as a result of a terrorist act or mass violence, whether occurring within or outside the United States; and

''(B) includes, in the case of an individual described in subparagraph (A) who is deceased, the family members of the individual.

''(b) GRANTS AUTHORIZED.—The Director may make grants, as provided in either section 1402(d)(4)(B) or 1404—

''(1) to States, which shall be used for eligible crime victim compensation programs and eligible crime victim assistance programs for the benefit of victims; and

''(2) to victim service organizations, and public agencies that provide emergency or ongoing assistance to victims of crime, which shall be used to provide, for the benefit of victims—

''(A) emergency relief (including compensation, assistance, and crisis response) and other related victim services; and

''(B) training and technical assistance for victim service providers.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supplant any compensation available under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.''.

(b) APPLICABILITY.—The amendment made by this section applies to any terrorist act or mass violence occurring on or after December 20, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

SEC. 1619. TRUTH-IN-SENTENCING INCENTIVE GRANTS.

(a) QUALIFICATION DATE.—Section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)(3)) is amended by striking ''on April 26, 1996'' and inserting ''on or after April 26, 1996.''

(b) MINIMUM AMOUNT.—Section 20106 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706) is amended by striking subsection (b) and inserting the following:

''(b) FORMULA ALLOCATION.—The amount made available to carry out this section for any fiscal year under section 20104 shall be allocated as follows:

''(1) .75 percent shall be allocated to each State that meets the requirements of section 20104, except that the United States Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent; and

''(2) The amount remaining after the application of paragraph (1) shall be allocated to each State that meets the requirements of section 20104 in the ratio that the average annual number of part 1 violent crimes reported by that State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 20104 to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.''.

SEC. 1620. APPLICATION OF PROVISION RELATING TO A SENTENCE OF DEATH FOR AN ACT OF ANIMAL ENTERPRISE TERRORISM.

Section 3591 of title 18, United States Code (relating to circumstances under which a defendant may be sentenced to death), shall apply to sentencing for a violation of section 43 of title 18, United States Code, as amended by this Act to include the death penalty as a possible punishment.

SEC. 1621. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

''(1) is less than 21 years of age;

''(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or has been committed to any mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship;

''(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

''(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (i) and inserting the following:

''(i) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

''(1) is less than 21 years of age;

''(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship; or

''(9) is subject to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

''(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

''(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

''(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

''(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

''(2) EXCEPTIONS.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

''(A) admitted to the United States for lawful hunting or sporting purposes;

''(B) a foreign military personnel on official assignment to the United States;

''(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

''(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

''(3) WAIVER.—

''(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

''(ii) the Attorney General approves the petition.

''(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.''.

SEC. 1622. 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.

SEC. 1623. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

SEC. 1624. SENSE OF THE SENATE REGARDING MENTORING PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) the well-being of all people of the United States is preserved and enhanced when young people are given the guidance they need to live healthy and productive lives;

(2) adult mentors can play an important role in ensuring that young people become healthy, productive, successful members of society;

(3) at-risk young people with mentors are 46 percent less likely to begin using illegal drugs than at-risk young people without mentors;

(4) at-risk young people with mentors are 27 percent less likely to begin using alcohol than at-risk young people without mentors;

(5) at-risk young people with mentors are 53 percent less likely to skip school than at-risk young people without mentors;

(6) at-risk young people with mentors are 33 percent less likely to hit someone than at-risk young people without mentors;

(7) 73 percent of students with mentors report that their mentors helped raise their goals and expectations; and

(8) there are many employees of the Federal Government who would like to serve as youth or family mentors but are unable to leave their jobs to participate in mentoring programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should issue an Executive Order allowing all employees of the Federal Government to use a maximum of 1 hour each week of excused absence or administrative leave to serve as mentors in youth or family mentoring programs.

SEC. 1625. FAMILIES AND SCHOOLS TOGETHER PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Juvenile Justice and Delinquency in the Department of Justice.

(2) FAST PROGRAM.—The term ''FAST program'' means a program that addresses the urgent social problems of youth violence and chronic juvenile delinquency by building and enhancing juveniles' relationships with their families, peers, teachers, school staff, and other

members of the community by bringing together parents, schools, and communities to help—

(A) at-risk children identified by their teachers to succeed;

(B) enhance the functioning of families with at-risk children;

(C) prevent alcohol and other drug abuse in the family; and

(D) reduce the stress that their families experience from daily life.

(b) AUTHORIZATION.—In consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services, the Administrator shall carry out a Family and Schools Together program to promote FAST programs.

(c) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services shall develop regulations governing the distribution of the funds for FAST programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $9,000,000 for each of the fiscal years 2000 through 2004.

(2) ALLOCATION.—Of amounts appropriated under paragraph (1)—

(A) 83.33 percent shall be available for the implementation of local FAST programs; and

(B) 16.67 percent shall be available for research and evaluation of FAST programs.

SEC. 1626. AMENDMENTS RELATING TO VIOLENT CRIME IN INDIAN COUNTRY AND AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

(a) ASSAULTS WITH MARITIME AND TERRITORIAL JURISDICTION.—Section 113(a)(3) of title 18, United States Code, is amended by striking ''with intent to do bodily harm, and''.

(b) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''an offense for which the maximum statutory term of imprisonment under section 1363 is greater than 5 years,'' after ''a felony under chapter 109A,''; and

(2) by adding at the end the following:

''(c) Nothing in this section shall limit the inherent power of an Indian tribe to exercise criminal jurisdiction over any Indian with respect to any offense committed within Indian country, subject to the limitations on punishment under section 202(7) of the Civil Rights Act of 1968 (25 U.S.C. 1302(7)).''.

(c) RACKETEERING ACTIVITY.—Section 1961(1)(A) of title 18, United States Code, is amended by inserting ''(or would have been so chargeable except that the act or threat was committed in Indian country, as defined in section 1151, or in any other area of exclusive Federal jurisdiction)'' after ''chargeable under State law''.

(d) MANSLAUGHTER WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES.—Section 1112(b) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''20 years''.

(e) EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—The second undesignated paragraph of section 1163 of title 18, United States Code, is amended by striking ''so embezzled,'' and inserting ''embezzled,''.

SEC. 1627. FEDERAL JUDICIARY PROTECTION ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the ''Federal Judiciary Protection Act of 1999''.

(b) ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''three'' and inserting ''8''; and

(2) in subsection (b), by striking ''ten'' and inserting ''20''.

(c) INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.—Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking ''five'' and inserting ''10''; and

(2) by striking ''three'' and inserting ''6''.

(d) MAILING THREATENING COMMUNICATIONS.—Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''; and

(3) in subsection (d), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''.

(e) AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(2) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in paragraph (1)—

(A) any expression of congressional intent regarding the appropriate penalties for the offense;

(B) the range of conduct covered by the offense;

(C) the existing sentences for the offense;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(E) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factors that the Commission considers to be appropriate.

SEC. 1628. LOCAL ENFORCEMENT OF LOCAL ALCOHOL PROHIBITIONS THAT REDUCE JUVENILE CRIME IN REMOTE ALASKA VILLAGES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds the following:

(1) Villages in remote areas of Alaska lack local law enforcement due to the absence of a tax base to support such services and to small populations that do not secure sufficient funds under existing State and Federal grant program formulas.

(2) State troopers are often unable to respond to reports of violence in remote villages if there is inclement weather, and often only respond in reported felony cases.

(3) Studies conclude that alcohol consumption is strongly linked to the commission of violent crimes in remote Alaska villages and that youth are particularly susceptible to developing chronic criminal behaviors associated with alcohol in the absence of early intervention.

(4) Many remote villages have sought to limit the introduction of alcohol into their communities as a means of early intervention and to reduce criminal conduct among juveniles.

(5) In many remote villages, there is no person with the authority to enforce these local alcohol restrictions in a manner consistent with judicical standards of due process required under the State and Federal constitutions.

(6) Remote Alaska villages are experiencing a marked increase in births and the number of juveniles residing in villages is expected to increase dramatically in the next 5 years.

(7) Adoption of alcohol prohibitions by voters in remote villages represents a community-based effort to reduce juvenile crime, but this local policy choice requires local law enforcement to be effective.

(b) GRANT OF FEDERAL FUNDS.—(1) The Attorney General is authorized to provide to the State of Alaska funds for State law enforcement, judicial infrastructure and other costs necessary in remote villages to implement the prohibitions on the sale, importation and possession of alcohol adopted pursuant to State local option statutes.

(2) Funds provided to the State of Alaska under this section shall be in addition to and shall not disqualify the State, local governments, or Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93–638, as amended; 25 U.S.C. 450b(e) (1998)) from Federal funds available under other authority.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $15,000,000 for fiscal year 2000;

(B) $17,000,000 for fiscal year 2001;

(C) $18,000,000 for fiscal year 2002.

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated under this subsection may be derived from the Violent Crime Reduction Trust Fund.

SEC. 1629. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to create, expand or diminish or in any way affect the jurisdiction of an Indian tribe in the State of Alaska.

SEC. 1630. BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) bounty hunters, also known as bail enforcement officers or recovery agents, provide law enforcement officers and the courts with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bounty hunters;

(3) the availability of bail as an alternative to the pretrial detention or unsecured release of criminal defendants is important to the effective functioning of the criminal justice system;

(4) the safe and timely return to custody of fugitives who violate bail contracts is an important matter of public safety, as is the return of any other fugitive from justice;

(5) bail bond agents are widely regulated by the States, whereas bounty hunters are largely unregulated;

(6) the public safety requires the employment of qualified, well-trained bounty hunters; and

(7) in the course of their duties, bounty hunters often move in and affect interstate commerce.

(b) DEFINITIONS.—In this section—

(1) the term ''bail bond agent'' means any retail seller of a bond to secure the release of a criminal defendant pending judicial proceedings, unless such person also is self-employed to obtain the recovery of any fugitive from justice who has been released on bail;

(2) the term ''bounty hunter''—

(A) means any person whose services are engaged, either as an independent contractor or as an employee of a bounty hunter employer, to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer acting under color of law;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions;

(iv) person while engaged in the performance of official duties as a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code); or

(v) bail bond agent;

(3) the term ''bounty hunter employer''—

(A) means any person that—

(i) employs 1 or more bounty hunters; or

(ii) provides, as an independent contractor, for consideration, the services of 1 or more bounty hunters (which may include the services of that person); and

(B) does not include any bail bond agent; and

(4) the term ''law enforcement officer'' means a public officer or employee authorized under applicable Federal or State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public officer or employee engaged in corrections, parole, or probation functions, or the recovery of any fugitive from justice.

(c) MODEL GUIDELINES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall develop model guidelines for the State control and regulation of persons employed or applying for employment as bounty hunters. In developing such guidelines, the Attorney General shall consult with organizations representing—

(A) State and local law enforcement officers;

(B) State and local prosecutors;

(C) the criminal defense bar;

(D) bail bond agents;

(E) bounty hunters; and

(F) corporate sureties.

(2) RECOMMENDATIONS.—The guidelines developed under paragraph (1) shall include recommendations of the Attorney General regarding whether—

(A) a person seeking employment as a bounty hunter should—

(i) be required to submit to a fingerprint-based criminal background check prior to entering into the performance of duties pursuant to employment as a bounty hunter; or

(ii) not be allowed to obtain such employment if that person has been convicted of a felony offense under Federal or State law;

(B) bounty hunters and bounty hunter employers should be required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bounty hunter; and

(C) State laws should provide—

(i) for the prohibition on bounty hunters entering any private dwelling, unless the bounty hunter first knocks on the front door and announces the presence of 1 or more bounty hunters; and

(ii) the official recognition of bounty hunters from other States.

(3) EFFECT ON BAIL.—The guidelines published under paragraph (1) shall include an analysis of the estimated effect, if any, of the adoption of the guidelines by the States on—

(A) the cost and availability of bail; and

(B) the bail bond agent industry.

(4) NO REGULATORY AUTHORITY.—Nothing in this subsection may be construed to authorize the promulgation of any Federal regulation relating to bounty hunters, bounty hunter employers, or bail bond agents.

(5) PUBLICATION OF GUIDELINES.—The Attorney General shall publish model guidelines developed pursuant to paragraph (1) in the Federal Register.

SEC. 1631. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) IN GENERAL.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than $1,950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

''(vi) $282,625,000 for fiscal year 2000.''; and

(2) in subparagraph (B) by inserting after ''(B)'' the following: ''Of amounts made available to carry out part Q in each fiscal year $14,625,000 shall be used to carry out section 1701(d)(12).''.

SEC. 1632. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings—

(1) The Nation's highest priority should be to ensure that children begin school ready to learn.

(2) New scientific research shows that the electrical activity of brain cells actually changes the physical structure of the brain itself and that without a stimulating environment, a baby's brain will suffer. At birth, a baby's brain contains 100,000,000,000 neurons, roughly as many nerve cells as there are stars in the Milky Way, but the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains that are 20 to 30 percent smaller than normal for their age.

(3) This scientific research also conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and the Nation.

(4) Since more than 50 percent of the mothers of children under the age of 3 now work outside of the home, society must change to provide new supports so young children receive the attention and care that they need.

(5) There are 12,000,000 children under the age of 3 in the United States today and 1 in 4 lives in poverty.

(6) Compared with most other industrialized countries, the United States has a higher infant mortality rate, a higher proportion of low-birth weight babies, and a smaller proportion of babies immunized against childhood diseases.

(7) National and local studies have found a strong link between—

(A) lack of early intervention for children; and

(B) increased violence and crime among youth.

(8) The United States will spend more than $35,000,000,000 over the next 5 years on Federal programs for at-risk or delinquent youth and child welfare programs, which address crisis situations that frequently could have been avoided or made much less severe through good early intervention for children.

(9) Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal funding for early childhood development collaboratives should be a priority in the Federal budget for fiscal year 2000 and subsequent fiscal years.

SEC. 1633. PROHIBITION ON PROMOTING VIOLENCE ON FEDERAL PROPERTY.

(a) GENERAL RULE.—A Federal department or agency that—

(1) considers a request from an individual or entity for the use of any property, facility, equipment, or personnel of the department or agency, or for any other cooperation from the department or agency, to film a motion picture or television production for commercial purposes; and

(2) makes a determination as to whether granting a request described in paragraph (1) is consistent with—

(A) United States policy;

(B) the mission or interest of the department or agency; or

(C) the public interest;

shall not grant such a request without considering whether such motion picture or television production glorifies or endorses wanton and gratuitous violence.

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) any bona fide newsreel or news television production; or

(2) any public service announcement.

SEC. 1634. PROVISIONS RELATING TO PAWN SHOPS AND SPECIAL LICENSEES.

(a) Notwithstanding any other provision of this Act, the repeal heretofore effected by paragraph (1) and the amendment heretofore effected by paragraph (2) of subsection (c) with the heading ''Provision Related to Pawn and Other Transactions'' of section 503 of title V with the heading ''General Firearm Provisions'' shall be null and void.

(b) Notwithstanding any other provision of this Act, section 923(m)(1), of title 18, United States Code, as heretofore provided, is amended by adding at the end the following subparagraph:

''(F) COMPLIANCE.—Except as to the State and local planning and zoning requirements for a licensed premises as provided in subparagraph (D), a special licensee shall be subject to all of the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check.''.

SEC. 1635. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other

prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) GUN SHOW.—The term 'gun show' means any event—

''(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) at which—

''(i) not less than 20 percent of the exhibitors are firearm exhibitors;

''(ii) there are not less than 10 firearm exhibitors; or

''(iii) 50 or more firearms are offered for sale, transfer, or exchange.

''(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

''(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Regulation of firearms transfers at gun shows

''(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

''(2) pays a registration fee, in an amount determined by the Secretary.

''(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

''(2) before commencement of the gun show, requires each gun show vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

''(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

''(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

''(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

''(2) record the transfer on a form specified by the Secretary;

''(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of such compliance; and

''(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

''(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(A) shall be on a form specified by the Secretary by regulation; and

''(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

''(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) prepared on a form specified by the Secretary; and

''(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

''(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(1) shall be in a form specified by the Secretary by regulation;

''(2) shall not include the name of or other identifying information relating to the transferee; and

''(3) shall not duplicate information provided in any report required under subsection (e)(4).

''(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

''(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

''(2) does not include the mere exhibition of a firearm.''.

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

''(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever willfully violates section 931(d), shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

''(E) In addition to any other penalties imposed under this paragraph, the Secretary may,

with respect to any person who knowingly violates any provision of section 931—

''(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

''931. Regulation of firearms transfers at gun shows.'';

and

(B) in the first sentence of section 923(j), by striking ''a gun show or event'' and inserting ''an event''; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

''(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.''.

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(B) by adding at the end the following:

''(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking ''and, at the time'' and all that follows through ''State law''.

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: '', as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer''.

(h) EFFECTIVE DATE.—This section (other than subsection (i)) and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

*(i) INAPPLICABILITY OF OTHER PROVISIONS.—Notwithstanding any other provision of this Act, the provisions of the title headed ''**GENERAL FIREARM PROVISIONS**'' (as added by the amendment of Mr. Craig number 332) and the provisions of the section headed ''**APPLICATION OF SECTION 923 (j) AND (m)**'' (as added by the amendment of Mr. Hatch number 344) shall be null and void.*

SEC. 1636. APPROPRIATE INTERVENTIONS AND SERVICES; CLARIFICATION OF FEDERAL LAW.

(a) APPROPRIATE INTERVENTIONS AND SERVICES.—School personnel shall ensure that immediate appropriate interventions and services, including mental health interventions and services, are provided to a child removed from school for any act of violence, including carrying or possessing a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency, in order to—

(1) to ensure that our Nation's schools and communities are safe; and

(2) maximize the likelihood that such child shall not engage in such behaviors, or such behaviors do not reoccur.

(b) CLARIFICATION OF FEDERAL LAW.—Nothing in Federal law shall be construed—

(1) to prohibit an agency from reporting a crime committed by a child, including a child with a disability, to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to a crime committed by a child, including a child with a disability.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to pay the costs of the interventions and services described in subsection (a) such sums as may be necessary for each of the fiscal years 2000 through 2004.

(2) DISTRIBUTION.—The Secretary of Education shall provide for the distribution of the funds made available under paragraph (1)—

(A) to States for a fiscal year in the same manner as the Secretary makes allotments to States under section 4011(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111(b)) for the fiscal year; and

(B) to local educational agencies for a fiscal year in the same manner as funds are distributed to local educational agencies under section 4113(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7113(d)(2)) for the fiscal year.

SEC. 1637. 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 replacing ''Gun-Free'' with ''Safe'', and ''1994'' with ''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 by replacing ''Definition'' with ''Definitions'' in the catchline, by replacing ''section'' in the matter under the catchline with ''part'', by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semicolon, and by adding new subparagraphs (B), (C), and (D) as follows:

''(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.

''(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 replacing ''served by'' with ''under the jurisdiction of'', and 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 by inserting ''current'' before ''policy'', by striking ''in effect on October 20, 1994'', by striking all the matter after ''schools'' and inserting a period thereafter, and 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''.

(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.

SEC. 1638. SCHOOL COUNSELING.

Section 10102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8002) is amended to read as follows:

''SEC. 10102. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING DEMONSTRATION.

