

106TH CONGRESS  
1ST SESSION

# S. 1001

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

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## IN THE SENATE OF THE UNITED STATES

MAY 11, 1999

Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. BYRD, Mr. BROWNBACK, Mr. CONRAD, Mr. KOHL, Mr. CLELAND, Ms. LANDRIEU, Mr. BRYAN, Mr. REED, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## 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.**

4       This Act may be cited as the “National Youth Vio-  
5       lence Commission Act”.

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

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

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

3           (2) conduct its business in accordance with the  
4 provisions of this Act.

5 (b) MEMBERSHIP.—

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

16           (2) APPOINTMENTS.—The members of the  
17 Commission shall be appointed for the life of the  
18 Commission as follows:

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

21                           (i) the Surgeon General of the United  
22 States;

23                           (ii) the Attorney General of the  
24 United States;

1 (iii) the Secretary of the Department  
2 of Health and Human Services; and

3 (iv) the Secretary of the Department  
4 of Education.

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

7 (i) 1 member who meets the criteria  
8 for eligibility in paragraph (1) in the field  
9 of law enforcement;

10 (ii) 1 member who meets the criteria  
11 for eligibility in paragraph (1) in the field  
12 of school administration, teaching, or coun-  
13 seling;

14 (iii) 1 member who meets the criteria  
15 for eligibility in paragraph (1) in the field  
16 of parenting and family studies; and

17 (iv) 1 member who meets the criteria  
18 for eligibility in paragraph (1) in the field  
19 of child or adolescent psychology.

20 (C) Two shall be appointed by the Minority  
21 Leader of the House of Representatives,  
22 including—

23 (i) 1 member who meets the criteria  
24 for eligibility in paragraph (1) in the field  
25 of law enforcement; and

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

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

5 (i) 1 member who meets the criteria  
6 for eligibility in paragraph (1) in the field  
7 of law enforcement;

8 (ii) 1 member who meets the criteria  
9 for eligibility in paragraph (1) in the field  
10 of school administration, teaching, or coun-  
11 seling;

12 (iii) 1 member who meets the criteria  
13 for eligibility in paragraph (1) in the social  
14 sciences; and

15 (iv) 1 member who is a recognized re-  
16 ligious leader.

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

19 (i) 1 member who meets the criteria  
20 for eligibility in paragraph (1) in the field  
21 of school administration, teaching, or coun-  
22 seling; and

23 (ii) 1 member who meets the criteria  
24 for eligibility in paragraph (1) in the field  
25 of parenting and family studies.

1           (3) COMPLETION OF APPOINTMENTS; VACAN-  
2           CIES.—Not later than 30 days after the date of en-  
3           actment of this Act, the appointing authorities under  
4           paragraph (2) shall each make their respective ap-  
5           pointments. Any vacancy that occurs during the life  
6           of the Commission shall not affect the powers of the  
7           Commission, and shall be filled in the same manner  
8           as the original appointment not later than 30 days  
9           after the vacancy occurs.

10          (4) OPERATION OF THE COMMISSION.—

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

23                (B) MEETINGS.—The Commission shall  
24                meet at the call of the Chairman. The initial

1 meeting of the Commission shall be conducted  
 2 not later than 30 days after the later of—

3 (i) the date of the appointment of the  
 4 last member of the Commission; or

5 (ii) the date on which appropriated  
 6 funds are available for the Commission.

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

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

20 (a) STUDY.—

21 (1) IN GENERAL.—It shall be the duty of the  
 22 Commission to conduct a comprehensive factual  
 23 study of incidents of youth violence to determine the  
 24 root causes of such violence.

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

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

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

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

20          (D) the availability of firearms to youth,  
21      including the means by which they acquire such  
22      firearms, and any impact of such availability on  
23      incidents of youth violence;

1 (E) the effect upon youth of depictions of  
2 violence in the media and any impact of such  
3 depictions on incidents of youth violence; and

4 (F) the availability to youth of information  
5 regarding the construction of weapons, includ-  
6 ing explosive devices, and any impact of such  
7 information on incidents of youth violence.

8 (3) TESTIMONY OF PARENTS AND STUDENTS.—

9 In determining the root causes of incidents of youth  
10 violence, the Commission shall, pursuant to section  
11 4(a), take the testimony of parents and students to  
12 learn and memorialize their views and experiences  
13 regarding incidents of youth violence.

14 (b) RECOMMENDATIONS.—Based on the findings of  
15 the study required under subsection (a), the Commission  
16 shall make recommendations to the President and Con-  
17 gress to address the causes of youth violence and reduce  
18 incidents of youth violence. If the Surgeon General issues  
19 any report on media and violence, the Commission shall  
20 consider the findings and conclusions of such report in  
21 making recommendations under this subsection.

22 (c) REPORT.—

23 (1) IN GENERAL.—Not later than 1 year after  
24 the date on which the Commission first meets, the  
25 Commission shall submit to the President and Con-



gress a comprehensive report of the Commission's findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 4(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

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

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 3.

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

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Com-

1 mission may by majority vote request the Attorney  
2 General of the United States to require by subpoena  
3 the production of any written or recorded informa-  
4 tion, document, report, answer, record, account,  
5 paper, computer file, or other data or documentary  
6 evidence necessary to carry out the Commission's  
7 duties under section 3. The Commission shall trans-  
8 mit to the Attorney General a confidential, written  
9 request for the issuance of any such subpoena. The  
10 Attorney General shall issue the requested subpoena  
11 if the request is reasonable and consistent with the  
12 Commission's duties under section 3. A subpoena  
13 under this paragraph may require the production of  
14 materials from any place within the United States.

15 (2) INTERROGATORIES.—The Commission may,  
16 with respect only to information necessary to under-  
17 stand any materials obtained through a subpoena  
18 under paragraph (1), request the Attorney General  
19 to issue a subpoena requiring the person producing  
20 such materials to answer, either through a sworn  
21 deposition or through written answers provided  
22 under oath (at the election of the person upon whom  
23 the subpoena is served), to interrogatories from the  
24 Commission regarding such information. The Attor-  
25 ney General shall issue the requested subpoena if the

1 request is reasonable and consistent with the Com-  
2 mission's duties under section 3. A complete record-  
3 ing or transcription shall be made of any deposition  
4 made under this paragraph.

5 (3) CERTIFICATION.—Each person who submits  
6 materials or information to the Attorney General  
7 pursuant to a subpoena issued under paragraph (1)  
8 or (2) shall certify to the Attorney General the au-  
9 thenticity and completeness of all materials or infor-  
10 mation submitted. The provisions of section 1001 of  
11 title 18, United States Code, shall apply to any false  
12 statements made with respect to the certification re-  
13 quired under this paragraph.

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

19 (5) FAILURE TO OBEY A SUBPOENA.—If a per-  
20 son refuses to obey a subpoena issued by the Attor-  
21 ney General under paragraph (1) or (2), the Attor-  
22 ney General may apply to a United States district  
23 court for an order requiring that person to comply  
24 with such subpoena. The application may be made  
25 within the judicial district in which that person is

1 found, resides, or transacts business. Any failure to  
2 obey the order of the court may be punished by the  
3 court as civil contempt.

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

11 (d) INFORMATION TO BE KEPT CONFIDENTIAL.—

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

20 (2) DISCLOSURE.—Information obtained by the  
21 Commission or the Attorney General under this Act  
22 and shared with the Commission, other than infor-  
23 mation available to the public, shall not be disclosed  
24 to any person in any 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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