That is not what this great Nation is about. The fact is we ought to make sure that we have $76 million to continue this working program.

THE JOURNAL

The SPEAKER pro tempore (Mr. EWING). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

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

Ms. DELAURO. 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 350, nays 56, not voting 27, as follows:

[Roll No. 110]

YEAS—350

Ackerman	Coburn	Gilman
Aderholt	Combest	Gonzalez
Allen	Condit	Goode
Archer	Conyers	Goodlatte
Armey	Cook	Goodling
Bachus	Cooksey	Gordon
Baesler	Coyne	Goss
Baker	Cramer	Graham
Baldacci	Crane	Greenwood
Ballenger	Crapo	Hall (OH)
Barcia	Cummings	Hall (TX)
Barr	Cunningham	Hamilton
Barrett (NE)	Danner	Harman
Barrett (WI)	Davis (IL)	Hastert
Bartlett	Davis (VA)	Hastings (FL)
Barton	Deal	Hastings (WA)
Bass	DeGette	Hayworth
Bateman	Delahunt	Hinchey
Becerra	DeLauro	Hinojosa
Bentsen	DeLay	Hobson
Bereuter	Dellums	Hoekstra
Berman	Deutsch	Holden
Bilbray	Diaz-Balart	Hooley
Bilirakis	Dickey	Horn
Bishop	Dicks	Hostettler
Blagojevich	Dingell	Houghton
Bliley	Doggett	Hoyer
Blumenauer	Dooley	Hunter
Boehlert	Dreier	Hutchinson
Boehner	Duncan	Hyde
Bonilla	Dunn	Inglis
Bonior	Edwards	Istook
Bono	Ehlers	Jackson (IL)
Boswell	Ehrlich	Jefferson
Boucher	Emerson	John
Boyd	Eshoo	Johnson (CT)
Brady	Etheridge	Johnson (WI)
Brown (FL)	Evans	Johnson, Sam
Brown (OH)	Everett	Jones
Bryant	Ewing	Kanjorski
Bunning	Farr	Kaptur
Burr	Fattah	Kelly
Burton	Fawell	Kennedy (MA)
Buyer	Fazio	Kennelly
Callahan	Flake	Kildee
Calvert	Foglietta	Kilpatrick
Camp	Foley	Kim
Campbell	Ford	Kind (WI)
Canady	Fowler	King (NY)
Cannon	Frank (MA)	Kingston
Capps	Franks (NJ)	Kleczka
Cardin	Frelinghuysen	Klink
Carson	Frost	Klug
Castle	Furse	Knollenberg
Chabot	Gallegly	Kolbe
Chenoweth	Ganske	LaHood
Christensen	Gejdenson	Lampson
Clayton	Gekas	Lantos
Clement	Gilchrest	Largent
Coble	Gillmor	Latham
LaTourette	Olver	Shays
Lazio	Ortiz	Sherman
Leach	Owens	Shimkus
Levin	Oxley	Shuster
Lewis (KY)	Packard	Sisisky
Linder	Pappas	Skaggs
Lipinski	Parker	Skeen
Lofgren	Pastor	Skelton
Lowey	Paul	Smith (MI)
Lucas	Paxon	Smith (NJ)
Luther	Payne	Smith (OR)
Maloney (CT)	Pease	Smith (TX)
Maloney (NY)	Pelosi	Smith, Adam
Manton	Peterson (MN)	Smith, Linda
Manzullo	Peterson (PA)	Snowbarger
Markey	Petri	Snyder
Martinez	Pickering	Solomon
Mascara	Pitts	Spence
Matsui	Pombo	Spratt
McCarthy (MO)	Pomeroy	Stabenow
McCarthy (NY)	Portman	Stark
McCollum	Price (NC)	Stearns
McCrery	Quinn	Stenholm
McDade	Radanovich	Stokes
McGovern	Rahall	Strickland
McHale	Rangel	Stump
McHugh	Regula	Sununu
McInnis	Reyes	Talent
McIntosh	Riley	Tanner
McIntyre	Rivers	Tauscher
McKeon	Rodriguez	Tauzin
Meehan	Roemer	Taylor (NC)
Meek	Rogan	Thomas
Metcalf	Rogers	Thornberry
Mica	Rohrabacher	Thurman
Millender-McDonald	Ros-Lehtinen	Tiahrt
	Rothman	Tierney
Miller (CA)	Roukema	Torres
Miller (FL)	Roybal-Allard	Towns
Minge	Royce	Traficant
Mink	Rush	Turner
Moakley	Ryun	Upton
Molinari	Sanchez	Vento
Mollohan	Sanders	Walsh
Moran (KS)	Sandlin	Waters
Moran (VA)	Sanford	Watkins
Morella	Sawyer	Waxman
Murtha	Saxton	Weldon (FL)
Myrick	Scarborough	Weldon (PA)
Nadler	Schaefer, Dan	Weygand
Neal	Schaffer, Bob	Whitfield
Nethercutt	Schumer	Wise
Neumann	Scott	Woolsey
Ney	Sensenbrenner	Wynn
Northup	Serrano	Yates
Norwood	Shadegg	Young (AK)
Obey	Shaw	Young (FL)

NAYS—56

Abercrombie	Hill	Pascrell
Berry	Hilleary	Pickett
Borski	Hilliard	Poshard
Clyburn	Hulshof	Pryce (OH)
Collins	Jackson-Lee (TX)	Ramstad
Costello		Sabo
Cubin	Johnson, E. B.	Salmon
DeFazio	Kennedy (RI)	Slaughter
English	Kucinich	Stupak
Ensign	LaFalce	Taylor (MS)
Forbes	Lewis (CA)	Thompson
Fox	Lewis (GA)	Thune
Gephardt	LoBiondo	Velazquez
Gibbons	McDermott	Visclosky
Green	McNulty	Wamp
Gutierrez	Menendez	Watt (NC)
Gutknecht	Nussle	Watts (OK)
Hansen	Oberstar	Weller
Hefley	Pallone	Wicker

NOT VOTING—27

Andrews	Doyle	McKinney
Blunt	Engel	Porter
Brown (CA)	Filner	Riggs
Chambliss	Granger	Schiff
Clay	Hefner	Sessions
Cox	Herger	Souder
Davis (FL)	Jenkins	Wexler
Dixon	Kasich	White
Doolittle	Livingston	Wolf

☐ 1044

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

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JENKINS. Mr. Speaker, I missed the Journal vote this morning due to constituent meetings. Had I been present, I would have voted ''yes.''

☐ 1045

JUVENILE CRIME CONTROL ACT OF 1997

The SPEAKER pro tempore (Mr. EWING). 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 further consideration of the bill, H.R. 3.

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 further 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. When the Committee of the Whole rose on Wednesday, May 7, 1997, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of an amendment under the 5-minute rule, and shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Juvenile Crime Control Act of 1997''.

TITLE I—REFORMING THE FEDERAL JUVENILE JUSTICE SYSTEM

SEC. 101. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

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

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

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

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

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

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

''(i) the juvenile court or other appropriate court of a State does not have jurisdiction or declines to assume jurisdiction over the juvenile

with respect to the alleged act of juvenile delinquency, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(g) As used in this section—

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

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

SEC. 102. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

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

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

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

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

SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

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

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

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

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

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

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

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

SEC. 104. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

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

''§ 5035. Detention prior to disposition or sentencing

''(a)(1) A juvenile who has attained the age of 16 years and who is prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

''(2) A juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted. If such a facility is not available, such a juvenile may be detained in any other suitable facility located within, or within a reasonable distance of, such district. If no such facility is available, such a juvenile may be detained in any other suitable place as the Attorney General may designate.

''(3) To the maximum extent feasible, a juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

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

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

SEC. 105. SPEEDY TRIAL.

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

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

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

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

SEC. 106. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

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

''§ 5037. Disposition

''(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering the sanctions recommended pursuant to subsection (f), the court shall impose an appropriate sanction, including the ordering of restitution pursuant to section 3556 of

this title. The court may order the juvenile's parent, guardian, or custodian to be present at the dispositional hearing and the imposition of sanctions and may issue orders directed to such parent, guardian, custodian regarding conduct with respect to the juvenile. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to chapter 207.

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

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

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

''(2) ten years; or

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

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

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

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

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

''(2) Such list shall—

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

''(B) include terms of confinement; and

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

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

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

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

SEC. 107. JUVENILE RECORDS AND FINGERPRINTING.

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

''§ 5038. Juvenile records and fingerprinting

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

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

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

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

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

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

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

SEC. 108. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

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

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

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

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

SEC. 109. CLERICAL AMENDMENTS TO TABLE OF SECTIONS FOR CHAPTER 403.

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

''CHAPTER 403—JUVENILE DELINQUENCY

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

TITLE II—APPREHENDING ARMED VIOLENT YOUTH

SEC. 201. ARMED VIOLENT YOUTH APPREHENSION DIRECTIVE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General of the United States shall establish an armed violent youth apprehension program consistent with the following requirements:

(1) Each United States attorney shall designate at least 1 assistant United States attorney to prosecute, on either a full- or part-time basis, armed violent youth.

(2) Each United States attorney shall establish an armed youth criminal apprehension task force comprised of appropriate law enforcement representatives. The task force shall develop strategies for removing armed violent youth from the streets, taking into consideration—

(A) the importance of severe punishment in deterring armed violent youth crime;

(B) the effectiveness of Federal and State laws pertaining to apprehension and prosecution of armed violent youth;

(C) the resources available to each law enforcement agency participating in the task force;

(D) the nature and extent of the violent youth crime occurring in the district for which the United States attorney is appointed; and

(E) the principle of limited Federal involvement in the prosecution of crimes traditionally prosecuted in State and local jurisdictions.

(3) Not less frequently than bimonthly, the Attorney General shall require each United States attorney to report to the Department of Justice the number of youths charged with, or convicted of, violating section 922(g) or 924 of title 18, United States Code, in the district for which the United States attorney is appointed and the number of youths referred to a State for prosecution for similar offenses.

(4) Not less frequently than twice annually, the Attorney General shall submit to the Congress a compilation of the information received by the Department of Justice pursuant to paragraph (3) and a report on all waivers granted under subsection (b).

(b) WAIVER AUTHORITY.—

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

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

(c) ARMED VIOLENT YOUTH DEFINED.—As used in this section, the term ''armed violent youth'' means a person who has not attained 18 years of age and is accused of violating—

(1) section 922(g)(1) of title 18, United States Code, having been previously convicted of—

(A) a violent crime; or

(B) conduct that would have been a violent crime had the person been an adult; or

(2) section 924 of such title.

(d) SUNSET.—This section shall have no force or effect after the 5-year period that begins 180 days after the date of the enactment of this Act.

TITLE III—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND PUBLIC PROTECTION INCENTIVE GRANTS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Juvenile Accountability Block Grants Act of 1997''.

SEC. 302. BLOCK GRANT PROGRAM.

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

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''SEC. 1801. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to eligible units.

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

''(1) building, expanding or operating temporary or permanent juvenile correction or detention facilities;

''(2) developing and administering accountability-based sanctions for juvenile offenders;

''(3) hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;

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

''(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

''(6) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

''(7) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;

''(8) the establishment of court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

''(9) the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services;

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

''(11) establishing and maintaining accountability-based programs 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.

''SEC. 1802. GRANT ELIGIBILITY.

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

''(1) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

''(2) impose sanctions on juvenile offenders for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation, including such accountability-based sanctions as—

''(A) restitution;

''(B) community service;

''(C) punishment imposed by community accountability councils comprised of individuals from the offender's and victim's communities;

''(D) fines; and

''(E) short-term confinement;

''(3) establish at a minimum a system of records relating to any adjudication of a juvenile who has a prior delinquency adjudication and who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law; and

''(4) ensure that State law does not prevent a juvenile court judge from issuing a court order against a parent, guardian, or custodian of a juvenile offender regarding the supervision of such an offender and from imposing sanctions for a violation of such an order.

''(b) LOCAL ELIGIBILITY.—

''(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs which—

''(A) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

''(B) impose a sanction for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation; and

''(C) ensure that there is a system of records relating to any adjudication of a juvenile who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law.

''(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to an eligible unit that receives funds from the Director under section 1803, except that information that would otherwise be submitted to the State shall be submitted to the Director.

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

''(a) STATE ALLOCATION.—

''(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part, the Director shall allocate—

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

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

''(2) PROPORTIONAL REDUCTION.—If amounts available to carry out paragraph (1)(A) for any payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1)(A) for such period, then the Director shall reduce payments under paragraph (1)(A) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

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

''(b) LOCAL DISTRIBUTION.—

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

''(A) the sum of—

''(i) the product of—

''(I) two-thirds; multiplied by

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

''(ii) the product of—

''(I) one-third; multiplied by

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

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

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

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

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

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

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

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

''(e) DIRECT GRANTS TO ELIGIBLE UNITS.—

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

''(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for eligible units the Director may use the average amount allocated by the States to like governmental units as a basis for awarding grants under this section.

''SEC. 1804. REGULATIONS.

''The Director shall issue regulations establishing procedures under which an eligible State or unit of local government that receives funds under section 1803 is required to provide notice to the Director regarding the proposed use of funds made available under this part.

''SEC. 1805. PAYMENT REQUIREMENTS.

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

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

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

whichever is later.

''(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—From amounts appropriated under this part, a State shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is not expended by the State within 2 years after receipt of such funds from the Director.

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

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

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

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

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

''SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

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

''SEC. 1807. ADMINISTRATIVE PROVISIONS.

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

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

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

''(3) designate an official of the State to submit reports as the Director reasonably requires, in addition to the annual reports required under this part; and

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

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

''SEC. 1808. DEFINITIONS.

''For the purposes of this part:

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

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

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

''(2) The term 'eligible unit' means a unit of local government which may receive funds under section 1803(e).

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

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

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

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

''(7) The term 'Director' means the Director of the Bureau of Justice Assistance.

''SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

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

''(1) $500,000,000 for fiscal year 1998;

''(2) $500,000,000 for fiscal year 1999; and

''(3) $500,000,000 for fiscal year 2000.

''(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 1 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 1998 through 2000 shall be available to the Director for studying the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Director shall establish and execute an oversight plan for monitoring the activities of grant recipients.

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

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

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

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

The CHAIRMAN. No amendment shall be in order except those printed in House Report 105–89, which may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debated 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 a division of the question.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 105–89.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer amendment No. 1 in the nature of a substitute.

The CHAIRMAN. Is the gentleman from Michigan [Mr. STUPAK] the designee of the minority leader?

Mr. STUPAK. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 1 in the nature of a substitute offered by Mr. STUPAK:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Families First Juvenile Offender Control and Prevention Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Juvenile Offender Control and Prevention Grant Act of 1997''.

SEC. 102. GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act

of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

"PART R—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

"SEC. 1801. PAYMENTS TO LOCAL GOVERNMENTS.

''(a) PAYMENT AND USES.—

''(1) PAYMENT.—The Director of the Bureau of Justice Assistance may make grants to carry out this part, to units of local government that qualify for a payment under this part. Of the amount appropriated in any fiscal year to carry out this part, the Director shall obligate—

''(A) not less than 60 percent of such amount for grants for the uses specified in subparagraphs (A) and (B) of paragraph (2);

''(B) not less than 10 percent of such amount for grants for the use specified in paragraph (2)(C), and

''(C) not less than 20 percent of such amount for grants for the uses specified in subparagraphs (E) and (G) of paragraph (2).

''(2) USES.—Amounts paid to a unit of local government under this section shall be used by the unit for 1 or more of the following:

''(A) Preventing juveniles from becoming involved in crime or gangs by—

''(i) operating after-school programs for at-risk juveniles;

''(ii) developing safe havens from and alternatives to street violence, including educational, vocational or other extracurricular activities opportunities;

''(iii) establishing community service programs, based on community service corps models that teach skills, discipline, and responsibility;

''(iv) establishing peer medication programs in schools;

''(v) establishing big brother programs and big sister programs;

''(vi) establishing anti-truancy programs;

''(vii) establishing and operating programs to strengthen the family unit;

''(viii) establishing and operating drug prevention, treatment and education programs; or

''(ix) establishing activities substantially similar to programs described in clauses (i) through (viii).

''(B) Establishing and operating early intervention programs for at-risk juveniles.

''(C) Building or expanding secure juvenile correction or detention facilities for violent juvenile offenders.

''(D) Providing comprehensive treatment, education, training, and after-care programs for juveniles in juvenile detention facilities.

''(E) Implementing graduated sanctions for juvenile offenders.

''(F) Establishing initiatives that reduce the access of juveniles to fire arms.

''(G) Improving State juvenile justice systems by—

''(i) developing and administering accountability-based sanctions for juvenile offenders;

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

''(iii) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable.

''(H) Providing funding to enable prosecutors—

''(i) to address drug, gang, and violence problems involving juveniles more effectively;

''(ii) to develop anti-gang units and anti-gang task forces to address the participation of juveniles in gangs, and to share information about juvenile gangs and their activities; or

''(iii) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders.

''(I) Hiring additional law enforcement officers (including, but not limited to, police, corrections, probation, parole, and judicial officers) who are involved in the control or reduction of juvenile delinquency.

''(J) Providing funding to enable city attorneys and county attorneys to seek civil remedies for violations of law committed by juveniles who participate in gangs.

''(3) GEOGRAPHICAL DISTRIBUTION OF GRANTS.— The Director shall ensure that grants made under this part are equitably distributed among all units of local government in each of the States and among all units of local government throughout the United States.

''(b) PROHIBITED USES.—Notwithstanding any other provision of this title, a unit of local government may not expend any of the funds provided under this part to purchase, lease, rent, or otherwise acquire—

''(1) tanks or armored personnel carriers;

''(2) fixed wing aircraft;

''(3) limousines;

''(4) real estate;

''(5) yachts;

''(6) consultants; or

''(7) vehicles not primarily used for law enforcement;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

''(c) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

''(A) paid to the unit from amounts appropriated under the authority of this section; and

''(B) not expended by the unit within 2 years after receipt of such funds from the Director.

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

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

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

"SEC. 1802. AUTHORIZATION OF APPROPRIATIONS.

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

''(1) $500,000,000 for fiscal year 1998;

''(2) $500,000,000 for fiscal year 1999; and

''(3) $500,000,000 for fiscal year 2000.

The appropriations authorized by this subsection may be made from the Violent Crime Reduction Trust Fund.

''(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1998 through 2000 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, and assuring compliance with the provisions of this part and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.

''(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

"SEC. 1803. QUALIFICATION FOR PAYMENT.

''(a) IN GENERAL.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this part.

''(b) PROGRAM REVIEW.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this part.

''(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of local government qualifies for a payment under this part for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

''(1) the chief executive officer of the State has had not less than 20 days to review and comment on the application prior to submission to the Director;

''(2)(A) the unit of local government will establish a trust fund in which the government will deposit all payments received under this part; and

''(B) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

''(3) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

''(4) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this part shall be audited in compliance with the Single Audit Act of 1984;

''(5) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this part or that the Comptroller General reasonably requires to review compliance and operation;

''(6) the unit of local government will spend the funds made available under this part only for the purposes set forth in section 1801(a)(2); and

''(7) the unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this title. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between

October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference.

''(d) SANCTIONS FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

''(A) has taken the appropriate corrective action; and

''(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

''(2) NOTICE.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

''(e) MAINTENANCE OF EFFORT REQUIREMENT.—A unit of local government qualifies for a payment under this part for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.''.

(b) TECHNICAL AMENDMENT.—The table of contents of the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by striking the matter relating to part R and inserting the following:

''PART R—JUVENILE CRIME CONTROL GRANTS

''Sec. 1801. Payments to local governments.

''Sec. 1802. Authorization of appropriations.

''Sec. 1803. Qualification for payment.''.

TITLE II—VIOLENT JUVENILE OFFENDERS

SEC. 201. TIME LIMIT ON TRANSFER DECISION.

Section 5032 of title 18, United States Code, is amended by inserting ''The transfer decision shall be made not later than 90 days after the first day of the hearing.'' after the first sentence of the 4th paragraph.

SEC. 202. INCREASED DETENTION, MANDATORY RESTITUTION, AND ADDITIONAL SENTENCING OPTIONS FOR YOUTH OFFENDERS.

Section 5037 of title 18, United States Code, is amended to read as follows:

''§ 5037. Dispositional hearing

''(a) IN GENERAL.—

''(1) HEARING.—In a juvenile proceeding under section 5032, if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 20 court days after the finding of juvenile delinquency unless the court has ordered further study pursuant to subsection (e).

''(2) REPORT.—A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the attorney for the juvenile, and the attorney for the government.

''(3) ORDER OF RESTITUTION.—After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 994, of title 28, the court shall enter an order of restitution pursuant to section 3556, and may suspend the findings of juvenile delinquency, place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult.

''(4) RELEASE OR DETENTION.—With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

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

''(c) TERM OF OFFICIAL DETENTION.—

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

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

''(B) 10 years; or

''(C) the date on which the juvenile achieves the age of 26.

''(2) APPLICABILITY OF OTHER PROVISIONS.—Section 3624 shall apply to an order placing a juvenile in detention.

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

''(e) CUSTODY OF ATTORNEY GENERAL.—

''(1) IN GENERAL.—If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by an attorney, to the custody of the Attorney General for observation and study by an appropriate agency or entity.

''(2) OUTPATIENT BASIS.—Any observation and study pursuant to a commission under paragraph (1) shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information, except that in the case of an alleged juvenile delinquent, inpatient study may be ordered with the consent of the juvenile and the attorney for the juvenile.

''(3) CONTENTS OF STUDY.—The agency or entity conducting an observation or study under this subsection shall make a complete study of the alleged or adjudicated delinquent to ascertain the personal traits, capabilities, background, any prior delinquency or criminal experience, any mental or physical defect, and any other relevant factors pertaining to the juvenile.

''(4) SUBMISSION OF RESULTS.—The Attorney General shall submit to the court and the attorneys for the juvenile and the government the results of the study not later than 30 days after the commitment of the juvenile, unless the court grants additional time.

''(5) EXCLUSION OF TIME.—Any time spent in custody under this subsection shall be excluded for purposes of section 5036.

''(f) CONVICTION AS ADULT.—With respect to any juvenile prosecuted and convicted as an adult pursuant to section 5032, the court may, pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promulgate such guidelines as soon as practicable and not later than 1 year after the date of enactment of this Act.

''(g)(1) A juvenile detained either pending juvenile proceedings or a criminal trial, or detained or imprisoned pursuant to an adjudication or conviction shall be substantially segregated from any prisoners convicted for crimes who have attained the age of 21 years.

''(2) As used in this subsection, the term 'substantially segregated'—

''(A) means complete sight and sound separation in residential confinement; but

''(B) is not inconsistent with—

''(i) the use of shared direct care and management staff, properly trained and certified to interact with juvenile offenders, if the staff does not interact with adult and juvenile offenders during the same shift; and

''(ii) incidental contact during transportation to court proceedings and other activities in accordance with regulations issued by the Attorney General to ensure reasonable efforts are made to segregate adults and juveniles.''

SEC. 203. JUVENILE HANDGUN POSSESSION.

Section 924(a)(6) of title 18, United States Code, is amended—

(1) by striking all that precedes subparagraph (B) and inserting the following:

''(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, and for a second or subsequent violation, or for a first violation committed after an adjudication of delinquency for an act that, if committed by an adult, would be a serious violent felony (as defined in section 3559(c) of this title), shall be fined under this title, imprisoned not more than 5 years, or both.'';

(2) in subparagraph (B)(i), by striking ''one year'' and inserting ''5 years''; and

(3) in subparagraph (B)(ii), by striking ''not more than 10 years'' and inserting ''not less than 3 nor more than 10 years''.

SEC. 204. ACCESS OF VICTIMS AND PUBLIC TO RECORDS OF CRIMES COMMITTED BY JUVENILE DELINQUENTS.

Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''Throughout and upon'' and all that follows through the colon and inserting the following: ''Throughout and upon completion of the juvenile delinquency proceeding pursuant to 5032(a), the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:'';

(2) in subsection (a)(3), by inserting before the semicolon ''or analysis requested by the Attorney General'';

(3) in subsection (c), inserting before the comma and after ''relating to the proceeding'' the phrase ''other than necessary docketing data''; and

(4) by striking subsections (d) and (f), by redesignating subsection (e) as subsection (d), by inserting ''pursuant to section 5032 (b) or (c)'' after ''adult'' in subsection (d) as so redesignated, and by adding at the end new subsections (e) and (f) as follows:

''(e) Whenever a juvenile has been adjudicated delinquent for an act that if committed by an adult would be a felony or for a violation of section 924(a)(6), the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation. The court shall also transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name,

date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication. The fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, or to a juvenile who is prosecuted as an adult pursuant to sections 5032 (b) or (c), shall be made available in the manner applicable to adult defendants.

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

TITLE III—IMPROVING JUVENILE CRIME AND DRUG PREVENTION

SEC. 301. STUDY BY NATIONAL ACADEMY OF SCIENCE.

(a) IN GENERAL.—The Attorney General shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies—

(1) to evaluate the effectiveness of federally funded programs for preventing juvenile violence and juvenile substance abuse;

(2) to evaluate the effectiveness of federally funded grant programs for preventing criminal victimization of juveniles;

(3) to identify specific Federal programs and programs that receive Federal funds that contribute to reductions in juvenile violence, juvenile substance abuse, and risk factors among juveniles that lead to violent behavior and substance abuse;

(4) to identify specific programs that have not achieved their intended results; and

(5) to make specific recommendations on programs that—

(A) should receive continued or increased funding because of their proven success; or

(B) should have their funding terminated or reduced because of their lack of effectiveness.

(b) NATIONAL ACADEMY OF SCIENCES.—The Attorney General shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in subsection (a). If the Academy declines to conduct the study, the Attorney General shall carry out such subsection through other public or nonprofit private entities.

(c) ASSISTANCE.—In conducting the study under subsection (a) the contracting party may request analytic assistance, data, and other relevant materials from the Department of Justice and any other appropriate Federal agency.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1, 2000, the Attorney General shall submit a report describing the findings made as a result of the study required by subsection (a) to the Committee on the Judiciary and the Committee on Education and the Workforce of the House of Representatives, and to the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate.

(2) CONTENTS.—The report required by this subsection shall contain specific recommendations concerning funding levels for the programs evaluated. Reports on the effectiveness of such programs and recommendations on funding shall be provided to the appropriate subcommittees of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(e) FUNDING.—There are authorized to be appropriated to carry out the study under subsection (a) such sums as may be necessary.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Michigan [Mr. STUPAK] and a Member opposed will each control 30 minutes.

Is the gentleman from Florida [Mr. MCCOLLUM] opposed to the amendment in the nature of a substitute?

Mr. MCCOLLUM. I am opposed, Mr. Chairman, and I claim the time in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will control 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. STUPAK].

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

Mr. Chairman, the Stupak-Stenholm-Lofgren-Scott substitute takes the approach that juvenile crime can best be battled at the local level. In our bill we set aside the same $1.5 billion over 3 years for local initiatives. Our Crime Task Force went to the communities around this Nation and they asked us, give us the flexibility and give us local control. We need help from the Federal Government. We do not need mandates.