''(a) COUNSELING DEMONSTRATION.—

''(1) IN GENERAL.—The Secretary may award grants under this section to local educational agencies to enable the local educational agencies to establish or expand elementary school counseling programs.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

''(A) demonstrate the greatest need for new or additional counseling services among the children in the schools served by the applicant;

''(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

''(C) show the greatest potential for replication and dissemination.

''(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall

ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

''(4) DURATION.—A grant under this section shall be awarded for a period not to exceed three years.

''(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application for a grant under this section shall—

''(A) describe the school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

''(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

''(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

''(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

''(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of school counselors, school psychologists, and school social workers;

''(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

''(G) describe how any diverse cultural populations, if applicable, would be served through the program;

''(H) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

''(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Grant funds under this section shall be used to initiate or expand school counseling programs that comply with the requirements in paragraph (2).

''(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

''(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

''(B) use a developmental, preventive approach to counseling;

''(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

''(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

''(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, or academic and career planning, or to improve social functioning;

''(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

''(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

''(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

''(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration;

''(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

''(K) ensure a team approach to school counseling by maintaining a ratio in the elementary schools of the local educational agency that does not exceed 1 school counselor to 250 students, 1 school social worker to 800 students, and 1 school psychologist to 1,000 students; and

''(L) ensure that school counselors, school psychologists, or school social workers paid from funds made available under this section spend at least 85 percent of their total worktime at the school in activities directly related to the counseling process and not more than 15 percent of such time on administrative tasks that are associated with the counseling program.

''(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 14701, but in no case later than January 30, 2003.

''(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

''(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

''(d) DEFINITIONS.—For purposes of this section—

''(1) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

''(A) possesses State licensure or certification granted by an independent professional regulatory authority;

''(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

''(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

''(2) the term 'school psychologist' means an individual who—

''(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

''(B) possesses State licensure or certification in the State in which the individual works; or

''(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board;

''(3) the term 'school social worker' means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

''(4) the term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 1639. 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) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

''(1) DEFINITIONS.—In 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) PROHIBITION.—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 at the end and inserting ''; and'';

(3) by adding at the end the following:

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

(4) in subsection (j), by striking ''and (i)'' and inserting ''(i), and (p)''.

Subtitle B—James Guelff Body Armor Act

SEC. 1641. SHORT TITLE.

This subtitle may be cited as the ''James Guelff Body Armor Act of 1999''.

SEC. 1642. FINDINGS.

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(4) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing 2 layers of body armor and a

1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(5) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;

(6) the Department of Justice has estimated that 25 percent of State and local police are not issued body armor;

(7) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

(8) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

SEC. 1643. DEFINITIONS.

In this subtitle:

(1) BODY ARMOR.—The term ''body armor'' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(2) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

SEC. 1644. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) SENTENCING ENHANCEMENT.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, increasing the offense level not less than 2 levels, for any offense in which the defendant used body armor.

(b) APPLICABILITY.—No amendment made to the Federal Sentencing Guidelines pursuant to this section shall apply if the Federal offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of any person by a law enforcement officer acting under color of the authority of such law enforcement officer.

SEC. 1645. PROHIBITION OF PURCHASE, USE, OR POSSESSION OF BODY ARMOR BY VIOLENT FELONS.

(a) DEFINITION OF BODY ARMOR.—Section 921 of title 18, United States Code, is amended by adding at the end the following:

''(35) The term 'body armor' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.''.

(b) PROHIBITION.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Prohibition on purchase, ownership, or possession of body armor by violent felons

''(a) IN GENERAL.—Except as provided in subsection (b), it shall be unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is—

''(1) a crime of violence (as defined in section 16); or

''(2) an offense under State law that would constitute a crime of violence under paragraph (1) if it occurred within the special maritime and territorial jurisdiction of the United States.

''(b) AFFIRMATIVE DEFENSE.—

''(1) IN GENERAL.—It shall be an affirmative defense under this section that—

''(A) the defendant obtained prior written certification from his or her employer that the defendant's purchase, use, or possession of body armor was necessary for the safe performance of lawful business activity; and

''(B) the use and possession by the defendant were limited to the course of such performance.

''(2) EMPLOYER.—In this subsection, the term 'employer' means any other individual employed by the defendant's business that supervises defendant's activity. If that defendant has no supervisor, prior written certification is acceptable from any other employee of the business.''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''931. Prohibition on purchase, ownership, or possession of body armor by violent felons.''.

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

''(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both.''.

SEC. 1646. DONATION OF FEDERAL SURPLUS BODY ARMOR TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) DEFINITIONS.—In this section, the terms ''Federal agency'' and ''surplus property'' have the meanings given such terms under section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(b) DONATION OF BODY ARMOR.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate body armor directly to any State or local law enforcement agency, if such body armor is—

(1) in serviceable condition; and

(2) surplus property.

(c) NOTICE TO ADMINISTRATOR.—The head of a Federal agency who donates body armor under this section shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(d) DONATION BY CERTAIN OFFICERS.—

(1) DEPARTMENT OF JUSTICE.—In the administration of this section with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(A) The Administrator of the Drug Enforcement Administration.

(B) The Director of the Federal Bureau of Investigation.

(C) The Commissioner of the Immigration and Naturalization Service.

(D) The Director of the United States Marshals Service.

(2) DEPARTMENT OF THE TREASURY.—In the administration of this section with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(B) The Commissioner of Customs.

(C) The Director of the United States Secret Service.

SEC. 1647. ADDITIONAL FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet resistant equipment;

(3) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply despite a decrease in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''.

(b) PURPOSE.—The purpose of this chapter is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet resistant equipment and video cameras.

SEC. 1648. MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT AND FOR VIDEO CAMERAS.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll et seq.) is amended—

(1) by striking the part designation and part heading and inserting the following:

''PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT

''Subpart A—Grant Program For Armor Vests'';

(2) by striking ''this part'' each place it appears and inserting ''this subpart''; and

(3) by adding at the end the following:

''Subpart B—Grant Program For Bullet Resistant Equipment

''SEC. 2511. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for bullet resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.10 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

''SEC. 2512. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 104–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

''SEC. 2513. DEFINITIONS.

''In this subpart—

''(1) the term 'equipment' means windshield glass, car panels, shields, and protective gear;

''(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

''(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

''Subpart C—Grant Program For Video Cameras

''SEC. 2521. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.10 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

''SEC. 2522. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

''SEC. 2523. DEFINITIONS.

''In this subpart—

''(1) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

''(2) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders;

''(3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

''(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

''(23) There are authorized to be appropriated to carry out part Y—

''(A) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart A of that part;

''(B) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part; and

''(C) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart C of that part.''.

(c) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by striking the item relating to the part heading of part Y and inserting the following:

''PART Y—MATCHING GRANTS PROGRAMS FOR LAW ENFORCEMENT

''SUBPART A—GRANT PROGRAM FOR ARMOR VESTS''; AND

(2) by adding at the end of the matter relating to part Y the following:

''SUBPART B—GRANT PROGRAM FOR BULLET RESISTANT EQUIPMENT

''2511. Program authorized.

SEC. 1649. SENSE OF CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under subpart B or C of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this chapter, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 1650. TECHNOLOGY DEVELOPMENT.

Section 202 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

''(e) BULLET RESISTANT TECHNOLOGY DEVELOPMENT.—

''(1) IN GENERAL.—The Institute is authorized to—

''(A) conduct research and otherwise work to develop new bullet resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

''(B) inventory bullet resistant technologies used in the private sector, in surplus military property, and by foreign countries;

''(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

''(2) PRIORITY.—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with High Intensity Drug Trafficking Areas.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years 2000 through 2002.''.

SEC. 1651. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended—

(1) by striking ''The portion'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the portion''; and

(2) by adding at the end the following:

''(2) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.''.

Subtitle C—Animal Enterprise Terrorism and Ecoterrorism

SEC. 1652. ENHANCEMENT OF PENALTIES FOR ANIMAL ENTERPRISE TERRORISM.

Section 43 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A), by striking ''under this title'' and inserting ''consistent with this title or double the amount of damages, whichever is greater,''; and

(B) by striking ''one year'' and inserting ''five years''; and

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) EXPLOSIVES OR ARSON.—Whoever in the course of a violation of subsection (a) maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used by the animal enterprise shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both.''; and

(C) in paragraph (3), as so redesignated, by striking ''under this title and'' and all that follows through the period and inserting ''under this title, imprisoned for life or for any term of years, or sentenced to death.''.

SEC. 1653. NATIONAL ANIMAL TERRORISM AND ECOTERRORISM INCIDENT CLEARINGHOUSE.

(a) IN GENERAL.—The Director shall establish and maintain a national clearinghouse for information on incidents of crime and terrorism—

(1) committed against or directed at any animal enterprise;

(2) committed against or directed at any commercial activity because of the perceived impact or effect of such commercial activity on the environment; or

(3) committed against or directed at any person because of such person's perceived connection with or support of any enterprise or activity described in paragraph (1) or (2).

(b) CLEARINGHOUSE.—The clearinghouse established under subsection (a) shall—

(1) accept, collect, and maintain information on incidents described in subsection (a) that is submitted to the clearinghouse by Federal, State, and local law enforcement agencies, by law enforcement agencies of foreign countries, and by victims of such incidents;

(2) collate and index such information for purposes of cross-referencing; and

(3) upon request from a Federal, State, or local law enforcement agency, or from a law enforcement agency of a foreign country, provide such information to assist in the investigation of an incident described in subsection (a).

(c) SCOPE OF INFORMATION.—The information maintained by the clearinghouse for each incident shall, to the extent practicable, include—

(1) the date, time, and place of the incident;

(2) details of the incident;

(3) any available information on suspects or perpetrators of the incident; and

(4) any other relevant information.

(d) DESIGN OF CLEARINGHOUSE.—The clearinghouse shall be designed for maximum ease of use by participating law enforcement agencies.

(e) PUBLICITY.—The Director shall publicize the existence of the clearinghouse to law enforcement agencies by appropriate means.

(f) RESOURCES.—In establishing and maintaining the clearinghouse, the Director may—

(1) through the Attorney General, utilize the resources of any other department or agency of the Federal Government; and

(2) accept assistance and information from private organizations or individuals.

(g) COORDINATION.—The Director shall carry out the Director's responsibilities under this section in cooperation with the Director of the Bureau of Alcohol, Tobacco, and Firearms.

(h) DEFINITIONS.—In this section:

(1) The term ''animal enterprise'' has the same meaning as in section 43 of title 18, United States Code.

(2) The term ''Director'' means the Director of the Federal Bureau of Investigation.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as are necessary to carry out this section.

Subtitle D—Jail-Based Substance Abuse

SEC. 1654. JAIL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS.

(a) USE OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE AFTERCARE SERVICES.—Section 1901 of part S of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1) is amended by adding at the end the following:

''(f) USE OF GRANT AMOUNTS FOR NONRESIDENTIAL AFTERCARE SERVICES.—A State may use amounts received under this part to provide nonresidential substance abuse treatment aftercare services for inmates or former inmates that meet the requirements of subsection (c), if the chief executive officer of the State certifies to the Attorney General that the State is providing, and will continue to provide, an adequate level of residential treatment services.''.

(b) JAIL-BASED SUBSTANCE ABUSE TREATMENT.—Part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended by adding at the end the following:

''SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.

''(a) DEFINITIONS.—In this section—

''(1) the term 'jail-based substance abuse treatment program' means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

''(A) directed at the substance abuse problems of prisoners; and

''(B) intended to develop the cognitive, behavioral, social, vocational, and other skills of prisoners in order to address the substance abuse and related problems of prisoners; and

''(2) the term 'local correctional facility' means any correctional facility operated by a unit of local government.

''(b) AUTHORIZATION.—

''(1) IN GENERAL.—Not less than 10 percent of the total amount made available to a State under section 1904(a) for any fiscal year may be used by the State to make grants to local correctional facilities in the State for the purpose of assisting jail-based substance abuse treatment programs established by those local correctional facilities.

''(2) FEDERAL SHARE.—The Federal share of a grant made by a State under this section to a local correctional facility may not exceed 75 percent of the total cost of the jail-based substance abuse treatment program described in the application submitted under subsection (c) for the fiscal year for which the program receives assistance under this section.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a grant from a State under this section for a jail-based substance abuse treatment program, the chief executive of a local correctional facility shall submit to the State, in such form and containing such information as the State may reasonably require, an application that meets the requirements of paragraph (2).

''(2) APPLICATION REQUIREMENTS.—Each application submitted under paragraph (1) shall include—

''(A) with respect to the jail-based substance abuse treatment program for which assistance is sought, a description of the program and a written certification that—

''(i) the program has been in effect for not less than 2 consecutive years before the date on which the application is submitted; and

''(ii) the local correctional facility will—

''(I) coordinate the design and implementation of the program between local correctional facility representatives and the appropriate State and local alcohol and substance abuse agencies;

''(II) implement (or continue to require) urinalysis or other proven reliable forms of substance abuse testing of individuals participating in the program, including the testing of individuals released from the jail-based substance abuse treatment program who remain in the custody of the local correctional facility; and

''(III) carry out the program in accordance with guidelines, which shall be established by the State, in order to guarantee each participant in the program access to consistent, continual care if transferred to a different local correctional facility within the State;

''(B) written assurances that Federal funds received by the local correctional facility from the State under this section will be used to supplement, and not to supplant, non-Federal

funds that would otherwise be available for jail-based substance abuse treatment programs assisted with amounts made available to the local correctional facility under this section; and

''(C) a description of the manner in which amounts received by the local correctional facility from the State under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services provided to the local correctional facility by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

''(d) REVIEW OF APPLICATIONS.—

''(1) IN GENERAL.—Upon receipt of an application under subsection (c), the State shall—

''(A) review the application to ensure that the application, and the jail-based residential substance abuse treatment program for which a grant under this section is sought, meet the requirements of this section; and

''(B) if so, make an affirmative finding in writing that the jail-based substance abuse treatment program for which assistance is sought meets the requirements of this section.

''(2) APPROVAL.—Based on the review conducted under paragraph (1), not later than 90 days after the date on which an application is submitted under subsection (c), the State shall—

''(A) approve the application, disapprove the application, or request a continued evaluation of the application for an additional period of 90 days; and

''(B) notify the applicant of the action taken under subparagraph (A) and, with respect to any denial of an application under subparagraph (A), afford the applicant an opportunity for reconsideration.

''(3) ELIGIBILITY FOR PREFERENCE WITH AFTERCARE COMPONENT.—

''(A) IN GENERAL.—In making grants under this section, a State shall give preference to applications from local correctional facilities that ensure that each participant in the jail-based substance abuse treatment program for which a grant under this section is sought, is required to participate in an aftercare services program that meets the requirements of subparagraph (B), for a period of not less than 1 year following the earlier of—

''(i) the date on which the participant completes the jail-based substance abuse treatment program; or

''(ii) the date on which the participant is released from the correctional facility at the end of the participant's sentence or is released on parole.

''(B) AFTERCARE SERVICES PROGRAM REQUIREMENTS.—For purposes of subparagraph (A), an aftercare services program meets the requirements of this paragraph if the program—

''(i) in selecting individuals for participation in the program, gives priority to individuals who have completed a jail-based substance abuse treatment program;

''(ii) requires each participant in the program to submit to periodic substance abuse testing; and

''(iii) involves the coordination between the jail-based substance abuse treatment program and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

''(I) educational and job training programs;

''(II) parole supervision programs;

''(III) half-way house programs; and

''(IV) participation in self-help and peer group programs; and

''(iv) assists in placing jail-based substance abuse treatment program participants with appropriate community substance abuse treatment facilities upon release from the correctional facility at the end of a sentence or on parole.

''(e) COORDINATION AND CONSULTATION.—

''(1) COORDINATION.—Each State that makes 1 or more grants under this section in any fiscal year shall, to the maximum extent practicable, implement a statewide communications network with the capacity to track the participants in jail-based substance abuse treatment programs established by local correctional facilities in the State as those participants move between local correctional facilities within the State.

''(2) CONSULTATION.—Each State described in paragraph (1) shall consult with the Attorney General and the Secretary of Health and Human Services to ensure that each jail-based substance abuse treatment program assisted with a grant made by the State under this section incorporates applicable components of comprehensive approaches, including relapse prevention and aftercare services.

''(f) USE OF GRANT AMOUNTS.—

''(1) IN GENERAL.—Each local correctional facility that receives a grant under this section shall use the grant amount solely for the purpose of carrying out the jail-based substance abuse treatment program described in the application submitted under subsection (c).

''(2) ADMINISTRATION.—Each local correctional facility that receives a grant under this section shall carry out all activities relating to the administration of the grant amount, including reviewing the manner in which the amount is expended, processing, monitoring the progress of the program assisted, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

''(3) RESTRICTION.—A local correctional facility may not use any amount of a grant under this section for land acquisition or a construction project.

''(g) REPORTING REQUIREMENT; PERFORMANCE REVIEW.—

''(1) REPORTING REQUIREMENT.—Not later than March 1 of each year, each local correctional facility that receives a grant under this section shall submit to the Attorney General, through the State, a description and evaluation of the jail-based substance abuse treatment program carried out by the local correctional facility with the grant amount, in such form and containing such information as the Attorney General may reasonably require.

''(2) PERFORMANCE REVIEW.—The Attorney General shall conduct an annual review of each jail-based substance abuse treatment program assisted under this section, in order to verify the compliance of local correctional facilities with the requirements of this section.

''(h) NO EFFECT ON STATE ALLOCATION.—Nothing in this section shall be construed to affect the allocation of amounts to States under section 1904(a).''.

(c) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the matter relating to part S, by adding at the end the following:

''1906. Jail-based substance abuse treatment.''.

Subtitle E—Safe School Security

SEC. 1655. SHORT TITLE.

This subtitle may be cited as the ''Safe School Security Act of 1999''.

SEC. 1656. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the ''School Security Technology Center''. The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school violence, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $3,700,000 for fiscal year 2000;

(2) $3,800,000 for fiscal year 2001; and

(3) $3,900,000 for fiscal year 2002.

SEC. 1657. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

''SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

''(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

''(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

''(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.''.

SEC. 1658. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

Subtitle F—Internet Prohibitions

SEC. 1661. SHORT TITLE.

This subtitle may be cited as the ''Internet Firearms and Explosives Advertising Act of 1999''.

SEC. 1662. FINDINGS; PURPOSE.

Congress finds the following:

(1) Citizens have an individual right, under the Second Amendment to the United States Constitution, to keep and bear arms. The Gun Control Act of 1968 and the Firearms Owners Protection Act of 1986 specifically state that it is not the intent of Congress to frustrate the free exercise of that right in enacting Federal legislation. The free exercise of that right includes law abiding firearms owners buying, selling, trading, and collecting guns in accordance with Federal, State, and local laws for whatever lawful use they deem desirable.

(2) The Internet is a powerful information medium, which has and continues to be an excellent tool to educate citizens on the training, education and safety programs available to use firearms safely and responsibly. It has, and should continue to develop, as a 21st century tool for ''e-commerce'' and marketing many

products, including firearms and sporting goods. Many web sites related to these topics are sponsored in large part by the sporting firearms and hunting community.

(3) It is the intent of Congress that this legislation be applied where the Internet is being exploited to violate the applicable explosives and firearms laws of the United States.

