

complete reauthorization bill, but these should not be addressed piecemeal during times of crisis.

Support the Boehlert amendment to alleviate immediate problems and leave other concerns for complete ESA reauthorization.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute, as amended, offered by the gentleman from New York [Mr. Boehlert].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHLERT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 196, not voting 10, as follows:

[Roll No. 108]

AYES—227

Abercrombie	Gilman	McIntyre
Ackerman	Gonzalez	McNulty
Allen	Gordon	Meehan
Baldacci	Goss	Meek
Barcia	Green	Menendez
Barrett (WI)	Greenwood	Metcalfe
Bass	Gutierrez	Millender-
Bentsen	Hall (OH)	McDonald
Berman	Hamilton	Miller (CA)
Blagojevich	Harman	Minge
Blumenauer	Hastings (FL)	Mink
Boehlert	Hefner	Moakley
Bonior	Hilliard	Mollohan
Borski	Hinchev	Moran (VA)
Boucher	Hinojosa	Moralla
Brown (CA)	Hobson	Murtha
Brown (FL)	Hoolley	Nadler
Brown (OH)	Horn	Neal
Capps	Houghton	Neumann
Cardin	Hoyer	Oberstar
Carson	Jackson (IL)	Obey
Castle	Jackson-Lee	Olver
Clayton	(TX)	Owens
Clement	Johnson (CT)	Pallone
Clyburn	Johnson (WI)	Pappas
Conyers	Johnson, E. B.	Pascrell
Costello	Kanjorski	Pastor
Coyne	Kaptur	Payne
Cummings	Kelly	Pelosi
Davis (FL)	Kennedy (MA)	Petri
Davis (IL)	Kennedy (RI)	Porter
Davis (VA)	Kennelly	Poshard
DeFazio	Kildee	Price (NC)
DeGette	Kilpatrick	Quinn
DeLauro	Kind (WI)	Rahall
Dellums	Kingston	Ramstad
Deutsch	Klecicka	Rangel
Diaz-Balart	Klink	Rivers
Dicks	Klug	Roemer
Dingell	Kucinich	Ros-Lehtinen
Dixon	LaFalce	Rothman
Doggett	LaHood	Roukema
Doyle	Lampson	Roybal-Allard
Ehlers	Lantos	Rush
Engel	LaTourette	Sabo
English	Lazio	Sanchez
Eshoo	Leach	Sanders
Etheridge	Levin	Sanford
Evans	Lewis (GA)	Sawyer
Farr	Lipinski	Saxton
Fattah	LoBiondo	Schumer
Fawell	Lofgren	Scott
Fazio	Lowey	Sensenbrenner
Flake	Luther	Serrano
Foglietta	Maloney (CT)	Shays
Forbes	Maloney (NY)	Sherman
Ford	Manton	Skaggs
Fox	Markey	Slaughter
Frank (MA)	Martinez	Smith (MI)
Franks (NJ)	Mascara	Smith (NJ)
Frelinghuysen	Matsui	Smith, Adam
Frost	McCarthy (MO)	Smith, Linda
Furse	McCarthy (NY)	Snyder
Gejdenson	McDade	Spratt
Gephardt	McDermott	Stabenow
Gilchrest	McGovern	Stark
Gillmor	McHale	Stokes

Strickland
Stupak
Sununu
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns

NOES—196

Aderholt
Archer
Army
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett

NOT VOTING—10

Andrews
Barton
Becerra
Clay

Delahunt
Filner
Foley
McKinney

Wexler
Weygand
White
Wise
Wolf
Woolsey
Wynn
Yates

Ewing
Fowler
Gallegly
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley

Reyes
Schiff

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DELAHUNT. Mr. Speaker, I was unavoidably detained and missed roll-call No. 108. Had I been present, I would have voted "yes."

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BONILLA] having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 478) to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to comply with that Act in building, operating, maintaining, or repairing flood control projects, facilities, or structures, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. CUNNINGHAM. Mr. Speaker, on Rollcall 90 I was recorded as in favor of the Roemer amendment to H.R. 1275. This was an error. As a supporter of the Space Station, I ask that the RECORD show my intentions to vote "nay" on the Roemer amendment.

ANNOUNCEMENT OF SCHEDULE FOR THE REMAINDER OF LEGISLATIVE DAY

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I have an announcement to make.

The bill that was just on the floor has been pulled, and we are about to take up a rule on the Juvenile Crime Control Act. There will be about a 45-minute vote on it, and then that will be the last vote of the night. In the meantime those that are on the floor now, they are welcome to leave or take seats so that we can take up this last matter before the House today.

PROVIDING FOR CONSIDERATION OF H.R. 3, JUVENILE CRIME CONTROL ACT OF 1997

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 143 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 143

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses. The first reading of the bill shall be dispensed

□ 1850

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Foley against.

Messrs. KLINK, NEUMANN, WELLER, and SMITH of Michigan changed their vote from "no" to "aye."

So the amendment in the nature of a substitute, as amended, was agreed to.

with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield 30 minutes time to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for debate purposes only.

Mr. Speaker, today in this Nation we are faced with a situation where the State and local juvenile justice systems are failing to hold young offenders accountable for their criminal activity.

This rule is designed to give the House a fair and efficient procedure for considering legislation to try to attack the problem of juvenile crime. This rule does provide 1 hour of general debate on the Juvenile Crime Control Act.

In order to allow consideration of the amendment of the Committee on the Judiciary in the nature of a substitute,

the rule waives the prohibition against appropriating on a legislative bill. There is one minor technical provision which does allow unexpended amounts which are repaid into a fund to be used for future payments without going through the appropriation process. This is what requires the waiver.

The rule provides that eight specified amendments may be offered on the House floor. Of these eight amendments, six are offered by the Democrats. This procedure is more than fair to the minority. If Republicans had been treated so well when we were in the minority, we would have thought we had died and gone to heaven, Mr. Speaker.

□ 1930

In order to expedite the voting process, the rule provides a vote-stacking authority to the Chairman of the Committee of the Whole.

Finally, the rule guarantees the minority one last chance to offer its best alternative and a motion to recommit which may certainly contain instructions.

Mr. Speaker, we are going to have to get a little more order, because we are coming to a very important part of the debate on this very important issue.

Mr. Speaker, juvenile criminals are a threat to the lawmaking, taxpaying citizens of this Nation to an extent that they have never been before. In order to demonstrate the extent of the problem we are dealing with, let me just provide my colleagues with some very startling facts, and these are really startling.

For example, only 10 percent of violent juvenile offenders, now that is violent juvenile offenders, those that commit things like murder and rape and robbery and assault, 10 percent of them receive any sort of prison confinement.

Let me repeat that one more time. Only 10 percent of violent juvenile offenders that commit murder and rape and robbery and assault receive any kind of jail time at all.

Many juveniles receive no punishment at all. Almost 40 percent of violent juvenile offenders who come into contact with the justice system have their cases dismissed, 40 percent of them with these very serious crimes.

In many cases, by the time the courts finally lock up an older teenager on a violent crime charge, that offender has a long list of violations with arrests starting way back in the early years. According to the Justice Department numbers, 43 percent of juveniles in State institutions had more than 5 prior arrests and 20 percent had been arrested more than 10 times. Approximately 80 percent of those offenders had previously been on probation.

When encounters with the juvenile justice system teach juvenile offenders that they are not accountable for their wrongdoing, I say to my colleagues, the system has to be broken.

In America today no population poses a greater threat to public safety

than the juvenile criminals who are back out on the street before they even serve any jail time. Teenagers account for the largest portion of all violent crime in America. Older teenagers, ages 17 and 19, are the most violent of all age groups. More murder and robbery is committed by 18-year-old males than any other group, and more than one-third of all murders are committed by offenders under the age of 21.

The number of juveniles arrested for weapons offenses has more than doubled in the last 10 years. Between 1965 and 1992 the number of 12-year-olds arrested for violent crimes rose 211 percent, the number of 13 and 14-year-olds rose 301 percent, and the number of 15-year-olds rose 297 percent.

I say to my colleagues, something is wrong; this system is broken. What should give us the greatest concern of all is that this dramatic increase in youth crime has occurred in the midst of declining youth population in this country. In other words, while youth population is declining, juvenile crime is escalating at an alarming rate.

While it is true that the Federal Government does not have jurisdiction over the great majority of juvenile crime, Federal law does provide an important model for the States. The Federal Government also can provide assistance to States and localities in their efforts to combat juvenile crime.

The legislation made in order by this rule, the Juvenile Crime Control Act, is designed to provide the necessary leadership and assistance, and I would ask for a "yes" vote on this rule and on the legislation that it makes in order.

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

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], my colleague and my dear friend, for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to this rule. Juvenile crime is a very serious issue for which a lot of people have solutions, and unfortunately this closed rule will allow very few of those good ideas to come to this floor.

Mr. Speaker, in the last 10 years the juvenile crime rate has increased 28 percent. Juvenile crime has become a very serious problem, and we do not have to look far to find it. Within the last year, 7 youngsters have been murdered in a rash of brutal gang violence in the Benning Road area of Washington, DC. Mr. Speaker, Benning Road is not Timbuktu; Benning Road is 10 minutes from this very building.

Nationwide it is not much different, either. Everyday 5,711 juveniles are arrested in the United States. A young man in Los Angeles was recently arrested for vandalism. He fancied himself as a graffiti artist and was charged \$99,000 in restitution. He said, "That's what I like to do, and I'm going to do it no matter what."

Mr. Speaker, these days more and more people care less and less about

the consequences of their actions, whether it is gang killings, robberies, violent crimes, or graffiti, and we need to do something about it.

Mr. Speaker, we must do everything we possibly can to make sure that our children do not turn to crime, but I do not believe that this bill does what it should. I do not believe this bill is anywhere near perfect, and I do not believe Members who want to change parts of this bill should be prevented from doing so.

Sixteen germane Democratic amendments were offered and only 5 accepted. The Republican bill we are considering today makes a few good steps but, Mr. Speaker, it stops at the jailhouse door. This bill locks kids up and throws away the key. If a child is 13 or older, Mr. Speaker, if a child is 13 or older, he or she can end up in prison not with other juveniles but with adults.

Mr. Speaker, this is the most horrible idea that I have heard in a long while. Young people should be held responsible for their actions, but we can help them change before it is too late, because for many juveniles it is really not too late. Ninety-four percent of all juvenile arrests are for nonviolent offenses. These children can be changed before they turn to worse offenses.

However, for many of the inmates in the adult jails, the time for change is long gone. These people in the best cases will teach the young people new tricks, and in worst cases they will prey upon them, and in some particularly tragic cases they will kill them.

This is no way to turn a young person's life around. In fact, statistics show that if we try a juvenile as an adult, the crime rate will escalate.

Furthermore, this bill also does absolutely nothing to stem the high number of juvenile crimes and accidents involving handguns. It does not take the very simple and the very effective step of requiring guns to have child safety locks so that if a child picks up the parent's gun, they cannot hurt themselves or anyone else.

We on the Democratic side offered an amendment to require gun manufacturers to have safety locks. It was defeated on a party line vote.

Mr. Speaker, I believe we owe our children to steer them in the right direction before they get in trouble. I do not believe that kids are born bad. I believe they are made bad by absent parents, by abusive environments, and by drug pushers. We need to give these kids a chance to be good. We need to give local police the ability to stop the sale of illegal guns and drugs to these children. We need to intervene early, at the first signs of trouble, and we need to support community initiatives for after-school activities and mentoring programs.

Mr. Speaker, these programs work. They provide positive role models and the children respond. They provide positive incentives and the children respond, and they provide a chance, and Mr. Speaker, the children respond.

I know it may not sound tough; I know it is becoming fashionable to punish, punish, and punish, but I, for one, would much rather see a young person playing basketball at midnight than scared for his life in some dangerous adult prison.

Mr. Speaker, juvenile crime is not hopeless and neither are these children. In my home city of Boston, we have just seen how successful prevention efforts can be. Three years ago our juvenile firearm homicide rate was 16 percent. Last year, the Boston police department lowered our juvenile firearm homicide rate to zero. That means that not one young person was killed last year in a city of about 600,000 people. That is progress.

The city of Boston uses strong community policing programs and programs like Operation Cease Fire, which uses shared intelligence to suppress violent flare-ups quickly. However, even in Boston we have a long way to go. Juvenile murders may be down, but juvenile drug use is up.

We should be giving youngsters something positive to do after school, and putting child safety locks on guns would go a long way to reducing violent crimes. Unfortunately, this will not happen under this bill, but it should. Mr. Speaker, whether it is the housing projects in Boston, Detroit, Southeast Washington, we owe to our children to help them back on the right path before they grow up. We need to enforce the law, intervene when children first start acting up and prevent young people from turning to crime in the first place.

Juvenile justice should be rehabilitative, not punitive. So I urge my colleagues to defeat this rule, and if it is not defeated, to join the International Union of Police Associations and the International Brotherhood of Police Officers and support the Democratic Juvenile Control and Prevention Act.

Mr. Speaker, let us not give up on our children before it is too late.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Sanibel, FL [Mr. GOSS].

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

Mr. GOSS. Mr. Speaker, I thank my friend from New York, the distinguished chairman of the Committee on Rules, [Mr. SOLOMON] for this time. I rise today in very strong support of this rule. It will allow fair consideration of the Juvenile Crime Control Act of 1997.

We have been able to accommodate the minority, allowing votes on five Democratic amendments, including a full substitute. In addition, of course, the House will consider one Republican amendment, and of course the minority has the option to offer a motion to recommit. I have every confidence that we are going to have a full debate and the minority has many avenues to speak.

This bill has had extensive review, with forums being held throughout the

country in order to ensure that the measures it takes will effectively deal with what is one of the most difficult and troubling aspects in our fight against crime today, and that is the aspect of our Nation's young people.

I know, talking to colleagues on the floor and in the cloakrooms and around town, that Members are coming to grips with this issue. I recently met with the Juvenile Justice Advisory Board in my own district in southwest Florida to discuss some of the problems we are having. Florida is a pretty progressive State. We do have the equivalent of gun lock laws and things like that, good safety issues, but we still have an awful lot of youth crime.

In an honest discussion with both teens and adults on the Juvenile Justice Advisory Board, I heard firsthand about a system that is failing both troubled children and our society at large. Our juvenile justice system fails to respect teens by ignoring or glossing over their misdeeds, and this in turn breeds a lack of respect for laws and civil society among our teens as well.

Respect is still part of our vocabulary in this country. We need to remember that.

□ 1915

We need innovative approaches tailored to local needs. I hope this bill, by setting a strong example, will spur this kind of change.

At the national level, according to the Department of Justice, 17- and 18-year-olds are the most violent of all age groups. Let me say that again. The most violent of all age groups are 17-year-olds and 18-year-olds. Younger criminals are getting increasingly violent.

It is long past due that we make juvenile offenders understand there are real consequences for criminal behavior. Right now, as Chairman SOLOMON has said not once but twice, and I will say again, only 1 in 10 violent juvenile offenders receives any confinement. If Members do not learn or hear anything else in this debate, remember that statistic. Our youngest career criminals are getting away with the most heinous crimes over and over again, and it is not just gang warfare. Wake up.

I am pleased that H.R. 3 will address this by allowing and encouraging tough penalties, rather than perpetuating the slap-on-the-wrist approach.

I urge my colleagues to support this rule. It will get the debate done, and it will get it done fairly. I urge support for this bill. It will do something America will be proud of and needs desperately.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I strongly urge a no vote on this rule. Every day 1 million children go home in this country to households with loaded guns. Fifty-five

percent of the guns in this country are loaded, kept in homes. It results in the death of approximately 16 children a day, and for every child who is killed, there are approximately 5 who are seriously wounded.

If this gun lock proposal would come to the floor, an element that both sides of the gun control issue agree upon, which 80 percent of the American public support, if the Committee on Rules in their wisdom would allow us to bring this before the House, it would overwhelmingly pass, and next year at this time there would be dozens of children alive, hundreds who would not be wounded, including the accidental deaths and use in violent crime.