Unfortunately, the majority legislation here, the majority bill, puts down four mandates that each State must follow. In those mandates, if we do not follow those mandates, our State is denied any access to the $1.5 billion. In the most recent list that has been compiled, in reviewing the majority's bill, only six States may be eligible. Forty-four other States would be denied access to any funds in fighting juvenile crime.

Mr. Chairman, the Democratic substitute is a balanced approach to the problem of juvenile crime. It is an approach that includes enforcement, intervention, prevention, and we reform the juvenile justice system to target violent kids, and they would be locked up underneath our bill.

We allow the local community approach and not the federalism approach. The National Conference of State Legislators has written to each Member of Congress and they asked us not to pass this bill, not to pass the majority bill, adopt the Democratic substitute. Why do they not want the Republican bill? Because there are mandates there. It is a continuation of federalism, with four different mandates that most States cannot comply with.

Since when has the Federal Government, who does not have juvenile courts, who does not have juvenile probation officers, since when have we become the experts, and we are telling the rest of the country how to fight juvenile crime? The Democratic substitute is a smart bill, a fair bill, a tough bill, and everyone gets to join in, and we work with our local officials.

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the substitute.

Mr. Chairman, let me begin by expressing my sincere appreciation to my chairman for his leadership in this process. I want to talk about this amendment, though, for a second, if I could, and my biggest concern with this is that this amendment is a very, very serious matter in terms of the fact that it completely changes the bill that we are dealing with here today, both for what it does and what it fails to do.

First, I want to make it clear what this amendment would do. It would mandate that the States and localities spend at least 60 percent of their juvenile crime funds on prevention programs. It is a prevention mandate. Such a mandate is exactly the wrong approach to take in this bill, for four reasons.

First, the Committee on Education and the Workforce will be reporting out a justice and delinquency prevention program within 6 weeks which has prevention as its primary focus. Chairman RIGGS has been working with the gentleman from Virginia [Mr. SCOTT] on this bipartisan bill, which is primarily prevention oriented, and which focuses resources on at-risk youth.

Second, this bill focuses on the problems of a broken juvenile justice system, that is what the underlying bill is all about, which chronically fails to hold juvenile offenders accountable. It does so by providing assistance to the States and localities to reform their juvenile justice systems by embracing accountability-based reforms.

The minority substitute mandated prevention spending would divert desperately needed resources from the juvenile justice system. It would divert resources from the prosecutors, the courts, the probation officers who represent the means of ensuring meaningful accountability for juvenile offenders.

The third reason why this amendment is a bad idea, and it is a bad idea to mandate that 60 percent of the funds be spent on prevention, is because of the extensive prevention resources already provided for in prevention programs of the Federal Government.

According to the General Accounting Office, the Federal Government programs already funded for at-risk and delinquent youth number as follows: 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. Yet, there is currently not even one Federal program to support States in their efforts to reform their juvenile justice systems and embrace accountability-based reforms.

That is what this bill, the underlying bill, is all about. The amendment would gut that, change that, turn this into a prevention grant program, adding to all the others that are out there, and not helping the States do what

they need to do to hire the probation officers, juvenile judges, build the detention facilities, and so forth to make their juvenile justice system work.

The fourth reason I oppose the prevention mandate is because of the recent data which calls into question the effectiveness of many of the government prevention programs. While locally developed, community-based prevention programs are often extremely effective, there is a growing body of research that suggests that Government-sponsored prevention programs are of limited benefit. According to a comprehensive Justice Department Commission study published last month, ''Recreational enrichment and leisure activities such as after-school programs are unlikely to reduce delinquency.''

The study went on and stated, ''Midnight basketball programs are not likely to reduce crime.'' With a crisis of violent youth crime and the broken juvenile justice system demanding action, there is no time to be spreading out limited Federal resources among hundreds of government programs that have not been shown to work.

The minority substitute also requires that not less than 10 percent of funds be spent on building or expanding secure juvenile correction or detention facilities for violent juvenile offenders, and that not less than 20 percent of the funds be spent on graduated sanctions and hiring prosecutors.

In other words, the substitute amendment establishes categorical spending requirements that all States and localities must adhere to, whether or not these spending categories reflect their own priorities.

In other words, they are setting out a math deal, that 10 percent of the funds can be spent on building or expanding secure juvenile corrections, 20 percent on graduated sanctions and hiring prosecutors. Suppose a community thinks they need to spend 50 percent or a State needs to certainly spend 50 percent or better of its money on juvenile detention facility construction in order to be able to detain those violent youthful offenders in segregated cells, instead of mixing with adults, that all of us want in the bill and the underlying bill mandates.

They could not do it because they could only spend 10 percent of their funds on building a secure juvenile center, or the same could be true about spending funds on graduated sanctions or hiring prosecutors. One community needs a lot of prosecutors and another community needs a lot of juvenile judges. It is just nonsensical to give them the kind of straitjackets this amendment would do.

In other words, the substitute amendment establishes the spending requirements they have to adhere to, whether they believe it or not. When you do the math, you realize 90 percent of the funds must be spent under this amendment according to the categorical requirement, leaving locals only 10 percent of the funds in this bill to allocate according to their own priorities. This is, in my judgment, a level of micromanagement that must be avoided.

The second reason I oppose the substitute amendment is because of what it fails to do. As a substitute, it fails to turn the already existing Federal juvenile justice system into a model. I am of the view that the first step to encouraging the States to put accountability back into their juvenile systems is to do in our own juvenile system what we think needs to be done.

Right now the Federal juvenile justice is as bad or worse than that of any State. Now it is true that the Federal juvenile justice deals with fewer than 500 juveniles a year, some say as few as 300, but somewhere in that neighborhood. But I still believe it is our responsibility to make sure that that system is as effective as possible, and the minority substitute guts the sensible and overdue reforms that H.R. 3 makes to the Federal juvenile justice system.

Consider the following. It maintains, under the amendment that is being offered as a substitute, it maintains the status quo of current law, which gives judges the unfettered authority to decide when a violent juvenile can be prosecuted as an adult. Second, it rejects the smart and tough provisions which put the safety of the public first through the establishment of a presumption in favor of adult prosecution of a juvenile when the crime committed is a serious violent felony or a serious drug crime, an extremely violent and serious type of crime.

It rejects the provision which would allow, not mandate, prosecutors to prosecute juveniles who commit serious violent felonies or serious drug crimes as adults, and leaves us with the anomaly of current law.

Under current law prosecutors have the discretion to prosecute 13-year-old juveniles for only certain serious crimes and lack the discretion for numerous other more serious crimes. And it rejects, the amendment does, some of the key sentencing provisions of H.R. 3 which provide judges a greater range of sanctions, including allowing judges to issue orders to the juveniles' parents, guardian or custodian regarding their conduct with respect to the juvenile.

For all of these reasons, I must strongly oppose the amendment that the minority is offering as a substitute. I would point out again that the underlying premise of this bill, which this amendment guts, is that we need to provide a change, a repair, in a broken juvenile justice system in this Nation.

We have 1 out of every 5 violent crimes in America being committed by those under 18 years of age, and of those who are under 18 that are adjudicated for a violent crime, or convicted, if you will, we are finding that only 1 out of 10 of those ever serve any time in a secure detention facility of any sort.

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We are finding that based on statistics and demographics, there is a huge population of teenagers ready to come upon us that causes the FBI to predict that by the year 2010 we will more than double the number of violent youth crimes if we keep up this trend.

The only way we can solve this problem is if we, first of all, correct the broken juvenile justice systems that are primarily in the States. The premise of the bill is to provide a core grant program, an incentive grant program to the States that says, here is $500 million a year, $1.5 billion for 3 years, if you will make four key changes that will repair your juvenile justice systems. You do not have to do that. You do not have to accept the money. But if you do, you are going to have to assure the Federal Government that you are going to provide a sanction for the very first delinquent act, such as throwing a rock through a window or ripping off a hubcap or spray painting a building.

That is not happening in virtually any community in this country today, and it should be. We need to do that if we are going to put consequences back into the juvenile justice system and assure that young people understand if they commit an early offense, there really are consequences to it so that later they will not evolve to the point when they pick up a gun some day as an older teenager that they think pulling the trigger means they will not get any consequences.

Second, it requires that the States assure the Federal Government to get the money that their prosecutors have the flexibility if they choose to try as adults 15 years old and older juveniles who commit serious violent crimes, murders, rapes, and robberies and that if there has been a felony committed by a juvenile and that is the second or greater number of juvenile offenses that youngster has committed, that the records will be maintained and made available to all involved just as they would be if they were adults.

We are destroying records now. We are closing cases and not preserving records after 18 and the States need to do that to fix the juvenile justice system.

And last but not least, it does say that judges need to have no impediments that would keep them as juvenile judges from being able to hold a parent accountable, not for the juvenile delinquent's act, but for those things that the juvenile judge charges them with the responsibility of doing to oversee the child.

Those are the things that are needed to be done to fix basically the States critical juvenile justice systems. States may not choose to take this money. They may not want it, but the whole reason for this bill is to correct that system and to provide a Federal model for the limited number of Federal juvenile justice system cases that are tried here in the Federal system every year.

It is not to provide prevention, though I must say I believe we should have precontact with the juvenile authorities prevention programs. They are important. But there is going to be another bill out here another day for us to debate the prevention and provide the prevention moneys. It is not in this bill. It is not this bill's purpose to do that.

The substitute amendment guts the underlying purpose of this bill, destroys the incentive grant program, removes it altogether from this bill, destroys the Federal model, reforms and substitutes in its stead basically a prevention program which, as I said, is coming, a bill like that is coming out of the Committee on Education and the Workforce in a couple of weeks. I urge defeat of this amendment.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

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

Ms. LOFGREN. Mr. Chairman, I think we will use our own time to go through, I think there are some inaccuracies in the gentleman's representation about the amendment, but I do want to address this issue which is the quote the gentleman read about the study of what works.

I think it is important to read the whole sentence, which reads, ''Simply spending time in these activities is unlikely to reduce delinquency,'' which the gentleman read. The rest of the sentence says, ''Unless they provide direct supervision when it would otherwise be lacking.'' That goes to the 22 percent of violent juvenile crime that occurs between the hours of 2 p.m. and 6 p.m. I just wanted to correct that.

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, there are lots of things that go on between 3:00 in the afternoon and 6:00, 9:00 at night. That is generally when juveniles commit most juvenile offenses, when they are not supervised. There are all kinds of problems we need to deal with. This bill simply is not focusing on all of that.

We have other legislation we are trying to do to help the States come along. This bill is to correct, to provide the incentives and to provide the money to correct a failed, broken juvenile justice system. That is the focus of the bill.

Let us not destroy the focus of this bill in the name of doing something else. Apples and oranges. Let us take care of the apples today. Let us take care of the oranges in a future bill.

Do not take away any of the resources we need for the apples to give to the oranges. Let us give to the oranges as well, but let us do that on another day, another time, another bill, not gut the underlying bill with this substitute amendment.

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

Mr. STUPAK. Mr. Chairman, I yield myself 15 seconds.

In response to the gentleman from Florida, we are going to go back and forth here all day. Let me remind my colleague what Mr. Ralph Martin, a Republican district attorney in Boston stated. It is in today's Washington Post. As to my colleague's bill, he says, and I quote, ''There is a lot of concern among a lot of State prosecutors because we do not want to see overfederalization of juvenile crime.''

Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I thank the gentleman from Michigan [Mr. STUPAK] for leading the effort to bring a commonsense approach to this issue. First of all, there is purposeful misconstruing of our bill. Our bill does provide for States to apply for dollars right in the bill itself to local communities to hire law enforcement officers or officers of the corps, that may include police officers, juvenile judges, and probation officers.

Mr. Chairman, there has been an attempt by some on the other side of the aisle to paint this as being soft on crime. It is not soft on crime. Nothing could be further from the truth. Our bill expedites the time that a judge has to decide whether to transfer a juvenile to adult court, increases the penalties for juveniles who possess a handgun and expands the use of the juvenile records for Federal law enforcement purposes.

However, in addition to that, we must focus on the majority of our young people, who follow the law. They need opportunity so that they do not cross that line. If we focus solely on the few who are convicted with juvenile crimes, we are surely going to lose the war on youth violence in America. Our bill is balanced. There is nothing wrong with funding boys and girls clubs. In fact, unlike the provisions of the McCollum bill, funding prevention has proven to work.

Mr. Chairman, this is a critical issue for the country. I ask us to have an open mind of how we are really going to help our young people instead of pounding our chests and having poor results.

Mr. STUPAK. Mr. Chairman, I yield 90 seconds to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I thank my colleague, the gentleman from Michigan [Mr. STUPAK] for leading this effort.

Mr. Chairman, I rise in strong opposition to H.R. 3, the so-called Juvenile Crime Control Act, and in support of the Democratic substitute. We might as well call the Republican version the throw away the key act. Instead of providing education for children, the Republicans offer them prison with adults. Instead of offering programs to inspire and challenge children in poor communities, the Republicans offer them prison with adults. Instead of properly protecting children from firearms and drugs, the Republicans offer them prison with adults.

Mr. Chairman, the Republicans think that this is the way to solve crime. How naive. My colleagues across the aisle do not seem to want to save these precious lives. They want to take these kids, put them in prison and throw away the key. Mr. Chairman, this is mean, shortsighted legislation. Vote no for H.R. 3 and yes to the Democratic substitute.

Mr. MCCOLLUM. Mr. Chairman I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], a member of the Committee on the Judiciary.

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

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

The American people across the Nation are constantly shocked by the brutality and viciousness of some of the crimes that are being committed by 13 and 14 and 15 year olds. And they are equally shocked, the American people are, when they see a system that treats these juveniles as something less than the predators that they seem to be even at that early age. And what happens? They produce this juvenile system which, as we know it today, produces a cycle of recidivism among the juveniles that commit these vicious crimes.

If we adopt the Gephardt or minority substitute, as it is now known, we are going to remove the emphasis on trying to treat these special brutal types of crimes that are committed by juveniles to give additional discretion to prosecutors to treat them as adults for the purpose of prosecution and revert back to the coddling type of, we want to be fair. So, adoption of the minority substitute eviscerates the efforts that are being made to treat the juvenile violent offenders when they do adult crimes as adults. That is one thing.

The second thing is, again, the minority is throwing money at a problem when they want to have 60 percent of the resources thrown into prevention. We have, I say to the gentleman from New Jersey, for the youths that are trying to obey the law, job training, counseling, street gang prevention types of things, substance abuse programs, hundreds of programs at which we have thrown millions of dollars. Yet the only answer that we come up with in this substitute is to throw money again into more kinds of programs that will join a passel of programs that have failed in the past. It is time now to move into a new cycle to treat the accountability of the juvenile, No. 1.

Mr. STUPAK. Mr. Chairman, for the last speaker, I hope he understands that his State of Pennsylvania does not qualify for any fund or help underneath the majority bill, but underneath the minority bill they could, with local initiatives.

Mr. Chairman, I yield 15 seconds to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Chairman, I just want to be very clear that the statements that were made by the preceding speaker relative to juvenile

murders, murderers, not currently being treated as adults by the State juvenile courts and by the State courts in this Nation is absolutely incorrect. I would suggest that the gentleman take a review and get his facts straight.

Mr. STUPAK. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. TURNER], a valuable member of our task force and former State senator.

Mr. TURNER. Mr. Chairman, I come forward today as a former member of the State senate in Texas where we passed one of the toughest juvenile justice laws in the country just last session, a bipartisan bill supported by a Republican Governor and our then-Democratic State legislature.

I think it is hypocritical to suggest that this Congress, by mandating requirements on the States, is somehow going to provide leadership on juvenile justice. Our States are responding. And I think it is hypocritical for this Congress to pass a bill and suggest that we are going to mandate our States to be even tougher than they already are.

This bill says Washington knows best, and that is why we support this substitute that we are offering today. I think it is time to get fiscally conservative in fighting juvenile crime. Our substitute devotes 60 percent of that $1.5 billion to prevention programs. I suggest to my colleagues this morning that any elementary school in the classroom today can identify the at-risk children who are going to be in the juvenile justice system 5 and 10 years from now. We need to follow that commonsense approach and invest 60 percent of the $1.5 billion in prevention activities.

Our substitute is tough on crime. It is smart on crime. It is fiscally responsible. It is a balanced budget and provides the seed money that our communities need to mobilize hundreds of volunteers that must be a part of the solution to juvenile crime. Communities will solve the problem of juvenile crime, not this Congress by mandating that our States enact certain laws simply to make the Congress look like we are tough on crime when our States already are.

Mr. STUPAK. Mr. Chairman, I yield 90 seconds to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Michigan for yielding me the time and applaud his leadership on this very important issue.

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Mr. Chairman, I think the big differences between H.R. 3 and our Democratic substitute are that, for one, H.R. 3 says that Washington knows best. We are going to tell the States how to run their programs and if they do not do it our way they do not get any money.

Our bill says we rely on local prosecutors and police and parents to submit the grants and then they get the grants to their local community from Washington, DC.

The second big difference: Under H.R. 3, 12 States are eligible for all these moneys, $1.5 billion. Under our bill, every single State can qualify.

The third big difference, Mr. Chairman, is that our bill builds prisons and it builds hope, because it invests in making sure that our children have alternatives to prison. Sure, we expand. We are tough on crime. We target juvenile offenders, seven new ways we put them in jail when they commit the crime, but we also say to the hundreds of thousands of good kids, we want to give you a place to go after school that is safe, where you can play at a computer to get prepared for school the next day, and we do not assume that you are a criminal tomorrow.

We just had a tragic situation in South Bend where two people shot a woman up in Michigan that are juveniles. This would put them in jail, but we also want to make sure that the thousands of children that are not doing that get hope in their future.

Mr. STUPAK. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. FARR], our delegate to the Summit on Volunteerism and Hope for America.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time. I rise today in strong opposition to the bill that is on the floor and in strong support for the substitute that we are debating at this time.

I was a former local elected official as a county supervisor in California and after that a member of the State legislature. We learned from our local and State practices, and frankly, if we look at it, almost all laws are prosecuted in State courts under State laws using the State criminal justice system and juvenile justice system, and what we have learned is that no one sock or one shoe fits everybody. Each community, based on the resources and based on the attitude of the community, whether it is small or large, has a different approach to it.

H.R. 3, as it has come to the floor, I think is very poorly drafted. I think it is contrary to the entire spirit of Philadelphia. Philadelphia and the Presidents all said that no one is broken so far that they cannot be fixed. This bill, as it goes before us, just says the solution is to lock everybody up and not to educate them, not to try to prevent crime.

Frankly, I feel that Presidents Reagan, Bush, and Ford, none of them would support H.R. 3 as it comes on the floor. I urge all my colleagues to support the substitute. The substitute is a bill that is well thought out and looks at the way communities can do it. It does not have a Washington approach to everything, it has community-based support. Community action works. Please support the substitute.

Mr. STUPAK. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Texas [Mr. SANDLIN], a great addition to our caucus.

Mr. SANDLIN. Mr. Chairman, in this country today, obviously, we have a problem with juvenile crime. It seems to me that we must decide what to do about that problem and who should do it. The Democratic alternative addresses those issues.

As a former judge, I have heard thousands of juvenile cases. Many times we must deal seriously with juveniles. Some must be incarcerated. However, as the father of four children, as a former youth baseball, basketball, and softball coach, as someone active in the Boy Scouts of America, I can tell my colleagues that the children of America are worth saving.

Just like they must be responsible for their acts, we must be responsible, the U.S. Congress, for providing opportunities for children to stay out of the system. We know what does not work. We know that.

We know that spending more and more tax dollars to build more and more facilities to lock up more and more children without hope is not the answer, but we have to provide alternatives. We need to incarcerate some juveniles, but we need to provide for education. We need to provide for intervention. We need to provide for community support, and the Democratic alternative does that.

Who knows best how to handle these problems? Who knows best how to handle things in Texas, in New York, in California, in Mississippi, in Iowa, in Illinois, in Massachusetts? People in those communities do, that is who does, not Washington. Under the substitute legislation, local communities receive local grants to solve local problems. Let us let local teachers, local preachers, local parents, local friends handle local problems in our States.

One point I have not heard discussed is the fact our friends on the other side of the aisle are attempting to model the juvenile system after the adult system. Like it is some model. Is that not dandy? The adult system has not worked either. Treating juveniles and modeling the juvenile system after a failed adult system is certainly ridiculous.

It is time for a new approach. Our States do not need to change, our local communities do not need to change, Washington needs to change.

Mr. MCCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Arkansas [Mr. HUTCHINSON], a member of the subcommittee.

Mr. HUTCHINSON. Mr. Chairman, I rise in opposition to the substitute bill and in strong support of H.R. 3.

One thing is clear in the debate today and what is going on in our country, and that is there is a serious growing threat of youth violence. Both the President in the State of the Union Address and Members of Congress agree that there is this problem in America, a growing threat of youth violence. The question is what do we do about it?

Does the substitute bill address the problem in the right way or does H.R.

3? It is my belief that the substitute amendment should be opposed not only for what it does but, more importantly, for what it does not do. Let me focus on what it does first.

The substitute requires that the States and localities spend at least 60 percent of their juvenile crime grant funds on prevention programs. While this is laudatory to a certain extent, this requirement comes despite the fact that there are billions of dollars that are currently being spent each year on prevention programs, and this bill addresses a different side of it, which is the enforcement.

Agencies as diverse as the Department of Agriculture, the Department of Defense, the Appalachian Regional Commission run programs for at-risk youth. That is already being met. The General Accounting Office compiled a list of all Federal programs targeted at juveniles to assist them. The GAO found that the taxpayers already support 21 gang intervention programs, 35 mentoring programs, 42 job training programs, 47 counseling programs, 44 self-sufficiency programs, and 53 substance abuse intervention programs.

We spent $44 billion in programs in fiscal year 1995, and so there is not a lack of funds for prevention programs, but there is not one grant program, not one, that addresses the need for supporting the States in their reform of the juvenile justice system, and that is what this bill does.

Certainly we need prevention programs. We support those. There are programs for that. But we need assistance, as the prosecutors from my State have argued, we need assistance for our States in developing and strengthening our juvenile system programs. So that is why I support this.

In addition to the negative aspects of the substitute, the Democrat alternative falls short for what it does not do. The substitute bill does not establish a model system for our States to look at when reforming their own juvenile procedures. H.R. 3 does that. It does not mandate changes in the laws, but it does provide a model system for the States to follow, to borrow from, if they choose.

The substitute does not provide the flexibility that the principal bill does, H.R. 3, and flexibility is critically important to our States and localities.

In Arkansas we want to provide them with flexibility. I have examined the law in our State. And, true, we might not comply specifically, but it would be very simple to bring it into compliance, to make the improvements if they decide to do so. They might decide not to do so. But these funds are available for them if they wish, and we provide that model for our States.

Second, the substitute does not encourage the States to provide graduated sanctions. Although some States do that in a model fashion, other States do not. This encourages them to have graduated sanctions for every act of wrongdoing, starting with the first offense and increasing in severity with each subsequent offense. I believe this is important.

The substitute maintains the current impediments to prosecuting violent juveniles as adults. We have to give more latitude and encourage, when necessary, the prosecution of violent juveniles. Not all juveniles, but violent juveniles. That small percentage of juveniles that cross the line, we need to prosecute those as adults.

And so the main bill is a good bill that gives flexibility to the States, provides a model for them to follow, provides funding for the important programs of building their juvenile systems rather than simply focusing on what we are already providing $4 billion for, and that is the prevention programs. For that reason I encourage my colleagues to reject the substitute.

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

Mr. Chairman, to the last gentleman that spoke from Arkansas [Mr. HUTCHINSON], he said his prosecutors have asked for help from the Federal Government. I am pleased to see that he acknowledged that they would not get any help underneath the majority bill without changing the law in Arkansas to reflect this poorly drafted bill called H.R. 3. That is why the gentleman should support the Democratic substitute because we do at least give them some help in Arkansas.

Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Iowa [Mr. BOSWELL], another new member of our caucus.

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

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

Mr. Chairman, I want to compliment the people from the majority for at least addressing this bill. I thank them for taking it on. We need to do that. But times have changed. Single parents, both parents working, somewhat different than my time.

When I got home after school, I knew what I was going to be doing for the next 2 or 3 or 4 hours, whatever it took, as we went home to the farm. But times have changed. We have got to have balance and we have got to realize that is going to take the whole community, the whole block, whatever we are talking about, to reach out to these kids.

I believe that any debate regarding juvenile crime must also take into account prevention measures. We simply cannot write off a generation of young people, still in their teens, without making an investment in their future productivity to our society.

We can agree that young people who commit violent crime must be held accountable and punished accordingly. I understand there are certain incorrigible young people who must and should be incarcerated. But let us be smart about juvenile crime. We need a balanced approach. Locking them up and throwing away the key is not always the solution. That approach is just closing the barn door after the horses are out, as we say down on the farm.

I do not believe that we should abandon our attempts to put in place programs designed to prevent wayward youths from pursuing a path of crime and despair. We all have responsibility to see that our kids are provided with the guidance, opportunity and support for becoming successful and productive adults.

Today's youth will serve as the backbone of tomorrow's workforce. They are our future leaders, workers and parents. To only look toward the criminal justice system as the key to combating juvenile crime is shortsighted. More prisons at a cost of $25,000 to $30,000 per bed annually is not the single solution.

I would just like to leave this thought with my colleagues: They are our kids. They are not the next town over. They are our kids. They are our future. To educate and early intervene is something we can surely do better so that they do not move into that population of 14 or 15, and we have to go ahead and do the things suggested. Let us give it careful thought. Let us do it for the future of our kids.

Mr. STUPAK. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Chairman, I agree with my colleagues that our juvenile justice system is in desperate need of attention. There is no question that juvenile crime is on the rise. We must stop this violence.

Now the question is: Are we going to sit here in Washington, DC, 3,000 miles away from our communities, and try to solve our juvenile crime problem, or are we going to trust our local communities and give them the resources they need to stop juvenile violence? Are we going to keep coming up with piecemeal quick-fixes, or are we going to look at a comprehensive program to stop juvenile crime?

I have made a point to meet with the people of my district, people who really understand juvenile justice. I have talked with our sheriffs and our law enforcement officials, our judges and our prosecutors. They all agree that this proposal, which focuses on prevention, intervention and sanctions, is the only way to stop juvenile crime.

We also need to look at programs that have worked. I can guarantee we will get more accountability from proven programs than we will from plans that we draw up in Washington. This proposal asks our community members to work together to share methods of decreasing crime in their neighborhoods. When people work together on a plan, I will guarantee that they will take a lot more interest and it will be much more successful than a plan that we dictate from thousands of miles away.

Our proposal gives communities the tools they need to work together to

support our kids before they become juvenile delinquents. Our proposal also has a strong intervention component for those juveniles who can be steered away from the path of crime.

We can also stop our juvenile delinquents from committing more crimes if we make sure they have immediate consequences to their problems no matter how minor the infraction. They need to know they will be punished if they break the law. We must also get tough on kids that commit violent crimes and prosecute those kids to the fullest extend of our laws.

This is a comprehensive juvenile justice plan that stops teenage violence by giving incentives to communities that work together and come up with a plan that works in their communities. We will measure the results and hold them accountable for decreasing juvenile crime.

My question is, are we going to dictate solutions to juvenile crime from D.C. or are we going to trust our communities, invest in our future, and vote for a bill that will reduce juvenile violence?