SEC. 1663. PROHIBITIONS ON USES OF THE INTERNET.

(a) In General.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Criminal firearms and explosives solicitations

''(a)(1) In General.—Any person who, in a circumstance described in paragraph (2), knowingly makes, prints, or publishes, or causes to be made, printed, or published, any notice or advertisement seeking or offering to receive, exchange, buy, sell, produce, distribute, or transfer—

''(A) a firearm knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d), (g), or (x) of section 922 of this chapter, or

''(B) explosive materials knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d), and (i) of section 842 of this title,

shall be punished as provided under subsection (b).

''(2) The circumstance referred to in paragraph (1) is that—

''(A) such person knows or has reason to know that such notice or advertisement will be transported in interstate or foreign commerce by computer; or

''(B) such notice or advertisement is transported in interstate or foreign commerce by computer.

''(b) Penalties.—Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title or imprisoned not more than 1 year, and both, but if such person has one prior conviction under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned for not more than 5 years, but if such person has 2 or more prior convictions under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned not less than 10 years nor more than 20 years. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a juvenile, herein defined as an individual who has not yet attained the age of 18 years, shall be punished by death, or imprisoned for any term of years or for life.

''(c) Defenses.—It is an affirmative defense against any proceeding involving this section if the proponent proves by a preponderance of the evidence that—

''(1) the advertisement or notice came from—

''(A) a web site, notice or advertisement operated or created by a person licensed—

''(i) as a manufacturer, importer, or dealer under section 923 of this chapter; or

''(ii) under chapter 40 of this title; and

''(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that sales or transfers of the product or information will be made in accord with Federal, State and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, additional information that firearms transfers will only be made through a licensee, and that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; or

''(2) the advertisement or notice came from—

''(A) a web site, notice or advertisement is operated or created by a person not licensed as stated in paragraph (1); and

''(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that the sales or transfers of the product or information—

''(i) will be made in accord with Federal, State and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; and

''(ii) as a term or condition for posting or listing the firearm for sale or exchange on the web site for a prospective transferor, the web site, advertisement or notice requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition through a Federal firearms licensee, where the Gun Control Act of 1968 requires the transfer to be made through a Federal firearms licensee.''.

(b) Technical and Conforming Amendment.—The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 930 the following:

''931. Criminal firearms and explosives solicitations.''.

SEC. 1664. EFFECTIVE DATE.

The amendments made by sections 1661–1663 shall take effect beginning on the date that is 180 days after the enactment of this Act.

Subtitle G—Partnerships for High-Risk Youth

SEC. 1671. SHORT TITLE.

This subtitle may be cited as the ''Partnerships for High-Risk Youth Act''.

SEC. 1672. FINDINGS.

Congress finds that—

(1) violent juvenile crime rates have been increasing in United States schools, causing many high-profile deaths of young, innocent school children;

(2) in 1994, there were 2,700,000 arrests of persons under age 18 (a third of whom were under age 15), up from 1,700,000 in 1991;

(3) while crime is generally down in many urban and suburban areas, crime committed by teenagers has spiked sharply over the past few years;

(4) there is no single solution, or panacea, to the problem of rising juvenile crime;

(5) there will soon be over 34,000,000 teenagers in the United States, which is 26 percent higher than the number of such teenagers in 1990 and the largest number of teenagers in the United States to date;

(6) in order to ensure the safety of youth in the United States, the Nation should begin to explore innovative methods of curbing the rise in violent crime in United States schools, such as use of faith-based and grassroots initiatives; and

(7)(A) a strong partnership among law enforcement, local government, juvenile and family courts, schools, businesses, charitable organizations, families, and the religious community can create a community environment that supports the youth of the Nation and reduces the occurrence of juvenile crime; and

(B) the development of character and strong moral values will—

(i) greatly decrease the likelihood that youth will fall victim to the temptations of crime; and

(ii) improve the lives and future prospects of high-risk youth and their communities.

SEC. 1673. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a national demonstration project to promote learning about successful youth interventions, with programs carried out by institutions that can identify and employ effective approaches for improving the lives and future prospects of high-risk youth and their communities.

(2) To document best practices for conducting successful interventions for high-risk youth, based on the results of local initiatives.

(3) To produce lessons and data from the operating experience from those local initiatives that will—

(A) provide information to improve policy in the public and private sectors; and

(B) promote the operational effectiveness of other local initiatives throughout the United States.

SEC. 1674. ESTABLISHMENT OF DEMONSTRATION PROJECT.

(a) In General.—The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to Public-Private Ventures, Inc. to enable Public-Private Ventures, Inc. to award grants to eligible partnerships to pay for the Federal share of the cost of carrying out collaborative intervention programs for high-risk youth, described in section 1676, in the following 12 cities:

(1) Boston, Massachusetts.
(2) New York, New York.
(3) Philadelphia, Pennsylvania.
(4) Pittsburgh, Pennsylvania.
(5) Detroit, Michigan.
(6) Denver, Colorado.
(7) Seattle, Washington.
(8) Cleveland, Ohio.
(9) San Francisco, California.
(10) Austin, Texas.
(11) Memphis, Tennessee.
(12) Indianapolis, Indiana.

(b) Federal Share.—

(1) In general.—The Federal share of the cost described in subsection (a) shall be 70 percent.

(2) Non-federal share.—The non-Federal share of the cost may be provided in cash.

SEC. 1675. ELIGIBILITY.

(a) In General.—To be eligible to receive a grant under section 1674, a partnership—

(1) shall submit an application to Public-Private Ventures Inc. at such time, in such manner, and containing such information as Public-Private Ventures, Inc. may require;

(2) shall enter into a memorandum of understanding with Public-Private Ventures, Inc.; and

(3)(A) shall be a collaborative entity that includes representatives of local government, juvenile detention service providers, local law enforcement, probation officers, youth street workers, and local educational agencies, and religious institutions that have resident-to-membership percentages of at least 40 percent; and

(B) shall serve a city referred to in section 1674(a).

(b) Selection Criteria.—In making grants under section 1674, Public-Private Ventures, Inc. shall consider—

(1) the ability of a partnership to design and implement a local intervention program for high-risk youth;

(2) the past experience of the partnership, and key participating individuals, in intervention programs for youth and similar community activities; and

(3) the experience of the partnership in working with other community-based organizations.

SEC. 1676. USES OF FUNDS.

(a) Programs.—

(1) Core features.—An eligible partnership that receives a grant under section 1674 shall use the funds made available through the grant to carry out an intervention program with the following core features:

(A) Target group.—The program will target a group of youth (including young adults) who—

(i) are at high risk of—
(I) leading lives that are unproductive and negative;
(II) not being self-sufficient; and
(III) becoming incarcerated; and
(ii) are likely to cause pain and loss to other individuals and their communities.

(B) VOLUNTEERS AND MENTORS.—The program will make significant use of volunteers and mentors.

(C) LONG-TERM INVOLVEMENT.—The program will feature activities that promote long-term involvement in the lives of the youth (including young adults).

(2) PERMISSIBLE SERVICES.—The partnership, in carrying out the program, may use funds made available through the grant to provide, directly or through referrals, comprehensive support services to the youth (including young adults).

(b) EVALUATION AND RELATED ACTIVITIES.—Using funds made available through its grant under section 1674, Public-Private Ventures, Inc. shall—

(1) prepare and implement an evaluation design for evaluating the programs that receive grants under section 1674;

(2) conduct a quarterly evaluation of the performance and progress of the programs;

(3) organize and conduct national and regional conferences to promote peer learning about the operational experiences from the programs;

(4) provide technical assistance to the partnerships carrying out the programs, based on the quarterly evaluations; and

(5) prepare and submit to the Attorney General a report that describes the activities of the partnerships and the results of the evaluations.

(c) LIMITATION.—Not more than 20 percent of the funds appropriated under section 1677 for a fiscal year may be used—

(1) to provide comprehensive support services under subsection (a)(2);

(2) to carry out activities under subsection (b); and

(3) to pay for the administrative costs of Public-Private Ventures, Inc., related to carrying out this subtitle.

SEC. 1677. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $4,000,000 for each of the fiscal years 2000 through 2004.

Subtitle H—National Youth Crime Prevention

SEC. 1681. SHORT TITLE.

This subtitle may be cited as the ''National Youth Crime Prevention Demonstration Act''.

SEC. 1682. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a demonstration project that establishes violence-free zones that would involve successful youth intervention models in partnership with law enforcement, local housing authorities, private foundations, and other public and private partners.

(2) To document best practices based on successful grassroots interventions in cities, including Washington, District of Columbia; Boston, Massachusetts; Hartford, Connecticut; and other cities to develop methodologies for widespread replication.

(3) To increase the efforts of the Department of Justice, the Department of Housing and Urban Development, and other agencies in supporting effective neighborhood mediating approaches.

SEC. 1683. ESTABLISHMENT OF NATIONAL YOUTH CRIME PREVENTION DEMONSTRATION PROJECT.

The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to the National Center for Neighborhood Enterprise (referred to in this subtitle as the ''National Center'') to enable the National Center to award grants to grassroots entities in the following 8 cities:

(1) Washington, District of Columbia.
(2) Detroit, Michigan.
(3) Hartford, Connecticut.
(4) Indianapolis, Indiana.
(5) Chicago (and surrounding metropolitan area), Illinois.
(6) San Antonio, Texas.
(7) Dallas, Texas.
(8) Los Angeles, California.

SEC. 1684. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a grassroots entity referred to in section 1683 shall submit an application to the National Center to fund intervention models that establish violence-free zones.

(b) SELECTION CRITERIA.—In awarding grants under this subtitle, the National Center shall consider—

(1) the track record of a grassroots entity and key participating individuals in youth group mediation and crime prevention;

(2) the engagement and participation of a grassroots entity with other local organizations; and

(3) the ability of a grassroots entity to enter into partnerships with local housing authorities, law enforcement agencies, and other public entities.

SEC. 1685. USES OF FUNDS.

(a) IN GENERAL.—Funds received under this subtitle may be used for youth mediation, youth mentoring, life skills training, job creation and entrepreneurship, organizational development and training, development of long-term intervention plans, collaboration with law enforcement, comprehensive support services and local agency partnerships, and activities to further community objectives in reducing youth crime and violence.

(b) GUIDELINES.—The National Center will identify local lead grassroots entities in each designated city.

(c) TECHNICAL ASSISTANCE.—The National Center, in cooperation with the Attorney General, shall also provide technical assistance for startup projects in other cities.

SEC. 1686. REPORTS.

The National Center shall submit a report to the Attorney General evaluating the effectiveness of grassroots agencies and other public entities involved in the demonstration project.

SEC. 1687. DEFINITIONS.

In this subtitle:

(1) GRASSROOTS ENTITY.—The term ''grassroots entity'' means a not-for-profit community organization with demonstrated effectiveness in mediating and addressing youth violence by empowering at-risk youth to become agents of peace and community restoration.

(2) NATIONAL CENTER FOR NEIGHBORHOOD ENTERPRISE.—The term ''National Center for Neighborhood Enterprise'' means a not-for-profit organization incorporated in the District of Columbia.

SEC. 1688. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

(1) $5,000,000 for fiscal year 2000;
(2) $5,000,000 for fiscal year 2001;
(3) $5,000,000 for fiscal year 2002;
(4) $5,000,000 for fiscal year 2003; and
(5) $5,000,000 for fiscal year 2004.

(b) RESERVATION.—The National Center for Neighborhood Enterprise may use not more than 20 percent of the amounts appropriated pursuant to subsection (a) in any fiscal year for administrative costs, technical assistance and training, comprehensive support services, and evaluation of participating grassroots organizations.

Subtitle I—National Youth Violence Commission

SEC. 1691. SHORT TITLE.

This subtitle may be cited as the ''National Youth Violence Commission Act''.

SEC. 1692. NATIONAL YOUTH VIOLENCE COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this subtitle as the ''Commission''). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this subtitle.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2) (C)(ii) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission under section 1693. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(2) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—
(i) the Surgeon General of the United States;
(ii) the Attorney General of the United States;
(iii) the Secretary of the Department of Health and Human Services; and
(iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—
(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;
(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;
(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies; and
(iv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of child or adolescent psychology.

(C) Two shall be appointed by the Minority Leader of the House of Representatives, including—
(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement; and
(ii) 1 member who is a recognized religious leader.

(D) Four shall be appointed by the Majority Leader of the Senate, including—
(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;
(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;
(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the social sciences; and
(iv) 1 member who is a recognized religious leader.

(E) Two shall be appointed by the Minority Leader of the Senate, including—
(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling; and
(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The appointing authorities under paragraph (2) shall jointly designate 1 member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing

authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 45 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this subtitle or other applicable law.

SEC. 1693. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of youth violence to determine the root causes of such violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including any illegal means by which youth acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) any impact upon incidents of youth violence of the failure to execute existing laws designed to restrict youth access to certain firearms, and the illegal purchase, possession, or transfer of certain firearms;

(F) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(G) the availability to youth of information regarding the construction of weapons, including explosive devices, and any impact of such information on incidents of youth violence.

(3) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 1694(a), take the testimony of parents and students to learn and memorialize their views and experiences regarding incidents of youth violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence. If the Surgeon General issues any report on media and violence, the Commission shall consider the findings and conclusions of such report in making recommendations under this subsection.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the Commission's findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 1694(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

SEC. 1694. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 1693.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote request the Attorney General of the United States to require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out the Commission's duties under section 1693. The Commission shall transmit to the Attorney General a confidential, written request for the issuance of any such subpoena. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 1693. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), request the Attorney General to issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 1693. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Attorney General pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Attorney General the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Attorney General under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Attorney General under paragraph (1) or (2), the Attorney General may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 1693. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (e) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this Act and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (e) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(e) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the Commission's duties under section 1693.

SEC. 1695. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal

agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 1696. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 1697. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 1693(c).

Subtitle J—School Safety

SEC. 1698. SHORT TITLE.

This subtitle may be cited as the ''School Safety Act of 1999''.

SEC. 1699. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting ''(other than a gun or firearm)'' after ''weapon'';

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new section:

''(10) DISCIPLINE WITH REGARD TO GUNS OR FIREARMS.—

''(A) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO GUNS OR FIREARMS.—

''(i) Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability.

''(ii) Nothing in clause (i) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause (i) from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.

''(B) FREE APPROPRIATE PUBLIC EDUCATION.—

''(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continued educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

''(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

''(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

''(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

''(C) RELATIONSHIP TO OTHER REQUIREMENTS.—

''(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

''(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.

''(D) FIREARM.—The term 'firearm' has the meaning given the term under section 921 of title 18, United States Code.''.

(b) CONFORMING AMENDMENT.—Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking ''Whenever'' and inserting the following: ''Except as provided in section 615(k)(10), whenever''.

LOTT AMENDMENT NO. 1345

Mr. LOTT proposed an amendment to amendment No. 1344 proposed by him to the bill, H.R. 1501, supra; as follows:

In the substitute add the following:

This bill will become effective 1 day after enactment.

LOTT AMENDMENT NO. 1346

Mr. LOTT proposed an amendment to amendment No. 1345 proposed by him to the bill, H.R. 1501, supra; as follows:

In the amendment to the substitute add the following:

This bill will become effective 2 days after enactment.

LOTT AMENDMENT NO. 1347

Mr. LOTT proposed an amendment to the bill, H.R. 1501, supra; as follows:

In the bill add the following:

This bill will become effective 3 days after enactment.

LOTT AMENDMENT NO. 1348

Mr. LOTT proposed an amendment to amendment No. 1347 proposed by him to the bill, H.R. 1501, supra; as follows:

In the amendment to the bill add the following:

The bill will become effective 4 days after enactment.

FEDERAL RESEARCH INVESTMENT ACT

FRIST AMENDMENT NO. 1349

Mr. GORTON (for Mr. FRIST) proposed an amendment to the bill (S. 296 to provide for continuation of the federal research investment in a fiscally sustainable way, and for other purposes; as follows:

On page 15, line 15, strike ''$42,290,000,000'' and insert ''$44,290,000,000''.

On page 15, line 17, strike ''$44,290,000,000'' and insert ''$49,290,000,000''.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

GREGG AMENDMENT NO. 1350

Mr. GORTON (for Mr. GREGG) proposed an amendment to the bill (S. 1217) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 21, line 16, delete ''$3,131,895,000'' and insert in lieu thereof: ''$3,121,774,000''.

On page 66, line 20, delete ''−$469,000'' and insert in lieu thereof: ''$9,652,000''.

On page 66, line 20, delete ''−$3,370,000'' and insert in lieu thereof: ''$6,751,000''.

LEAHY AMENDMENT NO. 1351

Mr. GORTON (For Mr. LEAHY) proposed an amendment to the bill, S. 1217, supra; as follows:

On page 21, line 16, strike ''$3,151,895,000'' and insert ''$3,146,895,000''.

On page 71, line 22, strike ''$4,743,000'' and insert ''$9,743,000''.

NICKLES AMENDMENT NO. 1352

Mr. GORTON (for Mr. NICKLES) proposed an amendment to the bill, S, 1217, supra; as follows:

On page 73, between line 12 and 13, insert the following:

SEC. 306.—

(A) Section 3006A(d)(4)(D)(vi) of title 18, United States Code, is amended by adding after the word ''require'' the following: '', except that the amount of the fees shall not be considered a reason justifying any limited disclosure under 18 U.S.C. Sec. 3006A(d)(A)''

(B) EFFECTIVE DATE.—

This Act shall apply to all disclosures made under 3006A(d) of title 18, United States Code, related to any criminal trial or appeal involving a sentence of death where the underlying alleged criminal conduct took place on or after April 19, 1995.

DURBIN (AND OTHERS) AMENDMENT NO. 1353

Mr. GORTON (for Mr. DURBIN (for himself, Mrs. MURRAY, Mr. KOHL, Ms. MIKULSKI, Ms. COLLINS, Mr. REID, and Mr. JEFFORDS)) proposed an amendment to the bill, S. 1217, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF SENIORS AND THE DISABLED IN FEDERAL FAMILY VIOLENCE PREVENTION PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) of the estimated more than 1,000,000 persons age 65 and over who are victims of family violence each year, at least ⅔ are women;

(2) national statistics are not available on the incidence of domestic or family violence and sexual assault against disabled women, although several studies indicate that abuse of disabled women is of a longer duration compared to abuse suffered by women who are not disabled;

(3) in almost 9 out of 10 incidents of domestic elder abuse and neglect, the perpetrator is a family member, and adult children of the victims are the largest category of perpetrators and spouses are the second largest category of perpetrators;

(4) the number of reports of elder abuse in the United States increased by 150 percent between 1986 and 1996 and is expected to continue increasing;

(5) it is estimated that at least 5 percent of the Nation's elderly are victims of moderate to severe abuse and that the rate for all forms of abuse may be as high as 10 percent;

(6) elder abuse is severely underreported, with 1 in 5 cases being reported in 1980 and only 1 in 8 cases being reported today;

(7) many older and disabled women fail to report abuse because of shame or as a result of prior unsatisfactory experiences with individual agencies or others who lack sensitivity to the concerns or needs of older or disabled individuals;

(8) many older or disabled individuals also fail to report abuse because they are dependent on their abusers and fear being abandoned or institutionalized;

(9) disabled women may fear reporting abuse because they are fearful of losing their children in a custody case;

(10) public and professional awareness and identification of violence against older or disabled Americans may be difficult because these persons are not integrated into many social networks (such as schools or jobs), and may become isolated in their homes, which can increase the risk of domestic abuse; and

(11) older and disabled Americans would greatly benefit from policies that develop, strengthen, and implement programs for the prevention of abuse, including neglect and exploitation, and provide related assistance for victims.