I strongly urge a no vote on the rule. Send this back, and allow us to give something that all Americans can agree on.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Middleburg, NY, [Mr. BEN GILMAN], one of the most effective Members of our body and chairman of our Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

I am pleased to rise in strong support of the rule, H.R. 3, the Juvenile Crime Control Act, legislation which helps address a multitude of problems facing our Nation's juvenile court system. We have witnessed a doubling in drug use among teenagers every year since 1993. At the same time there has been a steady decrease in the numbers of young people who view the dangers of drug use as any serious, legitimate problem.

That softening of attitude toward drugs and the increased abuse of substances are major factors in the subsequent rise in the crime rate of those under the age of 18. In fact, just last Sunday, on ABC's "Meet the Press," FBI Director Louis Freeh stated that the central problem that fuels violence, particularly juvenile violence, is drug use, drug selling, drug dealing, and drug trafficking.

For the past several years law enforcement agencies have attempted to meet the challenge posed by the rise in juvenile crime, and especially in violent crime. Regrettably, our police and prosecutors are hampered by a system which restricts information sharing and discourages serious punishment. This legislation moves to correct those shortfalls.

There are those who would say this bill focuses too much on punishment and not enough on prevention. I have long been a believer in prevention programs as a method for deterring youth crime. However, I do believe that once an individual has committed a violent felony, it is often too late for prevention.

Mr. Speaker, prevention has its place. Yet, I submit that it has no place with those who have decided to

forgo alternate routes but instead focus on a life of violent crime. Those criminals should face punishment and accountability for their actions, not excuses offered by their apologists, who are more interested in advancing some social theory than protecting the law-abiding community.

Accordingly, I ask our colleagues to join in supporting this legislation which moves to address the growing problem of violent youth crime.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I rise in strong opposition to this rule. Mr. Speaker, last week we had an open rule on patents. That is an important issue. Today we had an open rule on endangered species and flooding. My district has flooded three winters in a row. That is an important issue. But neither one of these issues rises to the importance of juvenile delinquency and the threat it poses for our country.

Mr. Speaker, I think that to have 200 minutes to discuss the issues of juvenile delinquency and what as a country we can do about them is not appropriate.

The underlying bill before us takes the \$1.5 billion currently slated to flow into our States and communities from the Violent Crime trust fund and puts it all into a scheme of mandatory trial of teenagers as adults. The interesting thing is that from our analysis, arguably only 12 States are going to even be allowed to apply for the funding because the others do not have the scheme required by the act.

Mr. Speaker, I do not think \$1.5 billion for 12 States—and not one cent for prevention—is what this country needs to address juvenile delinquency. There are certainly young people who need to be tried as adults. There are young people who have done horrible things. But we know that doing nothing but punishment will not solve our problem.

My friend Mark Klaas, whose wonderful daughter was murdered, said something along these lines: "To say that we are curing crime with prisons is kind of like saying we are going to cure disease by building cemeteries." It is too late to deal with the problem only after the fact. We need to lend our efforts to preventing crime as well.

We also need to have all of the energies and all of the thoughts of every Member of this body, not just one party line vote. We need to have rigorous debate, not 200 minutes. I would urge a no vote on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in opposition to the Republican rule and the McCollum bill. There is no question that we have to get tough on juvenile crime. Everyone in today's Chamber agrees on that issue. The debate is, how are we going to do that, and how serious are we going to be about stopping juvenile crime.

The rule that we have before us prevents the true debate from ever taking place, the true debate that must take place on how to get juvenile justice.

With this closed rule, the Republicans prove that they do not want to hear the truth about this issue. They do not want to hear the facts. Here are the facts. The facts show that kids sentenced to adult facilities have higher recidivism rates than kids punished in the juvenile system. Listen to that. What the Republicans want to do is seek a solution that worsens the problem and does not improve the situation.

Fact two: Facts show that kids face shorter, I repeat, shorter and easier sentences in the adult system than they would under the juvenile court judges. It makes perfect sense. You have a teenager in front of you versus a hardened criminal 30 years, 40 years old. If you are the judge and you have overcrowding, who are you going to sentence?

The fact of the matter is and the statistics, let me repeat, the statistics prove this, that the kids that are violent criminals get less time, which I do not think is what the gentleman wants to do, but which he ends up advocating for in supporting the Republican bill.

Finally, Mr. Speaker, I think we need to get beyond the myths of this and we need to get to the facts. That is what we are not going to get to under this Republican closed rule because it will not give us the adequate time to debate this issue.

Finally, Mr. Speaker, let me say how disturbed I am that we are not even going to include a child lock safety device with the purchase of firearms. It is, to me, shameful in this country, when we have 16 kids getting killed every day, that the Republican bill has no provision for a child safety lock to be sold with guns. That is another reason to vote against this rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say to my good friend, the gentleman from Rhode Island [Mr. KENNEDY] that if he examines the rule, that almost all of the time is allocated to the Democratic Party. All of the amendments that were made in order were mostly Democrat. I think there was one Republican. We cannot be any more fair than that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. BILL MCCOLLUM], one of the most respected Members of this body when it comes to these kinds of issues. He is a member of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Speaker, I just want to address under this rule for 1 minute what the purpose of this legislation is all about today, because there are some misperceptions about it.

The reason why this legislation is out here is because the juvenile justice system of the Nation is broken. This is primarily a State and local matter in the sense that most juveniles are tried

in State and local courts. There are only about 300 a year that are tried in Federal court. Usually those are for peculiar reasons of where the crimes are committed, Indian reservations, et cetera.

The problem we face is that roughly one-fifth of all violent crime in this country today is committed by those who are under the age of 18. That is 1 out of every 5 murders, rapes, armed robberies, assaults, et cetera.

This is a shocking number in and of itself, but when we consider the fact that the majority, the highest number or percentage of any group that commits murder in this country are 18-year-olds, the largest number of any age group that commits rapes are 17-year-olds, that 64 percent of all violent juvenile crime is committed by those under the age of 15, and then we see that in the juvenile justice system, of those who are found and adjudicated of having been guilty of a serious violent crime, only about 10 percent are ever incarcerated in any kind of an institution, juvenile detention facility or otherwise. It is remarkable. The average length of stay for those that are is less than 1 year. I think that is a serious problem.

Even more serious is the fact that when we look at the juvenile justice system for the early delinquencies, where we really ought to be addressing this problem for vandalizing a home or a store, running over a parking meter, doing graffiti on the wall of a warehouse, usually law officers do not even take these kids before juvenile courts like they used to. There are no consequences these kids see.

Juvenile judges, when they do get hold of a youngster for one of these kinds of misdemeanor crimes, usually it is 10 or 12 times before the juvenile judge on average before there is any kind of a sanction. That means community service or restitution or doing whatever we might think of as a relatively mild sanction.

So is it any wonder in a system like this that when somebody gets to be 16 years old, has a long list of doing these offenses, that when they get a gun in their hands they do not hesitate to pull the trigger because they do not think there are going to be any consequences to doing it?

This bill is about repairing the juvenile justice system and putting consequences back in there. It does in it in two ways. One, it provides for a model Federal system for those limited number of juveniles who come into contact with the Federal system. Two, it provides \$1.5 billion over 3 years, \$550 million a year in grants, incentive grants to the States and local communities to spend as they see fit, generally, on fighting juvenile crime.

It provides just simply four basic qualifiers to get this money, because we want the States to take action and change the way they are behaving with respect to juvenile justice.

It requires that they have a sanction of some sort for the very first delin-

quent act of a juvenile delinquent, and graduated sanctions for every delinquent act that is more serious than the first one thereafter.

It would require that prosecutors at the State level be given the discretion to prosecute, it does not require they do so, those of 15 years of age or older who commit serious violent crimes, and we are talking about murder, robbery, rape, that sort of thing.

It would require that for those who have committed at least one lesser offense, for the second one, and they commit a felony, the records be kept on them. Third, it requires parents to have some accountability for not the juvenile acts, but for whatever the juvenile judge designates them to.

□ 1930

This bill does not contain prevention provisions in the sense that traditionally we think of them before we come in contact with the juvenile justice system, because we have two other bills where we deal with that. One will be out here in about a month on the Office of Juvenile Justice Delinquent Prevention from the Committee on Education and the Workforce. That deals with \$150 million in prevention grant programs. It is a traditional area we need to work on, and we all are interested in that.

It also is true that we are going to have an effort to reauthorize or authorize and have appropriated about \$500 million again this year for the general crime prevention block grant program that we instituted last year to go to the cities and the counties to fight crime as they see fit which, of course, includes fighting juvenile crime.

So there are going to be a lot of prevention programs funded out here on other bills before one comes in contact with the juvenile justice system.

This bill tonight is designed to repair a broken juvenile justice system. That is the single most important prevention thing right now that I can think of that we can do, even though there are other matters that need to be dealt with when it comes to juvenile crime. That is what this bill is about, not about anything else. It is very narrowly focused, designed to repair the Nation's broken juvenile justice system that is not working today, to get more funds, more probation officers, more judges, more detention facilities, and to get sanctions started for the early juvenile delinquent acts.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mrs. MCCARTHY].

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in opposition to the rule.

The rule to H.R. 3, the Juvenile Crime Control Act of 1997, does not allow Members to engage in a full and fair debate about reducing juvenile crime and making our schools safe. The closed rule denies Congress the opportunity to discuss child safety lock legislation. Child safety locks can help

make our schools and our streets safer for our children. The loaded and unlocked guns are being taken from our homes continuously and used to commit juvenile crimes in our schools. Failure to allow this debate on safety locks is expensive for the American people. We in the health care system know that it costs us almost \$3.5 billion, but, more than that, we are losing our children.

According to National Safe Kids Campaign Chairman C. Everett Koop, locks and load indicators could prevent more than 30 percent of unintentional firearm fatalities.

Child safety locks are not expensive. Child safety locks will reduce the cost to the American taxpayers associated with juvenile crime.

This is not the same old debate about gun control. This is about reducing violence and its associated costs.

The amendment we would like to debate would simply require federally licensed firearms dealers to sell child safety locks with firearms. Nobody's guns are going to be taken away. There will be no further Federal requirements for purchase.

It is a simple safety lock. We have bills that make it impossible for children to get into an aspirin bottle. Do my colleagues not think we should do the same thing with a gun?

Therefore, I urge my colleagues to oppose this rule. Let us try and save some kids these days.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER], a fighter for gun control.

Mr. SCHUMER. Mr. Speaker, I thank our ranking member of the Committee on Rules for his generous cession of time.

Whatever we think of the bill that is before us, and there are a lot of opinions, the rule proves one thing: The Republican leadership is scared of the NRA. We already know the Republican Party opposes reasonable measures against gun violence, but now they are saying we cannot even talk about it.

The Republicans want to make guns a four-letter word on the House floor, no discussion allowed. Their whole legislative strategy is built around a single objective of preventing the House from even voting on gun safety measures. When we are talking about youth violence, Mr. Speaker, there is nothing more relevant than guns.

The reason juvenile crime is so much more violent today than ever before is because youth gangs are so well armed. Back in the 1960's, there was plenty of anxiety and plenty of gangs and plenty of young men on the streets angry, but all they had was their fists and people did not come home in coffins and in body bags. Now guns in many of our cities are everywhere. We are refusing to even debate that issue.

Every amendment we have offered to this bill that would deal with the underground gun market, a simple trigger lock provision that my colleague, the

gentlewoman from New York, talked about. Or stiff mandatory sentences on kingpin gun traffickers, the NRA has always told us punish the criminal. These gun traffickers are among our worst criminals, and my colleagues would not even allow us to debate it in the bill. Every amendment has been ruled not germane. Mr. Speaker, this is a gag rule on preventing gun violence. The whole bill has been set up so that gun amendments can be kept off on technical grounds.

Members know we are right about guns, but we are so afraid of the gun lobby we will not even put the issue to a vote. That is the true, behind-the-scenes story of this bill, that the NRA is writing the script.

The gentleman from Florida, the chairman of the Crime Subcommittee, has been working for months on this legislation. He has been very open to input from the minority, and for that I thank him. In fact, the gentleman from Florida [Mr. MCCOLLUM] brought the Committee on Rules a manager's amendment that would have added to this bill a whole series of provisions proposed by myself, the gentlewoman from New York [Mrs. MCCARTHY] and the administration on guns. But the Republican leadership is keeping that manager's amendment out of the bill, an amendment by the majority's own subcommittee chairman.

There is one and only one reason for this, so that the minute anyone says the word gun violence, gun control, the Republicans can jump up and say, out of order. That is a shabby way to legislate. I urge Members to vote against the rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

As I look at this legislation, I just wonder, because there have been mentions of some gun lock safety equipment. This bill does not deal with gun lock safety. That legislation perhaps could come again at some future time.

I think what we really do need to do is to talk about the relationship with the White House. Let us call attention first, I would like to call attention to the fact that we Republicans have been in office here for about 2 years and 2 months or so, and I wonder where all this legislation was prior.

Mr. Speaker, I yield to the gentleman from Florida [Mr. MCCOLLUM], chairman of the subcommittee, to perhaps answer that question of what happened to the manager's amendment and the relationship with the White House.

Mr. MCCOLLUM. Mr. Speaker, I would like to make a comment. I think that there is an explanation in order. I had offered a manager's amendment yesterday including a number of things before the Committee on Rules that are in the President's bill that are perfectly acceptable and I think ultimately should be passed into law, including enhanced penalties for those who are trafficking in guns with juveniles or juveniles who commit violent crime with a gun and so on. But the

truth of the matter is that we were in negotiations with the administration, the leadership, my leadership, all through the day yesterday and even today attempting to come to some accommodation around the edges with respect to these matters, and they were apparently unsuccessful.

I was not involved in all of those, but I know that they were going on at the highest level. I think those negotiations will continue and that ultimately we will have a lot of these provisions that we can pass out here on the floor. But they are not part of this bill. I would like to have been able to put them in there. It would be nice to pass it all at one time. But we will have other opportunities and other days to do this. Today is not the only day.

What we are focusing on today and tomorrow is repairing a broken juvenile justice system. That is the highest priority. We should not diminish its importance. I think my colleagues on both sides of the aisle should recognize that fact, argue if they want about what maybe else we should do in addition to this, understand there is nothing more important to fighting violent juvenile crime or juvenile crime at all than repairing the Nation's collapsing juvenile justice system and putting what is necessary in there to get sanctions back into the system for those early delinquents acts so that we can get consequences and that kids understand there will be consequences for their juvenile acts. I think that is very, very important.

Mr. MOAKLEY. Mr. Speaker, I yield 15 seconds to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, would the gentleman from New York, my colleague, chairman of the Committee on Rules, answer a question?

The gentleman said maybe some other time we can bring the trigger-lock legislation to the floor. Will the gentleman give us a commitment that we will bring that legislation to the floor at some point before this legislative year is out?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, the gentleman is a member of the Committee on the Judiciary, is he not?

Mr. SCHUMER. Mr. Speaker, I am.

Mr. SOLOMON. Mr. Speaker, that is the committee. I suggest the gentleman take it up with his committee.

Mr. SCHUMER. So the answer is, the gentleman will not give us a commitment.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, guess which State in the Union has the most aggressive juvenile justice laws? The State of North Carolina. If we measure it based on who tries and convicts more juveniles as adults, it is North Carolina. One-fifth

of the juveniles tried, convicted, and sentenced as adults are in North Carolina.

The Republicans talk about do the adult crime, serve the adult time. We do it in North Carolina. But guess what? Under this bill, North Carolina would not qualify for funds under this bill. They say they want us to be aggressive, lock them up. But, no, they will not give us any funds under this bill. In fact, of all the 50 States, 39—at least—of the States do not qualify for funds under this bill, including North Carolina, which has the most aggressive laws.

Now, why? Because in North Carolina the judge decides whether somebody is going to be tried as an adult rather than the prosecutor deciding, and the Federal Government under this bill would require that the prosecutor make that decision rather than the judge making that decision. So we are going to be deprived of funds unless we change our laws to comply with the Federal law.

Does that make any sense? What we have found out is that one of the few States under this bill that would qualify is the State of Florida, which is the State of the sponsor of this bill. In fact, once we keep investigating, we may find that the only State in the Union that will qualify for funds under this bill is the State of Florida, the State of the gentleman from Florida [Mr. MCCOLLUM].