□ 1130

Mr. STUPAK. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. LEVIN].

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

Mr. LEVIN. Mr. Chairman, the substitute addresses the real concerns of my constituents. On Tuesday in Warren, the third largest city in the State, concerned officials and residents held the first meeting of the city's new antigang task force to discuss their concerns about increased gang activity and juvenile crime in their neighborhoods. Concerned residents spoke about the need for measures that get violent juvenile offenders off the streets and in prevention programs. Police officials asked for more support to help hire more backup personnel to free up front-line officers to patrol the streets. And police officials and educators both called for more money to help fund after and in-school prevention programs. This substitute legislation does what residents in Warren and other communities are asking for.

Mr. Chairman, we need to pass a bill that gets at the real problems. Most juvenile crime is State and local. What we need is a bill that gives local communities and States flexibility to handle these problems, not a bill that forces States to accept a one-size-fits-all fix.

Mr. Chairman, I urge a ''yes'' vote on the community-based Democratic substitute.

Mr. MCCOLLUM. Mr. Chairman, I yield 4½ minutes to the gentleman from Georgia [Mr. BARR], a member of the subcommittee.

Mr. BARR of Georgia. Mr. Chairman, this is a good bill. It is a good bill not because it is a great, learned, eloquent exposition of great enlightened theories of criminal justice. It is a good bill because it is practical and it is mainstream, and it is based not on listening to a bunch of folks in ivory towers but listening to prosecutors, juvenile justice administrators in our court systems, parole officers, jailers and local law enforcement officials all across America.

They need practical help. They do not need treatises on enlightened theories of criminal justice. They need practical help, and this bill will give it to them. It will give it to them because it gives them flexibility and it removes barriers that we have allowed to build up, like scales in pipes, year after year after year, that have tied the hands of our local prosecutors and our Federal prosecutors.

This bill is practical because it removes Federal restrictions on how juveniles can be dealt with. It is practical because it allows citizens in our communities to understand the most violent juveniles who may be among them, a right that is now denied our citizens and our schools.

To say that this bill removes flexibility is absolutely laughable. This bill provides the maximum flexibility and options and practical alternatives to our local prosecutors and our Federal prosecutors that are possible and necessary. This bill does not mandate one single thing. It does just the opposite.

It allows State prosecutors who wish to see their cases that are denied to them to be prosecuted as adults, our most violent offenders, to get into the Federal system. It does indeed set a model and a standard through reforms of our Federal system. And through its block grant approach with incentive grants, it provides an incentive, not a mandate, to our State governments.

It also avoids the trap into which this Congress fell back in 1994, to add yet more specific programs with mandates and with paperwork and with cost. It does not add to the currently 131 different programs already administered federally by 16 different departments and other agencies to benefit at-risk or delinquent youth.

A vote for this bill and a vote against the substitute amendment says we want our States to have maximum flexibility, we want our prosecutors to have the tools and to have their hands untied by the shackles of bureaucratic regulations and red tape that now prevent them from removing from America's streets the most dangerous, violent youth among us. That has been the one thing that they have told us that they need.

Yes, they need prevention moneys. Yes, it is important to solve the long-term problem of juvenile crime in America, to focus a great deal of energy and resources on prevention. But we are doing that. This bill adds to that.

This bill, in allowing our prosecutors to take the most violent juvenile offenders off the streets, prosecute them, treat them as adults, reflecting the seriousness of the crimes with which they are charged and eventually convicted, disperse them through the Federal system across the country, we deny them the ability to maintain their tentacles in communities in America, and that after all is the very best prevention on which we could be expending our money and devoting our resources. I urge support for the bill and rejection of this amendment.

Mr. STUPAK. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, as to the gentleman from Georgia, his State will not even qualify. The police unions, the International Union of Police Associations, the International Brotherhood of Police Officers, all support our legislation.

Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. I thank the gentleman from Michigan for yielding me this time and also for his leadership on this bill.

Mr. Chairman, I rise today in strong support of the Democratic alternative and in strong opposition to H.R. 3. The Democratic alternative is both tough and smart. It strikes the proper balance between toughness and also prevention. On the other hand, H.R. 3 is dumb and dumber.

Let me be clear. I support charging violent juveniles as adults. The problem is we can already do it. In each and every State, the prosecutor can petition and the judge has the discretion, local judges that are elected or that are appointed locally have the discretion to charge juveniles as adults. So do not believe that this is a legitimate issue before the Congress today. We can address this problem.

Prosecutors, police, the people on the front lines, however, will tell my colleagues that prosecution is not the answer. The issue is prevention. That is why this amendment is smart, because it puts most of the money into prevention programs that really matter, gang prevention, safe havens, programs that help divert young people from a life of crime.

I said H.R. 3 was dumb and dumber. Here is why. Under their bill, only 12 States would qualify to get the money. They come up and tell Members how critical fighting juvenile crime is, but they introduce before this body a piece of legislation under which only 12 States could qualify; 38 States cannot qualify. Even the sponsors of this legislation could not get money into their own States. That is dumb. We need a balanced bill. The Democratic alternative meets that criterion.

Mr. STUPAK. Mr. Chairman, I yield 1¾ minutes to my good friend, the gentlewoman from Michigan [Ms. KILPATRICK], former member of the Michigan legislature, head of the appropriations and especially appropriations on prisons.

Ms. KILPATRICK. Let me thank my good friend from Michigan for yielding

me this time and also for his leadership.

Mr. Chairman, let us be clear. America's greatest problem today is what we will do with our young people as we move to the new millennium, how we will educate them, how we will treat them and how we will offer them the opportunity they need to become productive citizens in this world.

Let us be clear. H.R. 3, $1.5 billion, only addresses 12 States. Thirty-eight States cannot even get in the front door of H.R. 3 in its present form.

Let us talk about what our children need. They need opportunity. They need hope. Over 300,000 of them find themselves in the juvenile system. They need hope. They want us to work with them. We want to put the toughest in prison. We think violent offenders must be incarcerated. Over 98 percent of the bill before us, H.R. 3, only talks about enforcement. Nothing about hope. All studies show that children need to be educated, disciplined, counseled and loved. H.R. 3 in its present form does not do that. The Democratic substitute does offer hope.

I want to talk a bit about HIDTA, high intensity drug trafficking areas, that is now part of the Federal budget and goes out to many communities across America. Again, enforcement dollars. It is okay to have enforcement, as the previous speaker mentioned. We want the most violent juvenile offenders to be locked up.

Judges. We elect judges. Local communities ought to be able to decide what to do with their juvenile offenders. We should not be dictating in Washington. $1.5 billion. Do we want to build 25 new prisons with that money? Or do we want to put it into alternatives to incarceration, save our children and give hope to America's future?

This bill will not solve the problem of juveniles and crime. As a matter of fact, only 6 percent of juvenile arrests in 1992 were for violent crimes. With one exception, the level of juvenile crime has declined over the past 20 years. There are only 197 juveniles currently serving Federal sentences. Juvenile crime is almost exclusively a State and local issue.

This bill is a waste of taxpayers dollars. In the Wall Street Journal of March 21, 1996 high risk youths who are kept out of trouble through intervention programs could save society as much as $2 million per youth over a lifetime. This bill puts more money into police and prisons, tactics that simply do not work without adequate prevention programs. The $1.5 billion in funding in the bill is conditioned on the willingness of States to try youths as adults. Even at that caveat, only 12 States would be eligible for this funding.

Most police chiefs believe that prevention programs are the most effective crime reduction strategy versus hiring additional police officers.

H.R. 3 takes an extreme approach to juvenile justice, without any evidence that these approaches actually work. Under H.R. 3, 13-year-old children could be tried as adults; provides no funding for prevention programs, and is not supported by a single major social service organization.

Who opposes H.R. 3? Among other organizations, the YMCA, the American Psychological Society, the National Recreation and Park Association, the National League of Cities, the National Association of Child Advocates, the Chief Welfare League of America, among many others.

We need to put our scarce resources into programs and projects that work. The Democratic alternative to H.R. 3 gives us that chance. It is a balanced approach to fighting juvenile crime that includes enforcement, intervention, and prevention. These funds go directly to local communities to implement a variety of comprehensive prevention initiatives—initiatives that work.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. CUMMINGS]. He has been a valuable member of our task force who helped put this bill together, along with the gentleman from Virginia [Mr. SCOTT], the gentlewoman from California [Ms. LOFGREN] and the gentleman from Texas [Mr. STENHOLM]. The gentleman was a great addition to our team.

Mr. CUMMINGS. Mr. Chairman, the folks who support H.R. 3 just do not get it. They just do not get it.

Our children need help. They need a lot of help. They do not need a kick in the behind. A young man who was placed in a Maryland prison, 15 years old, killed himself. But just before he killed himself, he wrote a poem that is embedded in the DNA of every cell of my brain. It is entitled, ''All Cried Out.''

I'm all cried out from the pain and sorrow, Wondering if I'll live to see tomorrow. I'm tired of my feelings getting hurt. It feels like the stuff of life getting pulled over my eyes and I'm constantly in the dark. I'm all cried out and this is without a doubt. This is my fight with life and I'm at the end of my bout.

I'm a victim of society and a victim of circumstance, hoping that I'll get a second chance to prove that I am somebody instead of nobody. I've been put down, put out and even cursed out but somehow I still rise to the top.

I'm tired of crying my pain away because even after the tears are gone, I still feel the pain each and every day.

This poem is just telling people what I'm really about, but it's really to let them know that I'm all cried out.

Mr. Chairman, last week, I hosted two townhall meetings in my district of Baltimore and the overwhelming message that I received from my constituents is their overpowering fear of crime.

My constituents told me that they are afraid to walk to the bus stop to get to work—they are frightened that their homes will be burglarized. I, myself, had a shotgun pinned to the back of my head—splayed out on the sidewalk right outside my home.

And more and more, these are young people committing these crimes.

I am angry. I am angry because I feel so helpless. I didn't have an answer last weekend and I don't have one now * * * but I do know one thing—the bill we are considering today is not the answer.

I commend the authors of this bill because I recognize that juvenile crime is among the most pressing crime problems facing the Nation, and that Federal legislation addressing this problem is warranted.

However, this bill in its present form has serious and fundamental flaws.

One of my primary concerns with this bill is that it allows juveniles to be housed with adults. And even more disturbing, children that have been charged with petty offenses like shoplifting or motor vehicle violations could be held with adult inmates.

Children as young as 13 to 15 years old can be placed with adult offenders if juvenile facilities are not readily available. Children 16 years and older can be detained and mixed with adults regardless of the availability of juvenile facilities.

I know there are some in this body that are not sympathetic to this notion. They will say—if you're old enough to do the crime, you are old enough to do the time.

According to the American Psychological Association, children confined in adult institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked with a weapon than children detained in juvenile facilities.

The youthful offenders that we are treating like adults are the same kids that we saw playing hopscotch, jumping rope, and playing tag. What happened to them? Whose fault is it that they fell from grace? Who is responsible for their failures?

I understand the need to make a statement to the citizens back home and to all that are watching us today on C–SPAN across the country. I understand how polls work and the need to communicate to one's constituency about ''going to Washington and doing something about crime.'' Yes, I am cynical and this bill is not the solution.

We are ignoring prevention and early intervention programs, which are the most effective means of reducing crime. We are ignoring rehabilitation methods such as getting to these kids while they are still impressionable, allowing them to reverse the path and mistakes that they have made. Are we as a collective body going to throw away kids that are 13 or 14 or 15 years old?

I'M ALL CRIED OUT

That is the title of a poem that a young man from Maryland wrote before he killed himself.

This young man was only 15 years old. The local law enforcement authorities placed him in an adult prison for a petty offense and he wrote this poem, which was found on a scrap of paper at his feet:

ALL CRIED OUT

I'm all cried out from the pain and sorrow,
Wondering if I'll live to see tomorrow.
I'm tired of my feelings getting hurt.
It feels like the stuff of life keeps getting pulled over my eyes and I'm constantly in the dark. I'm all cried out and this is without a doubt.
This is my fight with life and I'm at the end of my bout.
I'm a victim of society and a victim of cricumstance, hoping that I'll get a second chance to prove that I am somebody instead of nobody.
I've been put down, put out and even cursed out but somehow I still rise to the top.
I'm tired of crying my pain away because even after the tears are gone,
I still feel the pain each and every day.
This poem is just telling people what I'm really about, but it's really to let them know that I'm all cried out.

Another area in which this bill fails is that it fails to deal with the problem of disproportionate minority confinement.

Although African-American juveniles age 10 to 17 constitute 15 percent of the total population of the United States, they constitute 26 percent of junvenile arrests, 32 percent of delinquency referrals to juvenile court, 41 percent of the juveniles detained in delinquency cases, 46 percent of the juveniles in correctional institutions, and 52 percent of the juveniles transferred to adult criminal court after judicial hearings.

We are doing nothing to address this serious issue. Under this legislation, we can expect to see a significant increase in the number of African-American juveniles receiving mandatory minimum sentences.

Further, this bill does not address fundamental law enforcement issues including juvenile gun use, drug use, or gang activity and prevention.

Localities and urban areas across the country are looking for guidance from the Federal Government and we are dropping the ball.

I go home every night to Baltimore and I hear it when I walk up the steps to my home, I hear it when I fill my car with gas, I hear it in the supermarket—our young people need somewhere to go and something to do.

We need to provide local governments with money to assist them in finding ways to stop the children in their communities from getting involved in crime in the first place.

We need to focus on early intervention for youth at risk of committing crimes and intervention programs for first offenders at risk of committing more serious crimes—before the juvenile becomes involved with the criminal justice system.

I'm not ready to throw these kids away and I'm not willing to vote for a bill that emanates political grandstanding without real solutions.

I urge my colleagues to vote against this bill in its present form and support the Democratic substitute.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

□ 1145

Mr. KENNEDY of Rhode Island. Mr. Chairman, the base bill, the McCollum bill, is a joke. Anybody in juvenile corrections knows it is a joke. It ignores the facts. The facts are these:

When we put kids in adult prison, guess what? They do not serve as much time because the judges do not have the heart to sentence a kid for as long as an adult. Second, if the kid is in jail, we are lucky they do not end up murdered or committing suicide, as my former colleague just said. Third, if they stay there long enough, they come out meaner and harder than you sent them in to begin with.

Now this bill is a joke because it ignores these facts, and what is more, it ignores the fundamental truth that prevention works. And if my colleagues need to talk to States attorneys and local people, probation officers, and the like, they will tell them prevention works.

Now are my colleagues serious about reducing crime or do my colleagues just want to play politics with this issue? It seems to me they just want to play politics because only 12 States will receive money on their side of the bill whereas all the States will be eligible for money with the Democratic substitute.

Vote for the Democratic substitute for real solutions to this problem.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Chairman, I am particularly troubled by the provisions of H.R. 3, and my colleagues should be too. What this is strong on is political rhetoric. What it is weak on is substance.

Early intervention, childhood developments, and prevention we know are the keys to making sure that we keep kids out of prisons and making sure that we make a better society. But what does this bill do? This bill gives bragging rights to people who can say, ''I'm putting people in prison.'' Is that really what we want to do?

The other day Jimmy Carter quoted. What he said was an uneasy feeling he had about the trend in prisons. Twenty-two years ago when he was Governor of Georgia the bragging rights of Governors were alternative sentencing program, keeping people out of prisons. Now Governors go around the country saying how many prison cells they are building, how many people they are putting behind bars.

Let us not forsake our children for the bragging rights of just building prisons. Let us be strong on crime but even stronger on crime prevention.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. BLAGOJEVICH] a new Member.

Mr. BLAGOJEVICH. Mr. Chairman, I want to thank the gentleman from Michigan for yielding this time to me. One needs about a minute to say my name. It is ''Bla-goy-a-vich.''

Mr. Chairman, I just want to comment briefly about H.R. 3 and the funding situation. It seems odd to me that 12 States will qualify for funding and 38 States will not, and when we break it down in reality, the fact of the matter is that when we consider that one-third of all murders happen in four cities, Los Angeles, New York, Chicago, and Detroit, three of those cities, none of the Federal funds would arrive, not in the northwest side of Chicago, not in the barrios of Los Angeles, nor a dime to the downtown section of Detroit. Yet under this bill, among those 12 States, it is conceivable Federal funds to fight juvenile crime could trickle down to Jackson Hole, Wyoming, and Stowe, VT.

Now, I am aware that there are juvenile problems on the ski slopes in Jackson Hole, where they like to snowboard and get in the way of skiers, but in our communities in big cities kids have assault weapons and they have handguns and they are very serious. It seems to me if this bill is going to address crime nationally, we ought to have funding available to all 50 States, particularly those communities where crimes occur.

Mr. STUPAK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

(Mrs. KENNELLY of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. KENNELLY of Connecticut. Mr. Chairman, I express my absolute opposition to H.R. 3.

Mr. Chairman, I rise in opposition to H.R. 3 and in support of the substitute before us now. The Juvenile Crime Control Act is just focused in the wrong direction. There are only 197 juveniles currently serving Federal sentences. Yet this legislation focuses on the punishment of this tiny segment of juvenile offenders, while ignoring the far greater numbers who are handled at the State and local level.

If you want to reach out to troubled youth, you have to have proven intervention strategies to stop offenders before they are entrenched in criminal activities. If you want to have a broad impact on American society, you have to work to prevent juvenile crime before it starts. Fortunately, we have experience doing these things; we know what works. But you would never know that to look at this bill.

Look instead at the substitute amendment now being offered. It targets a much larger population than H.R. 3. It is tough on violent juvenile offenders. It contains early intervention programs, and it provides local authorities with the flexibility to initiate prevention programs that work in their communities.

I urge my colleagues to support the substitute and oppose H.R. 3. Let's focus on real solutions—not rhetorical ones.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. ETHERIDGE], another new Member.

Mr. ETHERIDGE. Mr. Chairman, I rise to support the Stenholm-Stupak substitute.

Over the past several weeks I have had the opportunity to ride with extensive law enforcement officers in my district. I have ridden with police chiefs, I have ridden with sheriffs who on a daily basis put their lives on the line protecting property and protecting lives. The challenges facing these brave men and women are daunting. Each day they confront the ugly face of drugs, violence, and crime that is more serious than ever and is being committed by younger and younger individuals.

Mr. Chairman, local police officers need our help in fighting juvenile crime. They have asked me to tell Congress that they need the tools and the flexibility to respond effectively to this growing threat. This substitute is tough, but it is smart. My mother taught me a long time ago that an ounce of prevention is worth a pound of cure. I am all for locking up violent criminals, but we must also be smart enough to invest an ounce of prevention to save the costs of the heavy cure.

Mr. STUPAK. Mr. Chairman, I yield 45 seconds to the gentleman from Wisconsin [Mr. KIND].

Mr. KIND. Mr. Chairman, I thank the gentleman from Michigan for yielding this time to me.

As my colleagues know, as a former prosecutor in the State of Wisconsin I

am just trying to find some philosophical consistency with this bill. On the one hand, we are talking about it should be a State and local responsibility to teach our children, and there is very little disagreement about that. But when it comes time to punishing violent juveniles, we are saying with this bill being proposed today that Washington knows best, and perhaps one of the most troubling aspects of this entire bill is the lack of any type of oversight or review regarding prosecutorial discretion.

I am telling my colleagues as long as the criminal justice system is made up of human beings errors will be made. I wish I believed in the infallibility of prosecutors when it came to making these very important and very crucial decisions on whether or not to prosecute a child as an adult. We need some type of review process in place in order to protect against errors that are going to be made.

I do not think this bill addresses that concern. I think the substitute that is being offered does provide the tools and the resources and especially the prevention that communities need to combat juvenile crime.

I urge my colleagues today to support the substitute, to think about what we are trying to do, what we are trying to mandate on the States from Washington. Let us give the States some credit. They are doing a good job.

Mr. STUPAK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

(Ms. CHRISTIAN-GREEN asked and was given permission to revise and extend her remarks.)

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise to state my objection to H.R. 3 and my support for the Stupak amendment.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. BOYD].

Mr. BOYD. Mr. Chairman, I listened to the debate last night and listened with interest, and so this morning I went back to my office, and I called our State capital and talked to the secretary about the Department of Juvenile Justice, and I want to tell my colleagues what he says about H.R. 3.

Our State statute mandates already that adult filings, regardless of age in serious offenses, carjackings, death, rape, any kinds of issues like that. However, our statute also gives broad discretion to prosecutors to enter those juveniles into the juvenile system if they choose to based on the crime itself.

Now we went through this about 4 years ago in Florida because we had a very serious problem, and we did a major reform. We committed a quarter of a billion dollars in Florida to this reform in which we created some hard beds that we locked up violent juvenile offenders, and we also created some prevention and some rehab beds so that we could turn those young people around who were not yet hardened, and I want to tell my colleagues that this H.R. 3 undoes some of that, and Florida will not qualify under this proposal.

Mr. Chairman, I support the Stupak amendment.

Mr. STUPAK. Mr. Chairman, I reserve the balance of my time as we have one more speaker left to close.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina [Mrs. MYRICK].

Mrs. MYRICK. Mr. Chairman, I rise in strong support for H.R. 3. As a former mayor of a large city, I have been for years deeply involved in trying to solve the problems, not only of juvenile crime, but of crime in general, and also from the standpoint of looking at prevention programs as well as justice solutions. Unfortunately, our area is growing very fast, and with that comes increased juvenile crime, like the rest of the country is experiencing.

I am very sad to say as mayor I attended more funerals of 13-, 14-, and 15-year-old children than I care to remember, senseless murders and young people who did these things that I would talk to afterward who would have absolutely no remorse for their actions. This bill helps our system deal with these problems.

I also have a son who is a law enforcement officer. I spent many hours on the streets with the police and the sheriff and other people. So I come to this having had some experience with the issue.

I would like to say that the majority is not ignoring prevention. We recognize the need for prevention. However, accountability is prevention. We have got to teach children that their actions hold consequences, and many youthful offenders that face those consequences of their actions stop their criminal careers before they start a life of crime.

H.R. 3 is only a part of our effort to combat juvenile crime. The Committee on Education and the Workforce is currently working on a bill aimed directly at prevention, and it should be coming to the floor in the upcoming weeks.

I would also like to remind my colleagues that that bill is part of more than $4 billion this Federal Government is spending on at-risk and delinquent youths this year.

I also support the bill because it is not a mandate to the States, and as a former and local official I am very sensitive to that issue.

The States are not mandated to do anything by H.R. 3. They are given the incentive to reform their juvenile justice system, which is not unlike the truth in sentencing incentive grant program that provided certain grant programs for things like more prisons. That program has been successful, and so will H.R. 3.

H.R. 3 provides funds to the States who access those incentives to be used for a wide variety of juvenile crime fighting activities, building and expanding juvenile detention centers, establishing drug courts, hiring prosecutors, establishing accountability programs that work, the juvenile offenders who are referred by law enforcement agencies.

So I urge support of H.R. 3 and urge rejection of the substitute.

Mr. STUPAK. Mr. Chairman, I yield 15 seconds to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just wanted to make sure that my colleague from North Carolina understood that while this bill does not mandate taking any money North Carolina would have to make substantial changes. We do not meet 3 out of the 4 criteria that this bill sets up, and right now North Carolina, which has one of the most aggressive juvenile justice programs, would not qualify.

Mr. STUPAK. Mr. Chairman, I yield the remaining time to the gentleman from Texas [Mr. STENHOLM], who helped draft this proposal and is one of the chief sponsors, along with the gentlewoman from California [Ms. LOFGREN], the gentleman from Virginia [Mr. SCOTT], and myself.

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

Mr. STENHOLM. Mr. Chairman, this has been a good debate and a true competition of ideas. Today I find myself in the past agreeing quite often with the chairman from Florida, but today I respectfully differ with the bill that he brings to the floor and enthusiastically support the substitute.

When I first became involved in the issue of juvenile justice, I contacted judges, police chiefs, sheriffs, prosecutors, educators and other folks in my district who deal with this problem on a daily basis to ask for their input. The input I received was very useful to me in helping my colleagues craft this substitute. The folks in my district told me that we do need to get tough with juvenile offenders from the first offense, but we also need to focus on prevention efforts to deal with at risk kids before serious problems occurred. They told me that in order to truly address the problems of juvenile crime we need to focus on parents as well as kids. Most importantly, local officials that deal with juvenile crime in my district ask that they be able to develop the programs in their own communities without mandates in micro-management from the Federal or the State government.

The substitute will provide funding and technical assistance directly to local communities. Local educators who contacted my office warned me that we will never stop the cycle of juvenile delinquency without dealing with the problems of the family unit. The substitute give priorities to programs that focus on strengthening the family. The substitute will provide States with additional funds to establish detention centers for juvenile offenders that provide discipline, education, and training.

The substitute allows States, and this is the fundamental difference, the

substitute allows States to use these funds for punishment programs that are already working in their States.

By contrast, H.R. 3 requires that States comply with several Federal mandates in order to receive any Federal assistance. My State of Texas would be required to rewrite the juvenile justice legislation that Governor Bush passed with bipartisan support in the last session of the Texas Legislature in order to receive additional funds.

□ 1200

Texas has a successful program of determinant sentencing. I do not know where we get the idea that Congress knows how to deal best with juvenile crime, better than State and local officials. If my colleagues agree with me, I ask my colleagues to support the substitute.

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

Mr. Chairman, I have heard a lot of discussion from the other side about what is wrong with the underlying bill and how the substitute they are offering today would be far preferable. I think the arguments come down to really two or three things.

First of all, the other side in their substitute is arguing the emphasis should be on prevention, that this bill we bring out today should have pretime before one ever gets into any effective contact with the juvenile justice system, any delinquent act or whatever, prevention moneys, moneys for programs I presume that could go for purposes that do not have anything to do with the system.

I would suggest, as the gentlewoman from North Carolina said just a moment ago, we are going to have legislation on the floor out here in just a couple of weeks that deals with that from the Committee on Economic and Educational Opportunities. It is like apples and oranges. Nobody disagrees. We need to do both things. We need to deal with correcting a broken juvenile justice system, that this bill deals with, and we need to deal with the prevention programs. That is not, however, what this bill does. The objective is not to do prevention out here today, and therefore the underlying amendment that basically destroys the incentive grant program in this bill is a very flawed substitute.

The incentive grant program, I would remind my colleagues, is not a mandate program, it is patterned precisely after the program that has been very successful, that we passed a few years ago here in this body to provide incentive grants to States to change their laws to require those who are going through the revolving door, those violent felons, to serve at least 85 percent of their sentence.

At the time that we passed that grant program, States like Illinois that was cited earlier, did not qualify. There were only six States that qualified for money under that program. I do not think there were any more than 6 States, although I heard the number 12 mentioned, who qualified for the money, but there may be more that qualify for the money in this bill than they did for that program.

But now, today, more than half the States are receiving money, qualified, changed their laws and are receiving money under that truth-in-sentencing program because they are requiring the violent felons in that State to serve at least 85 percent of their sentences.

The fact that we do not have a bunch of States qualifying, North Carolina or Florida or whatever, is no reason to vote against this bill, no reason to vote for the substitute. In fact, it is the essence of this bill. It is the essence, that we want these States to correct a broken juvenile justice system.