(b) IN GENERAL.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 2001 (42 U.S.C. 3796gg)—

(A) in subsection (a)—

(i) by inserting '', including older women and women with a disability'' after ''combat violent crimes against women''; and

(ii) by inserting '', including older women and women with a disability'' before the period; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting '', including older women and women with a disability'' after ''against women'';

(ii) in paragraph (6), by striking ''and'' after the semicolon;

(iii) in paragraph (7), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(8) developing a curriculum to train and assist law enforcement officers, prosecutors, and relevant officers of the Federal, State, tribal, and local courts in identifying and responding to crimes of domestic violence and sexual assault against older individuals and individuals with a disability and implementing that training and assistance.'';

(2) in section 2002(c)(2) (42 U.S.C. 3796gg–1) by inserting ''and service programs tailored to the needs of older and disabled victims of domestic violence and sexual assault'' before the semicolon; and

(3) in section 2003 (42 U.S.C. 3796gg–2)—

(A) in paragraph (7), by striking ''and'' after the semicolon;

(B) in paragraph (8), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(9) both the term 'elder' and the term 'older individual' have the meaning given the term 'older individual' in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002); and

''(10) the term 'disability' has the meaning given the term in section 3(3) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(3)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any grant made beginning with fiscal year 2000.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on July 27, 1999 in SR–328A at 9:30 a.m. The purpose of this meeting will be to discuss consolidation and anti-trust issues in Agricultural business.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, July 28, 1999 at 9:30 a.m. in room SR–301 Russell Senate Office Building, to receive testimony on the operations of the Smithsonian Institution.

For further information concerning this meeting, please contact Lani Gerst at the Rules Committee on 4–6352.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on July 29, 1999 in SR–328A at 9:30 a.m. The purpose of this meeting will be to discuss the mark-up of the original bill regarding the Livestock Mandatory Reporting Act of 1999.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Tuesday, August 3, 1999 at 10:00 a.m. to conduct a hearing on S. 964, a bill to provide for equitable compensation for the Cheyenne River Sioux Tribe.

The hearing will be held in room 485, Russell Senate Office Building.

Please direct any inquiries to committee staff at 202/224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Tuesday, August 3, 1999 at 2:30 p.m. to conduct a hearing on S. 692, a bill to prohibit Internet Gaming. The hearing will be held in room 485, Russell Senate Office Building.

Please direct any inquiries to committee staff at 202/224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, August 4, 1999 at 9:30 a.m. to conduct a hearing on S. 299, a bill to elevate the Director of the Indian Health Service to an Assistant Secretary for Indian Health within the Department of Health and Human Services; and S. 406, a bill to allow tribes to bill directly for Medicare and Medicaid; to be followed by a business meeting, to consider pending legislation. The hearing/meeting will be held in room 485, Russell Senate Office Building.

Please direct any inquiries to committee staff at 202/224–2251.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, July 26, 1999 at 3:30 p.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

RECOGNITION OF THE HI-POINT PROGRAM AT FRANKLIN PIERCE HIGH SCHOOL

• Mr. GORTON. Mr. President, education has been one of the predominant topics of discussion during the 106th Congress. As you know, I have been vocal in my support of returning decision-making authority to local educators who know best how to address the unique needs of students in their communities. For too long, the federal government has focused on bureaucrats and red tape rather than students and classrooms. In my travels to schools across Washington state, I have heard from educators who are concerned that this burden of federal regulations and paperwork is restricting their ability to instruct children in a common-sense manner. I have had the pleasure of discovering a program which has found a way to thrive in an area which is particularly burdened with federal mandates and red tape—special education. Accordingly, I am pleased to present an Innovation in Education Award to the Hi-Point program at Franklin Pierce High School in Tacoma, WA.

I and many of my colleagues in the Senate have heard from constituents about the effects of unfunded mandates on local classrooms. In spite of the burden states and school districts face because of unfunded federal special education mandates, the Hi-Point program has found a way to maximize its staff and community support to create an exemplary program.

The key to Hi-Point's success lies with dedicated individuals whose zeal for their job and passion for success are infectious to those around them. Transition Specialist Brian Redman has displayed the kind of compassion, understanding, and drive to see what students can become despite their limitations. In fact, Principal Rick Thompson refers to him as a ''magician.'' Brian has been a Special Educator for over twenty years and the Hi-Point program's success can be attributed directly to the expertise, patience, and skill with which he leads an amazing team of coworkers. This teamwork includes weekly meetings by the Student Services Team to communicate ''best practices,'' and to produce ideas to meet the evolving needs of the students. The team combines the knowledge of the school psychologist, teachers, and a business teacher to ensure maximum preparation for those higher-functioning students who may be able to join the workforce.

An examination of the work done by the Hi-Point staff indicates the numerous tasks required by those involved in

special education. Those duties include: budgets, transportation, medications, individual study needs, parent contacts, and cooperation with all school district officials.

Hi-Point also utilizes a nurse, a speech therapist, an occupational therapist, and a physical therapist. While this combination of services is not unheard of in many schools across Washington state, and America, it is the creativity of the Hi-Point program in balancing the special needs of its student population with limited budgets, legal restrictions, and at times, intense demands from parents which make the success of Hi-Point all the more striking.

Hi-Point programs, coordinated with community agencies, include: A Personal Learning Lab for special needs students in need of support in regular curriculum classes. Basic Skills courses for developmentally delayed students—to learn simple math, how to use a calculator, how to sign a check, and other such necessary tasks. Life Skills such as riding the bus, doing laundry, and cooking meals which are necessary to function in the community. Field Trips to the Zoo, Bowling Alley, and the Grocery Store. Work Crews for Landscape and House Cleaning. An Auto Detailing program to serve as a training ground for students while providing an economic service to the community.

Clearly, Hi-Point is not only maximizing its resources to meet the needs of special needs students but is doing so in a creative manner which also maximizes the learning experience of students involved in the program.

Too often the Federal Government has done more harm than good in efforts to reach into local classrooms. It is time we changed the focus of federal education programs back to students and learning and away from bureaucracy and process. The Hi-Point program is a shining example of the innovation that can be accomplished in spite of burdensome red tape. Imagine what educators like those at Hi-Point could accomplish without these unnecessary regulations—that is the true untapped resource in education today. I hope my colleagues will join me in recognizing the outstanding work of the Hi-Point staff and in supporting the common-sense idea that educators like Rick Thompson and Brian Redman deserve more say in Federal Eduation programs than Washington, DC, bureaucrats.●

TRIBUTE TO MRS. PEARL SALOTTO

● Mr. REED. Mr. President, I rise today to acknowledge Mrs. Pearl Salotto of Warwick, Rhode Island for her dedicated work in establishing the ''Respect for Living Things Day'' in the state of Rhode Island. Mrs. Salotto has established a number of programs in Rhode Island including the D.J. Pet Assisted Therapy University Certificate Program, the D.J. Pet Assisted Therapy High School Program, and the D.J. Respect for Living Things Elementary School Program. Mr. President, I ask that Mrs. Salotto's op-ed on July 21st, 1999 in the Providence Journal be printed in the RECORD.

The article follows:

[The Providence Journal]

THE BEST WAY TO REMEMBER DJ, THERAPY DOG

(By Pearl Salotto)

DJ, dog of joy, recently passed away peacefully within the loving arms of her family. The smiling face of this big white dog had become synonymous with professional Pet Assisted Therapy (PAT), locally and nationally, because of her enthusiasm for life and her unconditional love, because of the countless people of all ages whose lives she touched, because of the many programs as well as social-reform initiatives that she inspired, because of the many dreams that she helped turn into reality.

Anyone who recognizes that pets and people are good for each other can turn this moment of sadness into a celebration of DJ's life and commit to carrying on her legacy, recognizing that she did more than her part in bringing about a healthier, friendlier, and more peaceful world simply by being herself.

DJ showed me, at a New York nursing home in 1998, how residents could find a renewed joy of life through her loving touch and thus inspired not only my university program but also my vision that all universities should have PAT degree programs so that ultimately all facilities could have professional PAT as part of their treatment team.

DJ showed me, in my granddaughter's first-grade classroom in New York in 1991, how a dog's strolling up and down aisles and interacting with children could open up their hearts and minds to their responsibilities to pets, people and themselves.

DJ showed all of us the profound and life-changing impact that her freely given love could have on Feinstein High School students, giving them the ''heart-opening'' opportunity to learn of the positive impact that animals can have in all of our lives through their one-of-a-kind PAT curriculum and the subsequent follow-up opportunity to share their love with others through PAT Service Learning.

DJ showed me from the first day of our experiences together that the bond between the therapy pet and the professional is the ethical foundation of this profession, protecting the pet in the field and providing the example from which all else flows.

DJ and DJ-inspired programs have led to schoolchildren writing and singing songs about respecting animals, other people and themselves, Rhode Island Health Department guidelines for pet therapy, an official state commission, annual DJ Respect for Living Things Days on her birthday, May 8, several Rhode Island agencies having professional PAT programs, the integration of PAT with Service Learning and Windwalker Humane Coalition for Professional Pet Assisted Therapy, among other programs.

Won't you join my children and grandchildren, friends and colleagues, elementary school students of Central Falls, Woonsocket, Providence and Feinstein High School students, and students of all ages who knew and loved DJ, in doing all in our power through all our words and deeds to help this magical profession earn its rightful place in health care, education, social services, and society as a whole, spearheaded over the past 13 years by the smiling face and extended paw of a big white dog named DJ?●

TRIBUTE TO NACKEY SCRIPPS LOEB OF GOFFSTOWN ON HER RETIREMENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Nackey Scripps Loeb, a remarkable person who has retired as president and publisher of the Union Leader and New Hampshire Sunday News newspapers.

I have been blessed with Mrs. Loeb's friendship since I began my career in politics more than 15 years ago. She, and her late husband Bill, were an inspiration to me in the late 1970's and early 1980's, as well as helped fight in the conservative revolution. After Bill's death, Nackey took over the Union Leader Corporation in 1981. She had some big shoes to fill—Bill was an outspoken and controversial leader in both the newspaper industry and the world of politics. But Mrs. Loeb took over with dedication, drive, determination and distinction. She proved that the knack for hard-hitting journalism does run in the family! Her editorials have been the cause of many political aspirants' success or failure in their bid for public office.

Mr. President, I owe Mrs. Loeb a great deal of thanks for her guidance and continuous support during the years that I have held public office. She supported my philosophy in times when many turned their backs. I respect and commend her commitment to doing what is right, even during the days when being a conservative was not ''in.'' Her husband once told me, ''stand for something or you stand for nothing.'' Nackey Loeb has always fought for the principles on which the Union Leader, and the State of New Hampshire, were founded.

Nackey Loeb has guided the Union Leader into the twenty first century in several ways. She oversaw the move of production into a larger building and the purchasing of more advanced press equipment. She has also driven the Union Leader's involvement on the Internet. ''The Paper,'' as it is known, is nationally recognized and respected largely because of the efforts of Nackey Loeb.

Mrs. Loeb has been a powerful force in New Hampshire during her 18 years as president and publisher of the Union Leader. Her vision, forthrightness and principled views are admired by all who know her and will be sorely missed.

I would like to extend my best wishes to Nackey as she enjoys a peaceful time with her family. People like Mrs. Loeb help to maintain the quality of life we enjoy in New Hampshire and make it a special and unique place to live. It is an honor to represent Nackey Loeb in the United States Senate.●

THE EUROPEAN UNION'S HUSHKIT RULE

● Mr. MCCAIN. Mr. President, I support the amendment offered by Senator GORTON regarding the European Union's (EU) rule affecting hushkitted and re-engined aircraft. This Sense of

the Senate amendment will make clear to the Europeans that the United States will not tolerate unfair, discriminatory restrictions on trade that go against international principles and standards.

For those who are not familiar with the issue, I will provide a brief background. To comply with international aircraft noise standards, the U.S. aviation industry adopted so-called hushkit technology to bring its older aircraft into compliance. Some airlines also purchased new engines for their older aircraft. Even though these hushkitted and re-engined aircraft comply with the new international noise standard, the EU took legislative action to freeze the number of these aircraft within the EU Community at the 1999 level. Although the EU delayed final implementation of this rule for one year, this move has the effect of setting a more stringent noise standard in Europe.

Unfortunately, implementation of this rule is likely to have a discriminatory and costly impact on the United States aviation industry without any noise reduction benefits. The fact that this rule does not have a similar effect on industries in the EU is troubling. It is my understanding that certain aspects of the rule were tailored to protect European aviation interests. But one of the worst aspects of this rule is the terrible precedent that it sets for unilateral action by countries or groups of countries outside of the established international standards-setting process.

Earlier this year I wrote to European officials to express my deep frustration with their having chosen this particular, unilateral course of action to address the issue of aircraft emissions. Regulations such as the one at issue should be taken through the appropriate international channels, such as the International Civil Aviation Organization. Adoption of this rule by the EU has effectively breached a 50-year regime of global environmental rules in aviation.

A regional rule such as this one will undermine the ability of lesser-developed nations, the aerospace industry, airlines, and the United States to work toward international standards for more stringent aircraft engine emissions, which is the purported rationale for the EU rule. I sincerely hope that the EU will come to realize the benefits of a single, rational aviation regime for all nations.

The delay in implementation of the rule was granted as a result of a U.S. commitment to work in partnership with the EU within the established international process to develop a new, more stringent global aircraft noise standard. Since its adoption, the Federal Aviation Administration has been working bilaterally with representatives of the European Commission to develop an agreement to work in partnership on resolving this matter to everyone's satisfaction.

Despite the ongoing consultations, and regardless of the delay in implementation of the rule, U.S. industry is being negatively impacted right now. Because the hushkit rule is on the books, the market assumes that the rule will eventually come into effect. This has had a profound impact upon many businesses. So it is important that this matter be resolved soon.

The Europeans must understand how important it is that the considerations of the United States are taken into account with respect to this matter. If progress is not made in the near future, calls for taking strong action against the EU will grow. As a committed proponent of free trade, I am adamantly opposed to the EU rule. For the same reason, I do not support inappropriate retaliation on the part of the United States in this matter. Despite my opposition, however, the U.S. may in fact retaliate, which could do harm to businesses and consumers on both sides of the Atlantic.

Whether retaliatory in nature or not, the U.S. has many tools at its disposal to address the matter if the EU proves to be intractable in its position. For example, the United States Trade Representative is considering preparation of a World Trade Organization case focusing on the discriminatory aspects of the rule. Northwest Airlines has filed a complaint with Department of Transportation asking for retaliatory measures. Most recently, the U.S. aviation industry has asked the government to take official action under the so-called Chicago Convention, which governs many aspects of international aviation, claiming that the EU rule is not in compliance with international standards.

I do not want this issue to become the subject of a trade war. But if the EU fails to grasp the determined opposition of the U.S. aviation industry to this rule, there may be serious repercussions. I hope that this Sense of the Senate will begin to get the message to the EU that this issue cannot remain unresolved for too much longer.●

RECOGNITION OF RASCHELLE FREEMAN, 5TH GRADE TEACHER

● Mr. GORTON. Mr. President, as the Senate debates education issues and initiatives, too often we talk in the form of numbers and statistics rather than concrete examples of excellence or success in our schools. A 5th grade teacher in the town of East Wenatchee, Washington has come to my attention for her exemplary service to her school, Lee Elementary, and to her community. Her name is Raschelle Freeman and I am pleased to present her with my Innovation in Education award.

Ms. Freeman's list of accomplishments is certainly impressive. This year she was chosen as the Washington state recipient of the prestigious Christa McAuliffe Fellowship. Last January she was one of 100 teachers nationwide to receive the Presidential Award for Excellence in Mathematics Teaching. This national recognition reflects the respect and admiration of those who work with Ms. Freeman each day.

The Assistant Superintendent of the Eastmont School District, Ms. Beverly Jagla, says Ms. Freeman is the ''most effective'' educator she has ever met—''She is energy personified.'' Ms. Jagla further emphasized Ms. Freeman's dedication as a member of the faculty team at Lee Elementary as well as her great skill at mathematics instruction; a talent so considerable that Ms. Freeman leads workshops for superintendents, administrators, principals, and other teachers around Washington state that emphasize ''best practices'' for successful math education.

Lee Elementary's former Principal, Ms. Kathy West, noted that in her 22 years in education she has never encountered a teacher who excelled in every instructional area. For example, this past year Ms. Freeman's class put on a major theater production, complete with music and costumes, that was so impressive students from other schools were bused in to see a performance. Ms. West also noted that 12 hour days are the norm for Ms. Freeman as she juggles her many pursuits. In addition to the time spent educating her students and peers, Ms. Freeman spends countless hours writing grant applications to bring more money and resources to her school district.

The final testament to Ms. Freeman's devotion is the choice she made with the $34,000 McAuliffe Award. The funds are intended to allow the recipient to take time away from teaching to further his or her own continuing education. Ms. Freeman, however, chose to give the money to her school's Science Math with Accountability and Responsible Technology (SMART) project. The SMART program integrates reading, technical writing, math, science, and technology into an innovative model that will be used to improve the learning of students throughout Lee Elementary.

I have long been a supporter of greater flexibility for local educators. It is educators like Raschelle Freeman that demonstrate local communities really do know best. The Federal Government should provide more flexibility to promote the work of educators like Ms. Freeman. I am proud to present her with my Innovation in Education Award, and I hope my colleagues will join me in recognizing her accomplishments.●

MEASURE PLACED ON CALENDAR—S. 1427

Mr. GORTON. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will state the bill.

The legislative clerk read as follows:

A bill (S. 1427) to authorize the Attorney General to appoint a special counsel to investigate or prosecute a person for a possible violation of criminal law when the Attorney

General determines that the appointment of a special counsel is in the public interest.

Mr. GORTON. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

AUTHORIZING TESTIMONY BY SENATE EMPLOYEE

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 162 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 162) to authorize the testimony of employee of the Senate in State of New Mexico v. Felix Lucero Chavez.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 162) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 162

Whereas, in the case of *State of New Mexico* v. *Felix Lucero Chavez*, No. CR 4646–99, pending in the Metropolitan Court for Bernalillo County, New Mexico, a subpoena has been served on Kristen Ludecke, an employee of the Senate;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Kristen Ludecke is authorized to testify in the case of *State of New Mexico* v. *Felix Lucero Chavez*, except concerning matters for which a privilege should be asserted.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a criminal action brought by the State of New Mexico against a resident of Bernalillo County. The State charges that, during an attempt by the Bernalillo County Sheriff's Department and juvenile probation office to execute a bench warrant for the arrest of a juvenile, as part of a law enforcement program called ''Operation Night Light,'' the defendant created a public disturbance and obstructed the Sheriff's deputies.