What everybody ought to be asking themselves is, does my State get anything under this bill? The answer is going to be no for at least 39 out of the 50 States. We ought to reject this bill. Reject the rule. Send it back and let us do something worthwhile.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. DELAHUNT], a gentleman who has dealt with teenage juvenile delinquency for some 21 years and has compiled an outstanding record, and is now serving in Congress with us.

Mr. DELAHUNT. Mr. Speaker, I rise in opposition to this rule for very similar reasons that were just articulated so eloquently by the gentleman from North Carolina. This rule denies the House the opportunity to vote on an amendment that I had intended to offer, that I had tried to offer which would have ensured that every State, every city, every town, and every county would be eligible to access the \$1.5 billion authorized in this bill. It is important to understand that the bill before us, as others have articulated, imposes conditions on State and local governments—mandates, if you will—before they even have a chance to file an application to access that \$1.5 billion.

In fact, to qualify just to access the \$1.5 billion, approximately 40 States would be forced to legislate massive changes in how they deal with juvenile offenders.

□ 1945

They would be compelled to enact laws that have not been proven to be effective and, in my opinion, will actually increase crime by sending kids to graduate schools for crime, and it does not make any sense.

We should know that only 12 States can even file an application under the terms of this bill, and it is unclear whether even all of them would qualify. Once again we have Washington telling the States and local governments what to do. Washington has the answers. Well, Washington does not have the answers. The State and local governments do.

As my friend from Massachusetts, Mr. MOAKLEY, stated in his opening remarks, the city of Boston has not had a single juvenile murder since July 1995, almost 2 years. They instituted a plan, a local plan, that combined prevention, intervention, prosecution, and treatment. They knew what they were doing. They did not need Washington to tell them what to do. Yet under this bill Boston would not qualify for funding despite those remarkable results. That does not make sense to me, but Washington knows best.

If those from California, those from Ohio, and Pennsylvania, Texas, or Illinois, just to name a few, want to access some of these Federal dollars to try the Boston approach, they cannot do so because their laws do not meet the conditions in this bill. But again, Washington knows best.

The reality is that Washington cannot know best because there is no Federal experience in this area, no Federal juvenile justice system, no courts, no judges, no detention centers, no probation departments. In fact, as the primary sponsor indicated, there are fewer than 200 juveniles currently serving Federal sentences, compared with the 300,000 juvenile offenders locked up in State juvenile facilities.

Given those facts, we have no business imposing national standards on the States and localities that are working to solve the problem of juvenile justice. Let us help them, not tell them what to do.

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to the gentleman from Bolivar, MO, Mr. ROY BLUNT, one of the outstanding new Members in this body.

Mr. MCCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding to me for the moment.

I just want to respond to the fact that nobody expects this bill to be something that every State or maybe any State qualifies for right now. The whole purpose is for incentive grants.

The idea is to get the juvenile justice system in this country going again. No State has to do anything under this bill. There is no mandate in here. But if the States want the money, then they will have to at least demonstrate

that they are punishing, sanctioning with some sanction, for the very first juvenile delinquent act and every one thereafter.

Then once they get the money, they can spend it as they want to fight juvenile crime. But that is the idea.

Mr. BLUNT. Mr. Speaker, reclaiming my time, I rise in support of the rule, I rise in support of this concept. Normally, I would be on the side of my friend from Massachusetts on this issue, because I think these are issues that are generally best left to the States.

But I think, clearly, juvenile crime has exceeded the bounds of the States. It is clearly an interstate problem. It is clearly a problem that trafficks easily from one State to another.

I also disagree with the idea that this puts juvenile criminals in a graduate school for crime. They have already been in a graduate school for crime. We call that graduate school for crime gangs.

Now, this is not about Dennis the Menace. This is not about somebody violating a few rules. This is not about Dennis the Menace; it is about Billy the Kid. And I think we need to stop Billy the Kid. I think we need to stop that pattern where actually, in gangs, they turn to the young gang members and tell them to commit the crime because they are not going to have to face the penalty.

This is something that States will benefit from. States like Missouri and Massachusetts and North Carolina can meet the requirements of the bill and can qualify.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to my fellow freshman, the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I ask my friend from Indiana if he is ready and prepared to go back and tell his Governor, to tell his State legislature that we have the answers here in Washington and they cannot be resolved by the State of Indiana and by the communities in Indiana? Is that what the gentleman is suggesting to me?

Mr. BLUNT. Mr. Speaker, I would say to the gentleman that, being from Missouri, I would be glad to tell the Governor of Indiana that, but I will also tell the Governor of Missouri that.

I think this is a problem that, as we have seen crime decline all over the country in total statistics, we have seen juvenile crime rise rapidly.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California, Mr. DUKE CUNNINGHAM, a very respected Member of this body.

Mr. CUNNINGHAM. Mr. Speaker, the gentlewoman a moment ago spoke on trigger guards, and I understand she had a personal family loss and I do not know how I would handle that myself. I would also let the gentlewoman know I am a member of the NRA, and that I have trigger guards, or my weapons are all in safes and my daughters and my

son have been taught how to use those in a safe manner.

In fact, the keys are in a different position, in case one of their friends walks in and finds it, so they will not have an accident.

But I would also advise my friends on the other side to look into COSCO, who shipped in 2,000 fully automatic AK-47's. The actual gun runners themselves were in the White House and contributed to the DNC; Mr. Huang, who contributed and arranged \$366,000 for COSCO, a company owned by the Communist Chinese.

I would ask that they look into the M-2's that were going down to Mexico to disrupt those elections, so they put leftists in their legislature. And do my colleagues know where the AK-47's were impacted and headed for in San Francisco, in my State of California? They were targeted for the inner city gangs. These are fully automatic weapons, which we do not sanction.

But I would ask for a little bit of clarity when my colleagues point fingers. Let us take a look at where the threats are in this country and let us try to stop them, but we also need to look inwardly.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for his courtesy, and I would make two quick points. On the gentleman's first point, as an NRA member, the gentleman has safety provisions on his guns. For automobiles we require, and throughout America, that people wear seatbelts. There is no difference here. The gentleman is good that he does it; other people do not. We can save lives by requiring them.

Second, on the gentleman's other point on the importation of assault weapons, we have tried in this House to get amendments to the floor to allow that to happen. Repeatedly, we were not allowed.

Mr. CUNNINGHAM. Mr. Speaker, reclaiming my time, I would ask the gentleman's help in stopping the Communist Chinese COSCO from taking over Long Beach Naval Shipyard.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would say to the gentleman from California [Mr. CUNNINGHAM] that he should really stop his propaganda on COSCO. He is ill-advised, and therefore he should stop that with reference to COSCO and Long Beach.

Mr. Speaker, I rise today in strong opposition to the rule on H.R. 3, the Juvenile Crime Act of 1997. This closed rule would severely limit our ability to offer important amendments to this legislation. I am particularly concerned that the rule precludes amendments to protect children from the accidental discharge of firearms.

As elected Representatives we have an important responsibility to advocate for our Nation's children by prohibiting the transfer of a firearm without a child safety lock as an integral component.

Every year hundreds of children between the ages of 1 and 19 are killed by the unintentional discharge of handguns. Since 1987, more than 4,000 innocent boys and girls have lost their lives through unintentional firearm deaths.

The loss of these young children can be prevented, which is why I have authored the Firearm Child Safety Lock Act of 1997. This legislation would prohibit any person from transferring or selling a firearm in the United States unless there is a child safety lock.

Further, this legislation would prohibit the transfer or sale of firearms by federally licensed dealers and manufacturers unless a child safety lock is part of its assembly.

However, legislation is not enough. Responsible handgun owners should child-proof their firearms whether they have children or not. I have outlined a number of child-proofing options and would like to submit them for the RECORD.

The Firearm Child Safety Lock Act of 1997, once enacted, will prevent the future loss of lives of our innocent children. These are our children, our sons and our daughters, and the future of this country. As parents and leaders it is our obligation to protect our children from senseless deaths caused by the unintentional discharge of firearms.

This is not gun control, this is a safety measure. If gun owners want to be nice people, as stated by the NRA's president, Wayne LaPierre, then they would support this amendment and curb the senseless deaths of our country's children due to unintentional discharge of firearms. For this amendment and other amendments I urge my colleagues to oppose this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am not sure if my good friend from California is still on the floor of the House, but it is disappointing when my friend from California accuses adults of gun running but he wants to lock up the children.

I rise to oppose this rule because I thought we could come to the floor of the House and reasonably look at the statistics on juvenile crime and juvenile crime prevention and really respond accordingly. I thought, for example, that we would understand that this bill is nothing but a punitive bill with no resources to address the questions of concern in making sure that we prevent juvenile crime.

One, we want to expose the records to the public rather than giving the records only to school officials and so-

cial service agencies. We do not want to rehabilitate the child; we want to punish the child so that they never have the opportunity to be rehabilitated. We want to house children in this bill without looking at the ramifications of housing children with adults.

We had amendments that I offered that were not accepted by the Committee on Rules. I am disappointed in that, not because we need to discuss more air on the floor of the House, but really what we need to do is put a bill together that we can all support.

Certainly, I think it is very important that even though we all talk about we believe in the safety of guns, it does not appear to be reasonable that a simple act of having a trigger lock could not be an amendment for this particular bill.

I hope this bill goes off the floor of the House, goes back to being addressed and assessed, and realizes that the best thing to do for all of us is that helping children should be the key element of juvenile law coming out of this Congress. We should, in fact, make sure we do not house children with adults, and we should, in fact, make sure that we can provide the amount of prevention dollars, and we should protect children from the unwarranted use of a gun and protect them from the detrimental act of the reckless use of a gun.

Mr. Speaker, I rise to speak in opposition to the rule on H.R. 3, The Juvenile Crime Control Act of 1997. As a member of the Judiciary Committee, I have spent a great deal of time over the last 2 months analyzing and debating the problem of juvenile crime. I am sure that my colleagues on both sides of the aisle would agree with that this is a very complex and controversial issue. It is for these reasons that I am disturbed that H.R. 3 was not given an open rule.

There are a number of provisions in H.R. 3 that cause me grave concern. In an attempt to remedy some of the more grievous provisions in H.R. 3, my colleagues and I offered amendments to the Rules Committee. Very few of these amendments—amendments that I believe would have garnered great support, support on both sides of the aisle—were made in order.

In particular, I am troubled that no amendments were made in order addressing the controversial issues of housing juveniles in adult prisons and releasing juvenile records to the public. In partnership with Mr. WATT, I prepared an amendment addressing the problem of housing juveniles with adults. Our amendment required that for States and local governments to be eligible to receive grant funds they must house juveniles who are tried as adults separately from adult inmates in facilities so that they have no contact with adult inmates until they reach 18 years of age.

I also had an amendment which would have ensured that predisposition juveniles would have no contact with adults in prison. My amendment did not address the juvenile who has been convicted of a violent crime. In fact, my amendment attempted to protect those children who have not yet even been found guilty from the dangers of housing them with

adults. Without this amendment there is a very real possibility that an innocent child will be mistakenly arrested and suffer in prison in the company of adults.

On any given day approximately 2,400 children are held as juveniles in adult jails. Over the course of a year more than 65,000 children are held in adult jails.

Adult jails, however, are very different from facilities designed for juveniles. In particular, most adult facilities have inadequate rehabilitation programs, health or education programs for juvenile offenders. Most juvenile facilities have a full educational program for incarcerated youth. Juvenile facilities also have additional programs such as exercise and recreation. In contrast, too often, children held in adult jails spend all day sitting in their cells.

Additionally, all available evidence suggests that placing juveniles in adult jails places them in very real and very serious danger. They are at serious risk for rape, assault, and even murder. A 1989 study by Jeffrey Fagan titled "Youth in Prisons and Training Schools: Perceptions and Consequences of the Treatment-Custody Dichotomy" showed that children housed in adult facilities are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked with a weapon than juveniles confined in a juvenile facility.

On April 25, 1996, six adult prisoners murdered a 17-year-old boy while he was incarcerated in the juvenile cellblock of an adult jail in Ohio.

In Idaho, a 17-year-old boy held in an adult jail for not paying \$73 in traffic fines was tortured over a 14 hour period and then finally murdered by other prisoners in his cell.

In Ohio, a 15-year-old girl who had never been in trouble before ran away from home for 1 night. Although she voluntarily returned to her parents, she was put in the county jail by a juvenile court judge "to teach her a lesson." On the fourth night of her confinement, she was sexually assaulted by a deputy jailer.

It is already too easy to find examples of children who have been assaulted or lost their lives needlessly in adult jails. We have a responsibility to act and stop there from being many more.

A third provision in Mr. MCCOLLUM'S bill that causes me grave concern is that which opens juveniles records to the public. The juvenile justice system was founded on the principle that juvenile offenders are children and as such should not be held to the same standard of culpability as adult offenders. The juvenile justice system has been based on the premise of rehabilitation; to provide the juvenile access to programs and life skills that he or she has not gained in the community. When the juvenile reenters the community he or she is to begin fresh without the public stigma of a criminal record.

H.R. 3, however, requires that in order for States and local governments to be eligible to receive grant funds they must maintain records for any adjudication of a juvenile who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony in a records system equivalent to that maintained for adults who commit felonies. My amendment would have deleted this requirement for both States and local governments and also stated that in the Federal system juvenile records would not be available to the public as required by H.R. 3. Instead, the

amendment required that juvenile records be made available only for official purposes.

Like my colleagues, I am very concerned about the rising rate of juvenile crime. I agree that to protect the public from certain of these juvenile offenders law enforcement officials and certain social service organizations must have access to juvenile records. I am convinced, however, that publicly disclosing the court records of juveniles will permanently stigmatize the child at an early age which will follow the child into adulthood; thus, inhibiting efforts to rehabilitate the child as well as the child's future employment and educational opportunities. It seems to me that to burden an already fragile child with this additional handicap is extremely unwise for both that child and for society in general.

I urge my colleagues to vote against this modified close rule and in so doing open the debate on juvenile justice to address a number of the most concerning provisions of H.R. 3.

Mr. SOLOMON. Mr. Speaker, I yield 4½ minutes to the gentleman from Florida [Mr. MCCOLLUM] the distinguished chairman of the subcommittee.

□ 2000

Mr. MCCOLLUM. I thank the gentleman for yielding me this time.

Mr. Speaker, I believe tonight as we prepare to vote on this rule, we need to understand this whole process in concept and in construct.

Back a few years ago, we passed some provisions of law here in the Federal arena designed to encourage the States to do what we call truth-in-sentencing. That is, we found that we have people who commit violent crimes that were going through a revolving door and serving only about one-third of their sentences. They wound up in that situation with a status where they hardly were in before they were out in many cases. They went right back on the streets and were committing violent crimes. While that was primarily State crimes they were committing, we thought an incentive grant program was a good idea and we had a pretty overwhelming majority pass a provision that said that if States pass laws that will require that repeat violent felons serve at least 85 percent of their sentences, then they are going to get a very large sum of money from the Federal Government in the form of a grant program, to construct more prisons with, to help them in the process back home that they need these resources for. We did accomplish that.

In fact, now the national average, because more than 20 States have qualified for this money, not many if any qualified at the beginning, because more than 20 now have gone out and done it, we see that the national average for time served in this country has gone up from a third of the sentence to nearly 50 percent of the time in a violent offense that is served. It is a model for what we are out here trying to do today. We are trying to create another incentive grant to the States that says: States, here is money to spend as you want to fight violent juvenile crime.

You can start at the early levels, do what you want to basically with it, more judges, more probation officers or whatever, but if you are going to do that, then we expect you to do the 4 things we think are really critical to reviving the juvenile justice system to put consequences back in it again. Because we are seeing law enforcement officers not even taking kids before juvenile courts because they do not expect them to get any kind of punishment. If a kid vandalizes a store or spray-paints a building, should that youngster not get some consequences, community service or something for that even if it is the first offense? The answer is clearly yes. Because they do not get consequences, then that bad behavior is more likely to continue. If we do put consequences for those early juvenile delinquent crimes, then we are less likely to get more violent crimes from these juveniles later on. It is common sense. It is what all juvenile court authorities tell us and have told my subcommittee.