I challenge anybody; there are a lot of Members out here saying today that their States have wonderful juvenile justice systems. I went all over the country, had six regional hearings, had every State represented, every State represented over the last 2 years, and that is not what I heard. I heard every State juvenile justice authority telling me that they had huge problems with their system, and this is the kind of stuff in the underlying bill that we need to correct.

Last but not least, why my colleagues should vote against this substitute that guts the underlying incentive grant program in this bill is that it also guts the Federal reform, the program reforms for those juvenile cases we want to bring.

It is weaker on a very critical item, and that is gang warfare. The Justice Department has asked, and we put in this bill, provisions that would allow more flexibility in cases where we have major gang problems in cities for the Federal prosecutors to get in there and prosecute, help the local authorities prosecute in the Federal system juveniles where we need to have them prosecuted in that system, and then spread them all around across the country.

That flexibility, that opportunity, that ability to get at the gangs in that way in the Federal system on a limited basis would be taken out by the substitute amendment. I do not know if the authors of it realized they were doing that or not, but they did. As a result of that, it has weakened considerably the tough provisions in this bill that would let us get at the truly violent juveniles.

Let me tell my colleagues, there are violent juveniles. Fortunately there are very few. Most kids are good kids. The essence of what we are doing today is to try to fix the juvenile justice system so that the very bad are removed from society because they commit the most heinous of crimes that we have here. We need to be tough with them, but we allow that choice at the State level to be made, we do not dictate, prosecute if they want at that level. But we also get at the young, first-time offender that really is not getting any sanction today and is not being held accountable and does not realize the consequences.

Vote ''no'' on the substitute and sustain the underlying bill that puts consequence back into the juvenile justice systems of the Nation

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. STUPAK].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 224, answered ''present'' 1, not voting 8, as follows:

[Roll No. 111]

AYES—200

Ackerman	Gonzalez	Mollohan
Allen	Gordon	Moran (VA)
Andrews	Green	Morella
Baldacci	Gutierrez	Murtha
Barcia	Hall (OH)	Nadler
Barrett (WI)	Hall (TX)	Neal
Becerra	Hamilton	Oberstar
Bentsen	Harman	Obey
Berman	Hastings (FL)	Olver
Berry	Hilliard	Ortiz
Bishop	Hinchey	Owens
Blagojevich	Hinojosa	Pallone
Blumenauer	Holden	Pascrell
Bonior	Hooley	Pastor
Borski	Hoyer	Payne
Boswell	Jackson (IL)	Pelosi
Boucher	Jackson-Lee (TX)	Petri
Boyd	Jefferson	Pickett
Brown (CA)	John	Pomeroy
Brown (FL)	Johnson (WI)	Poshard
Brown (OH)	Johnson, E. B.	Price (NC)
Campbell	Kanjorski	Rahall
Capps	Kaptur	Rangel
Cardin	Kennedy (MA)	Reyes
Carson	Kennedy (RI)	Rivers
Clayton	Kennelly	Rodriguez
Clement	Kildee	Roemer
Clyburn	Kilpatrick	Rothman
Condit	Kind (WI)	Roybal-Allard
Conyers	Kleczka	Rush
Coyne	Klink	Sabo
Cummings	Kucinich	Sanchez
Danner	LaFalce	Sanders
Davis (FL)	Lampson	Sandlin
Davis (IL)	Lantos	Sawyer
DeFazio	Levin	Schumer
DeGette	Lewis (GA)	Scott
Delahunt	Lipinski	Serrano
DeLauro	Lofgren	Sherman
Dellums	Lowey	Sisisky
Deutsch	Luther	Skaggs
Dicks	Maloney (CT)	Skelton
Dingell	Maloney (NY)	Slaughter
Dixon	Manton	Smith, Adam
Doggett	Markey	Snyder
Dooley	Martinez	Spratt
Doyle	Mascara	Stabenow
Edwards	Matsui	Stark
Ehlers	McCarthy (MO)	Stenholm
Engel	McCarthy (NY)	Stokes
Ensign	McDermott	Strickland
Eshoo	McGovern	Stupak
Etheridge	McHale	Tanner
Evans	McIntyre	Tauscher
Farr	McNulty	Thompson
Fattah	Meehan	Thurman
Fazio	Meek	Tierney
Flake	Menendez	Torres
Foglietta	Millender-McDonald	Towns
Ford	Miller (CA)	Turner
Frank (MA)	Minge	Velazquez
Frost	Mink	Vento
Furse	Moakley	Visclosky
Gejdenson		Waters
Gephardt		Watt (NC)

Waxman	Wise	Yates
Wexler	Woolsey	
Weygand	Wynn	

NOES—224

Aderholt	Gilchrest	Pappas
Archer	Gillmor	Parker
Armey	Gilman	Paul
Bachus	Goode	Paxon
Baesler	Goodlatte	Pease
Baker	Goodling	Peterson (MN)
Ballenger	Goss	Peterson (PA)
Barr	Graham	Pitts
Barrett (NE)	Granger	Pombo
Bartlett	Greenwood	Porter
Barton	Gutknecht	Portman
Bass	Hansen	Pryce (OH)
Bateman	Hastert	Quinn
Bereuter	Hastings (WA)	Radanovich
Bilbray	Hayworth	Ramstad
Bilirakis	Hefley	Regula
Bliley	Herger	Riggs
Blunt	Hill	Riley
Boehlert	Hilleary	Rogan
Boehner	Hobson	Rogers
Bonilla	Hoekstra	Rohrabacher
Bono	Horn	Ros-Lehtinen
Brady	Hostettler	Roukema
Bryant	Houghton	Royce
Bunning	Hulshof	Ryun
Burr	Hunter	Salmon
Burton	Hutchinson	Sanford
Buyer	Hyde	Saxton
Callahan	Inglis	Scarborough
Calvert	Istook	Schaefer, Dan
Camp	Jenkins	Schaffer, Bob
Canady	Johnson (CT)	Sensenbrenner
Cannon	Johnson, Sam	Sessions
Castle	Jones	Shadegg
Chabot	Kasich	Shaw
Chambliss	Kelly	Shays
Chenoweth	Kim	Shimkus
Christensen	King (NY)	Shuster
Coble	Kingston	Skeen
Coburn	Klug	Smith (MI)
Collins	Knollenberg	Smith (NJ)
Combest	Kolbe	Smith (OR)
Cook	LaHood	Smith (TX)
Cooksey	Largent	Smith, Linda
Cox	Latham	Snowbarger
Cramer	LaTourette	Solomon
Crane	Lazio	Souder
Crapo	Leach	Spence
Cubin	Lewis (KY)	Stearns
Cunningham	Linder	Stump
Davis (VA)	Livingston	Sununu
Deal	LoBiondo	Talent
DeLay	Lucas	Tauzin
Diaz-Balart	Manzullo	Taylor (MS)
Dickey	McCollum	Taylor (NC)
Doolittle	McCrery	Thomas
Dreier	McDade	Thornberry
Duncan	McHugh	Thune
Dunn	McInnis	Tiahrt
Ehrlich	McIntosh	Traficant
Emerson	McKeon	Upton
English	Metcalf	Walsh
Everett	Mica	Wamp
Ewing	Miller (FL)	Watkins
Fawell	Molinari	Watts (OK)
Foley	Moran (KS)	Weldon (FL)
Forbes	Myrick	Weldon (PA)
Fowler	Nethercutt	Weller
Fox	Neumann	White
Franks (NJ)	Ney	Whitfield
Frelinghuysen	Northup	Wicker
Gallegly	Norwood	Wolf
Ganske	Nussle	Young (AK)
Gekas	Oxley	Young (FL)
Gibbons	Packard	

ANSWERED ''PRESENT''—1

Abercrombie

NOT VOTING—8

Clay	Hefner	Pickering
Costello	Lewis (CA)	Schiff
Filner	McKinney	

□ 1227

Mr. CRAMER changed his vote from ''aye'' to ''no.''

Mr. HALL of Texas changed his vote from ''no'' to ''aye.''

Ms. WATERS changed her vote from ''present'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 105–89.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment,

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. WATERS:

Page 4, beginning in line 15, strike ''that felony'' and all that follows through line 18 and insert ''a serious violent felony.''.

Page 6, beginning in line 15 strike ''or a conspiracy'' and all that follows through ''846'' in line 18.

Page 6, beginning in line 23, strike ''or a conspiracy'' and all that follows through line 2 on page 7 and insert a period.

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from California [Ms. WATERS] and a Member opposed, the gentleman from Florida [Mr. MCCOLLUM] will each control 5 minutes.

The Chair recognizes the gentlewoman from California [Ms. WATERS].

□ 1230

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

Mr. Chairman, my amendment would delete in H.R. 3 the provision that requires the prosecution as adults of juveniles who are charged with conspiracy to commit drug crimes under the Controlled Substance Act and the Controlled Substance Import and Export Act. H.R. 3 would for the first time allow juveniles to be prosecuted for conspiracy and result in another attempt to ensnare our youth into the criminal justice system.

For those who consider ourselves proyouth or supportive of families, this huge new prosecutorial device should cause great alarm. Young people often do not have the ability to protect themselves from those situations which lead to conspiracies in criminal activity. Juveniles are not wise enough to pick up and understand that they may be used. The application of conspiracy laws to young people who may not have the common sense, experience, or awareness to know that they are in danger is a terrible idea. Sophisticated criminals are experts in manipulating inexperienced and naive people in general and youth in particular. Our goal should be to protect our young people from these older and sophisticated criminals, not punish them for finding themselves at the wrong place at the wrong time.

The fact is that many of our young people live in communities where drugs and gangs are indeed prevalent. Conspiracy as defined in this legislation would put many young people at risk for prosecution by simply visiting their next-door neighbor in a particular apartment building or housing project or by visiting a popular hangout that may be frequented by people who are doing wrong. College students living in a dormitory would be subject to conspiracy charges defined in this bill. Many of our youth live in surroundings that put them at risk every day. Instead of creating more elaborate ways to prosecute these young people, we should be exploring ways to give them the resources and the skills to create better opportunities for their lives.

This bill would expand the concept of guilt by association of many of our youth.

I urge Members' support for this most important amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. CONYERS], ranking member of the Committee on the Judiciary.

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

The amendment that the gentlewoman offers would strike the language in this bill which allows juveniles to be prosecuted as adults for the purposes of a conspiracy to commit a drug offense. I would suggest that a 16-year-old who is sitting in the back of a room planning an operation of major drug trafficking proportions is in more need of being prosecuted and tried for that than perhaps the street runners that he is directing. The conspiracy is what he is involved with though he may never touch physically a single quantity of drugs but he plans it. He is the mastermind. Sadly, that is what often does happen. Gangs are conspiracies. We all know the trade of gangs are drugs. Prosecuting gang members for conspiracy to commit drug crimes is at the heart of what it takes to undo the viselike grip gangs have on all too many of our Nation's children.

A conspiracy charge is a critical tool for prosecutors. Without it we will never be able to attack gangs themselves. The Waters amendment simply serves to further protect gang members from Federal prosecution, which is one of the primary thrusts of this bill, is to open up the opportunity on limited occasions for the Federal prosecutors to tackle gangs. A conspiracy requires an agreement. It is not something ominous; it has been around Federal law forever and State law. It is a traditional part of all criminal law. A conspiracy requires an agreement to commit a crime and an act in furtherance of the conspiracy. This is the law in every Federal courtroom in America.

It is also true that every conspirator must knowingly engage in the conspiracy. Answering a phone call or simply being in the same house as the conspirators is not good enough. Ironically, the effect of this amendment that the gentlewoman from California [Ms. WATERS] offers will be to hamper Federal prosecution of those juveniles who are actively organizing and running the sale of drugs but who are also crafty enough to avoid any actual distribution of the drugs.

The Waters amendment will simply insulate any juvenile leaders and planners of the drug rings from prosecution. The Supreme Court has recognized the vital significance of the conspiracy tool. Justice Felix Frankfurter wrote in Callanan versus the United States:

> Concerted action both increases the likelihood that the criminal object will be successfully attained and decreases the probability that the individuals involved will depart from their path of criminality. Combination in crime also makes more likely the commission of crimes unrelated to the original purpose for which the group was formed. In sum, the danger which a conspiracy generates is not confined to the substantive offense which is the immediate aim of the enterprise.

I urge a ''no'' vote on the amendment.

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

The CHAIRMAN. Without objection, the gentleman from Michigan [Mr. CONYERS] controls the time in support of the amendment.

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman for yielding to me.

Now we have it, folks, now we have it. Remember we were just hearing a few moments ago about these particularly heinous crimes that we needed to lock these kids up for good, wave them into the adult system because the system needed to be corrected. Remember all that rhetoric.

Now we are talking about what they are really after: putting conspirators, kids, 14 years old, 8th grade, in Federal court. I mean, just now, can we understand where they are going? They are playing politics with kids. It is wrong. We need to pass this amendment.

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

This amendment is probably fundamental to the whole juvenile justice bill because now we are going to take the last resort of prosecutors: When there is nothing left, you cannot get any substantive case, you can always tack on a conspiracy charge, always. Now we are going to go to 13-year-olds and 14-year-olds to nail them.

Well, one picks up his big brother's phone, and it is a drug something going on, and the kid picks up the phone. The phone is tapped. He is brought in with his brother. He says: Well, I do not even know what you are talking about. They say: Well, kid, you were not in on the drug deal but you were in on the planning of it because we have got your voice on the phone.

Get him out of that, Mr. Chairman. We cannot get him out of that because the prosecutor does not have anything else to get him on.

Now we are stooping to the lowest statutory tactic that prosecutors frequently, not all of them, but frequently use.

How could we not support the amendment of the gentlewoman from California?

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

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 30 seconds remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 2½ minutes remaining.

Mr. MCCOLLUM. Mr. Chairman, I believe I have the right to close, and I reserve the balance of my time.

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

Under the legislation, if a 14-year-old commits conspiracy, they can be tried as an adult. That is the other part of this. Not only do we nail a kid on conspiracy, but under the McCollum bill, the base bill, he will be tried as an adult. Guess what kind of sentences we are talking about when an adult gets nailed for conspiracy? Mandatory minimums kick in. Nice going, nice going.

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

What we have been listening to is a discussion by those who I understand do not agree with the conspiracy as a part of criminal law particularly as it pertains to younger people for reasons that they have, and I guess I respect that. But I just do not agree with it. The bottom line is that the Justice Department has asked us to have the type of revisions that are in our bill. They support keeping the conspiracy in for a 14-year-old who is committing the kind of crime that we are trying to get at here, a drug-related crime, which this is; 15-year-old, 16-year-old, if that person is sitting in the back of the room is the organizer and director of a major criminal enterprise, drug trafficking enterprise in large quantities of drugs, which is frequently the case, he or she is actually the one we really want to get at, even though they may not actually put their hands on the drugs at all. In order to get at them, we have to have the conspiracy law. It is a traditional law.

The word ''conspiracy'' conjures up all kinds of images and so on, but this has been in common law from the days of England. It has been in our criminal statutes in the States and Federal system forever and ever. It is a fundamental part of criminal law that allows prosecutors in their discretion to be able to get at those like gang members who are involved in plotting the process, directing the process, even though they themselves may not go out and carry out the ultimate crime of moving the drugs themselves directly.

Mr. Chairman, I think that we would be very wrong if we took this out and prohibited Federal prosecutors from doing what they should be able to do at any age group where we are involved with this. This, by the way only applies, this amendment and the underlying bill, to the reforms and the things and changes we are making in the Federal juvenile justice proceedings. This has nothing to do with the States. The amendment does not and this portion of the debate does not.

So everybody is clear about it, we are talking about restricting by the Waters amendment, restricting Federal prosecutors from being able to go after gang leaders in gangs in the cities when they are dealing in drugs, which mostly is what the gangs do. That is wrong. It is wrong. They should be able to prosecute them, and they should be able to prosecute them as adults; and the conspiracy theory is the only way they can get at them.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

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

Ms. WATERS. Mr. Chairman, would the gentleman agree first of all that this is not limited to drugs, this is limited to all of the crimes that is identified trying juveniles as adults? And would the gentleman agree that, if a 14-year-old sits around a table with five or six other people and talks about——

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, the amendment applies to all drug cases. My colleague's amendment only applies to them, not anything else. It is a conspiracy, and it will undermine the right for gang's prosecution. I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. WATERS].

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

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote and, pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentlewoman from California [Ms. WATERS] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 3 printed in House Report 105–89.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 3 offered by Mr. CONYERS: Page 4, beginning in line 24, strike ''if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General.'' and insert '', upon approval of the Attorney General, if the juvenile is alleged to have committed, after the juvenile has attained the age of 13 years and before the juvenile has attained the age of 14 years, an act which if committed by an adult would be an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a), or 2241(c) of this title.''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from

Michigan [Mr. CONYERS] and a Member opposed will each control 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, I claim the 5 minutes in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

What we do here is try to deal with the problem of 13-year-olds in this juvenile justice bill. This is really a crime bill. The only reason this is called the juvenile bill is because we are dealing with kids. But the whole idea is to bring them into the criminal justice process.

In a word, what we try to stop the McCollum base bill from achieving is to allow the prosecutors to determine which 13-year-olds will be prosecuted for any felony, any felony.

I stand here as one that says there are some crimes that 13-year-olds should be prosecuted for, but not any felony.

□ 1245

And therein lies the difference. And certainly not to let the prosecutor unilaterally determine who is going to be tried. Where is the judge?

And so for that reason, I merely strike the provisions in H.R. 3 that would allow 13-year-olds to be tried as adults at the discretion of the prosecutor for any felony.

For goodness sakes, what is going on here? Why do we need this? Judges and prosecutors can try 13-year-olds now under the Federal law, under the Federal crime bill of 1994. The gentleman from Florida passed it. It was his bill, so he knows what is in it.

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

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

Mr. Chairman, I strongly oppose the Conyers amendment because it weakens H.R. 3 and takes us back to current law with respect to juvenile offenders who are 13 or older and commit extremely violent and serious crimes.

Current law provides that a juvenile 13 years of age or older may be prosecuted as an adult at the discretion of the prosecutor if the juvenile is alleged to have committed, on Federal property, murder, assault with intent to commit murder, assault with intent to commit a felony, or while in the possession of a firearm is alleged to have committed a robbery, bank robbery or aggravated sexual abuse. That is current law.

As such, the current law creates the anomaly of being able to prosecute such a juvenile as an adult when he has committed a robbery on Federal lands with a firearm, but not a rape committed at knife point on Federal lands. In other words, current law fails to include several extremely violent crimes.

The underlying bill that the gentleman from Michigan would strike the provision from provides that a juvenile 13 years of age or older may be prosecuted, it is permissible but not mandatory, as an adult at the discretion of the prosecutor if the juvenile is alleged to have committed a serious violent felony or a serious drug offense.

These terms include such heinous crimes as murder, manslaughter, assault with intent to commit murder or rape; aggravated sexual abuse, abusive sexual contact; kidnapping; robbery, carjacking; arson; or any attempt, conspiracy, or solicitation to commit one of these offenses; any crime punishable by imprisonment for a maximum of 10 years or more that involves the use or threatened use of physical force against another; the manufacturing, distributing or dispensing of 1 kilogram or more of heroin, 5 kilograms or more of cocaine, 50 grams or more of crack, 100 grams or more of PCP, 1,000 kilograms of marijuana, or 100 grams of methamphetamine, which are huge quantities of these; and the drug kingpin offense under section 848 of title 18.

The President's bill recommended these crimes be listed and be made available for prosecution for 13-year-olds. So I think if my colleagues think as I do, that prosecutors should have the discretion to prosecute 13-year-olds for manslaughter, all rape offenses, arson, carjacking, then Members should vote no on the Conyers amendment.

If my colleagues strongly oppose, as I do, the Conyers amendment, I hope they will vote ''no.''

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

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

If my colleagues think as I do, we will leave the Federal law alone, which already allows the enumerated crimes in the Federal crime bill of 1994 that now gives the prosecutor the option on major crimes, murder, attempted murder, possessing firearms during an offense, aggravated sexual abuse, robbery, and bank robbery. We already have those crimes.

Now, what is the point? Is giving 13-year-olds adult sentences at the discretion of the prosecutor going to reduce juvenile crime in the United States? Well, I guess if 13-year-olds are reading the Federal criminal statute and realize what the McCollum provision will do, quite likely some of them will not do it.

Please, why are we going to this clinical obsession with getting kids? For what purpose? For what satisfaction? For what national Federal objective? For what purpose? To reduce crime in America? Well, of course, there is not any.

By what authority do we even dare bring this provision up? Any quotes, any reports, any studies, any Department of Justice? None. It is just that the chairman of the Subcommittee on Crime feels this would be a good way to get more 13-year-olds. Try them as adults. A questionable theory in and of itself.

And that way, then give the prosecutor. What about the judge? Federal judges, what do they know? Give it to the U.S. prosecutor and let him build his rep and in that way we will fight juvenile crime in the United States. I think that is not sick, but not healthy either.

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

Mr. MCCOLLUM. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 2½ minutes remaining.

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

I think something needs to be clearly explained in this process and that is simply that the law today reads that assault with intent to commit murder and some other things are clearly something that the prosecutors have the discretion to prosecute, and that the issue here is what are we going to give them in addition to that.

As I said earlier, there is a hole in the law. The fact of the matter is, assault with intent to commit murder, assault with intent to commit a felony, or while in the possession of a firearm, et cetera, to commit robbery, bank robbery, or aggravated sexual abuse, the Federal prosecutors already have the right to prosecute a juvenile if they want to for those things, 13 years of age or older.

We are simply spelling out some of the loopholes they have in here so that for kidnapping and carjacking and arson, and some other very, very bad crimes, that the prosecutors have that discretion to do it.

I am opposed very strongly to the Conyers amendment, and I would urge my colleagues to oppose that amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

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

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

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentleman from Michigan [Mr. CONYERS] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 143, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 2 offered by the gentlewoman from California [Ms. WATERS], and amendment No. 3 offered by the gentleman from Michigan [Mr. CONYERS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The CHAIRMAN. The pending business is the demand for a recorded vote

on amendment No. 2 offered by the gentlewoman from California [Ms. WATERS], on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 320, not voting 13, as follows:

[Roll No. 112]

AYES—100

Abercrombie	Gephardt	Nadler
Allen	Gonzalez	Oberstar
Baldacci	Gutierrez	Obey
Barrett (WI)	Hastings (FL)	Olver
Becerra	Hilliard	Owens
Bishop	Hinchey	Pallone
Blumenauer	Hinojosa	Payne
Bonior	Jackson (IL)	Pelosi
Borski	Jackson-Lee (TX)	Rahall
Brown (CA)	Jefferson	Rangel
Brown (FL)	Johnson (WI)	Rohrabacher
Capps	Johnson, E.B.	Rothman
Carson	Kennedy (RI)	Roybal-Allard
Clayton	Kennelly	Rush
Clyburn	Kilpatrick	Sabo
Conyers	Lantos	Sanders
Coyne	Lewis (GA)	Scott
Cummings	Lofgren	Serrano
Davis (IL)	Maloney (NY)	Slaughter
DeFazio	Markey	Stabenow
DeGette	Martinez	Stark
Delahunt	Matsui	Stokes
Dellums	McDermott	Thompson
Dixon	McGovern	Thurman
Evans	Meek	Towns
Farr	Millender-McDonald	Velázquez
Fattah	Miller (CA)	Vento
Fazio	Minge	Waters
Flake	Mink	Watt (NC)
Foglietta	Moakley	Waxman
Ford	Mollohan	Weygand
Frank (MA)	Morella	Woolsey
Furse	Oberstar	Wynn
Gejdenson	Olver	Yates

NOES—320

Ackerman	Calvert	Dreier
Aderholt	Camp	Duncan
Andrews	Campbell	Dunn
Archer	Canady	Edwards
Armey	Cannon	Ehlers
Bachus	Cardin	Ehrlich
Baesler	Castle	Emerson
Baker	Chabot	Engel
Ballenger	Chambliss	English
Barcia	Chenoweth	Ensign
Barr	Christensen	Eshoo
Barrett (NE)	Clement	Etheridge
Bartlett	Coble	Everett
Barton	Coburn	Ewing
Bass	Collins	Fawell
Bateman	Combest	Foley
Bentsen	Condit	Forbes
Bereuter	Cook	Fowler
Berman	Cooksey	Fox
Berry	Cox	Franks (NJ)
Bilbray	Cramer	Frelinghuysen
Bilirakis	Crane	Frost
Blagojevich	Crapo	Gallegly
Blunt	Cubin	Ganske
Boehlert	Cunningham	Gekas
Boehner	Danner	Gibbons
Bonilla	Davis (FL)	Gilchrest
Bono	Davis (VA)	Gillmor
Boswell	Deal	Gilman
Boucher	DeLauro	Goode
Boyd	DeLay	Goodlatte
Brady	Deutsch	Goodling
Brown (OH)	Dickey	Gordon
Bryant	Dicks	Goss
Bunning	Dingell	Graham
Burr	Doggett	Granger
Burton	Dooley	Green
Buyer	Doolittle	Greenwood
Callahan	Doyle	Gutknecht
Hall (OH)	Mascara	Sandlin
Hall (TX)	McCarthy (MO)	Sanford
Hamilton	McCarthy (NY)	Sawyer
Hansen	McCollum	Saxton
Harman	McCrery	Schaefer, Dan
Hastert	McDade	Schaffer, Bob
Hastings (WA)	McHale	Schumer
Hayworth	McHugh	Sensenbrenner
Hefley	McInnis	Sessions
Herger	McIntosh	Shadegg
Hill	McIntyre	Shaw
Hilleary	McKeon	Shays
Hobson	McNulty	Sherman
Hoekstra	Meehan	Shimkus
Holden	Menendez	Shuster
Hooley	Metcalf	Sisisky
Horn	Mica	Skaggs
Hostettler	Miller (FL)	Skeen
Houghton	Molinari	Skelton
Hoyer	Moran (KS)	Smith (MI)
Hulshof	Moran (VA)	Smith (NJ)
Hunter	Murtha	Smith (OR)
Hutchinson	Myrick	Smith (TX)
Hyde	Neal	Smith, Adam
Inglis	Nethercutt	Smith, Linda
Istook	Neumann	Snowbarger
Jenkins	Ney	Snyder
John	Northup	Solomon
Johnson (CT)	Norwood	Souder
Johnson, Sam	Nussle	Spence
Jones	Ortiz	Spratt
Kanjorski	Oxley	Stearns
Kaptur	Packard	Stenholm
Kasich	Pappas	Strickland
Kelly	Parker	Stump
Kennedy (MA)	Pascrell	Stupak
Kildee	Pastor	Sununu
Kim	Paul	Talent
Kind (WI)	Paxon	Tanner
King (NY)	Pease	Tauscher
Kingston	Peterson (MN)	Tauzin
Kleczka	Petri	Taylor (MS)
Klink	Pickett	Taylor (NC)
Klug	Pitts	Thomas
Knollenberg	Pombo	Thornberry
Kolbe	Pomeroy	Thune
Kucinich	Porter	Tiahrt
LaFalce	Portman	Tierney
LaHood	Poshard	Torres
Lampson	Price (NC)	Traficant
Largent	Pryce (OH)	Turner
Latham	Quinn	Upton
LaTourette	Radanovich	Visclosky
Lazio	Ramstad	Walsh
Leach	Regula	Wamp
Levin	Reyes	Watkins
Lewis (CA)	Riggs	Weldon (FL)
Lewis (KY)	Riley	Weldon (PA)
Linder	Rivers	Weller
Lipinski	Rodriguez	Wexler
Livingston	Roemer	White
LoBiondo	Rogan	Whitfield
Lowey	Rogers	Wicker
Lucas	Ros-Lehtinen	Wise
Luther	Roukema	Wolf
Maloney (CT)	Royce	Young (AK)
Manton	Ryun	Young (FL)
Manzullo	Salmon	

NOT VOTING—13

Bliley	Hefner	Scarborough
Clay	McKinney	Schiff
Costello	Peterson (PA)	Watts (OK)
Diaz-Balart	Pickering	
Filner	Sanchez	

□ 1314

The Clerk announced the following pairs:

On this vote:

Mr. Filner for, Mr. Diaz-Balart against.