An employee on Senator BINGAMAN's staff, Kristen Ludecke, was accompanying the Senator the night of this incident on a ride-along with the Sheriff's Department to observe the Operation Night Light program. The Sheriff's Department is requesting that Ms. Ludecke testify at the hearing in this case, scheduled for August 2, about what she observed during the ride-along.

This resolution would accordingly authorize Ms. Ludecke to testify in this matter.

FEDERAL RESEARCH INVESTMENT ACT

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 205, S. 296.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 296) to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 296

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 ''Federal Research Investment Act''.

SEC. 2. GENERAL FINDINGS REGARDING FEDERAL INVESTMENT IN RESEARCH.

(a) VALUE OF RESEARCH AND DEVELOPMENT.—The Congress makes the following findings with respect to the value of research and development to the United States:

(1) Federal investment in research has resulted in the development of technology that saved lives in the United States and around the world.

(2) Research and development investment across all Federal agencies has been effective in creating technology that has enhanced the American quality of life.

(3) The Federal investment in research and development conducted or underwritten by both military and civilian agencies has produced benefits that have been felt in both the private and public sector.

(4) Discoveries across the spectrum of scientific inquiry have the potential to raise the standard of living and the quality of life for all Americans.

(5) Science, engineering, and technology play a critical role in shaping the modern world.

(6) Studies show that about half of all United States post-World War II economic growth is a direct result of technical innovation; and science, engineering, and technology contribute to the creation of new goods and services, new jobs and new capital.

(7) Technical innovation is the principal driving force behind the long-term economic growth and increased standards of living of the world's modern industrial societies. Other nations are well aware of the pivotal role of science, engineering, and technology, and they are seeking to exploit it wherever possible to advance their own global competitiveness.

(8) Federal programs for investment in research, which lead to technological innovation and result in economic growth, should be structured to address current funding disparities and develop enhanced capability in States and regions that currently underparticipate in the national science and technology enterprise.

(b) STATUS OF THE FEDERAL INVESTMENT.—The Congress makes the following findings with respect to the status of the Federal Investment in research and development activities:

(1) Federal investment of approximately 13 to 14 percent of the Federal discretionary budget in research and development over the past 11 years has resulted in a doubling of the nominal amount of Federal funding.

(2) Fiscal realities now challenge Congress to steer the Federal government's role in science, engineering, and technology in a manner that ensures a prudent use of limited public resources. There is both a long-term problem—addressing the ever-increasing level of mandatory spending—and a near-term challenge—apportioning a dwindling amount of discretionary funding to an increasing range of targets in science, engineering, and technology. This confluence of increased national dependency on technology, increased targets of opportunity, and decreased fiscal flexibility has created a problem of national urgency. Many indicators show that more funding for science, engineering, and technology is needed but, even with increased funding, priorities must be established among different programs. The United States cannot afford the luxury of fully funding all deserving programs.

(3) Current projections of Federal research funding show a downward trend.

SEC. 3. SPECIAL FINDINGS REGARDING HEALTH-RELATED RESEARCH.

The Congress makes the following findings with respect to health-related research:

(1) HEALTH AND ECONOMIC BENEFITS PROVIDED BY HEALTH-RELATED RESEARCH.—Because of health-related research, cures for many debilitating and fatal diseases have been discovered and deployed. At present, the medical research community is on the cusp of creating cures for a number of leading diseases and their associated burdens. In particular, medical research has the potential to develop treatments that can help manage the escalating costs associated with the aging of the United States population.

(2) FUNDING OF HEALTH-RELATED RESEARCH.—Many studies have recognized that clinical and basic science are in a state of crisis because of a failure of resources to meet the opportunity. Consequently, health-related research has emerged as a national priority and has been given significantly increased funding by Congress in fiscal year 1999. In order to continue addressing this urgent national need, the pattern of substantial budgetary expansion begun in fiscal year 1999 should be maintained.

(3) INTERDISCIPLINARY NATURE OF HEALTH-RELATED RESEARCH.—Because all fields of science and engineering are interdependent, full realization of the nation's historic investment in health will depend on major advances both in the biomedical sciences and in other science and engineering disciplines. Hence, the vitality of all disciplines must be preserved, even as special considerations are given to the health research field.

[SEC. 4.] ***SEC. 4.*** **ADDITIONAL FINDINGS REGARDING THE LINK BETWEEN THE RESEARCH PROCESS AND USEFUL TECHNOLOGY.**

The Congress makes the following findings:

(1) FLOW OF SCIENCE, ENGINEERING, AND TECHNOLOGY.—The process of science, engineering, and technology involves many steps. The present Federal science, engineering, and technology structure reinforces the increasingly artificial distinctions between basic and applied activities. The result too often is a set of discrete programs that each

support a narrow phase of research or development and are not coordinated with one another. The government should maximize its investment by encouraging the progression of science, engineering, and technology from the earliest stages of research up to a pre-commercialization stage, through funding agencies and vehicles appropriate for each stage. This creates a flow of technology, subject to merit review at each stage, so that promising technology is not lost in a bureaucratic maze.

(2) EXCELLENCE IN THE AMERICAN RESEARCH INFRASTRUCTURE.—Federal investment in science, engineering, and technology programs must foster a close relationship between research and education. Investment in research at the university level creates more than simply world-class research. It creates world-class researchers as well. The Federal strategy must continue to reflect this commitment to a strong geographically-diverse research infrastructure. Furthermore, the United States must find ways to extend the excellence of its university system to primary and secondary educational institutions and to better utilize the community college system to prepare many students for vocational opportunities in an increasingly technical workplace.

(3) COMMITMENT TO A BROAD RANGE OF RESEARCH INITIATIVES.—An increasingly common theme in many recent technical breakthroughs has been the importance of revolutionary innovations that were sparked by overlapping of research disciplines. The United States must continue to encourage this trend by providing and encouraging opportunities for interdisciplinary projects that foster collaboration among fields of research.

(4) PARTNERSHIPS AMONG INDUSTRY, UNIVERSITIES, AND FEDERAL LABORATORIES.—Each of these contributors to the national science and technology delivery system has special talents and abilities that complement the others. In addition, each has a central mission that must provide their focus and each has limited resources. The nation's investment in science, engineering, and technology can be optimized by seeking opportunities for leveraging the resources and talents of these three major players through partnerships that do not distort the missions of each partner. For that reason, Federal dollars are wisely spent forming such partnerships.

[SEC. 4.] *SEC. 5.* **MAINTENANCE OF FEDERAL RESEARCH EFFORT; GUIDING PRINCIPLES.**

(a) MAINTAINING UNITED STATES LEADERSHIP IN SCIENCE, ENGINEERING, AND TECHNOLOGY.—It is imperative for the United States to nurture its superb resources in science, engineering, and technology carefully in order to maintain its own globally competitive position.

(b) GUIDING PRINCIPLES.—Federal research and development programs should be conducted in accordance with the following guiding principles:

(1) GOOD SCIENCE.—Federal science, engineering, and technology programs include both knowledge-driven science together with its applications, and mission-driven, science-based requirements. In general, both types of programs must be focused, peer- and merit-reviewed, and not unnecessarily duplicative, although the details of these attributes must vary with different program objectives.

(2) FISCAL ACCOUNTABILITY.—The Congress must exercise oversight to ensure that programs funded with scarce Federal dollars are well managed. The United States cannot tolerate waste of money through inefficient management techniques, whether by government agencies, by contractors, or by Congress itself. Fiscal resources would be better utilized if program and project funding levels were predictable across several years to enable better project planning; a benefit of such predictability would be that agencies and Congress can better exercise oversight responsibilities through comparisons of a project's and program's progress against carefully planned milestones.

(3) PROGRAM EFFECTIVENESS.—The United States needs to make sure that government programs achieve their goals. As the Congress crafts science, engineering, and technology legislation, it must include a process for gauging program effectiveness, selecting criteria based on sound scientific judgment and avoiding unnecessary bureaucracy. The Congress should also avoid the trap of measuring the effectiveness of a broad science, engineering, and technology program by passing judgment on individual projects. Lastly, the Congress must recognize that a negative result in a well-conceived and executed project or program may still be critically important to the funding agency.

(4) CRITERIA FOR GOVERNMENT FUNDING.—Program selection for Federal funding should continue to reflect the nation's 2 traditional research and development priorities: (A) basic, scientific, and technological research that represents investments in the nation's long-term future scientific and technological capacity, for which government has traditionally served as the principle resource; and (B) mission research investments, that is, investments in research that derive from necessary public functions, such as defense, health, education, environmental protection, and raising the standard of living, which may include pre-commercial, pre-competitive engineering research and technology development. Additionally, government funding should not compete with or displace the short-term, market-driven, and typically more specific nature of private-sector funding. Government funding should be restricted to pre-competitive activities, leaving competitive activities solely for the private sector. As a rule, the government should not invest in commercial technology that is in the product development stage, very close to the broad commercial marketplace, except to meet a specific agency goal. When the government provides funding for any science, engineering, and technology investment program, it must take reasonable steps to ensure that the potential benefits derived from the program will accrue broadly.

[SEC. 5.] *SEC. 6.* **POLICY STATEMENT.**

[(a) POLICY.—This Act is intended—

[(1) to encourage, as an overall goal, the doubling of the annual authorized amount of Federal funding for basic scientific, medical, and pre-competitive engineering research over the 11-year period following the date of enactment of this Act;

[(2) to invest in the future of the United States and the people of the United States by expanding the research activities referred to in paragraph (1);

[(3) to enhance the quality of life for all people of the United States;

[(4) to guarantee the leadership of the United States in science, engineering, medicine, and technology; and

[(5) to ensure that the opportunity and the support for undertaking good science is widely available throughout the States by supporting a geographically-diverse research and development enterprise.]

(a) POLICY.— This Act is intended to—

(1) assure a base level of Federal funding for basic scientific, biomedical, and pre-competitive engineering research, with this base level defined as a doubling of Federal basic research funding over the 11 year period following the date of enactment of this Act;

(2) invest in the future economic growth of the United States by expanding the research activities referred to in paragraph (1);

(3) enhance the quality of life and health for all people of the United States through expanded support for health-related research;

(4) allow for accelerated growth of agencies such as the National Institutes of Health to meet critical national needs;

(5) guarantee the leadership of the United States in science, engineering, medicine, and technology; and

(6) ensure that the opportunity and the support for undertaking good science is widely available throughout the United States by supporting a geographically-diverse research and development enterprise.

(b) AGENCIES COVERED.—The agencies intended to be covered to the extent that they are engaged in science, engineering, and technology activities for basic scientific, medical, or pre-competitive engineering research by this Act are—

(1) the National Institutes of Health, within the Department of Health and Human Services;

(2) the National Science Foundation;

(3) the National Institute for Standards and Technology, within the Department of Commerce;

(4) the National Aeronautics and Space Administration;

(5) the National Oceanic and Atmospheric Administration, within the Department of Commerce;

(6) the Centers for Disease Control, within the Department of Health and Human Services;

(7) the Department of Energy (to the extent that it is not engaged in defense-related activities);

(8) the Department of Agriculture;

(9) the Department of Transportation;

(10) the Department of the Interior;

(11) the Department of Veterans Affairs;

(12) the Smithsonian Institution;

(13) the Department of Education;

(14) the Environmental Protection Agency; and

(15) the [Federal] *Food and* Drug Administration, within the Department of Health and Human Services.

[(c) CURRENT INVESTMENT.—The investment in civilian research and development efforts for fiscal year 1998 was 2.1 percent of the overall Federal budget.]

[(d)] *(c)* DAMAGE TO RESEARCH INFRASTRUCTURE.—A continued trend of funding appropriations equal to or lower than current budgetary levels will lead to permanent damage to the United States research infrastructure. This could threaten American dominance of high-technology industrial leadership.

[(e) INCREASE FUNDING.—In order to maintain and enhance the economic strength of the United States in the world market, funding levels for fundamental, scientific, and pre-competitive engineering research should be increased to equal approximately 2.6 percent of the total annual budget.

[(f) *(d)* FUTURE FISCAL YEAR ALLOCATIONS.—

(1) GOALS.—The long-term strategy for research and development funding under this section would be achieved by a steady 2.5 percent annual increase above the rate of inflation throughout a 11-year period.

(2) INFLATION ASSUMPTION.—The authorizations contained in paragraph (3) assume that the rate of inflation for each year will be 3 percent.

(3) AUTHORIZATION.—There are authorized to be appropriated for civilian research and development in the agencies listed in subsection (b)—

(A) $39,790,000,000 for fiscal year 2000;

(B) $41,980,000,000 for fiscal year 2001;

(C) $42,290,000,000 for fiscal year 2002;
(D) $46,720,000,000 for fiscal year 2003;
(E) [$49,290,000,000] *$44,290,000,000* for fiscal year 2004;
(F) $52,000,000,000 for fiscal year 2005;
(G) $54,870,000,000 for fiscal year 2006;
(H) $57,880,000,000 for fiscal year 2007;
(I) $61,070,000,000 for fiscal year 2008;
(J) $64,420,000,000 for fiscal year 2009; and
(K) $67,970,000,000 for fiscal year 2010.

(4) ACCELERATION TO MEET NATIONAL NEEDS.—(A) IN GENERAL.—If the amount appropriated for any fiscal year to an agency for the purposes stated in paragraph (3) increases by more than 8 percent over the amount appropriated to it for those purposes for the preceding fiscal year, then the amounts authorized by paragraph (3) for subsequent fiscal years for that agency and other agencies shall be determined under subparagraphs (B) and (C).

(B) EXCLUSION OF AGENCY IN DETERMINING OTHER AGENCY AMOUNTS FOR NEXT FISCAL YEAR.—For the next fiscal year after a fiscal year described in subparagraph (A), the amount authorized to be appropriated to other agencies under paragraph (3) shall be determined by excluding the agency described in subparagraph (A). Any amount that would, but for this subparagraph, be authorized to be appropriated to that agency shall not be appropriated.

(C) RESUMPTION OF REGULAR TREATMENT.—Notwithstanding subparagraph (B), an agency may not be excluded from the determination of the amount authorized to be appropriated under paragraph (3) for a fiscal year following a fiscal year for which the sum of the amounts appropriated to that agency for fiscal year 2000 and all subsequent fiscal years for the purposes described in paragraph (3) does not exceed the sum of—

(i) the amount appropriated to that agency for such purposes for fiscal year 2000; and

(ii) the amounts that would have been appropriated for such purposes for subsequent fiscal years if the goal described in paragraph (1) had been met (and not exceeded) with respect to that agency's funding.

(D) NO LIMITATION ON OTHER FUNDING.—Nothing in this paragraph limits the amount that may be appropriated to any agency for the purposes described in paragraph (3).

[(g)] *(e)* CONFORMANCE WITH BUDGETARY CAPS.—Notwithstanding any other provision of law, no funds may be made available under this Act in a manner that does not conform with the discretionary spending caps provided in the most recently adopted concurrent resolution on the budget or threatens the economic stability of the annual budget.

[(h)] *(f)* BALANCED RESEARCH PORTFOLIO.—Because of the interdependent nature of the scientific and engineering disciplines, the aggregate funding levels authorized by the section assume that the Federal research portfolio will be well-balanced among the various scientific and engineering disciplines, and geographically dispersed throughout the States.

[SEC. 6.] *SEC. 7.* **PRESIDENT'S ANNUAL BUDGET REQUEST.**

The President of the United States shall, in coordination with the President's annual budget request, include a report that parallels Congress' commitment to support Federally-funded research and development by providing—

(1) a detailed summary of the total level of funding for research and development programs throughout all civilian agencies;

(2) a focused strategy that reflects the funding projections of this Act for each future fiscal year until 2010, including specific targets for each agency that funds civilian research and development;

(3) an analysis which details funding levels across Federal agencies by methodology of funding, including grant agreements, procurement contracts, and cooperative agreements (within the meaning given those terms in chapter 63 of title 31, United States Code); and

(4) specific proposals for infrastructure development and research and development capacity building in States with less concentrated research and development resources in order to create a nationwide research and development community.

[SEC. 7.] *SEC. 8.* **COMPREHENSIVE ACCOUNTABILITY STUDY FOR FEDERALLY-FUNDED RESEARCH.**

(a) STUDY.—The Director of the Office of Science and Technology Policy, in consultation with the Director of the Office of Management and Budget, shall enter into agreement with the National Academy of Sciences for the Academy to conduct a comprehensive study to develop methods for evaluating Federally-funded research and development programs. This study shall—

(1) recommend processes to determine an acceptable level of success for Federally-funded research and development programs by—

(A) describing the research process in the various scientific and engineering disciplines;

(B) describing in the different sciences what measures and what criteria each community uses to evaluate the success or failure of a program, and on what time scales these measures are considered reliable—both for exploratory long-range work and for short-range goals; and

(C) recommending how these measures may be adapted for use by the Federal government to evaluate Federally-funded research and development programs;

(2) assess the extent to which agencies incorporate independent merit-based review into the formulation of the strategic plans of funding agencies and if the quantity or quality of this type of input is unsatisfactory;

(3) recommend mechanisms for identifying Federally-funded research and development programs which are unsuccessful or unproductive;

(4) evaluate the extent to which independent, merit-based evaluation of Federally-funded research and development programs and projects achieves the goal of eliminating unsuccessful or unproductive programs and projects; and

(5) investigate and report on the validity of using quantitative performance goals for aspects of programs which relate to administrative management of the program and for which such goals would be appropriate, including aspects related to—

(A) administrative burden on contractors and recipients of financial assistance awards;

(B) administrative burdens on external participants in independent, merit-based evaluations;

(C) cost and schedule control for construction projects funded by the program;

(D) the ratio of overhead costs of the program relative to the amounts expended through the program for equipment and direct funding of research; and

(E) the timeliness of program responses to requests for funding, participation, or equipment use.

(6) examine the extent to which program selection for Federal funding across all agencies exemplifies our nation's historical research and development priorities—

(A) basic, scientific, and technological research in the long-term future scientific and technological capacity of the nation; and

(B) mission research derived from a high-priority public function.

(b) ALTERNATIVE FORMS FOR PERFORMANCE GOALS.—Not later than 6 months after transmitting the report under subsection (a) to Congress, the Director of the Office of Management and Budget, after public notice, public comment, and approval by the Director of the Office of Science and Technology Policy and in consultation with the National Science and Technology Council shall promulgate one or more alternative forms for performance goals under section 1115(b)(10)(B) of title 31, United States Code, based on the recommendations of the study under subsection (a) of this section. The head of each agency containing a program activity that is a research and development program may apply an alternative form promulgated under this section for a performance goal to such a program activity without further authorization by the Director of the Office of Management and Budget.

(c) STRATEGIC PLANS.—Not later than one year after promulgation of the alternative performance goals in subsection (b) of this section, the head of each agency carrying out research and development activities, upon updating or revising a strategic plan under subsection 306(b) of title 5, United States Code, shall describe the current and future use of methods for determining an acceptable level of success as recommended by the study under subsection (a).

(d) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Science and Technology Policy.

(2) PROGRAM ACTIVITY.—The term ''program activity'' has the meaning given that term by section 1115(f)(6) of title 31, United States Code.