So we have put out a little core group of things to qualify to get the money. Then you can spend it as you want to. We are not telling the States how to spend the money, but we are telling the States: Here is a carrot, here is something like we did with the truth-in-sentencing grants, if you do these things, three or four simple things, the primary one of which is to start sanctioning the very first delinquent act and then have graduated sanctions for every delinquent act thereafter, such as community service and so on, then you can get the money. And if you have the provision that allows your prosecutor, which most States do but not all, allows your prosecutor to try as an adult a 15-year-old or older who commits a serious violent felony, that is important. And, third, we need you to keep records. Records are not being kept the way they should be. We do not know how these juveniles are doing. If they have committed a felony, that has to be a felony and it has to be the second offense. It could have been a misdemeanor spray-painting the house or whatever the first time. Only then. But then if they do and they have committed a felony, then you have got to keep the records and make them available just as you would for adults. And you have got to let judges, the judges do not have to do this, you have got to let your judges hold parents accountable, not for the juvenile delinquent act but when the juvenile delinquent comes before them, for that parent to be instructed by the court: Here is what we want you to do to oversee your child. If you do not do it, you might get a fine or maybe you will do community service. These are the things that are broken nationwide. It is a national crisis. We really need to do it.

We are not doing as some on the other side would say, characterizing this as telling the States what to do. We are trying to create a national in-

terest in this with a little bit of money knowing the States have got to come forward with a lot more resources if juvenile judges in this country are to do the jobs they all want to do and enough probation officers are hired to do it. That is what this is all about.

There are a lot of other things we have to do. We hope someday that families are put back together again. We do not want the situations where we have so many single parents out there and no role models. We want truancy laws corrected, we want more education for our kids, we want to get at the gang problems, we want to do a lot of other things we do not do in this bill. There will be other bills, there are going to be other bills that address those matters as best we can, though many of them frankly have to be addressed in the local communities and money is not the answer to all of them. Volunteer time, organization and effort is. Yes, there are other things. But tonight the one thing we are voting on is a rule that would allow a juvenile justice repair bill to go through to provide incentives to the States.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey [Mr. PASCRELL].

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from New Jersey is recognized for 2½ minutes.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me time on this disappointing rule, on which I rise in strong opposition.

Yes, we need to repair our juvenile justice system, but first we need to get our priorities in order and that is what we should be about. I speak as a former mayor of a large city and now as a Congressman from the Eighth District. While I am pleased that this House is going to take a good look at our juvenile justice system and how we can improve it, the majority is denying us the opportunity to discuss commonsense anti-gun violence efforts as part of this legislation.

Our priorities should be about those young people who are in the galleries listening to us debate this issue, and how we can prevent violence from occurring in our streets. Every day American youths are injured and killed by guns. A staggering 1 in every 4 teenage deaths are gun-related. These numbers do not even take into account the number of crimes committed by juveniles with guns. Few factors have had as direct an impact on the increase in violent youth crime over the last 10 years as have guns. Juvenile arrest records for weapons law violations are up 103 percent since 1985, a rate that is clearly unacceptable to all of us in this room.

This House is only fooling itself if we believe for a second that we can effectively address the issue of youth violence without addressing gun violence. If we are truly serious about making our streets and neighborhoods safer,

keeping those young kids safe and alive, we need to get serious and have gun violence addressed in this juvenile bill.

The Democratic substitute that we originally brought to the Committee on Rules would have addressed the gun issue. The real losers under this rule are the millions of Americans who live in fear of violent youth crime, mixed up with gangs and armed to the teeth. The majority is keeping us from implementing commonsense rules.

This is for young people. If we truly love them and wish to protect them, then let us put the amendments before this body.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise people sitting in the gallery that they are prohibited from reacting to speeches on the floor.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from New York is recognized for 2¼ minutes.

Mr. SOLOMON. Mr. Speaker, we have heard a lot of rhetoric here today. I think the gentlewoman, I believe it was from Texas, made the statement that she was concerned that this bill before us today was going to put children in jail. Let me inform the gentlewoman and anybody else in this Chamber that for the last 40 years we have coddled criminals in this country, and we have made it very, very difficult for the people that suffered under those criminals.

What this legislation does is, yes, it does lock up children. Who are those children that we want to lock up under this bill? They are those that are old enough to commit murder and rape and brutal assaults against women and children in this country. They deserve to be in jail. This bill before us is going to send that kind of a message.

There are a lot of myths about this bill. I will include for the RECORD a list of all of those, there are 10 of them, that explain some of the rhetoric that has taken place in this debate.

In closing, let me just say this. Watch for the vote on final passage of this bill and Members will see that all of the talk in opposition to it was a lot of rhetoric, because this bill will pass overwhelmingly, and will send a message to these young rapists and murderers and brutal assaulters of women and children in this country: We are not going to stand for it any longer.

Mr. Speaker, I include the following for the RECORD:

TOP 10 DEMOCRAT MYTHS ABOUT H.R. 3 AND THE JUVENILE JUSTICE SYSTEM

MYTH 1: PROSECUTORS WILL BE FORCED TO TRY JUVENILES AS ADULTS

H.R. 3 mandates that certain juveniles be prosecuted as adults. Federal prosecutors must choose between prosecuting these juveniles as adults or not prosecuting at all.

FACT: PROSECUTORS HAVE DISCRETION IN EVERY CASE

H.R. 3 allows prosecutors in every instance to either refer a juvenile offender to State

authorities, prosecute the offender as a juvenile, or proceed against the offender as an adult. In the case of murder and other serious violent felonies, H.R. 3 includes a presumption that juvenile 14 or older should be charged as an adult, but the prosecutor has the discretion to charge the offender as a juvenile.

MYTH 2: JUVENILES WILL BE HOUSED WITH ADULTS

H.R. 3 will allow the federal government to incarcerate juveniles in the same cell with adult criminals. Moreover, juveniles prosecuted as adults will be housed with adults after they are convicted.

FACT: JUVENILES WILL NOT BE HOUSED WITH ADULTS

H.R. 3 explicitly prohibits housing juveniles with adults. There can be absolutely no regular contact between juveniles and adults criminals during any stage of the justice process.

MYTH 3: ALL PUNISHMENT AND NO PREVENTION

The Republican approach to addressing the juvenile crime problem is narrow-minded: it focuses solely on punishment and is silent on prevention.

FACT: PREVENTION PLUS

Accountability is prevention: When youthful offenders face consequences for their wrongdoing, criminal careers stop before they start. H.R. 3 encourages states to provide a sanction for every act of wrongdoing, starting with the first offense, and increasing in severity with each subsequent offense, which is the best method for directing youngsters away from a path of crime while they are still amenable to such encouragements.

Moreover, this bill is only part of a larger legislative effort to combat juvenile crime. The prevention funding in the Administration's juvenile crime bill falls under the jurisdiction of the Committee on Education and the Workforce. That committee will be bringing forth a juvenile crime prevention bill within the next several weeks. In addition, that bill will be a small but significant part of the more than \$4 billion dollars which will be spent by the federal government this year on at-risk and delinquent youth.

MYTH 4: H.R. 3 IS BIG GOVERNMENT AT ITS WORST

H.R. 3 takes a one-size-fits-all approach by strictly limiting how localities can spend their grant funds.

FACT: LOCAL GOVERNMENTS HAVE FLEXIBILITY

Under H.R. 3, States and local governments have extensive flexibility. H.R. 3 provides funds to States and units of local government to be used for a wide variety of juvenile crime-fighting activities ranging from building and expanding juvenile detention facilities, establishing drug courts and hiring prosecutors to establishing accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies.

MYTH 5: H.R. 3 ATTEMPTS TO MICRO-MANAGE THE STATES

H.R. 3 sends the message that Washington-knows-best: States must do it the federal government's way or no way. H.R. 3 places so many requirements on States in order to receive funding that few States will want to qualify.

FACT: LIMITED INCENTIVES TO ACHIEVE BENEFICIAL REFORMS

Creating incentives for the States to reform their juvenile justice systems is desperately needed. When encounters with the juvenile justice system teach juvenile offenders that they are not accountable for their actions, the system is broken. Never

before has there been a greater imperative for the juvenile justice system to be working than now. Too many jurisdictions are held captive by bureaucrats that strictly adhere to the old, discredited juvenile justice philosophy that young criminals are not responsible for their actions. Many Republican governors have put forward juvenile justice reform proposals that have been blocked by liberal legislators. Like our truth-in-sentencing incentive grant program, we can help our allies at the State level to transform America's justice system.

MYTH 6: VERY YOUNG OFFENDERS ARE NOT THE PROBLEM

H.R. 3 is over-reaching in that it unnecessarily expands the list of serious violent crimes for which 13 year-olds can be prosecuted. There is no evidence which proves that 12-, 13-, or 14-year-olds are any more dangerous than they were 20 years ago.

FACT: YOUTHFUL BUT DANGEROUS

Juveniles 15 and younger were responsible for 64 percent of the violent offenses handled by the juvenile courts in 1994. Between 1965 and 1992, the number of 12-year-olds arrested for violent crime rose 211 percent; the number of 13- and 14-year-olds rose 301 percent; and the number of 15-year-olds rose 297 percent.

MYTH 7: THE ADULT COURT SYSTEM IS MORE LENIENT ON JUVENILES

Juveniles tried in adult criminal court are more likely to have their cases dismissed and serve shorter sentences than juveniles referred to juvenile court.

FACT: MOST JUVENILES ARE HELD ACCOUNTABLE IN THE ADULT SYSTEM

According to GAO, most juveniles prosecuted for serious offenses in adult criminal court are convicted and incarcerated. Barely one-third of juveniles prosecuted for serious offenses in juvenile court are convicted and confined. Juveniles prosecuted in criminal court are subject to the same sentencing guidelines as adult defendants in criminal court. While a few studies show that juvenile property offenders may not receive longer sentences in adult court, several studies show that violent juveniles receive longer sentences in adult criminal court than in juvenile court.

MYTH 8: VIOLENT JUVENILES ARE ALREADY EFFECTIVELY TREATED AS ADULTS

Juvenile judges are already waiving large numbers of serious violent juveniles into the adult system. H.R. 3 would limit the power of juvenile judges to make these decisions.

FACT: LEAVING IT UP TO JUVENILE JUDGES IS NOT GOOD ENOUGH

In 1994, only 1.4% of all delinquency cases—the same percentage as in 1985—are transferred to adult court. Juvenile court judges transfer just under three percent of violent juvenile offenders to adult criminal court. For juveniles to be held accountable for their violent acts, prosecutors must have a say in this process!

MYTH 9: PREVENTION IS RESEARCH-PROVEN

The Republican approach to fighting juvenile crime ignores the fact that prevention is cost-effective and research-proven. After-school programs and drug treatment programs should be included in H.R. 3 since so little is being done in those areas.

FACT: FEDERALLY-FUNDED PREVENTION HAS PROVEN "INEFFECTIVE"

According to a comprehensive Justice Department-commissioned study published last month, "Recreational, enrichment, and leisure activities such as after school programs are unlikely to reduce delinquency" * * * "Midnight basketball programs are not likely to reduce crime." Programs like it may

actually increase the risk of delinquency by combining lower-risk and high-risk students in the same activity and by providing space for high-risk youth to interact.

Moreover, according to the General Accounting Office, the federal government already funds for at-risk and delinquent youth: 21 gang intervention programs, 35 mentoring programs, 42 job training assistance programs, 47 counseling programs, 44 self-sufficiency programs, and 53 substance abuse intervention programs.

MYTH 10: LESS CONFINEMENT, NOT MORE

We need more prevention and alternatives to incarceration not more detention cells. Juveniles need to be diverted away from a life of crime, not thrown in prison in the prime of youth.

FACT: JUVENILES ARE NOT HELD ACCOUNTABLE

Because our juvenile justice system is so woefully inadequate, juveniles quickly learn, "I can beat the system." Only 10 percent of violent juvenile offenders—those who commit murder, rape, robbery or assault—receive any sort of institutional "placement out-side the home." The small percentage of juveniles who are placed in confinement for such violent offenses will be back on the streets in an average of 353 days. Almost half of all juveniles arrested for violent offenses receive probation, fine, restitution, or community service.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 252, nays 159, not voting 22, as follows:

[Roll No. 109]

YEAS—252

Aderholt	Calvert	Doyle
Archer	Camp	Dreier
Army	Campbell	Duncan
Bachus	Canady	Dunn
Baesler	Cannon	Ehlers
Baker	Castle	Emerson
Ballenger	Chabot	English
Barr	Chambliss	Ensign
Barrett (NE)	Chenoweth	Everett
Bartlett	Christensen	Ewing
Barton	Coble	Fawell
Bass	Coburn	Foley
Bateman	Collins	Forbes
Bereuter	Combest	Fowler
Berry	Cook	Fox
Bilbray	Cooksey	Franks (NJ)
Bilirakis	Cox	Frelinghuysen
Bliley	Cramer	Galleghy
Blunt	Crane	Ganske
Boehlert	Crapo	Gekas
Boehner	Cubin	Gibbons
Bonilla	Cunningham	Gilchrest
Bono	Danner	Gillmor
Boyd	Davis (FL)	Gilman
Brady	Davis (VA)	Goode
Bryant	Deal	Goodlatte
Bunning	DeLay	Goodling
Burr	Diaz-Balart	Gordon
Burton	Dickey	Goss
Buyer	Dingell	Graham
Callahan	Doolittle	Granger

Green	McCrery	Sandlin	Schumer	Stupak	Visclosky
Gutknecht	McDade	Sanford	Scott	Tauscher	Waters
Hall (TX)	McHugh	Saxton	Serrano	Taylor (MS)	Watt (NC)
Hansen	McInnis	Scarborough	Skaggs	Thompson	Waxman
Hastert	McIntosh	Schaefer, Dan	Slaughter	Thurman	Wexler
Hastings (WA)	McKeon	Schaffer, Bob	Snyder	Tierney	Weygand
Hayworth	Metcalf	Sensenbrenner	Spratt	Torres	Wise
Hefley	Mica	Sessions	Stabenow	Towns	Woolsey
Herger	Miller (FL)	Shadegg	Stokes	Velazquez	Wynn
Hill	Molinaro	Shaw	Strickland	Vento	
Hilleary	Mollohan	Shays			
Hobson	Moran (KS)	Sherman			
Hoekstra	Moran (VA)	Shimkus	Andrews	Filner	Pombo
Holden	Morella	Shuster	Becerra	Gephardt	Schiff
Horn	Murtha	Sisisky	Berman	Greenwood	Stark
Hostettler	Myrick	Skeen	Boucher	Harman	Talent
Houghton	Nethercutt	Skelton	Clay	Linder	Tauzin
Hulshof	Neumann	Smith (MI)	Dicks	Martinez	Yates
Hunter	Ney	Smith (NJ)	Dooley	McKinney	
Hutchinson	Northup	Smith (OR)	Ehrlich	Pelosi	
Hyde	Norwood	Smith (TX)			
Inglis	Nussle	Smith, Adam			
Istook	Ortiz	Smith, Linda			
Jenkins	Oxley	Snowbarger			
John	Packard	Solomon			
Johnson (CT)	Pappas	Souder			
Johnson, Sam	Parker	Spence			
Jones	Paul	Stearns			
Kanjorski	Paxon	Stenholm			
Kasich	Pease	Stump			
Kelly	Peterson (MN)	Sununu			
Kim	Peterson (PA)	Tanner			
King (NY)	Petri	Taylor (NC)			
Kingston	Pickering	Thomas			
Klink	Pickett	Thornberry			
Klug	Pitts	Thune			
Knollenberg	Porter	Tiahrt			
Kolbe	Portman	Trificant			
LaHood	Pryce (OH)	Turner			
Largent	Quinn	Upton			
Latham	Radanovich	Walsh			
LaTourette	Ramstad	Wamp			
Lazio	Regula	Watkins			
Leach	Riggs	Watts (OK)			
Lewis (CA)	Riley	Weldon (FL)			
Lewis (KY)	Roemer	Weldon (PA)			
Livingston	Rogan	Weller			
LoBiondo	Rogers	White			
Lucas	Rohrabacher	Whitfield			
Manzullo	Ros-Lehtinen	Wicker			
Mascara	Royce	Wolf			
McCarthy (MO)	Ryun	Young (AK)			
McCollum	Salmon	Young (FL)			