Ms. McKinney for, Mr. Scarborough against.

Messrs. HEFLEY, MCNULTY, TORRES, STUPAK, TAUZIN, TIERNEY, STRICKLAND, NEAL of Massachusetts, and Mrs. CUBIN changed their vote from ''aye'' to ''no.''

Mr. MINGE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Mr. Chairman, on rollcall No. 112, I was inadvertently detained. Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. CONYERS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 288, not voting 16, as follows:

[Roll No. 113]

AYES—129

Abercrombie	Gutierrez	Pelosi
Ackerman	Hastings (FL)	Petri
Allen	Hilliard	Pickett
Barrett (WI)	Hinchey	Pomeroy
Becerra	Hinojosa	Price (NC)
Berman	Jackson (IL)	Rahall
Berry	Jackson-Lee (TX)	Rangel
Bishop	Jefferson	Rivers
Blumenauer	Johnson (WI)	Roukema
Bonior	Johnson, E. B.	Roybal-Allard
Brown (CA)	Kennedy (MA)	Rush
Brown (FL)	Kennedy (RI)	Sabo
Brown (OH)	Kennelly	Sanders
Buyer	Kilpatrick	Sandlin
Capps	LaFalce	Sawyer
Carson	Lampson	Scott
Clayton	Lantos	Serrano
Clyburn	Lewis (GA)	Skaggs
Conyers	Lofgren	Slaughter
Coyne	Maloney (NY)	Snyder
Cummings	Markey	Spratt
Davis (FL)	Martinez	Stabenow
Davis (IL)	McCarthy (MO)	Stark
DeFazio	McDermott	Stokes
DeGette	McGovern	Strickland
Delahunt	McNulty	Stupak
Dellums	Meehan	Thompson
Dixon	Meek	Thurman
Doggett	Millender-McDonald	Tierney
Duncan	Miller (CA)	Torres
Ehlers	Minge	Towns
Eshoo	Mink	Velazquez
Evans	Moakley	Vento
Farr	Mollohan	Visclosky
Fattah	Moran (VA)	Waters
Fazio	Neal	Watt (NC)
Flake	Oberstar	Watts (OK)
Foglietta	Obey	Waxman
Ford	Olver	Weygand
Franks (NJ)	Owens	Wise
Furse	Pastor	Woolsey
Gejdenson	Payne	Wynn
Gephardt		Yates
Gonzalez		

NOES—288

Aderholt	Baesler	Barrett (NE)
Andrews	Baker	Bartlett
Archer	Baldacci	Barton
Armey	Ballenger	Bass
Bachus	Barcia	Bateman

Bentsen
Bereuter
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Barr
Bliley
Clay
Costello
DeLay
Diaz-Balart
Filner
Frank (MA)
Hansen
Hefner
McKinney
Nadler
Pickering
Sanchez
Scarborough
Schiff

□ 1323

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Diaz-Balart against.

Mr. GORDON changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. Hansen. Mr. Chairman, on rollcall No. 113, I was inadvertently detained. Had I been present, I would have voted ''no.''

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 105–89.

AMENDMENT NO. 4 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SCOTT:
Page 22, strike lines 14 through 16.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Virginia [Mr. SCOTT] and a Member opposed will each control 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, I request the 5 minutes in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, the bill, underlying bill, authorizes $500 million a year in spending. This amendment strikes prison construction as allowable use of the money.

Mr. Chairman, this is for two reasons. First, $500 million nationally in prison construction cannot have any effect on crime. For example, Virginia is in the process of spending almost $1 billion a year on new prisons over the next 10 years. If all of Virginia shared this money, that is, if we qualified, which we do not, but if all the money were used in prisons, instead of $1 billion a year we would be spending $1.01 billion a year on prisons, obviously not enough to cause a difference in crime that anybody would notice.

The second reason, Mr. Chairman, is that if we used up the money on prisons, there would not be anything left over for the other worthwhile uses of the money.

Mr. Chairman, we already lock up more people than anywhere else on Earth. Some communities have more young men in jail than in college, and several States already spend more money for prisons than higher education. So States do not need the encouragement to build prisons, they need encouragement to spend money on other initiatives where little money can actually make a difference in public safety.

So, Mr. Chairman, I hope this House will adopt the amendment.

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

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

Mr. Chairman, the amendment of the gentleman from Virginia [Mr. SCOTT] would strike the provision which allows States and localities to use the block grant funds in the bill for building, operating, and expanding juvenile correction and detention facilities. These are not prisons, these are juvenile correction and detention facilities, and we are really short on those in many of the States.

We went around the country, had several big meetings with juvenile authorities all over the country over the past couple of years, and what they want are more tools, they want more probation officers; in some cases, more judges, more social workers, and, yes, more juvenile detention facilities because we want these juveniles to be housed separately from adults. But when they commit serious offenses, then we need to detain them.

So it is not practical to strike this from the bill. It is part of the discretion. We take away some discretion, the States would not have any money to be able to build any more detention facilities when we want them to do that, and it is an essential part of correcting the broken juvenile justice system. There is some price to house the juveniles separate and apart from prisons where only adult prisoners are housed.

So I urge a no vote ''on'' this.

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

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana [Ms. CARSON].

Ms. CARSON. Mr. Chairman, I rise to support enthusiastically the amendment of the gentleman from Virginia [Mr. SCOTT]. As he has indicated, building prisons is the fastest growing business in the United States. We are very willing and generously spending money to build new jails and prisons, and we are annihilating any possibility for potential criminals to have an opportunity to be educated.

It is my express opinion based on the facts of this bill that we should be earmarking money for prevention and for allowing people access to education. We spend $40,000 a year for one individual in institutionalizing them instead of giving them an educational opportunity.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

□ 1330

Mr. CUNNINGHAM. Mr. Chairman, I laud the gentleman from Virginia [Mr. SCOTT]. He and I have worked on the Committee on Education and the Workforce, and if the gentleman from Virginia [Mr. SCOTT] could listen for a moment, I do not have time to yield, but I would like the gentleman to really listen to what I have to say, because

I have worked with the gentleman on the committee.

Let me tell my colleagues what some of our frustrations are. The amendments and the substitute focus on programs that are working from my colleagues' side. We find ourselves in a very critical situation today, and we find that in many cases it is not working.

Many of us, and I have had Members from the other side come across, a lot of us have personal problems with our own children that we are looking at. Do we want our children in prison systems? No. We want them in a boot camp where they can be taken care of where there are counselors, and not even juveniles, but maybe a first-time offender that we can reach out to.

However, we have been stymied, and I would like to go over a few of those frustrations. I have just met with the police chief in the District of Columbia, and yet there has been very little activity between law enforcement and the schools and the education systems. New York came and testified before the Subcommittee on the District of Columbia, but yet the school systems are a disaster in New York; but they have cleaned up the law enforcement. We need the gentleman from Virginia's help on that, because these are all pieces of the puzzle that we are trying to work on.

In education, the comment is we are trying to take the Federal Government out of it and let it do it on a State level, but yet every day we fight the same battle from our side trying to take the power out of Washington and back down. In education, a classic example, we get less across the country than about 50 cents on a dollar down to our education programs, and that is a key part of law enforcement and especially juvenile justice, but yet we cannot break that.

When we talk about jails, in California, I would tell the gentleman from Virginia [Mr. SCOTT], we have 18,000 to 22,000 illegal felons, illegals, just in our prison system. We would not have to build any more prisons if we could get help on the illegal immigration.

When we talk about the State level, Proposition 187, which about two-thirds of the Californians voted for, would have taken care of that; yet a single Federal judge overruled the wishes of two-thirds of the Californians.

We have in the State of California over 400,000 illegals in our education system. At $5,000 a year, that is $2 billion a year. All of these are symptomatic of problems that we have. These are the kinds of things and the pieces of the puzzle, not just this particular bill, that my colleagues' side of the aisle is very concerned about, and so are we. But understand the frustrations that we have, and we are trying to fight for these things, knowing that they are a piece of that puzzle and we cannot get support for it.

The welfare bill, 16 years average, and those children having two and three babies. What happens to those children? They are the ones we are talking about, because they end up in the gangs and having the problems. We need help on that, and that is why it is so important to us. I think we can work together a lot better than we have on these things; and I do oppose the gentleman's bill, but I would like to work with him.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. FORD], the youngest Member of the U.S. House, to speak on the juvenile justice bill.

Mr. FORD. Mr. Chairman, I thank the gentleman. Let me say that this piece of legislation sends a perverse message, Mr. Chairman, to young people in our gallery and young people throughout this Nation.

As we talk about, as the gentleman from Florida [Mr. MCCOLLUM] did in this morning's newspaper, national leadership on the issue of juvenile crime, if we cannot provide national leadership in our educational system, why is it that we ought to be providing and usurping local control in the juvenile justice arena?

The crisis we face in our juvenile justice system, Mr. Chairman, is no less than dire, no less than catastrophic. If we are serious about preparing this next generation of Americans for the challenges of the new marketplace in the 21st century, then let us get serious about a national role in education as we are about a national role in juvenile justice.

I would submit to this body and submit even to the President of the United States, if we talk about arresting 13-year-olds and not about intervention and rehabilitation and prevention, we will be debating 2 years from now how we arrest 5-year-olds, 8-year-olds, and 11-year-olds.

Mr. Chairman, I plead to my friends on the other side of the aisle and even Democrats, do the right thing for young people, do the right thing for our future, provide us some real meaningful opportunities and chances, and all of us will benefit from it.

Mr. SCOTT. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Virginia [Mr. SCOTT] for yielding me this time.

One important point is to listen to those who are in the war. The chiefs of police of the United States of America say, nearly four times in their ranking, increasing investment in programs that help all children and youth get a good start is better and more effective than trying more juveniles as adults and hiring additional police officers. Listen to the experts. Prevention and intervention is what this bill should have, and it does not. Vote down H.R. 3.

Mr. SCOTT. Mr. Chairman, I yield the balance of the time to the gentleman from Rhode Island [Mr. KENNEDY], the second youngest Member of the House.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from Virginia for his leadership on this issue.

I have to say at the outset how dismayed I have been with the votes that we have just had. I would say to the gentleman from Florida [Mr. MCCOLLUM] that we might as well scrap the whole juvenile justice system, we might as well do that, because picking away at this a little bit at a time really makes no sense at all.

If the gentleman thinks that kids should not be distinguished from adults with respect to their crimes, just be honest with everybody and tell them what the gentleman is really doing, and that is just scrapping the whole juvenile justice system. This stuff about 13-year-olds and 14-year-olds is just out of hand.

I think the Scott amendment is just the way we need to go. We know the facts are that prevention works. I will give my colleagues a few statistics that I wish that the gentleman's bill had recognized.

In Salt Lake City a gang prevention program led to a 30 percent reduction in gang related crimes. In Washington State, gang prevention programs reduced violence, reduced violence, that is less victims, less victims by 80 percent. The gentleman's bill puts $102,000 per cell, it costs to construct those cells, $102,000. Imagine how far that could go in putting that money behind prevention programs that work.

Mr. MCCOLLUM. Mr. Chairman, I yield the final 1 minute to the gentleman from Texas [Mr. BRADY] for purposes of closing debate.

Mr. BRADY. Mr. Chairman, over the past year I served on the juvenile justice committee for the Texas Legislature. We rewrote our juvenile justice laws in trying to curb gang violence, and we found a number of things. One is that we met and saw a 12-year-old from Dallas who raped and bludgeoned a classmate and threw her body on the top of a local convenience store to hide her body. We learned that juveniles today are more violent and more mean and more mentally unstable than ever before in committing crimes. We find ourselves in a position of having to choose between building beds to house the most violent juveniles and choosing between a sanction process that we knew could make a difference.

Had we had this bill, had we had this incentive, we would have been able to do both and put them in place immediately to make a difference.

Finally, I would say the reason juvenile beds are so expensive is that we are trying to find out if there are kids who are rehabilitatable. For that reason we have to build additional classrooms, we have to build additional amenities. We are trying to allow, we want to give them a chance to come back to society if possible. We need these dollars, and I oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

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

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

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentleman from Virginia [Mr. SCOTT] will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 105–89.

AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. LOFGREN:

Page 24, after the line 9, insert the following:

''(12) preventing young Americans from becoming involved in crime or gangs by—

''(A) operating after school programs for at-risk youth;

''(B) developing safe havens from and alternatives to street violence, including educational, vocational or other extracurricular activities opportunities;

''(C) establishing community service programs, based on community service corps models that teach skills, discipline, and responsibility;

''(D) establishing peer mediation programs in schools;

''(E) establishing big brother/big sister programs;

''(F) establishing anti-truancy programs;

''(G) establishing community based juvenile crime prevention programs that include a family strengthening component;

''(H) establishing community based juvenile crime prevention programs that identify and intervene with at-risk youth on a case-by-case basis;

''(I) establishing drug prevention, drug treatment, or drug education programs;

''(J) establishing intensive delinquency supervision programs;

''(K) implementing a structured system of wide ranging and graduated diversions, placements, and dispositions that combines accountability and sanctions with increasingly intensive treatment and rehabilitation services in order to induce law-abiding behavior and prevent a juvenile's further involvement with the juvenile justice system; that integrates the family and community with the sanctions, treatment, and rehabilitation; and is balanced and humane; and

''(L) establishing activities substantially similar to programs described in subparagraphs (A) through (K).

''(c) REQUIRED USE.—A unit of local government which receives funds under this part shall use not less than 50 percent of the amount received to carry out the purposes described in subsection (b)(12).''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from California [Ms. LOFGREN] and a Member opposed will each control 5 minutes.

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

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will control 5 minutes.

The Chair recognizes the gentlewoman from California [Ms. LOFGREN].

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

I would like to offer this amendment to the body, although it is not as strong as the substitute that was just narrowly defeated. It certainly does commit some of our taxpayers' funds to not just prevention, but intensive supervision, early intervention and rehabilitation for young people who are at risk of becoming involved in crime or who are already starting down the path in this behavior.

I am pleased that I have just received a letter from the Department of Justice indicating that they support this amendment and urge its adoption, and I would urge my colleagues to do so.

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

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

Mr. Chairman, I must oppose strongly this amendment by the gentlewoman, even though I understand that what she is trying to do is with honorable intention. She believes deeply that we should have prevention moneys in this bill. But what she is doing is forgetting a couple of things. One is that we have another bill coming along that is designed to do that out of the Committee on Education and the Workforce. This bill is not designed for that.

The gentlewoman is going to take 50 percent of the money in this bill and divert it to prevention programs when we need every penny in this bill to go for what its intended purpose is, and that is for probation officers and juvenile judges and juvenile detention facilities and those things which are important to the juvenile justice system itself, not simply to prevent juvenile crime, which is a separate bill.

I wish they both were out here today. In fact, I had wanted in my manager's amendment to be able to offer, if the Committee on Rules allowed me, a great big $500 billion a year crime block grant program that would have allowed any amount of money that the local community wanted to spend on prevention to be used for that purpose, but that did not happen and we are not out here with it today.

But the fact is that, if we designate 50 cents and tell the States and the local communities, that is what the gentlewoman is doing with her amendment, that they must spend 50 cents of every dollar they get on prevention, then they are not going to have the flexibility. They are being mandated by the gentlewoman's amendment to spend 50 cents on every dollar on prevention when a local community may very well need to have more money than they are getting even for probation officers, for judges and so on, if we are going to begin to do what we need to do. And that is sanction every juvenile for the very early delinquent acts that they are committing and they are not being sanctioned for with community service or whatever when they vandalize a store or home or spray paint a building or whatever.

The only way they can do that is if they get more resources, more social workers, caseworkers, more probation officers, more juvenile judges, more detention space. That is what this bill is all about. Therefore, the gentlewoman's amendment really guts this bill, and we ought to wait until the Committee on Education and the Workforce bill comes along for the other type of prevention programs. It is apples and oranges, and I urge a no vote on the amendment.

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

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

One of the problems with the amendment is that it does nothing about the preconditions for the allocation of funds. Currently we believe only six States qualify.

REQUEST FOR MODIFICATION TO AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent to amend the amendment in the following way: To amend section 1802, the applicability section, to provide that the requirements of that section shall not apply to the provision of these funds, that would be the prevention intervention funds, that has been suggested by the Justice Department.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 5 offered by Ms. LOFGREN:

Page 2, after line 25 of amendment No. 5 insert ''(D) Section 1802 Applicability.

The requirements of Section 1802 shall not apply to the funds available under this section.''

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

□ 1345

Mr. MCCOLLUM. Mr. Chairman, reserving the right to object, I do not understand what this amendment does. I heard the gentlewoman, but could she explain it again?

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

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

Ms. LOFGREN. Mr. Chairman, as the gentleman knows, as the author of the bill, in order for States to qualify for the funding in the final section of the gentleman's bill, four conditions must be met by State law.

The Justice Department has suggested, and I concur, that as to the 50 percent of the funds that would be dedicated under this amendment to prevention, intervention, rehabilitation, and the like, as outlined in the amendment, those preconditions would not apply for these prevention, intervention, rehab funds to flow to States.

Mr. MCCOLLUM. Mr. Chairman, unfortunately, at this point I must object, I am sorry, to the unanimous consent request.

The CHAIRMAN. Objection is heard.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER], my colleague on the Committee on the Judiciary.

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

Mr. SCHUMER. Mr. Chairman, I want to rise in support of the Lofgren prevention amendment. This amendment is not about prevention versus punishment. It has always been my belief we can do both. We have to do both.

I am speaking as someone who believes in tough punishment. I wrote a whole series of tough punishment laws. But punishment is only half of the solution. We have to make sure that today's second- and third-graders do not become the violent gang members of tomorrow. That is every bit as important in fighting crime as punishing those who, unfortunately, have become violent.

The overwhelming majority of kids, and I emphasize this is true in every neighborhood in this country, want to lead honest, decent lives. We know. We have had hard evidence from communities across the country. What this amendment does is it provides for kids growing up in desperate circumstances a place to go after school, volunteering as a Big Brother. These little things which we might take for granted can help kids go into the mainstream of society.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to my colleague, the gentlewoman from California, Mrs. ELLEN TAUSCHER.

Ms. TAUSCHER. Mr. Chairman, I rise today in support of my fellow Californian and the amendment of the gentlewoman from California [Ms. LOFGREN] to H.R. 3, the Juvenile Crime Control Act. Juvenile crime has become an epidemic in our country. We are losing our children to crime at a more rapid rate and at an earlier age than ever before. Tougher laws for juvenile criminals are essential to solving the problem. However, it is only part of the answer to preventing our children from falling into a life of crime.

After-school programs, drug prevention programs, community youth organizations offer our children alternatives to criminal activity. Effective community-based programs can and will keep our kids off the streets and out of trouble. Federal funding for proven, effective prevention programs is one of the most powerful commitments we can make to ending juvenile crime in this country. Early intervention through juvenile crime prevention programs helps put our kids back on the right track.

The amendment of the gentlewoman from California would permit grant funds under H.R. 3 to be used for proven and effective juvenile crime prevention programs. I support this bill and its tough approach to juvenile crime. I believe it will be a better bill with this amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia [Mr. BARR], a member of the subcommittee.

Mr. BARR of Georgia. Mr. Chairman, I think what we are debating here today really needs to be put in the context of what the Government is currently doing and what remains undone, which is what this bill, H.R. 3, aims to do.

Mr. Chairman, lest anybody be left with the impression that the Federal Government is not expending tremendous sums of taxpayer money on prevention, at-risk, and delinquent youth programs, I have here two charts that list in summary form various of the 131 current programs administered by 16 different departments and other agencies totaling $4 billion, that is $4 billion, that are currently being used of Federal taxpayer money in communities all across America for prevention programs involving the youth of our country.

Mr. Chairman, I would like to see those on the other side that believe so strongly in prevention work with us to determine if any of these programs are not working, so that we can reconfigure the Federal moneys, change these programs, perhaps consolidate some of them, perhaps so they work better, because they are not working comprehensively now.

A case in point, and this is the chink in the armor that H.R. 3 must fill, just a couple of months ago in Atlanta, GA, in my home State, a 13-year-old youth, a drug gang wanna-be, was walking down the streets of Atlanta in broad daylight, and shot to death a father walking with his two children. That murder took place by a 13-year-old, who apparently feels no remorse, from the stories I have read, for what he did because it was part of a gang initiation.

All of these prevention moneys, $4 billion worth, did not prevent that. What we are trying to do, what the people of this country are demanding that we do as reflected in H.R. 3, is to develop programs that provide the States and the Federal Government the flexibility to stop that type of violent crime.

All the prevention moneys in the world are not working. There is a place for prevention. There is a place for this $4 billion, and perhaps more. But let us not lose sight of the forest for the trees. There is a serious problem on the streets of America with violent youth, and we must stop it. H.R. 3 will do that. The amendment will gut the ability of this bill to be effective in meeting those needs. I urge the defeat of the amendment and support of H.R. 3.

Ms. LOFGREN. Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, let me briefly say to my colleague, the gentleman from Georgia, what the American people are demanding we do on this issue of crime is to prevent crime, not lock up kids after they have committed the crimes.

Mr. Chairman, and Chairman MCCOLLUM, I applaud the gentleman for his leadership and interest and certainly his convictions on this issue, but let us give these kids a chance. Let us prevent this crime, provide them with meaningful opportunities, show some national leadership on that front, instead of building cell after cell after cell. Tell these young people in this Chamber and in Florida and Tennessee and throughout this Nation that we care. Show them we care about doing the right thing. Support the Lofgren amendment.

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

Mr. Chairman, I think it is important to comment on the frequently repeated claim that we are already spending $4 billion on prevention programs. The YMCA, the Young Men's Christian Association, did a good analysis of that assertion, and concluded that it is actually about $70 million, based on the GAO report. There are a number of other initiatives that actually have very little to do with prevention, and even though the $70 million is really for postcrime intervention, the programs have very little to do with preventing kids from getting into trouble.

I think it is important that we stand up for our future. We all know that there are young people who have done awful things. They need to be held to account for their crimes. Some of them need to be tried as adults. We acknowledge that. But if we do only that, if we do only that, we will never get ahead of the problem of youth violence and crime that besets our communities.

I have heard much about the amendment that will reach us or the prevention bill from the Committee on Education and the Workforce. The authorization available to that committee is $70 million for the entire United States. We are talking here about $1.5 billion. Our priorities are all wrong if we look at only reacting to problems, and never to taking the longer view and preventing problems from occurring.

Mr. Chairman, I recently read a statement from Mark Klaas, whose daughter Polly Klaas was brutally murdered, and I am glad that her murderer received the death penalty which he so richly deserved, but that will not bring back Polly. Mr. Klaas said that building prisons prevents crime about as much as building cemeteries prevents disease.

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

Mr. Chairman, I must oppose the amendment, again. As the gentlewoman knows, there is a bill coming out of the Committee on the Judiciary that is going to provide at least $150

million a year for prevention. There are many other programs we heard demonstrated out here for prevention, and we may have a $500 million a year general block grant program, as we had last year, that could be used for that purpose.

But by the gentlewoman's amendment, she guts the underlying effort of this bill to address an equally important problem, and that is what do we do about the violent youth of this Nation. We have to have the money for juvenile justice and probation officers and detention facilities for them. That is what this bill would provide.

She would require 45 cents on every dollar from this bill to go to something else. We need every penny in this bill for the purpose of juvenile justice, and I urge a no vote on her amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentlewoman from California [Ms. LOFGREN].

