

106TH CONGRESS
1ST SESSION

H. R. 2093

To establish the National Youth Violence Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1999

Mr. BURTON of Indiana (for himself, Mr. MARKEY, and Mr. TIERNEY) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the National Youth Violence Commission, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Youth Violence Commission Act”.

6 (b) FINDINGS.—The Congress finds the following:

7 (1) Families have a right to be safe and secure
8 in their persons and to expect students to be safe
9 and secure in and around school.

1 (2) While America’s schools are among the
2 safest places to be on a day-to-day basis, the recent
3 tragic and sudden acts of violence in some of our
4 Nation’s schools, including the incidents in Pearl,
5 Mississippi; Paducah, Kentucky; Jonesboro, Arkan-
6 sas; Springfield, Oregon; Edinboro, Pennsylvania;
7 Fayetteville, Tennessee; Littleton, Colorado; and
8 Conyers, Georgia, remind us that no school and no
9 community can be complacent in their efforts to
10 make their schools and communities even safer.

11 (3) There is an increasing and urgent need to
12 better understand the causes of youth violence and
13 to identify those initiatives and strategies that are
14 effective in preventing acts of violence in our schools
15 and communities.

16 **SEC. 2. NATIONAL YOUTH VIOLENCE COMMISSION.**

17 (a) ESTABLISHMENT OF COMMISSION.—There is es-
18 tablished a commission to be known as the National Youth
19 Violence Commission (hereinafter referred to in this Act
20 as the “Commission”). The Commission shall—

21 (1) be composed of 16 members appointed in
22 accordance with subsection (b); and

23 (2) conduct its business in accordance with the
24 provisions of this Act.

25 (b) MEMBERSHIP.—

1 (1) PERSONS ELIGIBLE.—Except for those
2 members who hold the offices described under para-
3 graph (2)(A), and those members appointed under
4 paragraph (2) (C)(ii) and (D)(iv), the members of
5 the Commission shall be individuals who have exper-
6 tise, by both experience and training, in matters to
7 be studied by the Commission under section 3. The
8 members of the Commission shall be well-known and
9 respected among their peers in their respective fields
10 of expertise.

11 (2) APPOINTMENTS.—The members of the
12 Commission shall be appointed for the life of the
13 Commission as follows:

14 (A) Four shall be appointed by the Presi-
15 dent of the United States, including—

16 (i) the Surgeon General of the United
17 States;

18 (ii) the Attorney General of the
19 United States;

20 (iii) the Secretary of the Department
21 of Health and Human Services; and

22 (iv) the Secretary of the Department
23 of Education.

24 (B) Four shall be appointed by the Speak-
25 er of the House of Representatives, including—

1 (i) 1 member who meets the criteria
2 for eligibility in paragraph (1) in the field
3 of law enforcement;

4 (ii) 1 member who meets the criteria
5 for eligibility in paragraph (1) in the field
6 of school administration, teaching, or coun-
7 seling;

8 (iii) 1 member who meets the criteria
9 for eligibility in paragraph (1) in the field
10 of parenting and family studies; and

11 (iv) 1 member who meets the criteria
12 for eligibility in paragraph (1) in the field
13 of child or adolescent psychology.

14 (C) Two shall be appointed by the Minority
15 Leader of the House of Representatives,
16 including—

17 (i) 1 member who meets the criteria
18 for eligibility in paragraph (1) in the field
19 of law enforcement; and

20 (ii) 1 member who is a recognized re-
21 ligious leader.

22 (D) Four shall be appointed by the Major-
23 ity Leader of the Senate, including—

1 (i) 1 member who meets the criteria
2 for eligibility in paragraph (1) in the field
3 of law enforcement;

4 (ii) 1 member who meets the criteria
5 for eligibility in paragraph (1) in the field
6 of school administration, teaching, or coun-
7 seling;

8 (iii) 1 member who meets the criteria
9 for eligibility in paragraph (1) in the social
10 sciences; and

11 (iv) 1 member who is a recognized re-
12 ligious leader.