NAYS—159

Abercrombie	Flake	Manton
Ackerman	Foglietta	Markey
Allen	Ford	Matsui
Baldacci	Frank (MA)	McCarthy (NY)
Barcia	Frost	McDermott
Barrett (WI)	Furse	McGovern
Bentsen	Gejdenson	McHale
Bishop	Gonzalez	McIntyre
Blagojevich	Gutierrez	McNulty
Blumenauer	Hall (OH)	Meehan
Bonior	Hamilton	Meek
Borski	Hastings (FL)	Menendez
Boswell	Hefner	Millender-
Brown (CA)	Hilliard	McDonald
Brown (FL)	Hinchey	Miller (CA)
Brown (OH)	Hinojosa	Minge
Capps	Hooley	Mink
Cardin	Hoyer	Moakley
Carson	Jackson (IL)	Nadler
Clayton	Jackson-Lee	Neal
Clement	(TX)	Oberstar
Clyburn	Jefferson	Obey
Condit	Johnson (WI)	Olver
Conyers	Johnson, E. B.	Owens
Costello	Kaptur	Pallone
Coyne	Kennedy (MA)	Pascrell
Cummings	Kennedy (RI)	Pastor
Davis (IL)	Kennelly	Payne
DeFazio	Kildee	Pomeroy
DeGette	Kilpatrick	Poshard
Delahunt	Kind (WI)	Price (NC)
DeLauro	Klecza	Rahall
Dellums	Kucinich	Rangel
Deutsch	LaFalce	Reyes
Dixon	Lampson	Rivers
Doggett	Lantos	Rodriguez
Edwards	Levin	Rothman
Engel	Lewis (GA)	Roukema
Eshoo	Lipinski	Roybal-Allard
Etheridge	Lofgren	Rush
Evans	Lowe	Sabo
Farr	Luther	Sanchez
Fattah	Maloney (CT)	Sanders
Fazio	Maloney (NY)	Sawyer

Stupak	Visclosky
Tauscher	Waters
Taylor (MS)	Watt (NC)
Thompson	Waxman
Thurman	Wexler
Tierney	Weygand
Torres	Wise
Towns	Woolsey
Velazquez	Wynn
Vento	

NOT VOTING—22

Andrews	Filner	Pombo
Becerra	Gephardt	Schiff
Berman	Greenwood	Stark
Boucher	Harman	Talent
Clay	Linder	Tauzin
Dicks	Martinez	Yates
Dooley	McKinney	
Ehrlich	Pelosi	

□ 2028

Ms. DEGETTE and Messrs. FARR of California, OWENS, OBERSTAR, and BARCIA changed their vote from "yea" to "nay."

Mrs. MORELLA and Mr. MASCARA changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BONILLA). Pursuant to House Resolution 143 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3.

□ 2030

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses, with Mr. KINGSTON in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from Texas [Ms. JACKSON-LEE] will each control 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Chairman, let me begin by expressing my appreciation to the chairman of the full Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], my good friend, for his leadership and to the gentleman from Michigan [Mr. CONYERS], the ranking member of the full committee, and the gentleman from New York [Mr. SCHUMER], the ranking member of the Crime Subcommittee, and their staffs for their cooperation in the development of this product that we have out here tonight, H.R. 3. The gentleman from New York [Mr. SCHUMER] in particular has worked very cooperatively on this bill. We disagree on some issues, but we

have worked in good faith and have reached as much consensus as possible.

Mr. Chairman, today we begin consideration of one of the most important issues we will tackle in this Congress: The issue of juvenile crime. Every effort we undertake as lawmakers to improve the lives of our fellow citizens, whether it is about education, health care, housing, or flood control, the success of every effort depends upon the existence of an ordered society. If Americans are afraid to walk to the corner grocery store, or must worry about the safety of their children at school, economic growth, or improved education does little good.

The clear truth is, Mr. Chairman, our constituents should be worried. America's juvenile justice system is broken. Violent juvenile crime is a national epidemic, and unless something is done quickly, it will soon get considerably worse.

Listen to these statistics: Offenders under the age of 18 commit more than one out of every five violent crimes in America; that is one-fifth of all murders, rapes, robberies, and assaults. In 1995, they committed nearly 2 million crimes; 18-year-olds committed more murders than any other age group and 17-year-olds, more rapes. Juveniles 15 and younger were responsible for 64 percent of the violent offenses handled by the juvenile courts in 1994.

Here is the really bad news: If these trends continue, juvenile arrests for violent crimes will more than double by the year 2010. The FBI predicts juveniles arrested for murder will increase 145 percent, forcible rape arrests will increase 66 percent, and aggravated assault arrests by 129 percent.

Why? In the remaining years of this decade and throughout the next, America will experience a 31-percent increase in teenagers as the children of baby boomers come of age. In other words, we are going to have a surge in the population group that poses the biggest threat to public safety.

Mr. Chairman, many academics and some in law enforcement fail to recognize the magnitude of this looming crisis. They cite the decline of the rate of violent crime in each of the last 4 years as proof that the fear of crime that permeates society is unfounded.

Yes; the rate of violent crime per capita has gone down, but it is four times higher than it was in 1960. In that year, this country experienced 160 violent crimes per 100,000 people. In 1995, there were 685 violent crimes for every 100,000 people. Last year's 10 percent decline hardly put a nick in this. There is a real danger of immediate and sharp reversal with the teen population boom ready to spring on us in the coming decade.

We are here tonight because the juvenile justice system is unprepared for this coming storm. It is broken, and its failures have contributed to the magnitude of the present problem.

Statistics paint a picture of a juvenile justice system in collapse. The

percentage of violent juvenile offenders who are sentenced to confinement has actually decreased in the last 4 years. Only 10 percent of violent juvenile offenders receive any sort of institutional confinement, and that small percentage is back on the street in an average of 353 days. In other words, a juvenile who commits a cold-blooded murder can be walking our neighborhood in less than a year.

Of course, most juveniles receive no punishment at all. Nearly 40 percent of violent juvenile offenders who come into contact with the juvenile justice system have their cases dismissed. It is not unusual for a youngster to come before a juvenile judge 10 or 12 times before any punishment is imposed. By the time the courts finally lock up an older teen for a violent crime, the offender has a long rap sheet starting in the early teens, or maybe younger. According to the Justice Department, 43 percent of juveniles in State institutions had more than 5 prior arrests, and 20 percent had been arrested more than 10 times.

Perhaps even worse, juveniles who vandalize stores or homes or write graffiti on buildings rarely come before a juvenile court. Police officers seldom see these kids and seldom refer them into custody, knowing there is little chance that they will receive punishment. Kids do not fear the consequences of their actions because they are rarely held accountable, and that is where the rub really lies in this whole situation.

We are looking at a case, for example, of Daniel Doe in Ohio. What is wrong with the juvenile justice system?

At age 12, Danny was arrested for vandalizing a neighbor's house. He had spray painted the walls, wrecked the furniture, and even went so far as to drown the pet bird in the bathtub. At 14 his criminal behavior had escalated to burglarizing an apartment. In the process he beat an elderly resident who died several days later from complications. For this crime he was convicted of involuntary manslaughter.

Danny then entered the adult criminal justice system at the age of 19 when he brutally beat a middle-aged woman in the act of burglarizing her home. He was sentenced for his crime, but by that time his juvenile arrest record had been erased. For the second time in the eyes of the law, Danny was treated as a first-time offender. The judge, ignorant of his violent past, gave him probation. Danny then went on to beat an elderly man to death in yet another burglary 2 months later.

Who knows how many earlier minor crimes were not referred by police or adjudicated without punishment? Could Danny's life of violent crime have been prevented by an effective juvenile justice system? I would submit that perhaps it could have been.

Crimes committed by juveniles are primarily handled by the States, but the collapse of the system has created

a national crisis. Congress needs to provide incentives to the States to stimulate a core of critically and urgently needed repairs of the juvenile justice system, just as it did 2 years ago when faced with violent adult criminals who were serving about a third of their sentences. Congress then enacted a truth-in-sentencing grant program offering money for prison construction to States which change their laws to require violent offenders to serve at least 85 percent of their sentences. More than 20 States have now done so, and the average time served nationally is approaching 50 percent.

A similar grant program is at the heart of H.R. 3, the Juvenile Crime Control Act of 1997, before us tonight. It is \$1.5 billion over 3 years that would be provided in this bill to States and local communities to hire more juvenile judges, probation officers or prosecutors, construct juvenile detention facilities or whatever they decide they need to improve their juvenile justice system. To qualify for a grant, a State would have to assure the Justice Department that it has accomplished four core reforms.

First, there must be a sanction such as community service for the very first act of juvenile delinquency and graduated sections for each delinquent act thereafter. Police and prosecutors must take young vandals before juvenile courts, and judges must impose punishment. If kids see the consequences to their early delinquent acts, far fewer will evolve into violent criminals.

Next, the State must ensure that prosecutors have the discretion to prosecute as adults juveniles 15 and older who commit serious violent crimes. Such teenagers need to be locked up for a long time, the same as violent criminals 18 and older.

Third, States must establish a recordkeeping system for juveniles adjudicated delinquents. This system would ensure that the records of any young offender adjudicated a delinquent two or more times are treated for the purposes of maintenance and availability the same as adult criminal records if the second offense or a later one is a felony. Today's common practice of keeping juvenile records sealed and erasing them when a juvenile reaches 18 must be stopped for those who are repeat violent offenders.

Last, State law must not prevent a judge from holding parents accountable, not for the delinquent act of the child, but for fulfilling a responsibility directed by the court at the time a sanction is imposed on a juvenile for a delinquent act. Juvenile judges must be given the authority to fine or otherwise sanction parents for not following court orders designed to force a parent to act responsibly in overseeing a child's behavior.

Without these core reforms and without an infusion of dramatically greater resources by the States to match the Federal funds, juvenile justice systems

of our Nation cannot be revived. There are many things that need to be done to fight juvenile crime, but none are more critical than repairing our juvenile justice system.

The second thing this bill does is to establish a model Federal system for holding juveniles accountable for their crimes. These model procedures are designed to give prosecutors the control they need to protect the public, to give judges the authority they need to impose meaningful sanctions against all juvenile offenders, and to hold parents of juveniles responsible for supervising their children and to give law enforcement officials the records they need to know the criminal history of young criminals much like we are asking the States to do if they qualify to receive the block grant money under this proposal.

Under these procedures, no juveniles will be in prison with adults. Under current law, which is unchanged by this bill, all juvenile prisoners must be separated from adults. To those who say otherwise, I say read the bill. The committee rejected two provisions from the President's bill which would have loosened this standard.

Third, H.R. 3 enhances the Federal Government's tools for targeting, in limited situations, the most dangerous juvenile criminals. This bill is not a takeover of juvenile justice. It does not expand Federal authority. But when Federal enforcement is needed such as when State and local law enforcement officials are overwhelmed by violent street gangs, this bill will make Federal law enforcement more effective in protecting the public.

Finally, Mr. Chairman, let me briefly touch on the issue of prevention. We will hear a lot from the other side about prevention and the perceived inadequacies of this bill in the area of preventing crime. Well, I have three brief responses to this concern.

First, when there are real consequences for juvenile crimes, and when there are these real consequences, particularly crimes committed by younger offenders, we can stop criminal careers before they have a chance to get started. In other words, holding juveniles accountable is prevention.

Second, we must all remember that this bill is only a part of a larger legislative effort to deal with juvenile crime. The prevention funding in the administration's juvenile crime bill is in the jurisdiction of the Committee on Education and the Workforce. That committee will be bringing forth a juvenile crime prevention bill within the next several weeks. That bill will be a small but significant part of the billions of dollars that will be spent by the Federal Government this year to prevent crime.

Third, I still support the funding for block grants passed in the Contract With America that are now being used by local governments for crime prevention and supportive law enforcement. I

will be working with appropriators to find the funds necessary to support both the juvenile justice grants in this bill and the more general purpose public safety block grants that were passed in the last Congress as a part of the appropriations process.

So Mr. Chairman, I look forward to the debate on this bill. I urge my colleagues to support H.R. 3 and begin the process of repairing America's collapsed juvenile justice system.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, when we started this process, I recognize that the gentleman from Florida sought out a great deal of data. As I have indicated earlier in my discussions on the floor regarding juvenile crime, it would really be nice if this was a bipartisan effort. But obviously, H.R. 3 is not a bill that addresses the question of juvenile crime prevention and real solutions.

Today, in a hearing before the Committee on the Judiciary, we heard from the Concerned Alliance of Men. It so happens that they say they cure crime, violent crime among youngsters, with a hug. Many of us would look at this in a very skeptical manner, but if my colleagues heard those gentlemen today, they would realize that we can prevent juvenile crime. We can prevent it with targeted efforts toward recognizing that prevention is important.

I asked the chairman why prevention and prevention efforts cannot be in this juvenile crime bill proposed by the Committee on the Judiciary. We have done it before. We did it in the 1994 crime bill. It worked.

This legislation will not make us safer but only divert attention from real and more difficult solutions. We need a balanced approach that encompasses both punishment and prevention. The juvenile justice systems were first established in the United States at the turn of the century, to emphasize rehabilitation for youthful offenders.

Today's youth may or may not be more troubled than in the past, but a system that treats juveniles differently than adults seeking through a combination of measured punishment treatment and counseling, to divert them from destructive paths and keep them within the fold of responsible law-abiding citizens still is an important and real approach in which we should go.

□ 2030

To be sure, violent and dangerous youth must be prevented from inflicting additional suffering. But the chairman recognizes that as the Judiciary Committee traveled across the country, it is well known that the bulk of juvenile crime falls within a small number of States.

We have good kids in America. Those that need help need it by way of counseling, prevention, and other means

other than locking up juveniles with adults. We do not need to hear about six adult prisoners who murdered a 17-year-old boy while he was incarcerated in a juvenile cell block in an adult jail in Ohio. Do we need to hear about, in Idaho, a 17-year-old boy held in an adult jail who was tortured and then murdered by other prisoners; or in Ohio, a 15-year-old who was raped while she was incarcerated? Why do we not have an amendment that separates adults from juveniles?

Recognizing that the Rand Corp. is not the most liberal think tank in this country, it has recently issued a report demonstrating that crime prevention efforts aimed at disadvantaged kids are more effective than tough prison terms in keeping our citizenry safe.

Then, what about the trigger lock? What an interesting approach H.R. 3 takes by refusing to stand up to the National Rifle Association, when 80 percent of Americans say a trigger lock is a valid approach to preventing juvenile crime. It does not seem to make sense. It does not seem that we are on a balanced approach.

The 1994 crime bill authorized funding for numerous juvenile prevention programs, as I said earlier. Since Republicans gained the majority, we have spent not a single cent for prevention. It seems we have missed the boat. We have missed the trigger. We have missed our direction. We are misguided. Rather than with a hug, recognizing that we can save more children with prevention, we now have on the floor of the House H.R. 3, in total disregard of all of the current knowledge that we have, and the body of law and the body of knowledge that says we can save our children with a better approach, more prevention.

Mr. Chairman, I rise to voice my concerns regarding H.R. 3, the Juvenile Crime Control Act of 1997. As a member of both the Judiciary Committee and the Democratic Caucus's Juvenile Justice Task Force, I have spent a great deal of time over the last months analyzing, discussing and debating this bill and I find the bill very troubling.

I want to say first that I agree that the enormous rise in the rate of juvenile crime is a serious problem that we, in this Congress, must address. I recognize that those persons who commit the most heinous crimes, be they juveniles or adults, must be punished. I am concerned, however, to see this bill focus on harsher penalties for juvenile offenders rather than addressing the reasons that so many children turn to crime in the first place. It seems to me that the failure to address these underlying reasons is terribly short-sighted. If we really hope to solve this problem and to reduce violence, we must address both parts of the equation—prevention and punishment.

Most public policy analysts confirm that early prevention programs offer the best hope to stem juvenile crime. They emphasize the importance of better schools and more job training, recreation and mentoring programs. Such initiatives provide children with positive role models and increase economic opportunities.