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

Ms. LOFGREN. Mr. Chairman, on that I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentlewoman from California [Ms. LOFGREN] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 143, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 offered by the gentleman from Virginia [Mr. SCOTT]; amendment No. 5 offered by the gentlewoman from California [Ms. LOFGREN].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. SCOTT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 101, noes 321, not voting 11, as follows:

[Roll No. 114]

AYES—101

Ackerman	Hastings (FL)	Oberstar
Barrett (WI)	Hilliard	Obey
Becerra	Hinchey	Olver
Berry	Hinojosa	Owens
Bishop	Hooley	Pastor
Blumenauer	Jackson (IL)	Payne
Bonior	Jackson-Lee (TX)	Pelosi
Brown (CA)	Jefferson	Rangel
Brown (FL)	Johnson (WI)	Roybal-Allard
Brown (OH)	Johnson, E.B.	Rush
Carson	Kanjorski	Sabo
Clayton	Kennedy (RI)	Sanders
Clyburn	Kennelly	Sawyer
Conyers	Kilpatrick	Scott
Coyne	Kleczka	Serrano
Cummings	Klink	Skaggs
Davis (IL)	LaFalce	Slaughter
DeFazio	Lantos	Stark
DeGette	Lewis (GA)	Stokes
Delahunt	Lofgren	Stupak
Dellums	Martinez	Thompson
Ehlers	McCarthy (MO)	Thurman
Ensign	McCarthy (NY)	Tierney
Eshoo	McDermott	Torres
Evans	McGovern	Towns
Farr	McNulty	Velázquez
Fattah	Meek	Vento
Flake	Millender-McDonald	Waters
Foglietta	Miller (CA)	Watt (NC)
Ford	Mink	Waxman
Furse	Moakley	Woolsey
Gejdenson	Mollohan	Wynn
Gephardt	Neal	Yates
Goodling		
Gutierrez		

NOES—321

Abercrombie	Cook	Greenwood
Aderholt	Cooksey	Gutknecht
Allen	Cox	Hall (OH)
Andrews	Cramer	Hall (TX)
Archer	Crane	Hamilton
Armey	Crapo	Hansen
Bachus	Cubin	Harman
Baesler	Cunningham	Hastert
Baker	Danner	Hastings (WA)
Baldacci	Davis (FL)	Hayworth
Ballenger	Davis (VA)	Hefley
Barcia	Deal	Herger
Barr	DeLauro	Hill
Barrett (NE)	DeLay	Hilleary
Bartlett	Deutsch	Hobson
Barton	Dickey	Hoekstra
Bass	Dicks	Holden
Bateman	Dingell	Horn
Bentsen	Dixon	Hostettler
Bereuter	Doggett	Houghton
Berman	Dooley	Hoyer
Bilbray	Doolittle	Hulshof
Bilirakis	Doyle	Hunter
Blagojevich	Dreier	Hutchinson
Bliley	Duncan	Hyde
Blunt	Dunn	Inglis
Boehlert	Edwards	Istook
Boehner	Ehrlich	Jenkins
Bonilla	Emerson	John
Bono	Engel	Johnson (CT)
Borski	English	Jones
Boswell	Etheridge	Kasich
Boucher	Everett	Kelly
Boyd	Ewing	Kennedy (MA)
Brady	Fawell	Kildee
Bryant	Fazio	Kim
Bunning	Foley	Kind (WI)
Burr	Forbes	King (NY)
Burton	Fowler	Kingston
Buyer	Fox	Klug
Callahan	Frank (MA)	Knollenberg
Calvert	Franks (NJ)	Kolbe
Camp	Frelinghuysen	Kucinich
Campbell	Frost	LaHood
Canady	Gallegly	Lampson
Cannon	Ganske	Largent
Capps	Gekas	Latham
Cardin	Gibbons	LaTourette
Castle	Gilchrest	Lazio
Chabot	Gillmor	Leach
Chambliss	Gilman	Levin
Chenoweth	Gonzalez	Lewis (CA)
Christensen	Goode	Lewis (KY)
Clement	Goodlatte	Linder
Coble	Gordon	Lipinski
Coburn	Goss	Livingston
Collins	Graham	LoBiondo
Combest	Granger	Lowey
Condit	Green	Lucas
Luther	Pickett	Smith (MI)
Maloney (CT)	Pitts	Smith (NJ)
Maloney (NY)	Pombo	Smith (OR)
Manton	Pomeroy	Smith (TX)
Manzullo	Porter	Smith, Adam
Markey	Portman	Smith, Linda
Mascara	Poshard	Snowbarger
Matsui	Price (NC)	Snyder
McCollum	Pryce (OH)	Solomon
McCrery	Quinn	Souder
McDade	Radanovich	Spence
McHale	Rahall	Spratt
McHugh	Ramstad	Stabenow
McInnis	Regula	Stearns
McIntosh	Reyes	Stenholm
McIntyre	Riggs	Strickland
McKeon	Riley	Stump
Meehan	Rivers	Sununu
Menendez	Rodriguez	Talent
Metcalf	Roemer	Tanner
Mica	Rogan	Tauscher
Miller (FL)	Rogers	Tauzin
Minge	Rohrabacher	Taylor (MS)
Molinari	Ros-Lehtinen	Taylor (NC)
Moran (KS)	Rothman	Thomas
Moran (VA)	Roukema	Thornberry
Morella	Royce	Thune
Murtha	Ryun	Tiahrt
Myrick	Salmon	Traficant
Nadler	Sanchez	Turner
Nethercutt	Sandlin	Upton
Neumann	Sanford	Visclosky
Ney	Saxton	Walsh
Norwood	Scarborough	Wamp
Nussle	Schaefer, Dan	Watkins
Ortiz	Schaffer, Bob	Watts (OK)
Oxley	Schumer	Weldon (FL)
Packard	Sensenbrenner	Weldon (PA)
Pallone	Sessions	Weller
Pappas	Shadegg	Wexler
Parker	Shaw	Weygand
Pascrell	Shays	White
Paul	Sherman	Whitfield
Paxon	Shimkus	Wicker
Pease	Shuster	Wise
Peterson (MN)	Sisisky	Wolf
Peterson (PA)	Skeen	Young (AK)
Petri	Skelton	Young (FL)

NOT VOTING—11

Clay	Hefner	Northup
Costello	Johnson, Sam	Pickering
Diaz-Balart	Kaptur	Schiff
Filner	McKinney	

☐ 1416

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Diaz-Balart against.

Ms. DELAURO, Mrs. TAUSCHER, and Messrs. DAVIS of Florida, PALLONE, NADLER, MATSUI, FAZIO of California, HOYER, WEXLER, and WEYGAND changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Chairman, on rollcall No. 114, I was inadvertently detained. Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentlewoman from California [Ms. LOFGREN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 227, not voting 15, as follows:

[Roll No. 115]

AYES—191

Ackerman	Harman	Olver
Allen	Hastings (FL)	Ortiz
Andrews	Hilliard	Owens
Baldacci	Hinchey	Pallone
Barrett (WI)	Hinojosa	Pascrell
Becerra	Holden	Pastor
Bentsen	Hoyer	Payne
Berman	Jackson (IL)	Pelosi
Berry	Jackson-Lee (TX)	Peterson (MN)
Bishop	Jefferson	Pomeroy
Blumenauer	John	Poshard
Bonior	Johnson (WI)	Price (NC)
Borski	Johnson, E.B.	Quinn
Boswell	Kanjorski	Rahall
Boyd	Kaptur	Rangel
Brown (CA)	Kennedy (MA)	Reyes
Brown (FL)	Kennedy (RI)	Rivers
Brown (OH)	Kennelly	Rodriguez
Capps	Kildee	Roemer
Cardin	Kilpatrick	Rothman
Carson	Kind (WI)	Roybal-Allard
Castle	Kleczka	Rush
Clayton	Klink	Sabo
Clyburn	Kucinich	Sanchez
Condit	LaFalce	Sanders
Conyers	Lampson	Sandlin
Coyne	Lantos	Sawyer
Cummings	Levin	Schumer
Davis (FL)	Lewis (GA)	Scott
Davis (IL)	Lipinski	Serrano
DeFazio	Lofgren	Shays
DeGette	Lowey	Sherman
Delahunt	Luther	Sisisky
DeLauro	Maloney (CT)	Skaggs
Dellums	Maloney (NY)	Skelton
Deutsch	Manton	Slaughter
Dicks	Markey	Smith, Adam
Dingell	Martinez	Spratt
Dixon	Mascara	Stabenow
Doggett	Matsui	Stark
Dooley	McCarthy (MO)	Stenholm
Doyle	McCarthy (NY)	Stokes
Edwards	McDermott	Strickland
Engel	McGovern	Stupak
Ensign	McHale	Tauscher
Eshoo	McIntyre	Thompson
Etheridge	McNulty	Thurman
Evans	Meehan	Tierney
Farr	Meek	Torres
Fattah	Menendez	Towns
Fazio	Millender-McDonald	Turner
Flake	Miller (CA)	Velazquez
Foglietta	Minge	Vento
Ford	Mink	Visclosky
Frank (MA)	Moakley	Waters
Frost	Mollohan	Watt (NC)
Furse	Moran (VA)	Waxman
Gejdenson	Morella	Wexler
Gephardt	Murtha	Weygand
Gonzalez	Nadler	Wise
Goodling	Neal	Woolsey
Green	Oberstar	Wynn
Gutierrez	Obey	Yates
Hall (OH)		
Hall (TX)		

NOES—227

Abercrombie	Bass	Bryant
Aderholt	Bateman	Bunning
Armey	Bereuter	Burr
Bachus	Bilbray	Burton
Baesler	Bilirakis	Callahan
Baker	Bliley	Calvert
Ballenger	Blunt	Camp
Barcia	Boehlert	Campbell
Barr	Boehner	Canady
Barrett (NE)	Bonilla	Cannon
Bartlett	Bono	Chabot
Barton	Brady	Chambliss
Chenoweth	Houghton	Pryce (OH)
Christensen	Hulshof	Radanovich
Clement	Hunter	Ramstad
Coble	Hutchinson	Regula
Coburn	Hyde	Riggs
Collins	Inglis	Riley
Combest	Istook	Rogan
Cook	Jenkins	Rogers
Cooksey	Johnson, Sam	Rohrabacher
Cramer	Jones	Ros-Lehtinen
Crane	Kasich	Roukema
Crapo	Kelly	Royce
Cubin	Kim	Ryun
Cunningham	King (NY)	Salmon
Danner	Kingston	Sanford
Davis (VA)	Klug	Saxton
Deal	Knollenberg	Scarborough
DeLay	Kolbe	Schaefer, Dan
Dickey	LaHood	Schaffer, Bob
Doolittle	Largent	Sensenbrenner
Dreier	Latham	Sessions
Duncan	LaTourette	Shadegg
Dunn	Lazio	Shaw
Ehlers	Leach	Shimkus
Ehrlich	Lewis (CA)	Shuster
Emerson	Lewis (KY)	Skeen
English	Linder	Smith (MI)
Everett	Livingston	Smith (NJ)
Ewing	LoBiondo	Smith (OR)
Fawell	Lucas	Smith (TX)
Foley	Manzullo	Smith, Linda
Forbes	McCollum	Snowbarger
Fowler	McCrery	Snyder
Fox	McDade	Solomon
Franks (NJ)	McHugh	Souder
Frelinghuysen	McInnis	Spence
Gallegly	McIntosh	Stearns
Ganske	McKeon	Stump
Gekas	Metcalf	Sununu
Gibbons	Mica	Talent
Gilchrest	Miller (FL)	Tanner
Gillmor	Molinari	Tauzin
Gilman	Moran (KS)	Taylor (MS)
Goode	Myrick	Taylor (NC)
Goodlatte	Nethercutt	Thomas
Gordon	Neumann	Thornberry
Goss	Ney	Thune
Graham	Northup	Tiahrt
Granger	Norwood	Traficant
Greenwood	Nussle	Upton
Gutknecht	Oxley	Walsh
Hamilton	Packard	Wamp
Hansen	Pappas	Watkins
Hastert	Parker	Watts (OK)
Hastings (WA)	Paul	Weldon (FL)
Hayworth	Paxon	Weldon (PA)
Hefley	Pease	Weller
Herger	Peterson (PA)	White
Hill	Petri	Whitfield
Hilleary	Pickett	Wicker
Hobson	Pitts	Wolf
Hoekstra	Pombo	Young (AK)
Horn	Porter	Young (FL)
Hostettler	Portman	

NOT VOTING—15

Archer	Costello	Hooley
Blagojevich	Cox	Johnson (CT)
Boucher	Diaz-Balart	McKinney
Buyer	Filner	Pickering
Clay	Hefner	Schiff

□ 1424

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Diaz-Balart against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Chairman, on rollcall No. 115, the Lofgren amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. HOOLEY of Oregon. Mr. Chairman, during the vote on the Lofgren amendment to H.R. 3, rollcall vote No. 115, I was unavoidably detained in a meeting. Had I been present for the vote, I would have voted "aye."

ANNOUNCEMENT REGARDING AMENDMENTS TO FOREIGN POLICY REFORM ACT

(Mr. SOLOMON asked and was given permission to speak out of order for 1 minute.)

Mr. SOLOMON. Mr. Chairman, the Committee on Rules will be meeting early next week to grant a rule which may limit the amendments to be offered to H.R. 1486, the Foreign Policy Reform Act. Among other things, this bill contains authorizations for the State Department and various foreign aid programs.

Subject to the approval of the Committee on Rules, this rule may include a provision limiting amendments to those specified in the rule. Any Member who desires to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Tuesday, May 13, to the Committee on Rules, at room H–312 in the Capitol.

Amendments should be drafted to the text of a bill as reported by the Committee on International Relations. The bill and report are to be filed tomorrow, and until such time as the text is available in the document room, it will be available in the Committee on International Relations, if Members want to get the bill there.

Just summarizing, Mr. Chairman, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 105–89.

AMENDMENT NO. 6 OFFERED BY MR. MEEHAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MEEHAN: Add at the end the following:

TITLE —SPECIAL PRIORITY FOR CERTAIN DISCRETIONARY GRANTS

SEC. . SPECIAL PRIORITY.

Section 517 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

''(c) SPECIAL PRIORITY.—In awarding discretionary grants under section 511 to public agencies to undertake law enforcement initiatives relating to gangs, or to juveniles who are involved or at risk of involvement in gangs, the Director shall give special priority to a public agency that includes in its application a description of strategies, either in effect or proposed, providing for cooperation between local, State, and Federal law enforcement authorities to disrupt the illegal sale or transfer of firearms to or between juveniles through tracing the sources of crime guns provided to juveniles.''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Massachusetts [Mr. MEEHAN] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MEEHAN].

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

Mr. Chairman, my amendment states that once the Director of the Bureau of Justice Assistance decides to make Byrne discretionary grants available on a competitive basis to public agencies for antigang law enforcement initiatives, she must give special priority to those agencies that have proposed, in their applications already implemented, strategies tracing the sources of those guns provided to juveniles.

We all know too well the problem of juvenile gun violence. Specifically, virtually all of the striking increase in the juvenile homicide rate between 1987 and 1994 was associated with guns. A 1993 survey of male students in 10 inner city public schools revealed that 65 percent of those surveyed thought it would be no trouble at all to get their hands on a gun. An ex-gang member from Minnesota recently stated that for teenagers, acquiring guns is as easy as ordering pizza.

The evidence is clear, thanks to both big-time interstate gun runners and small-time black market dealers, juveniles have easy access to guns and are using them to kill one another. Over the past few years, the city of Boston has shown us a way to make a serious dent in the illicit gun sales to juveniles and thus cut down on deadly youth violence.

The Boston gun project began with a simple idea: If we want to stop kids from shooting each other, we have to get the guns out of their hands.

□ 1430

This meant that when police recovered guns from juveniles during or after the commission of a crime, they could no longer afford to lock these guns away as evidence and forget about them. Instead, the police were called upon to work with State and Federal law enforcement agencies to trace the source of these guns. This commonsense policy yielded striking results.

For example, in their gun tracing efforts, police found guns being used by gang members in one Boston neighborhood all originated from Mississippi. They were purchased there by one neighborhood student who transported those guns to Boston for illegal sales in the neighborhood. When that student was arrested, the shootings in the neighborhood declined from 91 in 5 months to the arrest of 20 in the following 5-month period. Indeed, the Boston gun project was a critical component that has achieved once unthinkable results.

Mr. Chairman, my amendment seeks to encourage the widespread adoption of a law enforcement strategy that clearly works. My amendment requires that when the BJA decides on its own to do this, it should give special priority to the applicants, the public agencies, where they have implemented these proposals pursuant to a crime gun tracing in cooperation with State and Federal law enforcement officials.

Mr. Chairman, crime gun tracing will keep guns out of the hands of our children. If we want to stop kids from shooting one another, we have to attack the supply of the gun market. I urge my colleagues from both sides of the aisle to assist in this amendment.

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

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

Mr. MCCOLLUM. Mr. Chairman, I want to support the gentleman's amendment, and I want to make sure that I am right about a couple of things so my colleagues understand it.

I am correct, am I not, that this amendment does not criminalize any activity nor does it propose to create any new crimes; is that correct?

Mr. MEEHAN. The gentleman is correct.

Mr. MCCOLLUM. Also, my understanding is all the gentleman is really doing, and I think it is a very important thing, is instructing the Bureau of Justice Assistance to give priority for Byrne discretionary grants to those public agencies which propose cooperative strategies to disrupt the illegal sale of firearms to juveniles; is that correct.

Mr. MEEHAN. The gentleman is correct.

Mr. MCCOLLUM. That is what it does. It is a very simple measure, but I think it is a very important one. The purpose is good. We ought to have a bipartisan, cooperative, a full ''aye'' vote for the Meehan amendment. I strongly support it. I thank the gentleman for yielding.

Mr. MEEHAN. I thank the gentleman from Florida for his cooperation on this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 105–89.

AMENDMENT NO. 7 OFFERED BY MS. DUNN

Ms. DUNN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. DUNN:
Add at the end the following new title:

Title —GRANT REDUCTION

SEC. 01. PARENTAL NOTIFICATION.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

''(g) INFORMATION ACCESS.—

''(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 20 percent and redistributed under paragraph (2) unless the State—

''(A) submits to the Attorney General, not later than 1 year after the date of the enactment of the Juvenile Crime Control Act of 1997, a plan that describes a process to notify parents regarding the enrollment of a juvenile sex offender in an elementary or secondary school that their child attends; and

''(B) adheres to the requirements described in such plan in each subsequent year as determined by the Attorney General.

''(2) REDISTRIBUTION.—To the extent approved in advance in appropriations Acts, any funds available for redistribution shall be redistributed to participating States that have submitted a plan in accordance with paragraph (1).

''(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from Washington [Ms. DUNN] and the gentleman from Virginia [Mr. SCOTT] will each control 5 minutes.

The Chair recognizes the gentlewoman from Washington [Ms. DUNN].

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

Mr. Chairman, today I and my colleagues from New Jersey and California offer the Dunn-Pappas-Cunningham amendment to the Juvenile Crime Control Act of 1997. This week as the trial of Megan Kanka's accused killer begins, we are reminded how important it is to have a process in place that will ensure that communities will be notified when a violent sexual predator is released.

We offer today, Mr. Chairman, an amendment to take Megan's Law one prudent step further. Our amendment will require States to submit a plan to the U.S. Attorney General describing a process by which parents will be notified when a juvenile sex offender is released and readmitted into a school system.

Some of our colleagues may wonder why notification under Megan's Law is not enough. Mr. Chairman, sometimes our schools include students from a variety of communities. Community notification, therefore, will not reach some of the parents of these children. Without this knowledge, parents would not be able to take the necessary precautions to protect their children from being victims of a possible reoffense.

It would be wrong and very possibly tragic, Mr. Chairman, to put juvenile sex offenders back into the school system without notifying the parents of the other students. We offer this amendment to H.R. 3 to complement Megan's Law and empower parents whose children attend schools outside their communities, as well as those whose children go to neighborhood schools.

We simply cannot let what happened to Megan Kanka happen again, not in any community and especially not on a playground during recess.

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

Mr. SCOTT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I want to read portions of a letter from the National Center for Missing and Exploited Children. They indicate in their letter, as Congress is well aware, juvenile offenses

are increasing and the current means of addressing these offenders is inadequate for public safety purposes.

However, it is also consistently demonstrated by treatment clinicians and research academics that juvenile offenders, if given the proper treatment and supervision, are the most amenable to long-term rehabilitation efforts. NCMEC has always supported the efforts of the treatment community to identify and contain these individuals at an early age, in an effort to assist these young offenders to turn their lives around and become positive, participating members of society.

This legislation fails to recognize that not all offenders are the same. A violent 17-year-old serial rapist is a different character from a confused, perhaps abused 10-year-old involved in weekly therapy sessions. I might point out, Mr. Chairman, that 17-year-old serial rapists are already treated as adults in every State, and they would be covered by Megan's Law.

This proposal would no doubt interfere with the treatment of these young and most amenable offenders. The more violent repetitive offenders must be addressed, but not at the cost of the less dangerous youths.

Mr. Chairman, they go on to say that this proposed legislation would make no distinction between violent, repetitive youthful offenders and first-time, confused, treatable offenders, and raises constitutional considerations.

They also say that it would make school situations more difficult for victims of abuse. Since most juvenile offenders offend against members of their own nuclear or extended family, the schoolhouse spotlight would further implicate the victims as questions are raised and accusations are made. Furthermore, many families would not report offenses committed by children they knew or were part of their family if it meant automatic notification of the entire student body.

For these reasons, Mr. Chairman, I think we should oppose this amendment.

Ms. DUNN. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentlewoman from Washington.

Ms. DUNN. I do want to answer the gentleman's question, Mr. Chairman, and be very clear that this amendment neither sets the scope of notification nor the degree of risk that would necessitate notification. What we request is a report to the U.S. Attorney General on how the State intends to notify. It would give the States the flexibility to determine that process, which students would be potential threats as they return into the school system and how to notify parents of that threat.

Mr. SCOTT. Mr. Chairman, reclaiming my time, I would point out that those who are serious offenders are routinely treated as adults in every State. If it is a juvenile conviction, Mr. Chairman, we have no idea what they may have been convicted for, even a 10-year-old kissing a classmate. Those are the kinds of things that would get wrapped up in it.

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

Ms. DUNN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM] who has been very involved in the community notification for sexual predators beginning with our successful effort to get Megan's law into the crime bill of 1994.

Mr. CUNNINGHAM. Mr. Chairman, one minute on a subject like this that is so critical, I think, to the future is by far not enough and we spend two days on an open rule on housing and in something like this that affects our children.

I would like to thank the gentlewoman from Washington. We have just seen two little girls, sisters, that were dumped in a river. We just saw a little girl last month that was found under a pile of rocks. And Megan in New Jersey, and in California. The highest recidivism rate they have, whether it is a juvenile or a senior, is in the sexual abuse area.

I have two daughters. I do not care if it is a date rape, if they are on a college level or if it happens, God forbid, what happened to these little girls. It is about time, Mr. Chairman, that we support the victims instead of quit trying to protect the guilty and the lawbreakers.

Ms. DUNN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PAPPAS] who represents the county in which Mr. and Mrs. Kanka, parents of Megan Kanka, live and who has contributed a great deal to this debate.

Mr. PAPPAS. I thank the gentlewoman for yielding me this time.

Mr. Chairman, New Jersey has been witness to the tragic results of a judicial system that failed to adequately protect its citizens. The tragedies of Megan Kanka and Amanda Weingart are daily reminders that no community is safe from the scourge of sex offenders.

Amanda Weingart was killed by a convicted juvenile sex offender who was her neighbor. She was left alone with this man because no one was aware of his juvenile sex offense record, a record that was kept private, part of a system that is more concerned about protecting criminals' rights than children's rights. The entire State of New Jersey was devastated by this murder and the tragic murder of Megan Kanka a few months later.

I wholeheartedly support the gentlewoman from Washington [Ms. DUNN] and her continued leadership on tough crime legislation that cracks down on sex offenders. This amendment puts children first. Parents have the right to know how best to protect their children. We need to pass this amendment so that no family has to endure the tragedies that have been suffered by the Kankas and the Weingarts.

Mr. SCOTT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, I must say I am a little puzzled about this amendment, because I support notification when sex offenders are released. I was the original cosponsor of Megan's law in Colorado.

My concern, though, is when we have a requirement that the parents be notified directly in this situation rather than the school officials. I am concerned about innocent people mistakenly being identified and neighbors or parents having some kind of vigilantism.

So I guess I would have a question for the sponsor: If States promulgated laws which notified school officials and then they could decide how to notify the parents, would that be acceptable and make the States eligible for the Byrne grant funding under this amendment?

If so, I will support the amendment. If not, I think it could encourage vigilantism which could even be worse for students, innocent students, if the parents were directly notified and a student had erroneously been identified as a sex offender.

Ms. DUNN. Mr. Chairman, will the gentlewoman yield?

Ms. DEGETTE. I yield to the gentlewoman from Washington.

Ms. DUNN. Mr. Chairman, we believe, to answer the gentlewoman's question, that juvenile sex offenders present a unique danger to other youth. First of all, in a school, juvenile offenders are in constant contact with other children who are potential victims on a daily basis. In a community, individuals and families can avoid all contact.

Second, a system to prevent sexual crimes against children must be developed immediately. As I have said previously to the gentleman from Virginia, this notification is up to the freedom of the State. All they have to do is submit the plan and let the U.S. Attorney General know.

□ 1445

Ms. DUNN. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. MCCOLLUM], the subcommittee chairman, who has been a great supporter.

Mr. MCCOLLUM. Mr. Chairman, I want to say I strongly support the gentlewoman's amendment, and I applaud her efforts to assure the communities are notified when convicted sexual predators move into neighborhoods. She has done it with Jacob Wetterly, she has done it with the Megan's Law, she is doing it here again today.

I do have some reservations of a technical nature which I think we can correct in conference, which the gentlewoman and I have discussed. The amendment is a good amendment though. It should be supported today. It further improves the laws on notification, and I do not think the objections I have heard deserve a no vote. I

think she deserves a yes vote, and I encourage it.

Ms. DUNN. I yield myself the balance of the time, Mr. Chairman. How much time do I have remaining?

The CHAIRMAN. The gentlewoman from Washington [Ms. DUNN] has 1 minute remaining, and the gentleman from Virginia [Mr. SCOTT] has 30 seconds remaining.

Ms. DUNN. Mr. Chairman, I yield myself the balance of the time.

A few additional facts:

According to the Department of Justice, the total number of arrests of juvenile offenders in 1995 was over 16,000 in this Nation, and I believe we are compelled to put a system in place that will prevent possible reoffense.

Let me offer some facts from a study that was published by the Washington State Institute for Public Policy. It is very deeply disturbing.

Juveniles who recommitted sexual offenses continue to offend against children. The sexual recidivists were arrested for new offenses very soon after they had been let out of institutions. In Washington State alone 716 juveniles are registered as sex offenders and are under State or county supervision. These juveniles either attend school or work. This number, moreover, does not reflect the number of juveniles who are no longer under supervision. These two studies and the statistics alone give us reason enough to implement immediately a process of parental notification.

Mr. Chairman, the whole intention behind all our work on Megan's Law was to protect innocent women and children from sexual predators. All this amendment does is require each State to submit the method by which it will notify parents, a simple refinement of the work we have done.

I encourage Congress to pass this amendment.

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

Mr. SCOTT. Mr. Chairman, I yield the balance of the time to the gentleman from Indiana [Mr. BUYER].

The CHAIRMAN. The gentleman from Indiana is recognized for 30 seconds.

Mr. BUYER. Mr. Chairman, I thank the gentleman from Virginia [Mr. SCOTT] for yielding this time to me.

I have grave reservations about this. I applaud the gentlewoman for all of her work on child notification, but I find myself involved in investigation of sexual misconduct in the military and now sexual misconduct, fraternization and sexual harassment in the VA. The victims are very real here.

Let us not get lost in the high weeds. The juvenile justice system is about rehabilitation, also. So when my colleagues talk about the exploration of sex and first-time experiences, let us not forget about victims of potential sexual offenses while they are also juveniles and the further exploitation and the fear of these now children victims in being able to come forward.

So I have some very strong concerns, and I think the letter that was referred to from the National Center for Missing and Exploited Children in not supporting the legislation as written should be taken with great notice and this should be corrected in conference.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Washington [Ms. DUNN].

The question was taken; and the chairman announced that the ayes appeared to have it.

Ms. DUNN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentlewoman from Washington [Ms. DUNN] will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 105–89.

AMENDMENT NO. 8 OFFERED BY MR. MCCOLLUM

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCCOLLUM:

Page 4, line 21, strike ''public safety'' and insert ''justice''.

Page 22, beginning in line 4, strike ''Director of Bureau of Justice Assistance'' and insert ''Attorney General''.

Page 24, beginning in line 12, strike ''Director'' and insert ''Attorney General''.

Page 24, line 14, strike ''Director'' and insert ''Attorney General''.

Page 27, lines 10, 12, and 16, strike ''Director'' and insert ''Attorney General''.

Page 28, beginning in line 7, and in line 19, strike ''Director'' and insert ''Attorney General''.

Page 31, lines 5, 12, 16, 19, 22, strike ''Director'' each place it appears and insert ''Attorney General''.

Page 32, lines 4, 10, 11, 13, beginning in line 15, and on line 19, strike ''Director'' and insert ''Attorney General''.

Page 34, line 2, strike ''Director'' and insert ''Attorney General''.

Page 36, strike lines 3 through 4 and insert the following:

'''(7) The term 'serious violent crime' means murder, aggravated sexual assault, and assault with a firearm.

Page 36, lines 15 and 19, strike ''Director'' and insert ''Attorney General''.

Page 22, line 14, after ''expanding'' insert '', renovating,''.

Page 22, line 16, before the semicolon insert '', including training of correctional personnel''.

Page 32, line 1, strike ''90'' and insert ''180''.

Page 32, line 24, strike ''one'' and insert ''10''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Florida [Mr. MCCOLLUM] and a Member opposed will each control 5 minutes.

Mr. SCOTT. Mr. Chairman, as a Member of the committee I will ask for the time in opposition, although I am not in opposition.