(3) INDEPENDENT MERIT-BASED EVALUATION.—The term ''independent merit-based evaluation'' means review of the scientific or technical quality of research or development, conducted by experts who are chosen for their knowledge of scientific and technical fields relevant to the evaluation and who—

(A) in the case of the review of a program activity, do not derive long-term support from the program activity; or

(B) in the case of the review of a project proposal, are not seeking funds in competition with the proposal.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the study required by subsection (a) $600,000 for the 18-month period beginning October 1, 2000.

[SEC. 8.] *SEC. 9.* **PERFORMANCE ASSESSMENT PROGRAM FOR FEDERALLY-FUNDED RESEARCH.**

(a) IN GENERAL.—Chapter 11 of title 31, United States Code, is amended by adding at the end thereof the following:

''§ 1120. Accountability for research and development programs

''(a) IDENTIFICATION OF UNSUCCESSFUL PROGRAMS.—Based upon program performance reports for each fiscal year submitted to the President under section 1116, the Director of the Office of Management and Budget shall identify the civilian research and development program activities, or components thereof, which do not meet an acceptable level of success as defined in section 1115(b)(1)(B). Not later than 30 days after the submission of the reports under section 1116, the Director shall furnish a copy of a report listing the program activities or component identified under this subsection to the President and the Congress.

''(b) ACCOUNTABILITY IF NO IMPROVEMENT SHOWN.—For each program activity or component that is identified by the Director under subsection (a) as being below the acceptable level of success for 2 fiscal years in a row, the head of the agency shall no later than 30 days after the Director submits the second report so identifying the program, submit to the appropriate congressional committees of jurisdiction:

''(1) a concise statement of the steps necessary to—

''(A) bring such program into compliance with performance goals; or

''(B) terminate such program should compliance efforts fail; and

''(2) any legislative changes needed to put the steps contained in such statement into effect.''.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 11 of title 31, United States Code, is amended by adding at the end thereof the following:

''1120. Accountability for research and development programs''.

(2) Section 1115(f) of title 31, United States Code, is amended by striking ''through 1119,'' and inserting ''through 1120''.

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The committee amendments were agreed to.

AMENDMENT NO. 1349

(Purpose: To provide minor technical changes)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator FRIST and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. FRIST, for himself and Mr. ROCKEFELLER, proposes an amendment numbered 1349.

On page 15, line 15, strike ''$42,290,000,000'' and insert ''$44,290,000,000''.

On page 15, line 17, strike ''$44,290,000,000'' and insert ''$49,290,000,000''.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment (No. 1349) was agreed to.

The bill (S. 296), as amended, was read the third time and passed, as follows:

S. 296

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 ''Federal Research Investment Act''.

SEC. 2. GENERAL FINDINGS REGARDING FEDERAL INVESTMENT IN RESEARCH.

(a) VALUE OF RESEARCH AND DEVELOPMENT.—The Congress makes the following findings with respect to the value of research and development to the United States:

(1) Federal investment in research has resulted in the development of technology that saved lives in the United States and around the world.

(2) Research and development investment across all Federal agencies has been effective in creating technology that has enhanced the American quality of life.

(3) The Federal investment in research and development conducted or underwritten by both military and civilian agencies has produced benefits that have been felt in both the private and public sector.

(4) Discoveries across the spectrum of scientific inquiry have the potential to raise the standard of living and the quality of life for all Americans.

(5) Science, engineering, and technology play a critical role in shaping the modern world.

(6) Studies show that about half of all United States post-World War II economic growth is a direct result of technical innovation; and science, engineering, and technology contribute to the creation of new goods and services, new jobs and new capital.

(7) Technical innovation is the principal driving force behind the long-term economic growth and increased standards of living of the world's modern industrial societies. Other nations are well aware of the pivotal role of science, engineering, and technology, and they are seeking to exploit it wherever possible to advance their own global competitiveness.

(8) Federal programs for investment in research, which lead to technological innovation and result in economic growth, should be structured to address current funding disparities and develop enhanced capability in States and regions that currently underparticipate in the national science and technology enterprise.

(b) STATUS OF THE FEDERAL INVESTMENT.—The Congress makes the following findings with respect to the status of the Federal Investment in research and development activities:

(1) Federal investment of approximately 13 to 14 percent of the Federal discretionary budget in research and development over the past 11 years has resulted in a doubling of the nominal amount of Federal funding.

(2) Fiscal realities now challenge Congress to steer the Federal government's role in science, engineering, and technology in a manner that ensures a prudent use of limited public resources. There is both a long-term problem—addressing the ever-increasing level of mandatory spending—and a near-term challenge—apportioning a dwindling amount of discretionary funding to an increasing range of targets in science, engineering, and technology. This confluence of increased national dependency on technology, increased targets of opportunity, and decreased fiscal flexibility has created a problem of national urgency. Many indicators show that more funding for science, engineering, and technology is needed but, even with increased funding, priorities must be established among different programs. The United States cannot afford the luxury of fully funding all deserving programs.

(3) Current projections of Federal research funding show a downward trend.

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The Congress makes the following findings with respect to health-related research:

(1) HEALTH AND ECONOMIC BENEFITS PROVIDED BY HEALTH-RELATED RESEARCH.—Because of health-related research, cures for many debilitating and fatal diseases have been discovered and deployed. At present, the medical research community is on the cusp of creating cures for a number of leading diseases and their associated burdens. In particular, medical research has the potential to develop treatments that can help manage the escalating costs associated with the aging of the United States population.

(2) FUNDING OF HEALTH-RELATED RESEARCH.—Many studies have recognized that clinical and basic science are in a state of crisis because of a failure of resources to meet the opportunity. Consequently, health-related research has emerged as a national priority and has been given significantly increased funding by Congress in fiscal year 1999. In order to continue addressing this urgent national need, the pattern of substantial budgetary expansion begun in fiscal year 1999 should be maintained.

(3) INTERDISCIPLINARY NATURE OF HEALTH-RELATED RESEARCH.—Because all fields of science and engineering are interdependent, full realization of the nation's historic investment in health will depend on major advances both in the biomedical sciences and in other science and engineering disciplines. Hence, the vitality of all disciplines must be preserved, even as special considerations are given to the health research field.

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The Congress makes the following findings:

(1) FLOW OF SCIENCE, ENGINEERING, AND TECHNOLOGY.—The process of science, engineering, and technology involves many steps. The present Federal science, engineering, and technology structure reinforces the increasingly artificial distinctions between basic and applied activities. The result too often is a set of discrete programs that each support a narrow phase of research or development and are not coordinated with one another. The government should maximize its investment by encouraging the progression of science, engineering, and technology from the earliest stages of research up to a precommercialization stage, through funding agencies and vehicles appropriate for each stage. This creates a flow of technology, subject to merit review at each stage, so that promising technology is not lost in a bureaucratic maze.

(2) EXCELLENCE IN THE AMERICAN RESEARCH INFRASTRUCTURE.—Federal investment in science, engineering, and technology programs must foster a close relationship between research and education. Investment in research at the university level creates more than simply world-class research. It creates world-class researchers as well. The Federal strategy must continue to reflect this commitment to a strong geographically-diverse research infrastructure. Furthermore, the United States must find ways to extend the excellence of its university system to primary and secondary educational institutions and to better utilize the community college system to prepare many students for vocational opportunities in an increasingly technical workplace.

(3) COMMITMENT TO A BROAD RANGE OF RESEARCH INITIATIVES.—An increasingly common theme in many recent technical breakthroughs has been the importance of revolutionary innovations that were sparked by overlapping of research disciplines. The United States must continue to encourage this trend by providing and encouraging opportunities for interdisciplinary projects that foster collaboration among fields of research.

(4) PARTNERSHIPS AMONG INDUSTRY, UNIVERSITIES, AND FEDERAL LABORATORIES.—Each of these contributors to the national science and technology delivery system has special talents and abilities that complement the others. In addition, each has a central mission that must provide their focus and each has limited resources. The nation's investment in science, engineering, and technology can be optimized by seeking opportunities for leveraging the resources and talents of these three major players through partnerships that do not distort the missions of each partner. For that reason, Federal dollars are wisely spent forming such partnerships.

SEC. 5. MAINTENANCE OF FEDERAL RESEARCH EFFORT; GUIDING PRINCIPLES.

(a) MAINTAINING UNITED STATES LEADERSHIP IN SCIENCE, ENGINEERING, AND TECHNOLOGY.—It is imperative for the United States to nurture its superb resources in science, engineering, and technology carefully in order to maintain its own globally competitive position.

(b) GUIDING PRINCIPLES.—Federal research and development programs should be conducted in accordance with the following guiding principles:

(1) GOOD SCIENCE.—Federal science, engineering, and technology programs include both knowledge-driven science together with its applications, and mission-driven, science-based requirements. In general, both types of programs must be focused, peer- and merit-reviewed, and not unnecessarily duplicative, although the details of these attributes must vary with different program objectives.

(2) FISCAL ACCOUNTABILITY.—The Congress must exercise oversight to ensure that programs funded with scarce Federal dollars are well managed. The United States cannot tolerate waste of money through inefficient management techniques, whether by government agencies, by contractors, or by Congress itself. Fiscal resources would be better utilized if program and project funding levels were predictable across several years to enable better project planning; a benefit of such predictability would be that agencies and Congress can better exercise oversight responsibilities through comparisons of a project's and program's progress against carefully planned milestones.

(3) PROGRAM EFFECTIVENESS.—The United States needs to make sure that government programs achieve their goals. As the Congress crafts science, engineering, and technology legislation, it must include a process for gauging program effectiveness, selecting criteria based on sound scientific judgment and avoiding unnecessary bureaucracy. The Congress should also avoid the trap of measuring the effectiveness of a broad science, engineering, and technology program by passing judgment on individual projects. Lastly, the Congress must recognize that a negative result in a well-conceived and executed project or program may still be critically important to the funding agency.

(4) CRITERIA FOR GOVERNMENT FUNDING.—Program selection for Federal funding should continue to reflect the nation's 2 traditional research and development priorities: (A) basic, scientific, and technological research that represents investments in the nation's long-term future scientific and technological capacity, for which government has traditionally served as the principle resource; and (B) mission research investments, that is, investments in research that derive from necessary public functions, such as defense, health, education, environmental protection, and raising the standard of living, which may include pre-commercial, pre-competitive engineering research and technology development. Additionally, government funding should not compete with or displace the short-term, market-driven, and typically more specific nature of private-sector funding. Government funding should be restricted to pre-competitive activities, leaving competitive activities solely for the private sector. As a rule, the government should not invest in commercial technology that is in the product development stage, very close to the broad commercial marketplace, except to meet a specific agency goal. When the government provides funding for any science, engineering, and technology investment program, it must take reasonable steps to ensure that the potential benefits derived from the program will accrue broadly.

SEC. 6. POLICY STATEMENT.

(a) POLICY.— This Act is intended to—

(1) assure a base level of Federal funding for basic scientific, biomedical, and pre-competitive engineering research, with this base level defined as a doubling of Federal basic research funding over the 11 year period following the date of enactment of this Act;

(2) invest in the future economic growth of the United States by expanding the research activities referred to in paragraph (1);

(3) enhance the quality of life and health for all people of the United States through expanded support for health-related research;

(4) allow for accelerated growth of agencies such as the National Institutes of Health to meet critical national needs;

(5) guarantee the leadership of the United States in science, engineering, medicine, and technology; and

(6) ensure that the opportunity and the support for undertaking good science is widely available throughout the United States by supporting a geographically-diverse research and development enterprise.

(b) AGENCIES COVERED.—The agencies intended to be covered to the extent that they are engaged in science, engineering, and technology activities for basic scientific, medical, or pre-competitive engineering research by this Act are—

(1) the National Institutes of Health, within the Department of Health and Human Services;

(2) the National Science Foundation;

(3) the National Institute for Standards and Technology, within the Department of Commerce;

(4) the National Aeronautics and Space Administration;

(5) the National Oceanic and Atmospheric Administration, within the Department of Commerce;

(6) the Centers for Disease Control, within the Department of Health and Human Services;

(7) the Department of Energy (to the extent that it is not engaged in defense-related activities);

(8) the Department of Agriculture;

(9) the Department of Transportation;

(10) the Department of the Interior;

(11) the Department of Veterans Affairs;

(12) the Smithsonian Institution;

(13) the Department of Education;

(14) the Environmental Protection Agency; and

(15) the Food and Drug Administration, within the Department of Health and Human Services.

(c) DAMAGE TO RESEARCH INFRASTRUCTURE.—A continued trend of funding appropriations equal to or lower than current budgetary levels will lead to permanent damage to the United States research infrastructure. This could threaten American dominance of high-technology industrial leadership.

(d) FUTURE FISCAL YEAR ALLOCATIONS.—

(1) GOALS.—The long-term strategy for research and development funding under this section would be achieved by a steady 2.5 percent annual increase above the rate of inflation throughout a 11-year period.

(2) INFLATION ASSUMPTION.—The authorizations contained in paragraph (3) assume that the rate of inflation for each year will be 3 percent.

(3) AUTHORIZATION.—There are authorized to be appropriated for civilian research and development in the agencies listed in subsection (b)—

(A) $39,790,000,000 for fiscal year 2000;

(B) $41,980,000,000 for fiscal year 2001;

(C) $44,290,000,000 for fiscal year 2002;

(D) $46,720,000,000 for fiscal year 2003;

(E) $49,290,000,000 for fiscal year 2004;

(F) $52,000,000,000 for fiscal year 2005;

(G) $54,870,000,000 for fiscal year 2006;

(H) $57,880,000,000 for fiscal year 2007;

(I) $61,070,000,000 for fiscal year 2008;

(J) $64,420,000,000 for fiscal year 2009; and

(K) $67,970,000,000 for fiscal year 2010.

(4) ACCELERATION TO MEET NATIONAL NEEDS.—

(A) IN GENERAL.—If the amount appropriated for any fiscal year to an agency for the purposes stated in paragraph (3) increases by more than 8 percent over the amount appropriated to it for those purposes for the preceding fiscal year, then the amounts authorized by paragraph (3) for subsequent fiscal years for that agency and other agencies shall be determined under subparagraphs (B) and (C).

(B) EXCLUSION OF AGENCY IN DETERMINING OTHER AGENCY AMOUNTS FOR NEXT FISCAL YEAR.—For the next fiscal year after a fiscal year described in subparagraph (A), the amount authorized to be appropriated to other agencies under paragraph (3) shall be determined by excluding the agency described in subparagraph (A). Any amount that would, but for this subparagraph, be authorized to be appropriated to that agency shall not be appropriated.

(C) RESUMPTION OF REGULAR TREATMENT.—Notwithstanding subparagraph (B), an agency may not be excluded from the determination of the amount authorized to be appropriated under paragraph (3) for a fiscal year following a fiscal year for which the sum of the amounts appropriated to that agency for fiscal year 2000 and all subsequent fiscal years for the purposes described in paragraph (3) does not exceed the sum of—

(i) the amount appropriated to that agency for such purposes for fiscal year 2000; and

(ii) the amounts that would have been appropriated for such purposes for subsequent fiscal years if the goal described in paragraph (1) had been met (and not exceeded) with respect to that agency's funding.

(D) NO LIMITATION ON OTHER FUNDING.—Nothing in this paragraph limits the amount that may be appropriated to any agency for the purposes described in paragraph (3).

(e) CONFORMANCE WITH BUDGETARY CAPS.—Notwithstanding any other provision of law, no funds may be made available under this Act in a manner that does not conform with the discretionary spending caps provided in the most recently adopted concurrent resolution on the budget or threatens the economic stability of the annual budget.

(f) BALANCED RESEARCH PORTFOLIO.—Because of the interdependent nature of the scientific and engineering disciplines, the aggregate funding levels authorized by the section assume that the Federal research portfolio will be well-balanced among the various scientific and engineering disciplines, and geographically dispersed throughout the States.

SEC. 7. PRESIDENT'S ANNUAL BUDGET REQUEST.

The President of the United States shall, in coordination with the President's annual budget request, include a report that parallels Congress' commitment to support federally-funded research and development by providing—

(1) a detailed summary of the total level of funding for research and development programs throughout all civilian agencies;

(2) a focused strategy that reflects the funding projections of this Act for each future fiscal year until 2010, including specific targets for each agency that funds civilian research and development;

(3) an analysis which details funding levels across Federal agencies by methodology of funding, including grant agreements, procurement contracts, and cooperative agreements (within the meaning given those

terms in chapter 63 of title 31, United States Code); and

(4) specific proposals for infrastructure development and research and development capacity building in States with less concentrated research and development resources in order to create a nationwide research and development community.

SEC. 8. COMPREHENSIVE ACCOUNTABILITY STUDY FOR FEDERALLY-FUNDED RESEARCH.

(a) STUDY.—The Director of the Office of Science and Technology Policy, in consultation with the Director of the Office of Management and Budget, shall enter into agreement with the National Academy of Sciences for the Academy to conduct a comprehensive study to develop methods for evaluating federally-funded research and development programs. This study shall—

(1) recommend processes to determine an acceptable level of success for federally-funded research and development programs by—

(A) describing the research process in the various scientific and engineering disciplines;

(B) describing in the different sciences what measures and what criteria each community uses to evaluate the success or failure of a program, and on what time scales these measures are considered reliable—both for exploratory long-range work and for short-range goals; and

(C) recommending how these measures may be adapted for use by the Federal government to evaluate federally-funded research and development programs;

(2) assess the extent to which agencies incorporate independent merit-based review into the formulation of the strategic plans of funding agencies and if the quantity or quality of this type of input is unsatisfactory;

(3) recommend mechanisms for identifying federally-funded research and development programs which are unsuccessful or unproductive;

(4) evaluate the extent to which independent, merit-based evaluation of federally-funded research and development programs and projects achieves the goal of eliminating unsuccessful or unproductive programs and projects; and

(5) investigate and report on the validity of using quantitative performance goals for aspects of programs which relate to administrative management of the program and for which such goals would be appropriate, including aspects related to—

(A) administrative burden on contractors and recipients of financial assistance awards;

(B) administrative burdens on external participants in independent, merit-based evaluations;

(C) cost and schedule control for construction projects funded by the program;

(D) the ratio of overhead costs of the program relative to the amounts expended through the program for equipment and direct funding of research; and

(E) the timeliness of program responses to requests for funding, participation, or equipment use.

(6) examine the extent to which program selection for Federal funding across all agencies exemplifies our nation's historical research and development priorities—

(A) basic, scientific, and technological research in the long-term future scientific and technological capacity of the nation; and

(B) mission research derived from a high-priority public function.

(b) ALTERNATIVE FORMS FOR PERFORMANCE GOALS.—Not later than 6 months after transmitting the report under subsection (a) to Congress, the Director of the Office of Management and Budget, after public notice, public comment, and approval by the Director of the Office of Science and Technology Policy and in consultation with the National Science and Technology Council shall promulgate one or more alternative forms for performance goals under section 1115(b)(10)(B) of title 31, United States Code, based on the recommendations of the study under subsection (a) of this section. The head of each agency containing a program activity that is a research and development program may apply an alternative form promulgated under this section for a performance goal to such a program activity without further authorization by the Director of the Office of Management and Budget.

(c) STRATEGIC PLANS.—Not later than one year after promulgation of the alternative performance goals in subsection (b) of this section, the head of each agency carrying out research and development activities, upon updating or revising a strategic plan under subsection 306(b) of title 5, United States Code, shall describe the current and future use of methods for determining an acceptable level of success as recommended by the study under subsection (a).