H.R. 3 allows children as young as 13 years old to be tried in adult court. Evidence, however, suggests that children tried as adults have a higher recidivism rate than comparable children tried as juveniles. Children tried as adults reoffend sooner, commit more serious offenses, and reoffend more often. For example, in Florida which pioneered mandatory waiver of juveniles into adult courts in the early 1980's, a recent study compared the recidivism rate of juveniles transferred to the adult criminal courts with those kept in the juvenile system. The study concluded that youths tried as adults commit even more crimes after release than do those allowed to remain in the juvenile system. Another study, comparing New York and New Jersey juvenile offenders, shows that the rearrest rate for children sentenced in juvenile court was 29 percent lower than the rearrest rate for juveniles sentenced in the adult court system.

There are a number of other provisions in H.R. 3 that I find disturbing such as that allowing juveniles to be housed predisposition in prison with adults and that making juvenile records available to the public.

Housing of juveniles in adult prisons places them in very real and very serious danger. A 1989 study by Jeffrey Fagan titled "Youth in Prisons and Training Schools: Perceptions and Consequences of the Treatment-Custody Dichotomy" shows that children in adult institutions are five times more likely to be attacked with a weapon than juveniles confined in a juvenile facility. This fact is evidenced by a number of cases. On April 25, 1996, six adult prisoners murdered a 17-year-old boy while he was incarcerated in the juvenile cell-block of an adult jail in Ohio. In Idaho, a 17-year-old boy held in an adult jail was tortured and finally murdered by other prisoners in the cell. In Ohio, a juvenile court judge put a 15-year-old girl in adult county jail to teach her a lesson. On the fourth night of her confinement, she was sexually assaulted by a deputy jailer.

There are already enough tragic stories to document the ill-advised policy of housing juveniles with adults and in adult prisons. Do we really want to place more children in such a position of danger?

With respect to the release of juvenile records to the public, I am again troubled. The juvenile justice system was founded on the principle that juvenile offenders are children and as such should not be held to the same standard of culpability as adult offenders. The juvenile justice system has been based on the premise of rehabilitation; to provide the juvenile access to programs and life skills that he or she has not gained in the community. When the juvenile reenters the community he or she is to begin fresh without the public stigma of a criminal record.

I agree that to protect the public from certain of these juvenile offenders law enforcement officials and some social service organizations must have access to juvenile records. I am convinced, however, that publicly disclosing the court records of a juvenile will permanently stigmatize the child at an early age which will follow the child into adulthood; thus, inhibiting efforts to rehabilitate the child as well as the child's future employment and educational opportunities.

H.R. 3 is a flawed, one-sided piece of legislation. It focuses our energy and attention exclusively on only one-part of what is a complex problem. We must pursue a more bal-

anced approach. If we are truly serious about stemming the tide of juvenile crime—and I do not doubt the sincerity of everyone in this body on that question—we must provide both punishment and prevention. The answer to the juvenile crime problem will not be found in the building of more prisons or the imposition of harsher sentences. We will only be successful in our battle against this crisis when we stop the creation of these young criminals.

Mr. Chairman, I share the concern about the problem of juvenile crime that led to H.R. 3. I do not, however, share H.R. 3's vision of a solution to this problem and I urge my colleagues to vote against H.R. 3.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. WATT], a very active and strong proponent of the issues we are discussing in this bill.

Mr. WATT of North Carolina. Mr. Chairman, for the first time in this House I am going to speak from the Republican side, because I want to remind my Republican friends of a few things.

Mr. Chairman, let me put this bill in historical perspective. Go back through the whole history of America. At the Federal level, we have never, ever had a Federal juvenile judge. Never have we had a Federal juvenile probation officer. Never have we had a Federal juvenile facility.

The reason for that is that all throughout our history, juvenile justice has been a matter of State and local law. Yet, my conservative Republican colleagues all of a sudden have decided that we are going to federalize juvenile justice in this country. We do not even do a good job of criminal justice for adults, yet we are going to federalize and tell the States what they are going to do in the arena of juvenile justice.

Mr. Chairman, something is wrong with that. Something is also wrong with the fact that only 11 States, at most, will be eligible for any kind of grant under this bill. My State, where one-fifth of the juveniles have been tried and convicted and incarcerated as adults, in the whole United States the State of North Carolina still will not be eligible for funds under this bill. Why? Because we do not have open juvenile records; because our judges decide who gets prosecuted as an adult if they are a juvenile, not our prosecutors deciding it. We do not have a law that holds parents, sanctions parents if they do not closely supervise their children.

Three out of the four requirements to get funds under this bill we do not meet in North Carolina. We have the most aggressive juvenile justice system in America in North Carolina. Guess what States qualify for funds under the bill? The principal sponsor, his State qualifies. I would encourage all of us to look at what States qualify and defeat this bill.

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

Mr. Chairman, I would like to acknowledge there are provisions that require a State to qualify. I would doubt

very many States technically qualify right now, because the purpose of the grant program the gentleman from North Carolina is talking about, the heart of this bill, is an incentive grant program to get the States to repair their broken criminal justice system.

The idea here is that we are attempting to get the States to move in the direction of doing things that are not very hard for them to do. I think 25 States, and I do not know that my State of Florida qualifies, the gentleman says the Justice Department says so, but I do not see that they do, because I do not see the courts sanctioning those early juvenile delinquent acts. I do not see them taking the first juvenile delinquent act in every case and giving some sort of punishment to it. I do not see the police referring the cases there. I do not think that happens in any State. But it is not hard to get there. The laws do not have to be changed, the States just have to start doing it.

In the case of the prosecutions with regard to adult offenses, very easy; all they have to do is give the flexibility to the prosecutors. They do not have to prosecute 15-year-olds and older that commit violent felonies as adults.

The recordkeeping requirements are easy to enact, and the question of allowing judges, I think most States probably do, but maybe a few do not, juvenile judges to hold parents accountable for things the judge charges them to do, very easy to qualify. But technically I suspect every State is not qualifying right now, but they are given a year to do that. That is the reason, the *raison d'être*, for the existence of this bill; to repair, to encourage the States with a carrot, not a stick, to repair the broken juvenile justice system of this Nation.

I will yield to anybody saying that this is a primarily State function, not a Federal function, but we have a national crisis, and we need to do that.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I thank the gentleman for yielding, Mr. Chairman.

Is it not ironic that the gentleman's State qualifies, and no other State in America qualifies?

Mr. McCOLLUM. Mr. Chairman, if I can reclaim my time, the gentleman said it did. I do not know that any qualify. I do not believe Florida qualifies.

Mr. WATT of North Carolina. What good is the bill if no one qualifies?

Mr. McCOLLUM. Florida does not qualify, in my opinion.

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

Mr. McCOLLUM. I yield to the gentleman from Oklahoma for the purposes of a colloquy.

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding.

The purpose of this colloquy is to discuss the grant program under the provisions of H.R. 3, and to ask the chairman as to his consideration for the youth challenge programs as presently run by the National Guard. There are 15 of them, and they have done a wonderful job in terms of improving the opportunities for young people.

There have been now over 30,000 young people go through that program. There is only one now incarcerated in the entire United States that has worked through that program. It is one of the Government programs that is effective, that works, that restores self-respect, restores dignity, and restores responsibility in young people that are at risk.

My question, Mr. Chairman, is will these youth challenge programs in the State of Oklahoma and other States qualify under this bill for the grant, the block grant moneys?

Mr. McCOLLUM. Mr. Chairman, I would say to the gentleman, yes, they would qualify. The local communities make that decision.

On page 24 of the bill, item number 11, it says one of those things for which they would qualify is programs establishing and maintaining accountability that work with juvenile offenders who are referred by law enforcement agencies or which are designed in cooperation with law enforcement officials to protect students and school personnel from drug, gang, and youth violence. So it would qualify under these provisions, in answer to the gentleman's questions.

Mr. COBURN. Mr. Chairman, I thank the gentleman.

Mr. WATT of North Carolina. If the gentleman will yield further, Mr. Chairman, the gentleman's State is going to have to do all these crazy mandatory things before this challenge thing is going to give him a dime worth of money.

Mr. McCOLLUM. Mr. Chairman, reclaiming my time, there are no crazy mandatory things in this bill. There are four core things that I have reiterated several times over tonight that the State must do to qualify for an incentive grant. We have lots of Federal grant programs out here in many areas on the books today which have far more restrictive elements in it than this does.

Democrats, on their side of the aisle, for years they have had all kinds of restrictions on how to spend money, how they spend money on various programs when they get it. We do not restrict that to any degree here. What we restrict is the qualifiers that have always been imposed in enormous numbers by the other side of the aisle.

Now tonight they are out here complaining about the three or four little things we want to have done to repair the juvenile justice system to qualify for Federal grant programs to repair that system.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. SCOTT], a former member of the Subcommittee on Crime, and a strong and knowledgeable person on these very vital issues.

Mr. SCOTT. Mr. Chairman, I thank the gentlewoman from Texas for yielding time to me.

Mr. Chairman, we know how to reduce crime. We know what works. We know what does not work. Studies have shown that Head Start, Job Corps, drug rehabilitation, truancy prevention, those kinds of programs that give young people constructive things to do with their time and adult interaction, those that increase their education and job opportunities, those are the kinds of things that work. Job Corps, Head Start, and others have been shown to save more money than they cost by reducing crime and reducing future welfare expenses.

Mr. Chairman, we know what sounds tough and does not work. We know that the sound bite—if you do the adult crime, you do the adult time—we know that if you treat more juveniles as adults, all of the studies show that the crime rate, the violent crime rate will go up if we codify that sound bite.

We know mandatory minimums have no deterrent effect on juveniles, because they do not make those kinds of calculations. They act impulsively. So we know what works, we know what does not work. We also know that when we say we are not tough, we have to recognize that we are already jailing more people in America than anywhere else on Earth. We have some communities that have more young people locked up in jails than they have in college.

We know that more money in prisons cannot possibly have, since we lock so many people up already, cannot possibly have an effect on the crime rate. So it makes no sense, waiting for the children to mess up and then lock them up, when it is cheaper to invest in crime prevention programs and prevent them from getting in trouble in the first place.

For example, the Rand study shows that parental training, the money put into that program, is three times more cost effective than the three-strikes-and-you-are-out, good, tough-sounding sound bite.

So we have today's bill, with the major provisions—treat more 13-year-olds as adults, and more young people treated as adults—proven to increase violence; more exposure to mandatory minimums constantly, with no effect or deterrence; more money for prisons that cannot possibly do any good, since most States are already spending more in prisons than they are in higher education. Those are the kinds of things that do not make any difference at all.

So we have a choice. We can pass this good-sounding but ineffective bill, or we can defeat the bill and focus our attention on proven, cost-effective initiatives which will actually reduce the crime rate and make our streets safer.

I would hope we would defeat the bill, Mr. Chairman, and focus our attention where it can do some good.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, the gentleman from Virginia [Mr. SCOTT] has just made a valid point. Let me simply share for the RECORD, the average cost of incarcerating a juvenile for 1 year is between \$35,000 and \$64,000 a year. In contrast, Head Start costs \$4,300 per child.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN], who has been an active participant on this and the Juvenile Task Force.

Ms. LOFGREN. Mr. Chairman, we think about juvenile delinquency, and we know it is a serious problem in our country. I think it is very easy for us to lose our way, however, because we do not, as a country, often make the distinction between what we need to do for justice compared to what we need to do for public safety. The two are not always the same.

For those who have been victimized by crime, there is never a fair answer. But we do know that victims of crime seek justice. They seek to be made whole. They seek punishment for those who did harm to them or to a loved one.

□ 2100

That is a human emotion that we all feel and share, and our hearts go out to victims of crime. However, punishment does not always mean that we will have a system that keeps us safe. Our job as legislators is to acknowledge and to provide for victim's need to have justice in the system, but in a more generic way to take thoughtful, accountable, cost-effective steps to prevent more victims from being created, and to make sure that we have a safe society.

The problem with H.R. 3 is that it takes \$1.5 billion and puts it into systems that have not worked instead of putting it into systems that will keep us safer. We know when we look at the Federal aspects of the bill that it is very extreme. Automatic trial of 14-year-olds without judicial review who are alleged to have committed certain offenses will not make us safer.

When we look at the system put in place for the States, we have already heard the comments that most States will not be eligible for funds. We also have received a communication today from the National Conference of State Legislatures pleading with us to oppose the mandates that are embodied in H.R. 3.

We know that an ounce of prevention is worth a pound of cure. We should listen to the Nation's police chiefs. Nine out of ten of the police chiefs of America, in a recent survey, say that America could sharply reduce crime if government invested in some early prevention programs. Police chiefs picked investments in kids by a 3 to 1 margin over other alternatives, including treating and trying juveniles as adults.

So, yes, let us hold young kids accountable when they need to be. There are some teenagers who need to be tried as adults, who need to be held to adult standards. Our system provides for that, and it should. But if we do only that, if we neglect the thousands and millions of young people who are starting to go off track right now, we will never get ahead of this problem and we will do a disservice to public safety.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. STUPAK], an ex-police officer who knows about prevention.

Mr. STUPAK. Mr. Chairman, we have a substitute that will be offered tomorrow which is a tough bill, it is smart and it is balanced.

The bill put forth by the majority party tonight is not smart and it is not balanced and its toughness only comes from trying to lock up young people. We have a carrot, says the majority. That carrot is based upon 197 juveniles that we have in the Federal system. Of those 197, 120 are Native Americans.

So we have 77 juveniles and we are using these 77 juveniles to be the carrot for the 300,000 juveniles that are around the States. So we tell them we have these certain incentives, these certain carrots, and therefore if they do what we tell them to do, we will make available \$1.5 billion to punish young people.

The National Conference of State Legislatures wrote to all of us today and said the bill is an unfunded mandate. The Federal Government is now going to apply, and I will quote, "new rules nationwide regarding juvenile records, judicial discretion, parental and juvenile responsibilities; these present new obstacles for the States that need Federal funds." And, therefore, they oppose the bill. The State legislatures, the council oppose the bill.

What have you done? You give zero money for early intervention, zero money for detention, zero money for prevention, and instead you want to try 15-year-old kids as adults with the option of trying 13-year-old kids as adults and you say that they got to do what Congress says; if not, they get no money. Only 12 States will get money; well, maybe 11. My State of Michigan will receive no money.

You say you do not know what is in there. Your own report from the conference, your own report from your committee, the majority and minority report lists the 12 States. Thirty-eight States plus the District of Columbia cannot partake in this bill. And this is a balanced approach to law enforcement?

You say you are going to get tough because if you get tough, you will stop crime before it starts. Well, I was a cop. I was there. The old ways do not work. If we continue down your way of locking up every kid who steps out of line, we cannot arrest our way out of

this problem. We are going to lose a whole other generation of young people. We will lose a whole other generation of young people as we are trying to be tough, and we have this carrot based on 197 juveniles who are in the Federal system, 197 juveniles.

If we take a look at the bill, your bill does not address what the communities need. Communities have come to us and said, give us flexibility. Let us work with our own communities. The problems in northern Michigan are much different than the problems in Florida or L.A. or Boston. They need flexibility. They do not need more Federal mandates.

Mr. Chairman, I will submit the letter the National Conference of State Legislatures addressed to Members of Congress in opposition to H.R. 3.

Mr. Chairman, I include for the RECORD the letter from which I quoted:

NATIONAL CONFERENCE OF
STATE LEGISLATURES,

Washington, DC, May 7, 1997.

DEAR MEMBER OF CONGRESS: We are writing to express our opposition to mandates in H.R. 3, the Juvenile Crime Control Act of 1997. Mandates in existing law require that states deinstitutionalize status offenders, remove juveniles from jails and lock-ups, and separate juvenile delinquents from adult offenders. Under H.R. 3, the federal government would apply new rules nationwide relating to juvenile records, judicial discretion and parental and juvenile responsibility. These present new obstacles for states that need federal funds.

States are enacting many laws that attack the problem of violent juvenile crime comprehensively. Many have lowered the age at which juveniles may be charged as adults for violent crimes; others have considered expanding prosecutors' discretion. Without clear proof that one choice is more effective than the other, Congress would deny funding for juvenile justice to states where just one element in the state's comprehensive approach to juvenile justice differs from the federal mandate.