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] will be recognized for 5 minutes.

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

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

This manager's amendment contains small but helpful changes to H.R. 3. Most of them have been requested by the administration.

The first change, requested by the Justice Department, modifies the basis for a Federal prosecutor's determination not to prosecute a violent juvenile as an adult in the Federal system. Currently, Title I of H.R. 3, which strengthens the Federal juvenile justice system, provides that a juvenile alleged to have committed a serious violent felony or a serious drug offense does not have to be prosecuted as an adult if the prosecutor certifies to the court that the interests to public safety are best served by proceeding against the juvenile as a juvenile. This is why those who say that H.R. 3 mandates prosecution of 14-year-olds for certain crimes are mistaken.

This amendment would change the basis for such a determination from the interests of public safety to the interests of justice. This change will provide the prosecutor with even more flexibility in making this important determination while ensuring that considerations of public safety are still included.

The second change that this amendment would make to H.R. 3 has also been requested by the Department of Justice. It would assign responsibility for administering the accountability incentive grant program to the Attorney General rather than to the Director of the Bureau of Justice Assistance. This change would provide the Attorney General greater flexibility in determining which office within the department should administer the program. This change would enable the department to insure that the program is expeditiously implemented and efficiently managed.

The third change made by this amendment is to define the term ''serious violent crime'' as it appears in title III of the bill. One of the requirements of the accountability incentive grant program of title III is that States allow prosecutors to make the decision of whether to prosecute a juvenile who has committed a serious violent crime as an adult. This amendment would define the term ''serious violent crime'' narrowly so as to include only murder, aggravated sexual assault and assault with a firearm. By explicitly limiting the term to these serious offenses, the likelihood of any problem associated with different State definitions is kept to a minimum.

This amendment also includes a provision that my friend from Indiana and a member of the committee, the gentleman from Indiana [Mr. PEASE], has worked on. This provision would explicitly provide that grant funds received under title III could be used not merely to build, expand or operate juvenile correction detention facilities,

but also to renovate such facilities and to train correctional personnel to operate such facilities. This provides additional flexibility to States and localities seeking to increase and make better use of their juvenile facilities.

Finally, the amendment increases the period of time provided for the Department of Justice to make grant awards from 90 to 180 days as requested by the Department. This establishes a more realistic timeframe for grants, for getting the grant funds out to the States and localities.

In my view, Mr. Chairman, this amendment is noncontroversial and makes a better bill, and I urge my colleagues to support it.

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

Mr. SCOTT. Mr. Chairman, I yield 4½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding this time to me and appreciate the vigorous debate that we have had and his leadership on these issues.

I simply want to acknowledge that this manager's amendment is one that obviously, with the corrections that are being made, those of us who attempted first to have a bipartisan bill in H.R. 3 are glad for these particular technical corrections, and I thank the gentleman from Florida [Mr. MCCOLLUM] for them.

If he would allow me, I do want to acknowledge before asking to enter into a colloquy with him, and if he would suffer my disagreement on some aspects, if he would, that I was hoping that we might have been able to add a very important provision dealing with requirement on trigger locks. This I know the gentleman from Florida does not agree with, and I am not certainly asking him to respond to this. This would have been an appropriate place to add the Federal requirement that federally licensed firearm dealers provide a child safety lock with each firearm sold. I say that because 80 percent of Americans have agreed with that policy. It is only the National Rifle Association that disagrees.

Having said that, let me thank the gentleman from Florida [Mr. MCCOLLUM], as I said, for these manager corrections and particularly thank him for working with me on protecting those youth who may be housed in an institution that may have adults. We have discussed the fact that this bill in fact does not change current law, which does allow children and adults be housed together. Amendments that were proposed and were not accepted would have eliminated that danger. But I do appreciate the gentleman's interest in an amendment that I offered that had to do with the penalty for an adult that rapes a juvenile who may be incarcerated in the vicinity or in the facility of that adult.

I would like to engage the gentleman from Florida [Mr. MCCOLLUM] in a colloquy on two points, and that is the penalty for rape of juveniles in prison, and I would ask the gentleman the ability to work together with him to ensure that this provision might work its way into this legislation.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, the gentlewoman knows I tried to put this in the manager amendment. I think having this penalty for rape by a corrections guard in a prison is a very important amendment, and enhances the penalties for that, but unfortunately the Committee on Rules determined that that would open the scope of the whole bill if it were adopted to a lot more amendments than would otherwise be permitted on a variety of subject matters.

So I will work with the gentlewoman in conference. Hopefully, we can get this into this bill and maybe into an other piece of legislation, but I strongly support that provision, and I hope we can get it through, and we will work for it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Florida, and let me just quickly say that, unfortunately, we had a situation where a young person was put in for a truancy offense. This goes to my housing juveniles with adults, existing law that I would like to change, and this bill does not, and that individual ultimately committed suicide. I hope that we prospectively can look at those issues, but moving from that let me also raise with my colleague very quickly:

As the gentleman well knows I filed the Hillory J. Farias Date Rape Prevention Act. I appreciate the discussion we had in the committee. We were not able to get this legislation in this particular bill. In fact, I think that is good, because it is important to have this issue aired. This young lady would have graduated this year. She is now dead for the DHB drug. We have determined that there is no medically redeeming quality to this drug and DEA has confided, or at least affirmed that is the case. I would like to engage the gentleman in a very brief colloquy about the opportunity to have hearings and to see the devastating impact of the DHB so that this can pass.

Mr. MCCOLLUM. Mr. Chairman, if the gentlewoman would yield, I fully intend to hold hearings on this and a number of other Members' bills. It is my intent as the chairman of the subcommittee to hold a number of our bills before hearings that Members have, including the one the gentlewoman has proferred here tonight that she is talking about, and that will occur over the next few months as we get to Members' individual bills.

So I look forward to the hearing on it. I do not know my position on the bill yet, but I will certainly anticipate holding a hearing on it and giving the gentlewoman every opportunity to convince me and others that this is the measure we should adopt. I understand it is a serious problem, and we certainly should look at the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think the Hillory J. Farias bill will get the gentleman's attention, and I thank him very much as chairman.

Mr. SCOTT. Mr. Chairman I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Virginia is recognized for 30 seconds.

Mr. SCOTT. Mr. Chairman, as the gentlewoman from Texas has indicated, we would have liked other amendments, but these amendments are clearly technical and clarifying, and I would ask the House to support this manager's amendment.

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

Mr. MCCOLLUM. Mr. Chairman, may I inquire what amount of time I have left?

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 2 minutes remaining, and the gentleman from Virginia [Mr. SCOTT] is out of time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of the time, and I appreciate very much, I want to take this opportunity to say this, I appreciate very much the opportunity to work with the gentleman from Virginia [Mr. SCOTT] as well as the gentleman from New York [Mr. SCHUMER] and all of the members of the subcommittee on both sides of the aisle.

In crafting the bill that is before us today, the manager's amendment I know is not controversial. I do not expect a recorded vote on it. We have outlined it already. But I would like to take the remaining few seconds to finally express and summarize what is in this bill, and I know the bill does not contain everything everybody wants. There are a lot of other things we need to do to fight juvenile crime that are not in this bill, and it has been understood from the beginning by me and by those of us who support it. But the bill is a solid good product and it deserves my colleagues' support.

It is a bill that will go a long way to correcting a collapsing, failing juvenile justice system in this Nation. Unfortunately, one out of every five violent crimes in the country are committed by those under 18, and we only put in detention or any kind of incarceration 1 out of every 10 juveniles who are adjudicated or convicted of violent crimes.

Now we have an overwhelming number coming aboard as the demographics change. The FBI estimates doubling the number of teenage violent crimes if we do not do something about them in the next few years. Most of this is State. We are dealing with both Federal and State in this bill, and we are encouraging through an incentive grant program States to take those steps, including sanctions from the

very early, very first delinquent act, that are necessary to try to keep some of these kids through the juvenile justice system from progressing further and committing these violent crimes ultimately.

We want them to understand there are consequences to their acts and, even when they throw a brick through a window, run over a parking meter or spray paint a building, they should get at least community service or some kind of sanction. It is terribly important. That is what this bill would encourage States to do and provide a pot of money for the States to improve their juvenile justice systems by hiring more probation officers, juvenile judges, building more detention facilities and the like.

It is not a comprehensive juvenile crime bill. There are other pieces of this to come later, but it is a very comprehensive approach to correcting a broken, flawed, failed juvenile justice system throughout the United States, and I urge my colleagues in the strongest of terms to vote for the final passage of H.R. 3.

□ 1500

The CHAIRMAN. All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. DUNN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Washington [Ms. DUNN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 398, noes 21, not voting 14, as follows:

[Roll No. 116]

AYES—398

Abercrombie	Bilbray	Calvert
Ackerman	Bilirakis	Camp
Aderholt	Bishop	Canady
Allen	Blagojevich	Cannon
Andrews	Bliley	Cardin
Archer	Blumenauer	Carson
Armey	Blunt	Castle
Bachus	Boehlert	Chabot
Baesler	Boehner	Chambliss
Baker	Bonilla	Chenoweth
Baldacci	Bonior	Christensen
Ballenger	Bono	Clayton
Barcia	Borski	Clement
Barr	Boswell	Clyburn
Barrett (NE)	Boyd	Coble
Barrett (WI)	Brady	Coburn
Bartlett	Brown (CA)	Collins
Barton	Brown (FL)	Combest
Bass	Brown (OH)	Condit
Bateman	Bryant	Cook
Bentsen	Bunning	Cooksey
Bereuter	Burr	Cox
Berman	Burton	Coyne
Berry	Callahan	Cramer
Crane	Jackson (IL)	Obey
Crapo	Jackson-Lee (TX)	Olver
Cubin	Jefferson	Ortiz
Cummings	Jenkins	Owens
Cunningham	John	Oxley
Danner	Johnson (CT)	Packard
Davis (FL)	Johnson (WI)	Pallone
Davis (IL)	Johnson, E. B.	Pappas
Davis (VA)	Johnson, Sam	Parker
Deal	Jones	Pascrell
DeFazio	Kanjorski	Pastor
DeGette	Kaptur	Paul
Delahunt	Kelly	Payne
DeLauro	Kennedy (MA)	Pease
DeLay	Kennedy (RI)	Pelosi
Dellums	Kennelly	Peterson (MN)
Deutsch	Kildee	Peterson (PA)
Dickey	Kilpatrick	Petri
Dicks	Kim	Pickett
Dixon	Kind (WI)	Pitts
Doggett	King (NY)	Pombo
Dooley	Kingston	Pomeroy
Doolittle	Kleczka	Porter
Doyle	Klink	Portman
Dreier	Klug	Poshard
Duncan	Knollenberg	Price (NC)
Dunn	Kolbe	Pryce (OH)
Edwards	Kucinich	Quinn
Ehlers	LaFalce	Radanovich
Ehrlich	LaHood	Rahall
Emerson	Lampson	Ramstad
Engel	Lantos	Regula
English	Largent	Reyes
Ensign	Latham	Riggs
Eshoo	LaTourette	Riley
Etheridge	Lazio	Rivers
Evans	Leach	Rodriguez
Everett	Levin	Roemer
Ewing	Lewis (CA)	Rogan
Farr	Lewis (GA)	Rogers
Fazio	Lewis (KY)	Rohrabacher
Flake	Linder	Ros-Lehtinen
Foley	Lipinski	Rothman
Forbes	Livingston	Roukema
Ford	LoBiondo	Roybal-Allard
Fowler	Lofgren	Royce
Fox	Lowey	Rush
Frank (MA)	Lucas	Ryun
Franks (NJ)	Luther	Salmon
Frelinghuysen	Maloney (CT)	Sanchez
Frost	Maloney (NY)	Sanders
Furse	Manton	Sandlin
Gallegly	Manzullo	Sanford
Ganske	Markey	Sawyer
Gejdenson	Martinez	Saxton
Gekas	Mascara	Scarborough
Gephardt	Matsui	Schaefer, Dan
Gibbons	McCarthy (MO)	Schaffer, Bob
Gilchrest	McCarthy (NY)	Schumer
Gillmor	McCollum	Sensenbrenner
Gonzalez	McCrery	Serrano
Goode	McDade	Sessions
Goodlatte	McGovern	Shadegg
Goodling	McHale	Shaw
Gordon	McHugh	Shays
Goss	McInnis	Sherman
Graham	McIntosh	Shimkus
Granger	McIntyre	Shuster
Green	McKeon	Sisisky
Gutierrez	McNulty	Skaggs
Gutknecht	Meehan	Skeen
Hall (OH)	Meek	Skelton
Hall (TX)	Menendez	Slaughter
Hamilton	Metcalf	Smith (MI)
Hansen	Mica	Smith (NJ)
Harman	Millender-McDonald	Smith (OR)
Hastert	Miller (CA)	Smith (TX)
Hastings (WA)	Miller (FL)	Smith, Adam
Hayworth	Minge	Smith, Linda
Hefley	Mink	Snowbarger
Herger	Moakley	Snyder
Hill	Molinari	Solomon
Hilleary	Mollohan	Souder
Hilliard	Moran (KS)	Spence
Hinojosa	Moran (VA)	Stabenow
Hobson	Morella	Stearns
Hoekstra	Murtha	Stenholm
Holden	Myrick	Strickland
Hooley	Nadler	Stump
Horn	Neal	Stupak
Hostettler	Nethercutt	Sununu
Houghton	Neumann	Talent
Hoyer	Ney	Tanner
Hulshof	Northup	Tauscher
Hunter	Norwood	Tauzin
Hutchinson	Nussle	Taylor (MS)
Hyde	Oberstar	Taylor (NC)
Inglis	Olver	Thomas
Istook	Ortiz	Thompson
Jackson (IL)	Owens	Thornberry
Jackson-Lee (TX)	Oxley	Thune
Jefferson	Packard	Thurman
Jenkins	Pallone	Tiahrt
John	Pappas	Tierney
Johnson (CT)	Parker	Torres
Johnson (WI)	Pascrell	Traficant
Johnson, E. B.	Pastor	Turner
Johnson, Sam	Paul	Upton
Jones	Payne	Velazquez
Kanjorski	Pease	Vento
Kaptur	Pelosi	Visclosky
Kelly	Peterson (MN)	Walsh
Kennedy (MA)	Peterson (PA)	Wamp
Kennedy (RI)	Petri	Watkins
Kennelly	Pickett	Watts (OK)
Kildee	Pitts	Waxman
Kilpatrick	Pombo	Weldon (FL)
Kim	Pomeroy	Weldon (PA)
Kind (WI)	Porter	Weller
King (NY)	Portman	Wexler
Kingston	Poshard	Weygand
Kleczka	Price (NC)	White
Klink	Pryce (OH)	Whitfield
Klug	Quinn	Wicker
Knollenberg	Radanovich	Wise
Kolbe	Rahall	Wolf
Kucinich	Ramstad	Woolsey
LaFalce	Regula	Wynn
LaHood	Reyes	Young (AK)
Lampson	Riggs	Young (FL)
Lantos	Riley	
Largent	Rivers	
Latham	Rodriguez	
LaTourette	Roemer	
Lazio	Rogan	
Leach	Rogers	
Levin	Rohrabacher	
Lewis (CA)	Ros-Lehtinen	
Lewis (GA)	Rothman	
Lewis (KY)	Roukema	
Linder	Roybal-Allard	
Lipinski	Royce	
Livingston	Rush	
LoBiondo	Ryun	
Lofgren	Salmon	
Lowey	Sanchez	
Lucas	Sanders	
Luther	Sandlin	
Maloney (CT)	Sanford	
Maloney (NY)	Sawyer	
Manton	Saxton	
Manzullo	Scarborough	
Markey	Schaefer, Dan	
Martinez	Schaffer, Bob	
Mascara	Schumer	
Matsui	Sensenbrenner	
McCarthy (MO)	Serrano	
McCarthy (NY)	Sessions	
McCollum	Shadegg	
McCrery	Shaw	
McDade	Shays	
McGovern	Sherman	
McHale	Shimkus	
McHugh	Shuster	
McInnis	Sisisky	
McIntosh	Skaggs	
McIntyre	Skeen	
McKeon	Skelton	
McNulty	Slaughter	
Meehan	Smith (MI)	
Meek	Smith (NJ)	
Menendez	Smith (OR)	
Metcalf	Smith (TX)	
Mica	Smith, Adam	
Millender-McDonald	Smith, Linda	
Miller (CA)	Snowbarger	
Miller (FL)	Snyder	
Minge	Solomon	
Mink	Souder	
Moakley	Spence	
Molinari	Stabenow	
Mollohan	Stearns	
Moran (KS)	Stenholm	
Moran (VA)	Strickland	
Morella	Stump	
Murtha	Stupak	
Myrick	Sununu	
Nadler	Talent	
Neal	Tanner	
Nethercutt	Tauscher	
Neumann	Tauzin	
Ney	Taylor (MS)	
Northup	Taylor (NC)	
Norwood	Thomas	
Nussle	Thompson	
Oberstar	Thornberry	
Obey	Thune	
Olver	Thurman	
Ortiz	Tiahrt	
Owens	Tierney	
Oxley	Torres	
Packard	Traficant	
Pallone	Turner	
Pappas	Upton	
Parker	Velazquez	
Pascrell	Vento	
Pastor	Visclosky	
Paul	Walsh	
Payne	Wamp	
Pease	Watkins	
Pelosi	Watts (OK)	
Peterson (MN)	Waxman	
Peterson (PA)	Weldon (FL)	
Petri	Weldon (PA)	
Pickett	Weller	
Pitts	Wexler	
Pombo	Weygand	
Pomeroy	White	
Porter	Whitfield	
Portman	Wicker	
Poshard	Wise	
Price (NC)	Wolf	
Pryce (OH)	Woolsey	
Quinn	Wynn	
Radanovich	Young (AK)	
Rahall	Young (FL)	
Ramstad		
Regula		
Reyes		
Riggs		
Riley		
Rivers		
Rodriguez		
Roemer		
Rogan		
Rogers		
Rohrabacher		
Ros-Lehtinen		
Rothman		
Roukema		
Roybal-Allard		
Royce		
Rush		
Ryun		
Salmon		
Sanchez		
Sanders		
Sandlin		
Sanford		
Sawyer		
Saxton		
Scarborough		
Schaefer, Dan		
Schaffer, Bob		
Schumer		
Sensenbrenner		
Serrano		
Sessions		
Shadegg		
Shaw		
Shays		
Sherman		
Shimkus		
Shuster		
Sisisky		
Skaggs		
Skeen		
Skelton		
Slaughter		
Smith (MI)		
Smith (NJ)		
Smith (OR)		
Smith (TX)		
Smith, Adam		
Smith, Linda		
Snowbarger		
Snyder		
Solomon		
Souder		
Spence		
Stabenow		
Stearns		
Stenholm		
Strickland		
Stump		
Stupak		
Sununu		
Talent		
Tanner		
Tauscher		
Tauzin		
Taylor (MS)		
Taylor (NC)		
Thomas		
Thompson		
Thornberry		
Thune		
Thurman		
Tiahrt		
Tierney		
Torres		
Traficant		
Turner		
Upton		
Velazquez		
Vento		
Visclosky		
Walsh		
Wamp		
Watkins		
Watts (OK)		
Waxman		
Weldon (FL)		
Weldon (PA)		
Weller		
Wexler		
Weygand		
White		
Whitfield		
Wicker		
Wise		
Wolf		
Woolsey		
Wynn		
Young (AK)		
Young (FL)		

NOES—21

Becerra	Gilman	Scott
Buyer	Greenwood	Stark
Campbell	Hastings (FL)	Stokes
Conyers	Hinchey	Towns
Dingell	McDermott	Waters
Fattah	Rangel	Watt (NC)
Foglietta	Sabo	Yates

NOT VOTING—14

Boucher	Fawell	Paxon
Capps	Filner	Pickering
Clay	Hefner	Schiff
Costello	Kasich	Spratt
Diaz-Balart	McKinney	

□ 1518

Mr. HASTINGS of Florida changed his vote from ''aye'' to ''no.''

Messrs. GIBBONS, HOEKSTRA, and MCDADE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CAPPS. Mr. Chairman, earlier today the House voted on rollcall No. 116, the Dunn amendment to the Juvenile Justice Act. Because of a voting machine malfunction, my vote was not recorded. I wish the record to reflect that I attempted to vote in favor of this amendment.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

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

Mr. HYDE. Mr. Chairman, I rise in strong support of H.R. 3, the Juvenile Crime Control Act of 1997. H.R. 3 gets tough on the No. 1 public safety problem in America—juvenile crime. It attacks the key problem with the juvenile justice system in America—its failure to hold all juvenile criminals accountable for their offenses.

Our Nation's juvenile justice system is completely dysfunctional and badly in need of reform. Remarkably, most juveniles receive no punishment at all. Nearly 40 percent of violent juvenile offenders who come into contact with the system have their cases dismissed—and only 10 percent of these criminals receive any sort of institutional confinement.

By the time the courts finally lock up an older teen on a violent crime, the offender often has a long rap sheet with arrests starting in the early teens. Juveniles who vandalize stores and homes—or write graffiti on buildings—rarely come before a juvenile court. Kids don't fear the consequences of their actions because they are rarely held accountable.

How did we let this happen? First, there isn't enough detention space for juvenile criminals. Second, there are not enough alternative punishments. And third, there are still too many well intended but mistaken judges who view juvenile criminals as merely children in need of special care.

Now, here's the really bad news. Experts say that juvenile arrests for violent crimes will

more than double by 2010. The FBI predicts that juveniles arrested for murder will increase by 145 percent; forcible rape arrests will increase by 66 percent; and aggravated assault arrests will increase by 129 percent. In the remaining years of the decade and throughout the next, America will experience a 31-percent increase in the teenage population—as 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.

H.R. 3 would establish a Federal model for holding juvenile criminals accountable through workable procedures, adult punishment for serious violent crimes, and graduated sanctions for every juvenile offense. The bill directs the Attorney General to establish an aggressive program for getting gun-wielding, repeat violent juveniles off the streets.

H.R. 3 also encourages the States, with incentive grants for building and operating juvenile detention facilities, to punish all juvenile criminals appropriately. Punishing juvenile criminals for every offense is crime 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 wrong doing—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.

I should emphasize that H.R. 3 is 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. It is my hope that a bipartisan agreement will be reached that funds $70 to $80 million in new prevention block grants to the States—these grants will target at-risk and delinquent youth. In addition, that bill will be a small but significant part of the more than $4 billion that the Federal Government will spend this year on at-risk and delinquent.

Accountability and prevention are not mutually exclusive. We need to restore the foundation of our broken juvenile justice system by holding young offenders accountable for their crimes, and we need to invest in prevention programs that work. I believe that this dual approach will put a real dent in juvenile crime across the Nation.

H.R. 3 addresses the crisis of juvenile crime in America today by establishing model procedures for prosecuting juveniles and by giving significant incentives to the States to fix their juvenile justice systems.

I urge you to support this bill and begin the process of repairing America's collapsed juvenile justice system.

Mr. GEPHARDT. Mr. Chairman, I strongly support this Democratic amendment to the Juvenile Crime Control Act because it accomplishes what the Republican bill does not: It heeds the cry of law enforcement officers who are asking for help at the local level, in the precinct and on the beat, and it adheres to the values that make our communities safe and our families strong. It provides the resources to those who are on the front lines of law enforcement, at the local level: the police officer, district judges, and DA's and community leaders who are rallying together to stop the scourge of gang violence and drugs in their streets. It confronts the tragedy of juvenile crime through a balanced approach of tough enforcement and smart intervention and prevention.

The Republican bill is weak on crime because it starts at the jail-house door. The bill that Republicans present to us today fails on several accounts: It is extreme in treating children as adults in the Federal juvenile justice system—it offers no assistance to local law enforcement unless they get in line with the new federalism forced on local jurisdictions as proscribed by Republican criteria—and, finally, it is unbalanced because it ignores what law-enforcement officials have been telling us for years: if you want to curb juvenile crime, you've got to be tough, you've got to be fair, and you've got to be hands-on, child-by-child to intervene before they experiment with drugs and join gangs and prevent them from becoming another fatality of a justice system that has been designed by political sound-byte rather than a smart and effective anticrime strategy.

The first question we have to ask ourselves, as a society, as parents, as human beings, is this: Do we want a system of justice that places the highest premium on warehousing juvenile offenders, in jails which propagate further criminal behavior, or do we want to provide local communities and law enforcement with the ability to put in place the mechanisms to help us as a society, deal with the reasons that lead our kids to use drugs and join gangs, because they have grown up in a situation where they have nowhere else to turn?

It ignores what is going on with our kids. Every day in America, 5,711 juveniles are arrested—more than 300 children are arrested for violent crimes. Every day, more than 13,000 students are suspended from public schools and more than 3,300 high school students drop out altogether. Drug use is on the rise for 13 to 18-year-olds, violent gang-related crimes are being committed by hardened juvenile criminals, and teen pregnancy is still a major problem. But I would argue that these are indirect social costs of something deeper and more pervasive that is going on. When you consider what is happening to our communities and the family, when you consider that there are no safe havens for many kids who are literally growing in communities that are under fire from gang activity and drug trafficking, you come to a different place in this debate.

At a time when child care experts are telling us that the formative years of a child's life determines whether that child will be well-balanced or emotionally challenged for the remainder of his or her life, we need to pay attention to the environment in which our children are growing up in: Kids go to schools shadowed by hunger because they haven't had a proper breakfast, they are sent to second-rate, crumbling schools that are dangerous to their health and contrary to a positive learning environment, they go home each night in many cases without adult supervision are left to fend for themselves. And the younger kids are often left in understaffed day-care facilities that operate like kennels.

Our kids need to learn responsibility and respect. They need to learn how to make smart, good choices in a world full of bad ones. But how can they when all of the odds are stacked against them? We can't afford to play these odds any more—our children, our futures are at stake.

This is not about codding hardened criminals that lack a conscience and who take it out on innocent people who happen to be in the wrong place at the wrong time. This is not about giving a break to children because they are children, when they are killing other children. This is about giving the people who must apprehend, prosecute, and sentence these juveniles—the ability to hold these children accountable for their actions, and giving them a choice in how they will do that. This gives communities the ability to get to these kids before they ruin their lives and the lives of those around them. This gives families the means to prevent their kids from becoming both the victims of as well as the perpetrator of crimes, this gives kids the opportunity to choose another path.

We call for a zero-tolerance policy toward gang activity. We taught juvenile delinquents who commit violent crimes and crimes involving firearms. We provide resources for local communities to hire more police to prevent juvenile crime, more drug intervention efforts to provide drug treatment, education, and enforcement. And we provide resources to localities to set up antigang police units and task forces.

When Democrats first designed this approach in our families first agenda last year, we talked to the people who are most affected by crime: Average working families in neighborhoods all across this great Nation. They told us this is what they wanted to help them deal locally with the threats that face them and their children. Let us give the people what they are asking for today, let us give them a balanced approach to juvenile justice, give us your vote on the Stupak-Stenholm-Lofgren-Scott substitute.

Ms. DEGETTE. Mr. Chairman, I would like to qualify my vote for Representative DUNN's amendment to H.R. 3, the Juvenile Crime Control Act of 1997. Representative DUNN has advised me that it is her intention that her amendment would allow States to develop plans which provide for the notification of school officials of the presence of juvenile sex offenders, and for those officials to appropriately inform parents. States with plans such as this would qualify for the Byrne grant funds.