13 (E) Two shall be appointed by the Minor-
14 ity Leader of the Senate, including—

15 (i) 1 member who meets the criteria
16 for eligibility in paragraph (1) in the field
17 of school administration, teaching, or coun-
18 seling; and

19 (ii) 1 member who meets the criteria
20 for eligibility in paragraph (1) in the field
21 of parenting and family studies.

22 (3) COMPLETION OF APPOINTMENTS; VACAN-
23 CIES.—Not later than 30 days after the date of en-
24 actment of this Act, the appointing authorities under
25 paragraph (2) shall each make their respective ap-

1 pointments. Any vacancy that occurs during the life
2 of the Commission shall not affect the powers of the
3 Commission, and shall be filled in the same manner
4 as the original appointment not later than 30 days
5 after the vacancy occurs.

6 (4) OPERATION OF THE COMMISSION.—

7 (A) CHAIRMANSHIP.—The appointing au-
8 thorities under paragraph (2) shall jointly des-
9 ignate 1 member as the Chairman of the Com-
10 mission. In the event of a disagreement among
11 the appointing authorities, the Chairman shall
12 be determined by a majority vote of the ap-
13 pointing authorities. The determination of
14 which member shall be Chairman shall be made
15 not later than 15 days after the appointment of
16 the last member of the Commission, but in no
17 case later than 45 days after the date of enact-
18 ment of this Act.

19 (B) MEETINGS.—The Commission shall
20 meet at the call of the Chairman. The initial
21 meeting of the Commission shall be conducted
22 not later than 30 days after the later of—

23 (i) the date of the appointment of the
24 last member of the Commission; or

1 (ii) the date on which appropriated
2 funds are available for the Commission.

3 (C) QUORUM; VOTING; RULES.—A majority
4 of the members of the Commission shall con-
5 stitute a quorum to conduct business, but the
6 Commission may establish a lesser quorum for
7 conducting hearings scheduled by the Commis-
8 sion. Each member of the Commission shall
9 have 1 vote, and the vote of each member shall
10 be accorded the same weight. The Commission
11 may establish by majority vote any other rules
12 for the conduct of the Commission’s business, if
13 such rules are not inconsistent with this Act or
14 other applicable law.

15 **SEC. 3. DUTIES OF THE COMMISSION.**

16 (a) STUDY.—

17 (1) IN GENERAL.—It shall be the duty of the
18 Commission to conduct a comprehensive factual
19 study of incidents of youth violence to determine the
20 root causes of such violence.

21 (2) MATTERS TO BE STUDIED.—In determining
22 the root causes of incidents of youth violence, the
23 Commission shall study any matter that the Com-
24 mission determines relevant to meeting the require-
25 ments of paragraph (1), including at a minimum—

1 (A) the perpetrators of school shootings,
2 members of their families, their friends, associ-
3 ates, teachers, guidance counselors and other
4 professionals who can provide insight into the
5 perpetrators experiences, feelings and expres-
6 sions;

7 (B) the level of involvement and awareness
8 of teachers and school administrators in the
9 lives of their students and any impact of such
10 involvement and awareness on incidents of
11 youth violence;

12 (C) trends in family relationships, the level
13 of involvement and awareness of parents in the
14 lives of their children, and any impact of such
15 relationships, involvement, and awareness on in-
16 cidents of youth violence;

17 (D) the alienation of youth from their
18 schools, families, and peer groups, and any im-
19 pact of such alienation on incidents of youth vi-
20 olence;

21 (E) the availability of firearms to youth,
22 including any illegal means by which youth ac-
23 quire such firearms, and any impact of such
24 availability on incidents of youth violence;

1 (F) any impact upon incidents of youth vi-
2 olence of the failure to execute existing laws de-
3 signed to restrict youth access to certain fire-
4 arms, and the illegal purchase, possession, or
5 transfer of certain firearms;

6 (G) the effect upon youth of depictions of
7 violence in the media and any impact of such
8 depictions on incidents of youth violence; and

9 (H) the availability to youth of information
10 regarding the construction of weapons, includ-
11 ing explosive devices, and any impact of such
12 information on incidents of youth violence.