The change of directions ought to make Congress wary of inflexible mandates. For example, until federal law was changed in 1994 states were forbidden to detain juveniles for possession of a gun—because possession was a "status" offense. The federal response was not merely to allow states to detain children for possession, but to create a new federal offense of juvenile possession of a handgun. (Pub. L. 103-322, Sec. 11201). The advantage of states as laboratories is that their choices put the nation less at risk. This bill would make the nation the laboratory.

NCSL submits that the proposed mandates, however well-intentioned, are short-sighted and counter-productive. We urge you to strike the mandates from H.R. 3.

Sincerely,

WILLIAM T. POUND,

Executive Director.

Mr. McCOLLUM. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in response to what the gentleman has just said, I am sure there are some legislatures and maybe the whole council, as he has said, who do not want to see this passed because they do not like anything that we put out there in the way of a carrot, if you will, or an incentive in a grant program. They did not even like the prison grant program we put out a couple

years ago. I do not know if there are many Federal programs that go out there without anything attached to them saying they have to do something to qualify to get the money.

The truth of the matter is, we held 6 regional crime forums in the last two years, the Subcommittee on Crime, around the country where we invited every State's attorney general to help us get together juvenile judges and probation officers and people who worked in the juvenile justice system to hear what the problems were, to understand what was really wrong out there. And they all said to us, there is a crisis, there is a problem. It is beyond the scope of what we can do here at home. We are not getting the legislatures of the States to respond to us. We do not have anybody lobbying for us. Please help us.

Mr. Chairman, I yield 5 minutes and 15 seconds to the gentleman from Arkansas [Mr. HUTCHINSON], a member of the subcommittee.

Mr. HUTCHINSON. Mr. Chairman, I rise in strong support of H.R. 3, the Juvenile Crime Control Act of 1997. As a former Federal prosecutor and, more importantly, as a parent of a teenager, I want to express my thanks to the gentleman from Florida, the chairman of the Subcommittee on Crime, for his important work on this issue.

I have to be honest, Mr. Chairman, that I had some reservations about this bill in the beginning, but I read the bill, I studied the bill. And after hearing the testimony in committee and the concerns of law enforcement and the statements of professionals who deal with the juvenile issues, I am convinced that this bill will improve, first of all, our Federal system of handling juveniles and, secondly, it will encourage the States to enforce accountability in their dealings with juvenile crimes.

Before I get into the substance of the bill I want to take a moment and congratulate our States and localities and our cities on the work that they are doing on this important issue. A number of State legislatures have recognized a growing threat of juvenile crime and have taken swift action to crack down on the serious offenders.

However, there is still work to do and there are many jurisdictions that have not taken that action. This bill sets out a model program for States to follow, and this is important, if they so choose. Contrary to what some reports have indicated and what some have said, nothing in this bill imposes mandates on the States. Participation in the block grant program is entirely voluntary and changes in the law only apply to the Federal courts. It is not an unfunded mandate by any means.

The bill itself provides a great deal of flexibility to the States as they set about to reform juvenile crime procedures. The block grant provisions provide significant resources to the States and localities to fight juvenile crime.

Just this day I received a request from the prosecuting attorney of Washington County, Fayetteville, AR who is a Democrat-elected prosecuting attorney. He says that juvenile crimes are on the upswing in this country and funds are badly need to assist our juvenile deputy prosecutors and to fund programs that attempt to stop juvenile crime before it occurs, and he asks support for this bill.

So it is important for the States that they have this flexibility, that they have the opportunity for these funds.

The block grant is to be used for a wide variety of purposes, leaving discretion at the local level who are on the front lines. What works in New York City may not work in northwest Arkansas. Law enforcement officials in each locality must have the discretion and the latitude to design their own crime-fighting plan, and this bill allows that flexibility to exist.

I did have a couple of concerns on the bill that were addressed very clearly in the committee, and the chairman was very cooperative in addressing my concerns. One was on the issue of juvenile records. Under the original bill, juveniles who were adjudicated as delinquents would have their records made public in the same manner as adults. This was amended during the committee process, very importantly, so that now a first-time offender, a one-time offender will maintain those records as confidential as a juvenile delinquent.

But repeat offenders are a different story. The second time around as a juvenile delinquent, their records will become available for public scrutiny, and I do believe this is an important change. In Arkansas we will have to change the law to a certain extent, but I believe it is a positive change.

The second concern centered on the criteria the States must meet for the block grant programs. One of the benchmarks of the block grants would be that the States would have to assure that juveniles age 15 and older are treated as adults if they commit, not any crime, but a serious violent crime, and also that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults.

Again, my reading of the bill, and I have talked to the chairman of the Subcommittee on Crime about this, is that in Arkansas there would be no need for change in legislation because the prosecutor has the discretion whether to file charges as an adult or as a juvenile. The court does have an opportunity to review that decision if a proper motion is made, but the prosecutor has the initial discretion whether or not to file charges in a serious violent crime case.

So I think those changes made the bill better. I think it is a very good bill. It gives flexibility to the States and it allows the States to adopt programs with funds available for them that will really meet the needs of juvenile crime, as was indicated by the

Democrat prosecutor from Washington County who asked me to support this today.

Mr. Chairman, I believe that this is a good bill. In closing, let me emphasize that the prosecution of juveniles as adults under this bill is reserved for only the most heinous offenders, commission of serious violent crimes and serious drug offenses. They must carry appropriate punishment. This legislation goes a long way toward fixing a system that fails to hold juveniles accountable for their actions. I am very pleased to support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 15 seconds to say that it is clear 38 States will not be able to participate under this legislation. Thirty-eight States with millions of children will be deprived of having the opportunity to prevent juvenile crime and rehabilitate our children.

Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island [Mr. KENNEDY], who has had a constant interest in the area of juvenile law and juvenile crime.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentlewoman from Texas for yielding me the time. I would like to also add from the outset that my State is among those 38 States that cannot even begin to access any of the funds under this bill. I might add it just shows how this bill is not a serious bill, because if it was serious in trying to change the effect of juvenile crime, it would certainly address the fact that it ignores 38 States of these United States from having access to the funds in this bill to do the kinds of things that our States feel make a difference in reducing crime.

□ 2115

I just want to make one statement, a simple statement about this bill, and that is it does nothing, nothing to solve the problems that we are facing in juvenile crime and, in fact, it makes the problems worse.

The facts show that we have a problem here. The facts show that kids sentenced to adult facilities have a higher recidivism rate than those sentenced to juvenile detention centers. Guess what this bill wants to do? It wants to send more of them to adult facilities. In essence, this bill is ignoring the facts.

Second, the facts are that these kids will face shorter sentences. Because as I said earlier, judges, when faced with a teenager versus a hardened criminal, guess what the judge is going to do? They will not give them nearly the sentence they would otherwise get in the juvenile court. Guess what this bill does? Ignores the facts and sends the kids to adult jails where they will not be given the harsh sentences where those kids might need it.

Third fact. These kids, if they are sent to the adult facilities, and as I said the sentences are shorter, they will come out meaner than we ever could have imagined them ever ending up if we had sent them to a juvenile

center. And anybody listening to this program tonight on C-SPAN will understand me when I tell them that sending teenagers to adult correctional systems as the means to reduce recidivism, when we know the recidivism rates are higher amongst kids that go to the adult correction systems, give me a break.

I want to add one more thing. It is scandalous. I say it is scandalous that we have minorities, African-Americans, that constitute 15 percent of our population, and guess what? They constitute 72 percent, I say to the gentleman from Florida, 72 percent in our juvenile system. What does the gentleman's bill do about that?

We passed a law in this Congress in the early seventies that dealt with it. It was called the Office of Juvenile Justice and Delinquency Prevention. And one of the mandates of that legislation was to say this country ought to address the problem that 15 percent of our population is being incarcerated at the rate of 72 percent. It is scandalous. It is scandalous. And the gentleman's bill does nothing, I repeat, nothing, but exacerbate that problem.

This Congress, with statistics like that, should turn the other way and think again before we adopt a bill that, as I said, ignores these fundamental facts.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MCCARTHY], who has firsthand knowledge on some of these very vital issues.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise in opposition to H.R. 3. This juvenile justice debate is personal and emotional to me because it is a debate about saving lives.

As I visit schools in my district in New York and talk to the kids in grade school, middle school and high school, I hear firsthand that they are sick of living in fear of violence.

In order to reduce violence and save lives we have to effectively attack juvenile criminals. H.R. 3 does not effectively address basic juvenile crime issues. Rather, the bill before us tonight is a collection of overly prescriptive, top-down, Washington-knows-best mandates.

Furthermore, the legislation completely fails to address the gun issues, and we cannot seriously discuss juvenile crime without the gun epidemic facing this country.

In order to save lives we have to allow our States and local governments to utilize programs that they know work best. This bill will not even let New York take advantage of the money that we need. This legislation ties the hands of local judges and prosecutors. If our State and local governments want to access badly needed Federal funds, they must submit to certain requirements in this bill.

Unfortunately, statistics show that the prescriptions that we are forcing down our local governments' throats may not be the best option for local

crime problems. In fact, recent success in local communities such as Boston may not even qualify for Federal funding under this bill.

Under this bill, Congress is saying, We will take your tax dollars but you cannot take them back. It does not matter if you have already committed to saving kids' lives by getting tough on juvenile crime, you have to do what we say or else you will not get your hard-earned tax money back. That is wrong.

There is another important personal issue for me that has been completely left out of this bill. We have taken a pass on the high priority issue of reducing gun violence. The sponsor of this bill states that we can wait for a while and deal with this issue later. I rise to say that we cannot wait. Juvenile justice is about saving lives, and I support certainly not this bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will inquire again on the time, please.

The CHAIRMAN. The gentlewoman from Texas [Ms. JACKSON-LEE] has 9¼ minutes remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 7¾ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. TURNER].

Mr. TURNER. Mr. Chairman, I came to Congress after having served in the Texas Senate where last session we passed what I believed to be one of the toughest juvenile justice reforms in the Nation. Now I come to Congress and find that this Congress, in H.R. 3, is going to tell the State of Texas that our tough juvenile justice bill is not good enough, not good enough to qualify for the Federal funds that we want to provide.

The legislatures in the 50 States do not need the Congress telling them how to run the juvenile justice system. We have a letter that we received today from the National Conference of State Legislatures opposing the mandates of H.R. 3.

In Texas we have gotten tough on crime and we have also recognized that we must invest in prevention of juvenile crime. We must begin the process of investing in early childhood intervention, in supporting our families and our communities, and being sure we attack the root causes of crime, and being sure that our Nation invests in our children.

This is the role that the Federal Government can fulfill. We need to keep our kids off of drugs. We need to keep our streets safe. We need to give our children the kind of training that they need in early childhood. This is where \$1.5 billion in Federal funds needs to be spent, not on telling our States that they are not tough enough on crime.

In Texas our Republican governor and our Democratic legislature passed tough juvenile justice laws. We do not need the Congress to tell them it was not good enough.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I want to thank the gentleman from Florida for his leadership on this bill and to make some points that I think are relevant as to why it should be supported.

First, under H.R. 3, prosecutors will have discretion in every case. It allows prosecutors in every instance, Mr. Chairman, to either refer juvenile offenders to State authorities, prosecute the offender as a juvenile, or proceed against the offender as an adult only in the case of murder and other serious violent felonies.

It also should be pointed out that H.R. 3 finds that we will make sure that juveniles will not be housed with adults. H.R. 3 expressly prohibits housing juveniles with adults.

Furthermore, under H.R. 3 we have prevention plus. Look at it this way, Mr. Chairman, accountability is prevention. As a former assistant DA from Pennsylvania, I can tell my colleagues that when youthful offenders come to our courts and face consequences for their wrongdoing, criminal careers stop before they start. H.R. 3 encourages States to provide a sanction for every act of wrongdoing, starting with the first offense and increasing in severity with each subsequent offense, which is the best method, I submit, for directing youngsters away from a path of crime while they still are amenable to such encouragements.

Moreover, this bill is only part of a larger effort to combat juvenile crime. The prevention funding in the administration's juvenile crime bill falls under the jurisdiction of the Committee on Education and the Workforce. That committee will be bringing forth a juvenile crime prevention bill in the next several weeks. In addition, that will be a significant part of more than \$4 billion which will be spent by the Federal Government this year on at-risk and delinquent youths.

The programs we are talking about include 21 gang intervention programs, 35 community policing and crime prevention mentoring programs, 42 job training assistance programs, 47 counseling programs, 44 self-sufficiency programs, and 53 substance abuse intervention programs.

Under H.R. 3, local governments will have flexibility. State and local governments will be able to have funds to be used for a wide variety of juvenile crime fighting activities, ranging from building and expanding juvenile detention facilities, and establishing drug courts and hiring prosecutors to establish accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies.

Mr. Chairman, I ask my colleagues to support H.R. 3.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SANDLIN], a former trial judge in the great State of Texas that had juvenile law jurisdiction.

Mr. SANDLIN. Mr. Chairman, today in this greatest of all countries we obviously face a problem, a problem of juvenile crime.

I rise as the father of four children, a youth baseball, basketball, softball coach, a former judge, a former chairman of a juvenile committee in Texas. Based upon that experience, I am convinced of one thing. Our focus in this Congress and in this country should be on one thing. We have kids with problems. We do not have problem kids.

If we send our children to school hungry, needing medical care, with no hope for a quality education, they will not succeed. We cannot expect them to succeed, and neither would we succeed under those same circumstances.

As a former judge, I have heard thousands of juvenile cases. Thousands. I agree that we need to teach children and juveniles to be responsible. Some children absolutely must be incarcerated. But if we think that by merely incarcerating children that we are going to solve these problems, we are wrong. If we think it will serve as a deterrent, we are fooling ourselves.

I will tell my colleagues one thing I learned as a judge. Children are fearless. They are fearless. They make no connection like adults do between the commission and what happens.

I have heard a lot of talk tonight about there is nothing that happens on the first offense or second offense. I do not know about anywhere else, but in Texas that is not so. That is absolutely not so.

Treating children as adults and spending more and more and more tax dollars to prosecute children and locking them up without addressing the problems that are underlying those juvenile problems is just false investment and it simply will not work. If we are committed to solving the juvenile problem in this country, we need to sponsor legislation that creates jobs, that puts families first, that sponsors education, that supports intervention.

Do we need to be tough on crime? We sure do. I have compared H.R. 3 and the Democratic substitute. I have noticed the Democratic substitute, the Juvenile Offender Control and Prevention Act, extends the age at which juveniles may be incarcerated, expands the use of Federal juvenile records and funds police officers, but it is balanced in a way that H.R. 3 is not.

These are local problems, these are local programs funded by local families. We do not need a Washington mandate to tell Texans what to do about Texas problems. It will not work.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. PASCRELL], a very strong advocate of this issue and a member of the task force.

Mr. PASCRELL. Mr. Chairman, I thank the gentlewoman for yielding me this time. I rise in strong opposition to H.R. 3 and in support of the Democratic substitute.

We in Government have no higher responsibility to those we serve than to provide for the protection and to do all within our power to make our streets and neighborhoods safe.

□ 2130

We owe it to our constituents to confront the issues of crime head-on, not just chest pounding and tough talk. That is why I rise today in support of the Democratic substitute to the juvenile justice bill. Our substitute represents the only real balanced approach to solving the problem of youth violence. In contrast to our balanced approach, the bill of the gentleman from Florida [Mr. MCCOLLUM] takes the most extreme approach to juvenile justice reform and is filled with tough-sounding provisions which have never been proven to reduce violent crime.

The bill of the gentleman from Florida [Mr. MCCOLLUM] provides absolutely no funding for initiatives that focus on preventing crimes before they occur because 98 percent of young people in this country do the right thing. Those are the kids we should be supporting and worried about. I have had to deal with youth violence on a day-to-day basis. I understand the fight that we are facing. In Paterson, NJ, we were able to reduce crime 36 percent in 6 years. We did not achieve this reduction by tough talk and posturing. We had the folks on the streets to work with the folks that walk the streets, the brothers and sisters in blue. We achieved it by taking real steps, implementing real prevention and community policing initiatives.