(d) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Science and Technology Policy.

(2) PROGRAM ACTIVITY.—The term ''program activity'' has the meaning given that term by section 1115(f)(6) of title 31, United States Code.

(3) INDEPENDENT MERIT-BASED EVALUATION.—The term ''independent merit-based evaluation'' means review of the scientific or technical quality of research or development, conducted by experts who are chosen for their knowledge of scientific and technical fields relevant to the evaluation and who—

(A) in the case of the review of a program activity, do not derive long-term support from the program activity; or

(B) in the case of the review of a project proposal, are not seeking funds in competition with the proposal.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the study required by subsection (a) $600,000 for the 18-month period beginning October 1, 2000.

SEC. 9. EFFECTIVE PERFORMANCE ASSESSMENT PROGRAM FOR FEDERALLY-FUNDED RESEARCH.

(a) IN GENERAL.—Chapter 11 of title 31, United States Code, is amended by adding at the end thereof the following:

''§ 1120. Accountability for research and development programs

''(a) IDENTIFICATION OF UNSUCCESSFUL PROGRAMS.—Based upon program performance reports for each fiscal year submitted to the President under section 1116, the Director of the Office of Management and Budget shall identify the civilian research and development program activities, or components thereof, which do not meet an acceptable level of success as defined in section 1115(b)(1)(B). Not later than 30 days after the submission of the reports under section 1116, the Director shall furnish a copy of a report listing the program activities or component identified under this subsection to the President and the Congress.

''(b) ACCOUNTABILITY IF NO IMPROVEMENT SHOWN.—For each program activity or component that is identified by the Director under subsection (a) as being below the acceptable level of success for 2 fiscal years in a row, the head of the agency shall no later than 30 days after the Director submits the second report so identifying the program, submit to the appropriate congressional committees of jurisdiction:

''(1) a concise statement of the steps necessary to—

''(A) bring such program into compliance with performance goals; or

''(B) terminate such program should compliance efforts fail; and

''(2) any legislative changes needed to put the steps contained in such statement into effect.''.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 11 of title 31, United States Code, is amended by adding at the end thereof the following:

''1120. Accountability for research and development programs''.

(2) Section 1115(f) of title 31, United States Code, is amended by striking ''through 1119,'' and inserting ''through 1120''.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Resumed

AMENDMENTS NOS. 1350 THROUGH 1353, EN BLOC

Mr. GORTON. Mr. President, I ask unanimous consent that four amendments at the desk to S. 1217 be agreed to, and that the motion to reconsider be laid upon the table.

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

The amendments (Nos. 1350 through 1353) were agreed to, as follows:

AMENDMENT NO. 1350

(Purpose: To make technical corrections)

On page 21, line 16, delete ''$3,131,895,000'' and insert in lieu thereof: ''$3,121,774,000''.

On page 66, line 20, delete ''−$469,000'' and insert in lieu thereof: ''$9,652,000''.

On page 66, line 20, delete ''−$3,370,000'' and insert in lieu thereof: ''$6,751,000''.

AMENDMENT NO. 1351

(Purpose: To restore funding for United States Sentencing Commission)

On page 21, line 16, strike ''$3,151,895,000'' and insert ''$3,146,895,000''.

On page 71, line 22, strike ''$4,743,000'' and insert ''$9,743,000''.

Mr. LEAHY. Mr. President, I am delighted that the Senate has agreed to my amendment to restore funding for the United States Sentencing Commission. I am pleased that Senator KENNEDY joined me as a cosponsor of this amendment in support of the Commission.

Our amendment to S. 1217 transfers $5 million from the Bureau of Prisons account to the U.S. Sentencing Commission account. As a result, the Commission will be funded at $9,743,000 for FY 2000 instead of the current level of only $4,743,000. This new funding is an increase of $300,000 compared to the Commission's FY 1999 appropriation of $9,487,000 but still substantially below the President's request of $10,800,000 for the Commission.

I understand the Chairman and Ranking Member of the Commerce, Justice, State Appropriations Subcommittee reduced funding for the Commission in part because of their frustration over the vacancy of all seven Commission members since October 31, 1998. I share that frustration, but I am happy to report that the President announced last month his intent to nominate seven highly-qualified individuals to serve as Members of

the Commission—Judge Diana E. Murphy, Judge Ruben Castillo, Judge Sterling Johnson, Jr., Judge Joe Kendall, Professor Michael O'Neill, Judge William K. Sessions, III, and Mr. John R. Steer. I am proud to note that Judge Sessions is a Vermonter and dear friend.

The Senate should act promptly to consider and confirm the nominees to the U.S. Sentencing Commission. This Commission has been struggling without a full slate of commissioners for more than a year. We should not only put the Sentencing Commission back into business but we should restore full funding so the Commission is able to fulfill its statutory mandate.

The Commerce, State, Justice Appropriations bill had significantly cut funding for the U.S. Sentencing Commission. In reducing funding for this important commission, the Appropriations Subcommittee stated in its report that ''the carriage of justice has continued unabated in the absence of commissioners.'' However, that is in direct contradiction to what the Chief Justice of the United States recently stated in his year-end report for the federal judiciary. He stated, ''the fact that no appointments have been made to fill any one of these seven vacancies is paralyzing a critical component of the federal criminal justice system.''

The Sentencing Commission is such a critical component of the federal criminal justice system because it establishes and maintains mandatory sentencing guidelines for over 51,000 criminal cases sentenced in the federal courts each year. The Commission's most critical responsibility today is to adjust the guidelines to implement the important crime legislation we enact every year. Let me emphasize this point: when we enact legislation that calls for increased criminal penalties, it is the Commission's job to make sure that convicted defendants suffer the impact. With no Commissioners since last year, the Commission has been unable to do this job, nor will it next year without new Commissioners and sufficient funding.

Let me give you a few examples of increased penalties we enacted that, to this day, have not caused even one convicted defendant to stay in jail even one more day. Last year, in the Protection of Children from Sexual Predators Act, we required increased penalties for heinous sex abuse against our nation's young. To date, not one sexual predator has been imprisoned for even one day longer. Why? Because the Commission cannot do its job. Nor will it next year without new commissioners and sufficient funding.

Last year, we also passed legislation that required increased penalties for fraudulent telemarketers who prey upon another vulnerable segment of our population, the elderly. Although the outgoing Commission did enact some temporary measures, they are scheduled to expire this Fall. If they do, fraudulent telemarketers, once again, will escape the intended consequences of our legislation. Why? Because the Commission cannot do its job. Nor will it next year without new Commissioners and sufficient funding.

Last Congress, we also passed legislation that required increased penalties for copyright and trademark offenses to protect affected industries from the rampant piracy that threatens job creation and continued economic growth. Once again, not one convicted offender has suffered any increased punishment. Why? Because the Commission cannot do its job. Nor will it next year without new Commissioners and sufficient funding.

So long as the Commission cannot do its job, convicted defendants will also escape the impact of criminal laws we have enacted to combat other serious crimes: methamphetamine trafficking, firearms, phone cloning, and identity theft, just to name a few.

Recently, the Senate approved the juvenile justice legislation, S. 254, that would require the Sentencing Commission to develop comprehensive guidelines for juvenile offenders, so that we can stem the rising tide of juvenile crime. How can the Commission accomplish this vital and historic undertaking without Commissioners and sufficient funding?

We face other unintended, and potentially very costly, consequences of not getting the Commission fully operational soon. I understand that defendants across the country are beginning to mount challenges to the legality of the guidelines in the absence of Commissioners. Regardless of the merits, one can only imagine the paralyzing effects on the criminal justice system if 51,000 defendants start raising this issue. There are better ways to spend limited judicial and prosecutorial resources in fighting crime and enforcing the law than in defending against these claims.

Even in the absence of Commissioners, we should ensure that the Commission is fully funded so that the staff of the Commission may continue to perform its important work. The Commission has an ongoing statutory obligation to amend the sentencing guidelines as necessary to respond to enacted crime legislation, court decisions, and other developments coming to its attention. While the Commission cannot vote to promulgate amendments to the guidelines without commissioners, even in their absence it is essential that Commission staff systematically continue to prepare all supporting material necessary so that incoming commissioners may act to implement the will of Congress in short order.

Apart from the policy decision-making that only Commissioners may perform, the Commission has numerous routine statutory obligations on which Commission staff typically take the lead even when there is a complete slate of Commissioners. The Commission has an ongoing statutory obligation to receive—and federal judges have a corresponding statutory obligation to send—a report from the sentencing court with respect to every sentence imposed under the guidelines, to analyze and share the data in those reports, and use that data to improve the guideline system. Commission staff analyze and enter into our comprehensive database over 50,000 of such cases and extract more than 260 pieces of information from each case annually. Next year, more than 50,000 cases that contain valuable information regarding sentencing practices, offenders, and deterrence will go without analysis if the Commission is not sufficiently funded for fiscal year 2000.

The Commission also has an ongoing statutory obligation to serve as the lead instrumentality for training newly appointed judges and probation officers, as well as prosecuting and defense attorneys, regarding application of the sentencing guidelines and related sentencing issues. Similarly, the Commission has an ongoing responsibility to provide needed continuing education for all those who use the sentencing guidelines to ensure that they are sufficiently informed of recent amendments to the guidelines and significant court decisions. Commission staff served as lead trainers to more than 2,500 individuals at 47 training programs across the country in fiscal year 1998. Next year, this need for training will go unmet if the Commission is not sufficiently funded for fiscal year 2000.

The Commission also has an ongoing statutory obligation to serve as a clearinghouse of information on sentencing-related topics and to stay current on advancements in the knowledge of human behavior and the degree to which the guidelines are achieving the purposes of sentencing such as deterrence and rehabilitation. Ongoing research on important topics such as federal sentencing for crimes involving firearms, associations between federal appellate decisions and offender race, trends in sentences and offender characteristics in drug trafficking cases, and differing sentencing practices of federal immigration offenders by judicial district will not be completed if the Commission is not sufficiently funded for fiscal year 2000.

Finally, I would like to emphasize what the Chief Justice said. If we are going to have guidelines and require federal judges to impose guideline sentences, the Sentencing Commission must be empowered to do its work. And that means it needs both Commissioners and sufficient funding to fulfill its critical role in the federal criminal justice system.

I appreciate the support of my colleagues to restore funding for the U.S. Sentencing Commission for the next fiscal year.

AMENDMENT NO. 1352

(Purpose: To modify the circumstances under which attorneys' fees in Federal capital cases can be disclosed)

On page 73, between line 12 and 13, insert the following:

SEC. 306.—

(A) Section 3006A(d)(D)(vi) of title 18, United States Code, is amended by adding after the word ''require'' the following: '', except that the amount of the fees shall not be considered a reason justifying any limited disclosure under 18 U.S.C. Sec. 3006A(d)(4)''

(B) EFFECTIVE DATE.—

This Act shall apply to all disclosures made under 3006A(d) of title 18, United States Code, related to any criminal trial or appeal involving a sentence of death where the underlying alleged criminal conduct took place on or after April 19, 1995.

AMENDMENT NO. 1353

(Purpose: To ensure that current Federal family violence prevention programs are sensitive to the needs of all Americans including seniors and the disabled)

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF SENIORS AND THE DISABLED IN FEDERAL FAMILY VIOLENCE PREVENTION PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) of the estimated more than 1,000,000 persons age 65 and over who are victims of family violence each year, at least ⅔ are women;

(2) national statistics are not available on the incidence of domestic or family violence and sexual assault against disabled women, although several studies indicate that abuse of disabled women is of a longer duration compared to abuse suffered by women who are not disabled;

(3) in almost 9 out of 10 incidents of domestic elder abuse and neglect, the perpetrator is a family member, and adult children of the victims are the largest category of perpetrators and spouses are the second largest category of perpetrators;

(4) the number of reports of elder abuse in the United States increased by 150 percent between 1986 and 1996 and is expected to continue increasing;

(5) it is estimated that at least 5 percent of the Nation's elderly are victims of moderate to severe abuse and that the rate for all forms of abuse may be as high as 10 percent;

(6) elder abuse is severely underreported, with 1 in 5 cases being reported in 1980 and only 1 in 8 cases being reported today;

(7) many older and disabled women fail to report abuse because of shame or as a result of prior unsatisfactory experiences with individual agencies or others who lack sensitivity to the concerns or needs of older or disabled individuals;

(8) many older or disabled individuals also fail to report abuse because they are dependent on their abusers and fear being abandoned or institutionalized;

(9) disabled women may fear reporting abuse because they are fearful of losing their children in a custody case;

(10) public and professional awareness and identification of violence against older or disabled Americans may be difficult because these persons are not integrated into many social networks (such as schools or jobs), and may become isolated in their homes, which can increase the risk of domestic abuse; and

(11) older and disabled Americans would greatly benefit from policies that develop, strengthen, and implement programs for the prevention of abuse, including neglect and exploitation, and provide related assistance for victims.

(b) IN GENERAL.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 2001 (42 U.S.C. 3796gg)—

(A) in subsection (a)—

(i) by inserting '', including older women and women with a disability'' after ''combat violent crimes against women''; and

(ii) by inserting '', including older women and women with a disability'' before the period; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting '', including older women and women with a disability'' after ''against women'';

(ii) in paragraph (6), by striking ''and'' after the semicolon;

(iii) in paragraph (7), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(8) developing a curriculum to train and assist law enforcement officers, prosecutors, and relevant officers of the Federal, State, tribal, and local courts in identifying and responding to crimes of domestic violence and sexual assault against older individuals and individuals with a disability and implementing that training and assistance.'';

(2) in section 2002(c)(2) (42 U.S.C. 3796gg–1) by inserting ''and service programs tailored to the needs of older and disabled victims of domestic violence and sexual assault'' before the semicolon; and

(3) in section 2003 (42 U.S.C. 3796gg–2)—

(A) in paragraph (7), by striking ''and'' after the semicolon;

(B) in paragraph (8), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(9) both the term 'elder' and the term 'older individual' have the meaning given the term 'older individual' in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002); and

''(10) the term 'disability' has the meaning given the term in section 3(3) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(3)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any grant made beginning with fiscal year 2000.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1999

Mr. GORTON. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 216, S. 1393.

The PRESIDING OFFICER. The clerk will report the bill by Title.

The legislative clerk read as follows:

A bill (S. 1393) to provide a cost-of-living adjustment in rates of compensation for veterans with service-connected disabilities and dependency and indemnity compensation for survivors of such veterans, to amend title 38, United States Code, to codify the previous cost-of-living adjustment in such rates, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read the third time, and the Veterans' Affairs Committee be discharged from further consideration of H.R. 2280. I further ask consent that the Senate proceed to its consideration, all after the enacting clause be stricken, and the text of S. 1393 be inserted in lieu thereof, the bill be read the third time, and passed.

I finally ask that the motions to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD and S. 1393 be placed back on the calendar.

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

The bill (H.R. 2280), as amended, was read the third time and passed.

ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAMS IMPROVEMENTS ACT OF 1999

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 222, S. 1402.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1402) to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1402) was read the third time and passed, as follows:

S. 1402

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 ''All-Volunteer Force Educational Assistance Programs Improvements Act of 1999''.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. AVAILABILITY OF MONTGOMERY GI BILL BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

Section 3002(3) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) includes—

''(i) a preparatory course for a test that is required or utilized for admission to an institution of higher education; and

''(ii) a preparatory course for a test that is required or utilized for admission to a graduate school; and''.

SEC. 4. INCREASE IN BASIC BENEFIT OF ACTIVE DUTY EDUCATIONAL ASSISTANCE.

(a) INCREASE IN BASIC BENEFIT.—Section 3015 is amended—

(1) in subsection (a)(1), by striking ''$528'' and inserting ''$600''; and

(2) in subsection (b)(1), by striking ''$429'' and inserting ''$488''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect

to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance shall be made under section 3015(g) of title 38, United States Code, for fiscal year 2000.

SEC. 5. INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.

(a) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

(1) in subsection (a)(1)—

(A) by striking ''$485'' and inserting ''$550'';

(B) by striking ''$365'' and inserting ''$414''; and

(C) by striking ''$242'' and inserting ''$274'';

(2) in subsection (a)(2), by striking ''$485'' and inserting ''$550'';

(3) in subsection (b), by striking ''$485'' and inserting ''$550''; and

(4) in subsection (c)(2)—

(A) by striking ''$392'' and inserting ''$445'';

(B) by striking ''$294'' and inserting ''$333''; and

(C) by striking ''$196'' and inserting ''$222''.

(b) CORRESPONDENCE COURSE.—Section 3534(b) is amended by striking ''$485'' and inserting ''$550''.

(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) is amended—

(1) by striking ''$485'' and inserting ''$550'';

(2) by striking ''$152'' each place it appears and inserting ''$172''; and

(3) by striking ''$16.16'' and inserting ''$18.35''.

(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) is amended—

(1) by striking ''$353'' and inserting ''$401'';

(2) by striking ''$264'' and inserting ''$299'';

(3) by striking ''$175'' and inserting ''$198''; and

(4) by striking ''$88'' and inserting ''$99''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999, and shall apply with respect to educational assistance paid for months after September 1999.

SEC. 6. INCREASED ACTIVE DUTY EDUCATIONAL ASSISTANCE BENEFIT FOR CONTRIBUTING MEMBERS.

(a) AUTHORITY TO MAKE CONTRIBUTIONS FOR INCREASED ASSISTANCE AMOUNT.—(1) Section 3011 is amended—

(A) by redesignating subsection (i) as subsection (j); and

(B) by inserting after subsection (h) the following new subsection (i):

''(i)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (c)(1) may contribute amounts for purposes of receiving an increased amount of basic educational assistance as provided for under section 3015(g) of this title. Such contributions shall be in addition to any reductions in the basic pay of such individual under subsection (b).

''(2) An individual covered by paragraph (1) may make the contributions authorized by that paragraph at any time while on active duty.

''(3) The total amount of the contributions made by an individual under paragraph (1) may not exceed $600. Such contributions shall be made in multiples of $4.

''(4) Contributions under this subsection shall be made to the Secretary. The Secretary shall deposit any amounts received by the Secretary as contributions under this subsection into the Treasury as miscellaneous receipts.''.

(2) Section 3012 is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection (g):

''(g)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (d)(1) may contribute amounts for purposes of receiving an increased amount of basic educational assistance as provided for under section 3015(g) of this title. Such contributions shall be in addition to any reductions in the basic pay of such individual under subsection (c).

''(2) An individual covered by paragraph (1) may make the contributions authorized by that paragraph at any time while on active duty.

''(3) The total amount of the contributions made by an individual under paragraph (1) may not exceed $600. Such contributions shall be made in multiples of $4.

''(4) Contributions under this subsection shall be made to the Secretary. The Secretary shall deposit any amounts received by the Secretary as contributions under this subsection into the Treasury as miscellaneous receipts.''.