13 (3) TESTIMONY OF PARENTS AND STUDENTS.—

14 In determining the root causes of incidents of youth
15 violence, the Commission shall, pursuant to section
16 4(a), take the testimony of parents and students to
17 learn and memorialize their views and experiences
18 regarding incidents of youth violence.

19 (b) RECOMMENDATIONS.—Based on the findings of
20 the study required under subsection (a), the Commission
21 shall make recommendations to the President and Con-
22 gress to address the causes of youth violence and reduce
23 incidents of youth violence. If the Surgeon General issues
24 any report on media and violence, the Commission shall

1 consider the findings and conclusions of such report in
2 making recommendations under this subsection.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than 18 months
5 after the date on which the Commission first meets,
6 the Commission shall submit to the President and
7 Congress a comprehensive report of the Commis-
8 sion’s findings and conclusions, together with the
9 recommendations of the Commission.

10 (2) SUMMARIES.—The report under this sub-
11 section shall include a summary of—

12 (A) the reports submitted to the Commis-
13 sion by any entity under contract for research
14 under section 4(e); and

15 (B) any other material relied on by the
16 Commission in the preparation of the Commis-
17 sion’s report.

18 **SEC. 4. POWERS OF THE COMMISSION.**

19 (a) HEARINGS.—

20 (1) IN GENERAL.—The Commission may hold
21 such hearings, sit and act at such times and places,
22 administer such oaths, take such testimony, and re-
23 ceive such evidence as the Commission considers ad-
24 visable to carry out its duties under section 3.

1 (2) WITNESS EXPENSES.—Witnesses requested
2 to appear before the Commission shall be paid the
3 same fees as are paid to witnesses under section
4 1821 of title 28, United States Code.

5 (b) SUBPOENAS.—

6 (1) IN GENERAL.—If a person fails to supply
7 information requested by the Commission, the Com-
8 mission may by majority vote require by subpoena
9 the production of any written or recorded informa-
10 tion, document, report, answer, record, account,
11 paper, computer file, or other data or documentary
12 evidence necessary to carry out its duties under sec-
13 tion 3. The Commission shall transmit to the Attor-
14 ney General a confidential, written notice at least 10
15 days in advance of the issuance of any such sub-
16 poena. A subpoena under this paragraph may re-
17 quire the production of materials from any place
18 within the United States.

19 (2) INTERROGATORIES.—The Commission may,
20 with respect only to information necessary to under-
21 stand any materials obtained through a subpoena
22 under paragraph (1), issue a subpoena requiring the
23 person producing such materials to answer, either
24 through a sworn deposition or through written an-
25 swers provided under oath (at the election of the

1 person upon whom the subpoena is served), to inter-
2 rogatories from the Commission regarding such in-
3 formation. A complete recording or transcription
4 shall be made of any deposition made under this
5 paragraph.

6 (3) CERTIFICATION.—Each person who submits
7 materials or information to the Commission pursu-
8 ant to a subpoena issued under paragraph (1) or (2)
9 shall certify to the Commission the authenticity and
10 completeness of all materials or information sub-
11 mitted. The provisions of section 1001 of title 18,
12 United States Code, shall apply to any false state-
13 ments made with respect to the certification required
14 under this paragraph.

15 (4) TREATMENT OF SUBPOENAS.—Any sub-
16 poena issued by the Commission under paragraph
17 (1) or (2) shall comply with the requirements for
18 subpoenas issued by a United States district court
19 under the Federal Rules of Civil Procedure.