After I was elected, I formed a public safety advisory committee composed of police officers, prosecutors, judicial officials and others who have had great success in crime fighting, Mr. Chairman. I charged them with the task of reviewing our current juvenile justice system. An interesting thing happened last week. When I asked the committee to reconvene and share their opinions, to a person, every one of them acknowledged that there is a real need to be tough on these juveniles committing violent crimes. We should concentrate on how we prevent kids from ever becoming involved in crime in the first place.

They expressed the belief that we must concentrate on keeping young children from ever getting into crime. That is just what the Democratic substitute does. Our legislation cracks down on gangs and juvenile drug dealers and prescribes harsh graduated penalties for those convicted of crimes. We must recognize that only a very small handful of youths are convicted of crimes. In here, in a very specific article in Jersey, ordered to reduce the juvenile jail crowding in our State.

This is not how you fight crime. It is how you pound your chest and get people to think that you are doing something about it and you are not.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the gen-

tleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just wanted to clarify something that the gentleman from Florida [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime, said. He said he had these conferences, hearings all around the country. I think he said he had six of them. I was at one of those hearings myself. The information I recall hearing was almost identical to what the gentleman from Texas [Mr. SANDLIN], the juvenile judge, who just ceased being a juvenile judge, said at that hearing.

I wanted to yield to the gentleman from Virginia [Mr. SCOTT]. He attended almost all of these hearings. My recollection is just different from our chairman's about what people were saying at these hearings. I wondered if the gentleman from Virginia [Mr. SCOTT] might tell us what his recollection of those hearings was.

Mr. SCOTT. Mr. Chairman, if the gentleman will yield, I would say that at some of those hearings, we found the need to try some juveniles as adults, but the fact is that without any change in the law, most juveniles tried as adults today are tried as adults for nonviolent offenses. That is, we have gone all the way down the list of offenses, and they are already being tried as adults and they will not be affected by this legislation.

Mr. MCCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. RIGGS], the distinguished chairman of the key subcommittee of the Committee on Education and the Workforce.

Mr. RIGGS. Mr. Chairman, I am pleased to join the debate. All I have to tell my colleagues is that this debate feels a little bit like *deja vu* all over again, to quote Yogi Berra. Unfortunately when we debate crime-related issues in the House, we seem to get into the yin and yang of Republican politics and we seem to promote this notion that punishment and prevention are mutually exclusive.

I actually despair listening to the debate that sometimes I think there are those Republicans, my Republican colleagues, who would be inclined obviously to vote for a punishment bill but against a prevention bill, and perhaps it is the other way around on this side of the aisle with some of our Democratic colleagues who might be more inclined to vote for a prevention bill but have real reservations, some of which we have heard tonight and for very legitimate reasons, about a punishment bill.

Be that as it may, I am very pleased to tell my colleagues that I am happy to be teaming up with the gentleman from Florida [Mr. MCCOLLUM], the chairman. We want an approach that is tough on punishment but smart on prevention.

A few weeks ago we were out in southern California, we heard from the police chief there in Westminster and

Orange County, CA, Jim Cook, who is running a model program that is targeted on gang suppression. He told us: Look, before you can even talk about prevention, you have got to get the worst of the worst, the bad actors, if you will, off the streets.

Another person used this analogy of a running bathtub, that you could pull the plug but of course the bathtub would not drain unless you turned off the faucet. That is of course where prevention comes into play. It is just really critically important.

So while I support the notion of graduated sanctions, realize that by conditioning Federal grant funding to the States on graduated sanctions, that creates an even greater strain on the juvenile justice system infrastructure and, hopefully, obviously we can be part of the solution there in providing more funding for juvenile justice housing and then for the whole, all of the services in the juvenile justice system from police, to probation, to the courts, more prosecutors and defenders.

While we want to do all of that, we again have to take a prevention approach. I agree with my colleague on a bipartisan basis, speaking as another former street cop who worked the streets for 8 years that we are not going to arrest our way out of this problem. Therefore, we are hard at work in our Subcommittee on Children, Youth and Families on a juvenile justice and delinquency prevention bill. We hope that we can bring it to the floor actually about the same time as we bring the vocational education bill which will also be targeted at young people who are at risk of dropping out or at risk of coming into contact with the juvenile justice system, the great majority of our young people, by the way, who are not college bound or who, if they go to college, will not complete college.

I really do believe we can bring a good bill out here on prevention that will take an interagency and multidisciplinary approach that will require the schools, the police, the prosecutors, probation and community-based organizations to work together to design the right crime-fighting and delinquency prevention strategies for their communities that we can hopefully drive the resources locally to encourage flexibility and innovation.

Again I ask Members to be aware as we conclude general debate tonight and approach debate on amendments and obviously votes leading up to final passage tomorrow that the gentleman from Florida [Mr. MCCOLLUM], the chairman, again and I are very, very committed to taking a cooperative approach. I personally want to make it a bipartisan one, as I think the gentleman from Virginia [Mr. SCOTT] would attest, since we have been in discussions over a period now of several weeks and hope ultimately that through our combined efforts we can show our constituents, and show the

country that we are serious about cracking down on juvenile crime but we recognize ultimately prevention is the answer.

We have got to focus more time, more resources on those young people who are at risk of coming into contact with the juvenile justice system or who, if they are in the juvenile justice system, can through intensive services hopefully be diverted out of the juvenile justice system before they graduate to adult crimes and adult prisons.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I wish I could come to this well and simply say that we had reached an accommodation. I think what we have really reached is that this bill should be pulled and we should join the gentleman from California [Mr. RIGGS] with the prevention bill that he is now proposing, simply because that is the emphasis that we should have.

Statistics already show in the State of the gentleman from Florida [Mr. MCCOLLUM] that those juveniles housed in those adult facilities, the recidivism rate is higher than any other group of juveniles. In this bill we have no protection for juveniles who might be raped. We have no language that protects juveniles from the abuse that occurs when housing them with adults. In this bill only 12 States might qualify.

In this bill, if 23 other States increase their penalties, they still would not qualify. In this bill, the block grant moneys can be used for prison construction but they cannot be used for money for prevention.

This bill is not supported by the administration. This bill does not allow for judicial review, some sensitivity and discretion to decide whether juveniles should be transferred to the adult court. We, too, want to be not soft on crime, we want to prevent crime, but we realize with juveniles there is value, as the Concerned Alliance of Men said, to giving them a hug.

I think this bill is misdirected, wrongheaded, going in the wrong direction. When we ask the question simply, what would I want to happen to my own child, when we ask that question, then we have the answer. This not H.R. 3.

What we are doing to the children of America is not rehabilitating them. What we are doing to the American people is simply saying that Washington knows best. When we do the right thing, unless it is as hard, harsh and detrimental as we want in Washington, we will not do it and allow them to have the discretion to do the right thing in their States. This bill does not respond to the needs of Americans and certainly it says take the \$64,000 and lock them up rather than the \$4,000 to prevent crime and give them an early head start.

Mr. Chairman, I would ask that we support the Democratic substitute and that we do the right thing on behalf of

our juveniles in this country and embrace them and save them and prevent crime.

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

The CHAIRMAN. The gentleman from Florida is recognized for 1¼ minutes.

Mr. MCCOLLUM. Mr. Chairman, I would like my colleagues to understand what I do, I think, about all of this debate tonight and, that is, that most kids are good kids, and nobody is going to dispute that. Most Americans do not commit crimes. In fact, as the gentleman from California [Mr. RIGGS] said earlier, we want to get at those and prevent crimes as much as possible. There is a bill coming out that will work on that from his committee very shortly.

We also have a lot of other programs as we mentioned by the gentleman from Pennsylvania [Mr. FOX] directed at prevention. This does not mean, though, that we should not have an improvement in the juvenile justice system of this Nation that is broken and is not working for those who do commit crimes, and if they are the most heinous of crimes, the murderers, the rapes, the robberies that unfortunately some who are slightly under 18 do commit, and the most egregious of all crimes some of these kids who are frankly quite a bit older in this regard than they act in some of the movies, I think those kids ought to be taken up and locked up and treated as adults. Yes, there is a high recidivism rate among those kids who commit these kind of crime. It is going to be because they are the worst of the worst and they are going to be hardest to rehabilitate. They are the ones we are probably not going to rehabilitate. But the truth is we need to correct the juvenile justice system not so much for those kids, though we need to lock those up or encourage the States to do that. We need to get at the kids in the juvenile justice system just like the prevention programs the gentleman from California [Mr. RIGGS] is going to bring out who have not yet quite gotten there, who have committed the less serious offenses, the vandalization of homes, the spray painting of buildings, and so forth, and have sanctions imposed on those kids so they will understand there are consequences to their misbehavior. I am convinced from listening to experts all over this country that kids who understand there are consequences when they really are in the system do not commit a lot of other acts they otherwise would. We will have far fewer juvenile criminals in the system if we put consequences of sanctions on minor offenses back into the system again. That is what this bill does. It repairs the juvenile justice system with an incentive grant program.

We need to pass H.R. 3 tomorrow. I encourage my colleagues to do it for that reason.

Mr. CONYERS. Mr. Chairman, given the growing concern of American citizens over the

juvenile crime problem, we need to carefully examine this issue and its root causes and look for ways not just to punish juvenile offenders, but for ways in which we can prevent children from becoming criminals in the first place.

Some of my colleagues believe that the very least we must do to address our juvenile crime problem is to lock up violent juveniles. I have no argument with incarcerating violent offenders, but to my mind, the very least we must do is to attempt to stop these kids before they become violent offenders. Locking up more and more kids is not the answer. We cannot afford it and eventually these kids will get out.

And what will happen when they do get out? We will have a group of young adults who have spent many of their formative years in jail. What can we logically expect them to have learned there except for how to be better and more dangerous criminals?

Yet now, in the current political climate where no penalty is ever considered too severe, many of my colleagues want to treat kids as adults and lock them up for longer and longer periods—even though study after study has shown that this approach is totally ineffective.

Traditionally, juvenile court judges have given juveniles longer sentences than the judges in adult courts. The worst offenders at the juvenile level may often appear quite tame compared to what the criminal courts see every day.

Anyway, all of the talk about treating younger and younger offenders as adults misses the point. It is too little too late.

We need to deal with kids before they become violent offenders, not after. The Rand Corporation—hardly a bastion of liberalism—has recently issued a report demonstrating that crime prevention efforts aimed at disadvantaged kids are more effective than tough prison terms in keeping our citizenry safe. Since this study doesn't play that well politically, I guess we are just going to ignore it.

As adults, we need to take more responsibility for our country's juvenile crime problem. Children are not born criminals, we make them into criminals either through our neglect or our mistreatment or a lack of economic opportunities.

We are treating juveniles more harshly at the same time as we are spending less on their education, less on after-school and development programs, and less on child protective services.

We are also allowing our children to be exposed to more and more violence, not only on television, at the movies and in popular music, but in the streets, at school, and even in their own homes. A significant majority also refuses to stand up to the National Rifle Association and acknowledge the danger guns pose to our youth, despite the large number of teenagers (not to mention adults) killed by gun violence every year.

In fact, at the juvenile crime meetings Chairman MCCOLLUM convened around the country last Congress, without fail at every one of those meetings—in Philadelphia, in Atlanta, in Boston, in Chicago, in Dallas, and in San Francisco—local officials have noted the problem of juveniles and guns and urged Federal action on this front. Yet Mr. MCCOLLUM's bill does absolutely nothing to limit juvenile access to handguns. I guess the Republicans are only interested in addressing juvenile crime in ways that pass NRA scrutiny.

□ 2145

APPOINTMENT TO ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

Although the 1994 crime bill authorized funding for numerous prevention programs, since the Republicans gained the majority, none of that money has been appropriated. Therefore, it cannot be argued that prevention has failed. We haven't even begun to try prevention programs. Before we lose an entire generation to the criminal justice system, we have an obligation to make every effort to assist children in making the right choices and to offer them meaningful alternatives to crime.

As with guns, at Chairman MCCOLLUM's juvenile crime meetings around the country, local officials stressed the importance of prevention programs and Mr. MCCOLLUM professed to agree that prevention programs are a necessary part of the effort to stem crime. Yet the bill we consider here today offers little in the way of prevention.

The lock 'em up approach taken by H.R. 3 will do little if anything to stem the rising tide of juvenile crime with which the majority professes to be so concerned. Once again, we are trying to fool the American public into thinking we are doing something about crime when we are actually only politicizing crime. If this bill becomes law and the juvenile crime rate fails to decrease, we will have only ourselves to blame for the further public disillusionment and cynicism about politics as well as for the escalating juvenile crime problem.

The CHAIRMAN. All time for general debate has expired.

Mr. MCCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. GILCHREST] having assumed the chair, Mr. KINGSTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses, had come to no resolution thereon.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3.

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

There was no objection.

EXTENDING ORDER OF THE HOUSE OF APRIL 23, 1997 THROUGH JUNE 12, 1997

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the order of the House of April 23, 1997, be extended through Thursday, June 12, 1997.

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

There was no objection.

The SPEAKER pro tempore (Mr. SUNUNU) laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, a democratic leader of the House of Representatives:

CONGRESS OF THE UNITED STATES,
OFFICE OF THE DEMOCRATIC LEADER
Washington, DC, May 7, 1997.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 2702 of 44 U.S.C., as amended by Public Law 101-509, I hereby appoint the following individual to the Advisory Committee on the Records of Congress: Dr. Joseph Cooper of Baltimore, MD.

Yours very truly,

RICHARD A. GEPHARDT
RICHARD GEPHARDT.

APPOINTMENT AS MEMBERS TO THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Section 3(a) of Public Law 86-380, the Chair announces the Speaker's appointment of the following Members of the House to the Advisory Commission on Intergovernmental Relations:

Mr. SHAYS of Connecticut and
Mr. SNOWBARGER of Kansas.

There was no objection.

APPOINTMENT AS MEMBER TO THE CONGRESSIONAL AWARD BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Section 4 of the Congressional Award Act (2 U.S.C. 803), the Chair announces the Speaker's appointment of the following Member of the House to the Congressional Award Board:

Mrs. CUBIN of Wyoming.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

[Mrs. KENNELLY of Connecticut addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. HULSHOF] is recognized for 5 minutes.

[Mr. HULSHOF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

IN COMMEMORATION OF TAX FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire [Mr. SUNUNU] is recognized for 5 minutes.

Mr. SUNUNU. Mr. Speaker, I rise this evening in commemoration of Tax Freedom Day, which this year falls on May 9. Tax Freedom Day is that day that Americans work to simply to pay their taxes and obligations to their State, Federal and local governments.

Tax Freedom Day is a symbol of the burden that we put on American families all across this country. Over 35 percent of our country's national product, what we produce every year is absorbed in taxes by our State, Federal and local governments. This is more than the average family pays in food, shelter, and clothing combined. Those essentials that they need for their daily existence, they pay more in taxes every year.

Mr. Speaker, this burden consumes more and more of our economy every year, and it makes it difficult for families to get by. Where they used to be able to exist and enjoy a good quality of life with a single wage earner, today the typical family is more often required to have two wage earners, and that is just not fair. It is the burden that our tax system places on that hard-working family.

Second, taxes represent not just a burden but a price, a price that we pay on everything in our economy. It is a price that we pay on productive work, it is a price that we pay on savings and investment, it is a price that we pay on job creation. And as most people would agree, when we raise the price on anything we get less of it, but if we lower the price on those things we get more. If we lowered the price with lower taxes, we get more productivity, more savings, and more job creation, and similarly with the high tax burden that we face today, as one would expect, we get lower productivity, lower rates of savings and lower rates of job creation.

Third, the high Federal tax burden that we put on our working families keeps control centralized here in Washington. Money, particularly in the form of taxes, is power, and if we put all the money and all the tax revenues here in Washington, control them from here in Washington, it becomes a place of power, as one would expect. But if we can take the money out of Washington and put it back in the pockets of working Americans, we make Washington less important, and we make the family, the individual in a city or town more important.

And I think fundamentally that is the direction we should be headed in. This is, after all, your money that we are talking about. When we speak about government revenues or tax revenues, we are talking about the hard-