(b) INCREASED ASSISTANCE AMOUNT.—Section 3015, as amended by section 4 of this Act, is further amended—

(1) by striking ''subsection (g)'' each place it appears in subsections (a)(1) and (b)(1) and inserting ''subsection (h)'';

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

''(g) In the case of an individual who has made contributions authorized by section 3011(i) or 3012(g) of this title, the monthly amount of basic educational assistance allowance applicable to such individual under subsection (a), (b), or (c) shall be the monthly rate otherwise provided for under the applicable subsection increased by—

''(1) an amount equal to $1 for each $4 contributed by such individual under section 3011(i) or 3012(g), as the case may be, for an approved program of education pursued on a full-time basis; or

''(2) an appropriately reduced amount based on the amount so contributed, as determined under regulations which the Secretary shall prescribe, for an approved program of education pursued on less than a full-time basis.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2000.

SEC. 7. CONTINUING ELIGIBILITY FOR EDUCATIONAL ASSISTANCE OF MEMBERS OF THE ARMED FORCES ATTENDING OFFICER TRAINING SCHOOL.

Section 3011(a)(1) is amended—

(1) in subparagraph (A)(ii)—

(A) by striking ''or (III)'' and inserting ''(III)''; and

(B) by inserting before the semicolon at the end the following: ''or (IV) for immediate reenlistment to accept a commission as an officer and subsequently completes the resulting obligated period of active duty service as a commissioned officer''; and

(2) in subparagraph (B)(ii)—

(A) by striking '', or (III)'' and inserting ''; (III)''; and

(B) by inserting before the semicolon at the end the following: ''or (IV) for immediate reenlistment to accept a commission as an officer and subsequently completes the resulting obligated period of active duty service as a commissioned officer''.

SEC. 8. ELIGIBILITY OF MEMBERS OF THE ARMED FORCES TO WITHDRAW ELECTIONS NOT TO RECEIVE MONTGOMERY GI BILL BASIC EDUCATIONAL ASSISTANCE.

(a) MEMBERS ON ACTIVE DUTY.—Section 3011(c) is amended by adding at the end the following:

''(4)(A) An individual who makes an election under paragraph (1) may withdraw the election at any time before the discharge or release of the individual from active duty in the Armed Forces. An individual who withdraws such an election may become entitled to basic educational assistance under this chapter.

''(B) The withdrawal of an election under this paragraph shall be made in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

''(C)(i) In the case of an individual who withdraws an election under this paragraph—

''(I) the basic pay of the individual shall be reduced by $100 for each month after the month in which the election is made until the total amount of such reductions equals $1,500; or

''(II) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty in the Armed Forces, the Secretary, before authorizing the payment of educational assistance under this chapter, shall ensure that an amount equal to the difference between $1,500 and the total amount of reductions under subclause (I) was paid before the discharge or release of the individual from active duty in the Armed Forces.

''(ii) An individual described in clause (i) may pay the Secretary at any time before discharge or release from active duty in the Armed Forces an amount equal to the total amount of the reduction in basic pay otherwise required with respect to the individual under that clause minus the total amount of reductions of basic pay of the individual under that clause at the time of the payment under this clause.

''(iii) The second sentence of subsection (b) shall apply to any reductions in basic pay under clause (i)(I).

''(iv) Amounts paid under clauses (i)(II) and (ii) shall be deposited into the Treasury as miscellaneous receipts.

''(D) The withdrawal of an election under this paragraph is irrevocable.''.

(b) MEMBERS OF SELECTED RESERVE.—Section 3012(d) is amended by adding at the end the following:

''(4)(A) An individual who makes an election under paragraph (1) may withdraw the election at any time before the discharge or release of the individual from the Armed Forces. An individual who withdraws such an election may become entitled to basic educational assistance under this chapter.

''(B) The withdrawal of an election under this paragraph shall be made in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

''(C)(i) In the case of an individual who withdraws an election under this paragraph—

''(I) the basic pay or compensation of the individual shall be reduced by $100 for each month after the month in which the election is made until the total amount of such reductions equals $1,500; or

''(II) to the extent that basic pay or compensation is not so reduced before the individual's discharge or release from the Armed Forces, the Secretary, before authorizing the payment of educational assistance under this chapter, shall ensure that an amount equal to the difference between $1,500 and the total amount of reductions under subclause (I) was paid before the discharge or release of the individual from the Armed Forces.

''(ii) An individual described in clause (i) may pay the Secretary at any time before discharge or release from the Armed Forces an amount equal to the total amount of the

reduction in basic pay or compensation otherwise required with respect to the individual under that clause minus the total amount of reductions of basic pay or compensation of the individual under that clause at the time of the payment under this clause.

''(iii) The second sentence of subsection (c) shall apply to any reductions in basic pay or compensation under clause (i)(I).

''(iv) Amounts paid under clauses (i)(II) and (ii) shall be deposited into the Treasury as miscellaneous receipts.

''(D) The withdrawal of an election under this paragraph is irrevocable.''.

SEC. 9. ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE.

Section 3014 is amended—

(1) by inserting ''(a)'' before ''The Secretary''; and

(2) by adding at the end the following new subsection:

''(b)(1) The Secretary may make payments of basic educational assistance under this subchapter on an accelerated basis.

''(2) The Secretary may pay basic educational assistance on an accelerated basis under this subsection only to an individual entitled to payment of such assistance under this subchapter who has made a request for payment of such assistance on an accelerated basis.

''(3) In the event an adjustment under section 3015(g) of this title in the monthly rate of basic educational assistance will occur during a period for which a payment of such assistance is made on an accelerated basis under this subsection, the Secretary shall pay on an accelerated basis the amount of such assistance otherwise payable under this subchapter for the period without regard to the adjustment under that section.

''(4) For each accelerated payment made to an individual, the individual's entitlement under this subchapter shall be charged as if the individual had received a monthly educational assistance allowance for the period of educational pursuit covered by the accelerated payment.

''(5) Basic educational assistance shall be paid on an accelerated basis under this subsection as follows:

''(A) In the case of assistance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly assistance otherwise payable under this subchapter for the quarter, semester, or term, as the case may be, of the course.

''(B) In the case of assistance for a course other than a course referred to in subparagraph (A)—

''(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the request for payment by the individual concerned; and

''(ii) in any amount requested by the individual concerned within the limit, if any, specified in the regulations prescribed by the Secretary under paragraph (6), with such limit not to exceed the aggregate amount of monthly assistance otherwise payable under this subchapter for the period of the course.

''(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational assistance on an accelerated basis under this subsection. Such regulations shall include requirements relating to the request for, making and delivery of, and receipt and use of such payments and may include a limit on the amount payable for a course under paragraph (5)(B)(ii).''.

SEC. 10. VETERANS EDUCATION AND VOCATIONAL TRAINING BENEFITS PROVIDED BY THE STATES.

(a) ANNUAL REPORT.—(1) Not later than six months after the date of the enactment of this Act, and January 31 of each year thereafter, the Secretary of Veterans Affairs shall, in consultation with the Secretary of Education, the Secretary of Defense, and the Secretary of Labor, submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on veterans education and vocational training benefits provided by the States.

(2) A report under paragraph (1) shall include, for the one-year period ending on the date of the report, the following:

(A) A description of the assistance in securing post-secondary education and vocational training provided veterans by each State.

(B) A list of the States which provide veterans full or partial waivers of tuition for attending institutions of higher education that are State-supported.

(C) A description of the actions taken by the Department of Veterans Affairs, Department of Defense, Department of Education, and Department of Labor to encourage the States to provide benefits designed to assist veterans in securing post-secondary education and vocational training.

(b) SENSE OF CONGRESS REGARDING STATE VETERANS EDUCATION AND VOCATIONAL TRAINING BENEFITS.—(1) Congress makes the following findings:

(A) The peace and prosperity of the citizens of the States are ensured by the voluntary service of men and women in the Armed Forces.

(B) Veterans benefit from the military training and discipline and the success-oriented attitude that are inculcated by service in the Armed Forces.

(C) It is in the social and economic interests of the States to take advantage of the positive personal attributes of veterans which are nurtured through service in the Armed Forces.

(D) A post-secondary education provides veterans the means to maximize their contribution to the society and economy of the States.

(E) Some States have recognized that it is in their interest to provide veterans post-secondary education on a tuition-free basis.

(2) It is the sense of Congress that each of the States should admit qualified veterans to publicly-supported institutions of higher education on a tuition-free basis.

(c) STATE DEFINED.—In this section, the term ''State'' has the meaning given that term in section 101(20) of title 38, United States Code.

ORDERS FOR TUESDAY, JULY 27, 1999

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, July 27. I further ask unanimous consent that on Tuesday immediately following the prayer the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for 30 minutes with Senators speaking for up to five minutes each, and that the time be equally divided in the usual form.

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

Mr. GORTON. I also ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

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

PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 10 a.m. Following morning business, the Senate will begin consideration of any available appropriations bills. It is hoped that the Senate can make significant progress on appropriations bills this week. Therefore, amendments and votes are expected throughout tomorrow's session of the Senate.

As a reminder, cloture on the substitute amendment to the juvenile justice legislation was filed today. By previous consent, that cloture vote will occur on Wednesday at 9:45 a.m.

Further, the Senate is expected to begin consideration of the reconciliation bill during Wednesday's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:10 p.m. adjourned until Tuesday, July 27, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 26, 1999:

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

THOMAS K. AANSTOOS, 0000
JESSE ADAMS, JR., 0000
MICHAEL A. ADAMS, 0000
DENNIS E. AHERN, 0000
GEORGE P. ALESSIO, JR., 0000
WILLIAM S. ARAMONY, 0000
JAMES C. ARRINGTON, 0000
NANCY J. ATKINSON, 0000
FRANKLIN E. BAILEY, 0000
DAVID A. BANACH, 0000
DENNIS M. BASH, 0000
FLORIDA B. BATTLE, 0000
MARK A. BATTLE, 0000
HARRY A. BECK, 0000
ARTHUR S. BENSON, 0000
JOHN A. BERNETSKIE, 0000
VANCE D. BERRY, JR., 0000
WILLIAM T. BERSSON, 0000
CONNIE L. BEST, 0000
KAREN F. BLACKBURN, 0000
LELAND S. BLOUGH, JR., 0000
GERALD W. BOCK, 0000
ULYSSES S. BOWLER, JR., 0000
KENT D. BROSTROM, 0000
WALTER W. BROWN, 0000
JOE P. BRYAN, 0000
JOHNATHAN W. BRYAN, 0000
ROBERT L. BRYANT, 0000
KATHLEEN S. BURKHART, 0000
GLEN A. BUSBY, 0000
KURT B. BUSKA, 0000
TIMOTHY J. BUTSON, 0000
FLOYD G. CAMPEN, 0000
ROBERT H. CAUTHEN, 0000
BECKY J. CERVENKA, 0000
JOHN C. CHAHBAZI, 0000
MARK E. CHESTON, 0000
RONALD D. CHRISTIAN, 0000
RALPH A. CICORA, 0000
JOSEPH R. COCKRELL, 0000
REX D. CONGER, 0000

NOREEN CONSIDINE, 0000
GLEN A. COOK, 0000
RICHARD A. COULON, 0000
HUGH P. COWDIN, JR., 0000
THOMAS L. COX, 0000
SEAN F. CREAN, 0000
LARRY D. CRIPPS, 0000
JOHN M. CROSS, 0000
STEPHEN J. DANGELO, 0000
JOHN H. DEASY, 0000
JOHN B. DELCAMBRE, 0000
GREGORY K. DENARDO, 0000
MICHAEL M. DICKERSON, 0000
MARK G. DOHERTY, 0000
JUDITH E. DOUGHERTY, 0000
SARA G. DRAPER, 0000
JON B. DULL, 0000
GREGORY L. DUNCAN, 0000
LESLIE H. DUNLAP, 0000
LINDA A. EARHART, 0000
ROBERT J. EATINGER, JR., 0000
NORMAN V. EID, 0000
ERWIN L. EPPLE, 0000
JOHN A. FABIAN III, 0000
DAVID D. FABRE, 0000
ROBERT G. FERNHOLZ, 0000
EDWARD B. FERRER, 0000
JOHN E. FETTER, 0000
JAMES M. FORSETH, 0000
CARL J. FRANK, 0000
HUGH E. FRASER, 0000
MICHAEL C. FREEMYERS, 0000
BRIAN L. FRESHER, 0000
RANDALL E. FROST, 0000
STEPHEN S. FROST, 0000
VERA GARBER, 0000
BENJAMIN M. GASTON IV, 0000
JAMES F. GATES, 0000
LAURENCE R. GERBO, 0000
DAN E. GODBOLD, 0000
FRANK A. GRECO, 0000
ROBERT E. GREENE, 0000
ROBERT C. GREER IV, 0000
BRUCE V. GRONKIEWICZ, 0000
STEVEN K. HAMILTON, 0000
WILLIAM E. HARTMAN, 0000
JAMES D. HARTY, 0000
MARK D. HEILMAN, 0000
WILLIAM L. HENNRIKUS, 0000
DOUGLAS J. HENSCHEL, 0000
WILLIAM L. HEROLD, 0000
MICHAEL J. HERRIGES, 0000
STEPHEN M. HICKEL, 0000
STANLEY M. HIGGINS, 0000
WADE L. HILL, 0000
DOUGLAS M. HINSON, 0000
TONI J. HOLLAND, 0000
DAVID T. HOV, 0000
MARY R. HOV, 0000
DENNIS E. HUGHES, 0000
JUDITH D. IRVINE, 0000
ROBERT C. JACKSON, 0000
CHRISTOPHER F. JAMES, 0000
DOUGLAS G. JEU, 0000
RAY JOHANSMEIER, 0000
STEPHEN H. JOHNSON, 0000
TIMOTHY L. JOHNSON, 0000
WESLEY H. JOHNSON, 0000
CHRISTINA JOY, 0000
NORMA J. JUST, 0000
STEPHEN W. KAJA, 0000
MARY E. KAPPUS, 0000
SUSAN KAWESKI, 0000
JOYCE M. KELLER, 0000
RICHARD W. KING, 0000
LYNN A. KLANCHAR, 0000
CARL W. KNUCKLES, 0000
PAUL F. KRUG, 0000
ALAN K. KULP, 0000
JERONE T. LANDSTROM, 0000
PETER M. LARSEN, 0000
GEORGE F. LEIDIG, JR., 0000
JOSHUA M. LIEBERMAN, 0000
PAUL M. LOEFFLER, 0000
MARK A.D. LONG, 0000
GARY W. LOVGREN, 0000
JOSEPH M. LYNCH III, 0000
RON J. MACLAREN, 0000
THOMAS D. MADISON, 0000
KEVIN MAHONEY, 0000
CRAIG L. MAJKOWSKI, 0000
JAMES P. MAKOFSKE, 0000
DELANOR A. MANSON, 0000
DANIEL E. MARTINEZ, 0000
DOUGLAS W. MARX, 0000
JAMES M. MAXWELL, 0000
JAMES G. MAYO, 0000
IRENE M. MC ALEER, 0000
NANCY M. MC CARTHEY, 0000
TIMOTHY J. MC CULLOUGH, 0000
JOHN D. MC DIVITT, 0000
RUSSELL R. MC KINNEY, 0000
CHARLES E. MC MANUS, 0000
DOUGLAS B. MC MULLEN, 0000
WILLIAM H. MCNAMARA, 0000
CHARLES B. MCVEIGH, JR., 0000
VIVIAN G. MELIDOSIAN, 0000
ROBERT D. METCALFE III, 0000
KENNETH J. METZGER, 0000
DAVID O. MILLER, 0000
LADSON F. MILLS III, 0000
CRAIG S. MITCHELL, 0000
JESSE H. MONESTERSKY, 0000
MARY V. MOON, 0000
STEPHEN G. MORSE, 0000
ROGER W. NADEAU, 0000
BONNIE A. NAULT, 0000
MICHAEL E. NELLESTEIN, 0000
MIKAL H. NICHOLLS, 0000
ANDREW M. NIENHAUS, 0000
STEVEN D. NOWICKI, 0000
MARK A. OBRIEN, 0000
MARY E. OGDEN, 0000
JONATHAN S. OLSHAKER, 0000
LINDA L. OTIS, 0000
MIGUEL M. PALOS, 0000
FREDERICK G. PANICO, 0000
HARRIETTE C. PARSONS, 0000
WALTER J. PASKEY, JR., 0000
JOSEPH A. PASQUALUCCI, 0000
ALLAN K. PATCH, 0000
MICHAEL S. PATTERSON, 0000
DAVID J. PAVEGLIO, 0000
PAUL A. PAYNE, 0000
JOSEPH P. PECORELLI, 0000
ANN M. PEDEN, 0000
RUSSELL G. PENDERGRASS, 0000
THOMAS J. PETERS, 0000
JAMES K. PETERSON, 0000
ANTHONY D. QUINN, 0000
SHACKLEY F. RAFFETTO, 0000
JAMES E. RANDOL, 0000
SHARON H. REDPATH, 0000
DANNY C. RHODES, 0000
FREDERICK J. RIBLE, JR., 0000
EMILY L. RICHIE, 0000
MARY L. RITZ, 0000
MITCHELL L. ROBINSON, 0000
RONAL ROGALSKY, 0000
JUNE M. ROGERS, 0000
RICHARD M. ROGERS, 0000
JOE P. ROUSE, 0000
LAURENCE P. RUSSE II, 0000
WILLIAM L. SAUL, 0000
DENNIS R. SCHRADER, 0000
ROBERT C. SCIORTINO, 0000
DAVID J. SCOTT, 0000
STRATTON SHANNON, 0000
HENRY C. SHELLEY, JR., 0000
GEORGE J. SHEPPARD III, 0000
KIMBERLY SHUNK, 0000
LAWRENCE R. SMITH, 0000
NELSON A. SMITH, 0000
ROBERT M. SMITH, 0000
WILLIAM SMITH, 0000
KENTON O. SMITHERMAN, 0000
AMBALAVANAR SOMASKANDA, 0000
DENNIS R. STAGGS, 0000
CLAUDE R. STEPHENS, JR., 0000
RENEE M. STEVENS, 0000
ROM A. STEVENS, 0000
LEWIS E. STEWART, 0000
WILLIAM R. STRAND, 0000
WILLIAM B. SWALLOW, 0000
JAYNE A. TAYLOR, 0000
HARVEY F. THOMAS, 0000
MICHAEL D. THOMAS, 0000
WILLIAM R. THOMPSON, 0000
SUSAN R. TOKLE, 0000
BARBARA J. TOMCKO, 0000
JOHN F. TOMPKINS II, 0000
ERIC C. TORP, 0000
BETH A. TROUM, 0000
KENNETH G. TUEBNER, 0000
JOHN R. TYLER, 0000
ELAINE K. TYREE, 0000
PATRICIA J. UNDERDAHL, 0000
PHILIP J. VARGAS, 0000
CHARLES F. VAUGHAN, 0000
JOSEPH M. VULGAMORE, 0000
DANIEL P. WALSH, 0000
SUSAN J. WALSH, 0000
ROBERT M. WARLING, 0000
DAVID G. WEAVER, 0000
MICHAEL D. WELCH, 0000
TODD R. WELLENSIEK, 0000
BRIAN D. WELTZIEN, 0000
THOMAS G. WESTBROOK, 0000
STEPHEN E. WILSON, 0000
SUZANNE J. WINGATE, 0000
WILLIAM D. WRIGHT, JR., 0000
ROBERT D. YOUNGER, 0000