20 (5) FAILURE TO OBEY A SUBPOENA.—If a per-
21 son refuses to obey a subpoena issued by the Com-
22 mission under paragraph (1) or (2), the Commission
23 may apply to a United States district court for an
24 order requiring that person to comply with such sub-
25 poena. The application may be made within the judi-

1 cial district in which that person is found, resides,
2 or transacts business. Any failure to obey the order
3 of the court may be punished by the court as civil
4 contempt.

5 (c) INFORMATION FROM FEDERAL AGENCIES.—The
6 Commission may secure directly from any Federal depart-
7 ment or agency such information as the Commission con-
8 siders necessary to carry out its duties under section 3.
9 Upon the request of the Commission, the head of such
10 department or agency may furnish such information to the
11 Commission.

12 (d) INFORMATION TO BE KEPT CONFIDENTIAL.—

13 (1) IN GENERAL.—The Commission shall be
14 considered an agency of the Federal Government for
15 purposes of section 1905 of title 18, United States
16 Code, and any individual employed by any individual
17 or entity under contract with the Commission under
18 subsection (e) shall be considered an employee of the
19 Commission for the purposes of section 1905 of title
20 18, United States Code.

21 (2) DISCLOSURE.—Information obtained by the
22 Commission, other than information available to the
23 public, shall not be disclosed to any person in any
24 manner, except—

1 (A) to Commission employees or employees
2 of any individual or entity under contract to the
3 Commission under subsection (e) for the pur-
4 pose of receiving, reviewing, or processing such
5 information;

6 (B) upon court order; or

7 (C) when publicly released by the Commis-
8 sion in an aggregate or summary form that
9 does not directly or indirectly disclose—

10 (i) the identity of any person or busi-
11 ness entity; or

12 (ii) any information which could not
13 be released under section 1905 of title 18,
14 United States Code.

15 (e) CONTRACTING FOR RESEARCH.—The Commis-
16 sion may enter into contracts with any entity for research
17 necessary to carry out the Commission's duties under sec-
18 tion 3.

19 **SEC. 5. COMMISSION PERSONNEL MATTERS.**

20 (a) COMPENSATION OF MEMBERS.—Each member of
21 the Commission who is not an officer or employee of the
22 Federal Government shall be compensated at a rate equal
23 to the daily equivalent of the annual rate of basic pay pre-
24 scribed for level IV of the Executive Schedule under sec-
25 tion 5315 of title 5, United States Code, for each day (in-

cluding 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

1 section 5316 of title 5, United States Code. The
2 Chairman may fix the compensation of other per-
3 sonnel without regard to the provisions of chapter
4 51 and subchapter III of chapter 53 of title 5,
5 United States Code, relating to classification of posi-
6 tions and General Schedule pay rates, except that
7 the rate of pay for such personnel may not exceed
8 the rate payable for level V of the Executive Sched-
9 ule under section 5316 of such title.

10 (3) DETAIL OF GOVERNMENT EMPLOYEES.—

11 Any Federal Government employee, with the ap-
12 proval of the head of the appropriate Federal agen-
13 cy, may be detailed to the Commission without reim-
14 bursement, and such detail shall be without inter-
15 ruption or loss of civil service status, benefits, or
16 privilege.

17 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-

18 TENT SERVICES.—The Chairman of the Commission may
19 procure temporary and intermittent services under section
20 3109(b) of title 5, United States Code, at rates for individ-
21 uals not to exceed the daily equivalent of the annual rate
22 of basic pay prescribed for level V of the Executive Sched-
23 ule under section 5316 of such title.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Com-
3 mission and any agency of the Federal Government assist-
4 ing the Commission in carrying out its duties under this
5 Act such sums as may be necessary to carry out the pur-
6 poses of this Act. Any sums appropriated shall remain
7 available, without fiscal year limitation, until expended.

8 **SEC. 7. TERMINATION OF THE COMMISSION.**

9 The Commission shall terminate 30 days after the
10 Commission submits the report under section 3(c).

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