I support appropriate notification of communities when sex offenders are released but I

am also concerned that direct notification of parents could cause vigilantism. The rationale behind notification is to provide for the safest environment to the community. Providing this information, without context or supervision by school officials, could undermine the intended results.

An example of the unfortunate circumstances that this amendment could lead to happened quite recently. In Manhattan, KS, the completely innocent Lumpkins family was unfairly victimized by their community when a list of sexual offenders in the area included their address. People threw rocks at their home and their daughter was harassed by neighbors. The Kansas Bureau of Investigation admitted it was an easy mistake to make.

In schools, similar vigilante action would be prevented by notification of official and development by the school of guidelines for the method and details of parents suitable to the situation.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 3, the Juvenile Crime Control Act of 1997. Let me state from the beginning that I recognize the challenge we face in curbing crime in our Nation. In fact, I have been a longstanding advocate for strong congressional action to reduce and prevent violence and crime. Nonetheless, I cannot support crime control measures which compromise our commitment to preventative or rehabilitative strategies for our Nation's most valuable resource, our children. Therefore, I must oppose this measure before us today.

Mr. Speaker, the stated objective of the Juvenile Crime Control Act of 1997 is to revise provisions of the Federal criminal code to permit Federal authorities to prosecute juveniles, as young as 13 years of age, as adults. It is my belief that our judicial system's major focus should be to protect its children from harm, not to throw them into our society as hardened criminals without any attempt to reform them.

H.R. 3 would essentially give up on America's juvenile justice system and ultimately give up on America's troubled youth. The bill would allow State and Federal courts to try and imprison children in facilities with adults. Instead of improving the current system of rehabilitating underage offenders, or funding proven and cost-effective prevention programs, this legislation would have the courts give up on at-risk youth.

In addition, H.R. 3 is based on assumptions proven to be ineffective. Studies have shown that children who are housed in juvenile facilities are 29 percent less likely to commit another crime than those jailed with adults. In addition, the danger to children housed with adults is real. In 1994 alone, 45 children died while they were held in State adult prisons or adult detention facilities.

Mr. Speaker, there can be no doubt that the draconian measures mandated by this legislation will have a disproportionally unfair impact on African-American young people. A Washington-based advocacy group, known as the ''Sentencing Project,'' confirmed this fact when it reported that a shocking one-third, or 32.2 percent of young black men in the age group 20–29 is in prison, jail, probation, or on parole. In contrast, white males of the same age group are incarcerated at a rate that is only 6.7 percent.

As the Nation experiences a slight overall decline in the crime rate, 5,300 black men of every 100,000 in the United States are in prison or jail. This compares to an overall rate of 500 per 100,000 for the general population, and is nearly five times the rate which black men were imprisoned in the apartheid era of South Africa. America is now the biggest incarcerator in the world and spends billions of dollars each year to incarcerate young people.

Mr. Speaker, the number of African-American males under criminal justice control is over 827,000. This figure exceeds the number of African-American males enrolled in higher education. The Juvenile Justice Act of 1997 is a step in the wrong direction. We need to do all that we can to promote crime prevention measures to ensure that our children never start a life of crime. Furthermore, we must not give up on our Nation's most valuable resource, our young people. I urge my colleagues to protect our youth, and vote down this unconscionable measure.

Mr. CALVERT. Mr. Chairman, due to previously scheduled commitments in my district, I am unable to make the final two votes on H.R. 3, the Juvenile Crime Control Act. I strongly support the bill, and have voted today for many amendments to strengthen the bill. I oppose the motion to recommit with instructions because such a move would strip the bill of the very provisions which make it good legislation. Thus, I support final passage of the bill. I hope that the Senate will take up this measure quickly and that the President will sign the Juvenile Crime Control Act as soon as possible. Unfortunately, there are cases of juvenile crime where Federal prosecutors need the authority to try juvenile offenders as adults. This legislation would grant that authority and make available block grants to restore the effectiveness of State and local juvenile justice systems. This is good legislation which all Members of the House should support.

Mr. ABERCROMBIE. Mr. Chairman, today I rise in support of H.R. 3, the Juvenile Crime Control Act of 1997. This highly focused bill deals with violent juvenile offenders on the Federal level. H.R. 3 addresses the issue of incarcerating violent juvenile offenders at the Federal level by lowering the age at which a judge may waive a violent juvenile offender into adult court; treats juvenile records the same as adult records; and increases accountability for juveniles adjudicated delinquent and their parents. The measure also encourages placing juveniles younger than 16 in suitable juvenile facility prior to disposition or sentencing. For juveniles 16 and older, it provides for their detention in a suitable place designated by the Attorney General. This by no means requires that juvenile offenders on the Federal level be housed with adults. In addition, H.R. 3 provides that every juvenile detained prior to disposition or sentencing shall be provided with reasonable safety and security.

H.R. 3 provides incentives for States to emulate this new approach. The grant program in H.R. 3 would be authorized at $500 million for 3 years. States must meet certain requirements if they are to obtain money from grants authorized by H.R. 3—e.g., they must try violent juvenile felons as young as 15 as adults; they must treat juvenile records like adult records; and they must permit parent-accountability orders. States which meet all the criteria could use the money for various initiatives such as establishing and maintaining accountability-based programs 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 drugs, gangs, and youth violence.

Although I support H.R. 3, I realize it does not address the issue of nonviolent offenders on the State and Federal level, nor does it provide prevention and rehabilitation programs for juvenile offenders. These issues should be addressed when Congress reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974. That is the appropriate time and the correct venue to aid our communities in developing programs to help youth stay away from crime, gangs, drugs and guns. Juvenile justice officials in Hawaii have asked for help in funding prevention programs, substance abuse programs, support programs for children who have little or no family life, and programs that would give State court judges an alternative program to deal with certain juvenile offenders instead of sending them to correctional facilities. I am sure my colleagues have heard similar requests from juvenile justice officials in their districts.

Sending children to jail and throwing away the key while ignoring prevention and rehabilitation programs will not effectively reduce juvenile crime or be cost-effective. A 1996 study by the RAND Corp. found that early intervention and prevention programs are, indeed, cost-effective solutions for reducing the juvenile crime rate. The study indicates that prevention programs which focus on early intervention in the lives of children who are at greatest risk of eventual delinquent behavior are effective in reducing arrest and rearrest rates.

We need to send a message to juveniles: If you commit a violent offense you will be punished accordingly. However, at the same time we must continue our attempt to reach kids, to get them involved in their communities, and to prevent them from taking part in dangerous activities in the first place. I urge my colleagues to vote for H.R. 3 and to strongly support a debate occurring this year on reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

Ms. BROWN of Florida. Mr. Chairman, I rise to speak in opposition to H.R. 3, the Juvenile Crime Control Act or what I call the Anti-Florida/Anti-Juvenile Justice Act.

Although the author of this bill is from my home State of Florida, this bill does nothing to assist Florida's juvenile justice system.

As a former Florida State representative, with a degree in criminology, and a longstanding member of the State Corrections Committee, I can say that Mr. MCCOLLUM's proposal is anti-Florida and does nothing to address crime prevention.

According to the Florida Department of Juvenile Justice, H.R. 3 should not be mandatory and connected to purse strings. The proposed Federal mandate will eliminate the State's attorney's discretion to prosecute adolescent offenders in juvenile court.

In fact, the bill will have the opposite effect of what it is intended to do. With the discretion of the Florida State's attorney, the majority of 15-year-olds receive tougher sentence in a juvenile correctional facility. If tried as an adult, H.R. 3 will actually give Florida's 15-year-olds lighter sanctions. I thought Mr. MCCOLLUM wanted to increase juvenile punishments, not reduce them.

Under H.R. 3, 75 percent of the funding formula will be given to county governments.

Florida has a State-financed and operated juvenile justice system. Instead of providing money for existing State programs, this bill will create yet another level of bureaucracy. I don't understand why the author of such legislation would want to bypass his own State's juvenile justice system.

Now let's talk about the children. Under H.R. 3, juveniles as young as 13 can be tried and jailed as adults, their records will be opened to public scrutiny, and they will live side by side with society's most violent criminals. To punish these young children as adults is severe, to say the least.

This so-called juvenile justice bill doesn't care much for children. H.R. 3 will put more 15-year-olds in jail with violent adults than ever before. I don't think child abuse, rape, and suicide of jailed children is a justifiable punishment for simple misdemeanors and property crimes.

As leaders of our country, we should give our children opportunities to excel and reasons to turn away from crime and delinquency. It is proven that focus on prevention and early intervention are most effective at deterring juveniles from committing crimes.

H.R. 3 does nothing to prevent crime or offer solutions to juvenile crime. If you're in favor of putting these children with child abusers, rapists, and murderers, vote for H.R. 3. If you want to contribute to the problem of overcrowded correctional facilities, which is our Nation's fastest growing industry, vote for H.R. 3.

Instead of increasing the prison population and encouraging our children to become career criminals, let's spend our time and resources finding ways to contribute to our children's future, not destroying it.

Vote against H.R. 3, the Anti-Florida/Anti-Juvenile Justice Act.

Mr. OXLEY. Mr. Chairman, I rise today to offer my best wishes and support to the Lima-Allen County, OH, branch of the NAACP, as its members make their final preparations for their annual radiothon. The event, planned for May 24 at the Bradfield Community Center in Lima, will join the Lima-Allen County branch with other branches of the NAACP from across the Nation in an effort to attract new members from the Lima-Allen County community, as well as to inspire old members to renew their commitment.

The chapter president, Rev. Robert Curtis, and my friend Malcolm McCoy, deserve special recognition for their work with the organization. I wish them success in their upcoming radiothon and particularly commend their positive influence on the young people of Lima and Allen County.

Mr. SKAGGS. Mr. Chairman, this bill holds out a false hope. It may reduce some juvenile crime by forcing States to impose longer sentences on young offenders. But in return, it will guarantee that many of those young offenders will become career criminals. We should not pay that price. Nor should we force the States to forfeit their freedom and ingenuity in how they handle juvenile offenders as the price for Federal assistance in preventing and punishing juvenile violence.

Very few Federal crimes are committed by juveniles. Rather, almost all juvenile crime—including almost all violent crime—is State crime. So what this bill really intends is to require the States to prosecute more juveniles as adults. In fact, for most heinous crimes, the States already prosecute most juvenile offenders as adults.

I'm somewhat surprised that so many of my colleagues think that we in the House of Representatives know better than the States how to deal with juvenile crime. We've heard for the last several years that State and local officials know best about other problems. What makes this subject so different?

Let the States decide how to handle the complex problems associated with juvenile crime. We have supported the States in their juvenile justice efforts, and we don't need to impose our views about when to prosecute children as adults. Nor do we need to push the States to ease States restrictions on incarcerating juveniles separately from adult offenders.

What happens when you incarcerate children with adult violent offenders? You get eight times as many suicides; you get dramatic increases in acts of sexual assault and brutality against those children; and you increase the likelihood that the children will become career criminals.

Unfortunately, this bill would push the States to mix violent adult offenders not just with violent convicted juveniles but also with nonviolent offenders and even with children awaiting trial who've never been convicted. William R. Woodward, who is the director of the Division of Criminal Justice in the Colorado Department of Public Safety, and Bob Pence, who is chair of the Colorado Juvenile Justice and Delinquency Prevention Council, agree that H.R. 3's provisions on incarcerating children with adults would be counterproductive.

It's tough enough to try to steer juvenile offenders away from a life of crime. H.R. 3 would make it much tougher.

H.R. 3 also unwisely intrudes on State authorities requiring that State judges be stripped of their power to determine whether young people charged with crimes should be tried as adults. How far do the bill's supporters want to meddle in State matters? What does this legislation do to encourage the States to deal with the prevention of Juvenile crime? Nothing. We should be supporting State efforts to prevent young people from getting into criminal behavior, efforts such as mentoring programs and after-school programs. Instead, this bill would direct resources from these efforts.

The Democratic substitute contains the ounce of prevention that deserves our enthusiastic support. H.R. 3 is punitive and misguided, and it should be defeated.

Mr. POMEROY. Mr. Chairman, I rise today in reluctant opposition to the Juvenile Crime Control Act currently before the House. I firmly believe we must be tough on repeat juvenile offenders. Juvenile crime is not only continuing to grow, but it is one of the most troubling issues facing law enforcement officials and the communities they seek to protect. This bill doesn't make productive changes in this area. Rather, it preempts State authority, imposes a one-size-fits-all solution, and has a discriminatory impact on native American youth. I would like to elaborate on my concerns at this time.

First, this bill takes extreme steps to preempt State authority in determining how prosecutors will deal with those who violate State laws. North Dakota communities, including those on our four Indian reservations, need additional resources to build, expand, and operate juvenile correction and detention facilities. But in order to get this help, they must sign off lock-stock-and-barrel on the Federal prescriptions contained in H.R. 3 about the prosecution of State crimes. I have the utmost confidence in the sound judgment of North Dakota prosecutors, judges, parents, and community leaders to determine how best to deal with juvenile crime in our State.

Second, this bill imposes a Washington one-size-fits-all solution to the problem of juvenile crime. North Dakota is not similar to downtown Los Angeles. While the problem of juvenile crime in my State is significant and growing worse, it bares no relationship to what is happening in our Nation's urban centers. North Dakota law enforcement officials take this issue seriously and are taking steps to address the problem.

One example of the overly prescriptive nature of this bill that I would like to cite, is the requirement that each U.S. attorney's office establish a task force to coordinate the apprehension of armed violent youth with State and local law enforcement. This may be an urgent problem in New York or Los Angeles; it is not a problem currently facing our communities. Law enforcement officials need to be given the resources and then be allowed to determine how best to deal with juvenile crime.

Third, I have serious concerns about this bill's impact on native American youth. The only real arena in my State where Federal courts are the primary courts for addressing juvenile crime are crimes that occur on Indian reservations. By modifying Federal law to treat juveniles—as young as 13—as adults, this bill has a discriminatory impact on youth living on our Nation's reservations. I don't believe it is fair for these kids to be singled out for tougher punishment than their classmates who are non-Indians.

As a whole, this bill represents a flawed strategy for dealing with juvenile crime. While I believe incarceration of violent youth offenders should be used as a tool to combat teenage crime, it should not be the only tool. H.R. 3 completely ignores the possibility that these juvenile offenders—as young as 13—can be rehabilitated. Rather than allow some of the funds contained in the bill to be used for programs to turn these kids around, this bill limits the funding strictly to incarceration of these youths. If we have no hope of rehabilitating 13-year-olds, then by passing this bill, we are making a very sad statement about the future of our country.

The substitute I supported, embodied a more balanced approach to this serious problem. It required that 60 percent of the $500 million annual authorization be given to local communities for prevention programs. Funding could also be used to establish comprehensive treatment, education, training, and aftercare programs for juveniles in detention facilities; implementing graduated sanctions for juvenile offenders; and for juvenile courts to implement intensive delinquency supervision efforts.

These concerns were paramount in my consideration of this bill. An additional factor that led me to oppose the bill is the fact that North Dakota does not currently qualify for the 3-year funding included in H.R. 3. Even if my State were to decide to abide by the Federal prescriptions over violations of State laws in order to gain additional resources, our legislature does not meet again until 1999. I am hopeful that when H.R. 3 reaches the Senate, reasonable modifications can be made to

make the bill both tough and smart in dealing with juvenile crime.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in strong opposition to H.R. 3, the Juvenile Crime Control Act. This piece of legislation is too extreme in its treatment of juveniles in the system, both in its insistence on prosecuting more juveniles as adults and in allowing juveniles to be housed with adults, and because it fails to include any measures aimed at preventing juvenile crime. Moreover, as written, the bill fails to include provisions crucial to the fight against crime including real prevention funding, drug control efforts, gun control efforts, and provisions aimed at targeting gang activity.

Mr. Chairman, it is in my opinion that we need to foster a relationship between communities, law enforcement, schools, social services, business communities, and government agencies in order to create partnerships that thwart juvenile violence. Initiatives that target truants, dropouts, children who fear going to school, suspended or expelled students, and youth going back into school settings following release from juvenile correctional facilities, are needed to keep the minds of our youth on the path of righteousness instead of destruction.

Mr. Chairman, another one of my primary concerns with the majority's legislation is that it allows juveniles to be housed with adults. First, the bill allows juveniles and adults to be housed together in pretrial detention. Perhaps most disturbingly, this provision would permit children who have not been accused of violent crimes to be held in adult jails. Children charged with petty offenses like shoplifting or motor vehicle violations could be held with adult inmates.

Mr. Chairman, most significantly, H.R. 3 fails to include a meaningful prevention program. The Federal Government should give local governments money to assist them in finding ways to stop the children in their communities from getting involved in crime in the first place. Money should be available for boys and girls clubs, mentoring programs, after school activities, and other programs that are researched-based and have been proven to work and are cost effective. In the same vein, money should also be spent on early intervention for youth at risk of committing crimes and intervention programs for first offenders at risk of committing more serious crimes.

Mr. Chairman, I would hope that we can work in a more bipartisan manner when it comes to juvenile crime. We all know and understand that crime, on any level, is not partisan—it affects us all—so let us try to bring forth legislation that is both fair and sensible to all.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the Gephardt-Stupak-Stenholm substitute to H.R. 3. The substitute places the focus where it belongs—on prevention of youth violence and crime. The majority's attempt to get tough on crime is not tough, it is cruel, and it lacks a basic understanding or caring for youth violence prevention.

Prevention and early intervention are effective solutions to youth violent crime. Yet the block grant provided in H.R. 3 does not provide funds for prevention programs. Mentoring and after school programs can be successful in deterring youth violence. But this bill focuses only on tougher punishment.

Trying young offenders as adults is not proven to deter crime. In fact, the Department of Justice reports that children tried as adults have a higher rate as repeat offenders than children tried as juveniles. Juveniles charged in the Federal adult or juvenile Justice systems should be placed in juvenile facilities, where they can receive counseling and rehabilitation.

What is the purpose of H.R. 3. Will it reduce crime? No. It treats youth as adults in detention, which diminishes the chance for their rehabilitation. This will not deter young people from violence. It will just eliminate the opportunity for first time youth offenders to change their lives for the better.

We can already charge violent juveniles as adults. Our emphasis must be on prevention if we really want to get tough on youth violence and crime. I urge my colleagues to support the Gephardt-Stupak-Stenholm substitute. Our focus and our efforts must be expended on preventing the increase of violent young criminals, not on increasing their hopelessness.

Mr. VENTO. Mr. Chairman, I rise today in strong opposition to H.R. 3, the Juvenile Crime Control Act. The problem of juvenile crime is so intricate that is defies easy solutions. However, in the drive to increase public safety and reduce juvenile crime, the measure reported to the House has lost sight not only of the complexity of the juvenile crime problem but also the success of existing local enforcement agencies and community initiatives in keeping juveniles out of gangs and crime free. There is a richness of policy choices that we could implement to combat juvenile crime and delinquency if Congress chooses to provide funds and help. H.R. 3, however, does not capitalize on the proven success of early intervention and prevention programs, but rather relies on get tough measures that do little to reduce crime or address its root causes. It favors reactionary measures rather than a proactive approach.

Let me be clear that there is a need for swift and effective punishment for incarceration and according adult treatment for the juveniles that commit violent crimes. However, the emphasis to make real progress does not rest solely on providing $30,000.00 per year for each youth held in juvenile detention facilities; rather it is in changing the outcome by earlier intervention.

Given the alarming rate of crime and the disproportionate amount committed by juveniles, punitive provisions and get tough provisions are widely attractive and politically appealing. Yet, such punitive measures repeatedly fail to deliver the results promised by their proponents. Evidence suggests that routinely trying juveniles as adults actually results in increased recidivism. States with higher rates of transferring children to adult court, as a glaring example, do not have lower rates of juvenile homicide. Finally, children in adult institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked with a weapon than children in a juvenile facility. Treating more children as adults in the criminal justice system does not move us any closer to our common goal—it does not create safer communities.

On the other hand, several studies have highlighted the long-term positive impact of prevention programs. Prevention works—it is the most effective and cost-efficient crime deterrent. According to a recent Rand Corp. study, prevention programs stop more serious crimes per dollar spent than incarceration. H.R. 3 ignores these findings and travels down a shortsighted policy path that cuts social spending to fund prison construction suggesting that another measure will address this issue, as if we can afford to spend these funds irrationally and let the prevention matters rest with traditional education and recreation programs.

H.R. 3 poses ineffective gang and gun violence solutions. Because youth gangs and guns play a disproportionate role in ascending juvenile violence, any strategy to reduce youth crime must contain sound provisions that combat the spread and growing violence of gang and gun violence nationwide. Between 1992 to 1996 the number of gang-related crimes has increased a staggering 196 percent. Juvenile gang killings, the fastest growing of all homicide categories, rose by 371 percent from 1980 to 1992. Despite this reality, H.R. 3 contains no provisions to curb gang violence.

This measure reflects a failed policy path, not a break with the past but a radical untested or inappropriate response to the needs of our youth juvenile crime circumstance.

I think that Members on both sides of the aisle should agree with the common facts, that when it comes to addressing the unique public safety concerns of our districts, the programs and responses must be built on the unique situations within the community. Different problems and populations require specific solutions. However, H.R. 3 prescribes inflexible Federal solutions to what is uniquely a problem of State and local jurisdiction. Currently there are only 197 juveniles serving Federal sentences. Local governments, on the other hand, are fighting the crime problem on many fronts, including innovative policing and social programs. By exercising air-tight controls over the grant money that is offered to States and local communities, H.R. 3 denies them the flexibility required to respond to situations on the ground. Local governments need more flexibility, not Federal mandates. Federally imposed strategies which limit the ability of local governments to respond to community needs, ensure that the war on crime is not fought with the efficiency or effectiveness that is necessary to reduce the incidence of crime and attain the safe environment our constituents seek.

Mr. FAZIO of California. I rise today in support of the Juvenile Offender Control and Prevention Act, the Democratic substitute to H.R. 3. This substitute addresses a serious problem that affects all of America. That problem is juvenile crime. House Democrats have worked long and hard during the 105th Congress to develop an approach to juvenile crime that is both tough and smart.

Our proposal includes elements that crack down on violent juvenile offenders and juvenile gangs along with provisions to support prevention and intervention initiatives that keep kids out of trouble. We believe in strengthening the juvenile justice system to reduce crime, while at the same time working to prevent juveniles from becoming delinquents.

No one disputes the fact that we must be tough on youth who commit crimes, particularly those crimes that are violent in nature. However, study after study shows that prevention efforts are the best way to permanently reduce juvenile crime. The RAND Corp., a conservative think tank, concluded in a recent

study that cost-effective crime reduction can be achieved through prevention strategies. The study found that incarceration without prevention and intervention does not go far enough in reducing crime. H.R. 3, the McCollum bill, contains not a single provision for prevention efforts. The Democratic substitute is a balanced approach that includes enforcement and prevention. The prevention initiatives that could be funded through our proposal are community-based, research-proven, and cost-effective.

Notice that I said community-based. We believe that local communities know best how to deal with the juvenile crime that affects their neighborhoods. Our proposal would provide funding for prosecutors to develop antigang units and other such mechanisms to address juvenile violence in their communities. The needs of one city or town may be vastly different from the needs of another. The Democratic substitute would allow one town to obtain funding to build a much-needed juvenile detention facility, while a larger city nearby might hire additional juvenile court judges. This flexibility is an essential part of our proposal.

The Republican juvenile crime bill is extreme, and would undoubtedly prove ineffective in reducing and preventing crime. Our substitute combines enforcement with prevention for a tough and smart approach to fighting juvenile crime. I urge your support for the Democratic substitute to H.R. 3.

Mrs. FOWLER. Mr. Chairman, the time has come to address the issue of juvenile crime in our country. Teenagers are committing more crimes than ever. Over one-fifth of all violent crimes committed in America are committed by individuals under the age of 18.

This statistic is alarming, and clearly signals that we need to take action. young people must be held accountable for their actions. Currently, only 10 percent of violent juvenile offenders—those convicted of murder, rape, robbery, or assault—receive any sort of confinement outside the home. What kind of a deterrent is that? And what does it say to these young people about accountability? Not must.

I believe that accountability, combined with stepped-up prevention efforts, is the key to reducing juvenile crime; and the Juvenile Crime Control Act of 1997 is a great start toward reaching that goal. This bill lets young people know that if they are going to behave like adults, they will have to take on personal responsibility of adults—and face the consequences of their actions.

I urge my colleagues to support H.R. 3, the Juvenile Crime Control Act of 1997.

Mr. BUYER. Mr. Chairman, I rise in support of H.R. 3, the Juvenile Crime Control Act.

While the overall crime rate in the United States has fallen in recent years, violent juvenile crime has increased drastically. And what is more shocking and more alarming, is that violent crime can be perpetrated by 12-year-olds. Instead of playing baseball or fishing, many of today's juveniles are engaging in mayhem. 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 arrested for violent crime rose 297 percent. We are not talking about shoplifting or truancy, or petty thievery. We are talking about violent crime: murder, rape, battery, arson, and robbery.

Older teenagers, ages 17, 18, and 19, are the most violent in America. More murder and robbery are committed by 18-year-old males than any other group.

We have seen this increase in juvenile crime occur at a time when the demographics show a reduced juvenile population overall. Soon we will see the echo boom of the baby boomers' children reaching their teenaged years. If the current trend in juvenile crime is left unchanged, the FBI predicts that juvenile arrests for violent crime will more than double by the year 2010. That results in more murder, more rape, more aggravated assault, and unfortunately, more victims of crime.

I salute the gentleman from Florida [Mr. MCCOLLUM] for his hard work to head off the coming crime wave. H.R. 3 would provide resources to States and local communities to address their juvenile crime needs, to get tough on juvenile offenders, and to provide fairness to the victims of violent juvenile crime.

Individuals must be held accountable for their actions. Juveniles particularly need to get the message that actions have consequences. Unfortunately, today nearly 40 percent of violent juvenile offenders have their cases dismissed. By the time a violent juvenile receives any sort of secure confinement, the offender has a record a mile long. We need to change the message from one of ''getting away with it'' to one of accountability. States and localities who enforce accountability will be able to get Federal resources to help.

Law-abiding citizens, young and old alike, need assurance that violent criminals, even if they are teenagers, will be held accountable and sanctioned and that the victims will receive justice.

I urge the adoption of H.R. 3.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in defense of our children.

The crime bills under consideration by this Congress all seek to reduce the age and increase the likelihood that children as young as 13 would be tried as adults.

They further lessen restrictions on housing them with generally more hardened adults, and increases mandatory sentencing for this age group.

I strongly object all of these provisions.

First, while children who commit crimes must be punished, they should be treated and sentenced as the children that they are. We must remember that regardless of the crime, they have not yet achieved the degree of insight, judgment, or level of responsibility attributable to adults. They are also open to rehabilitation.

Trying them as adults and housing them with adults have never been shown to reduce crime. Instead we have been shown time and time again that if it does anything at all, it increases criminal behavior rather than reduces it.

We must not forget that young people of 13, 14, 15, and 16 are still children, and understand how they think. Because adolescents are notorious for their feeling of invulnerability, we have to recognize that they will never be motivated or respond to stiffer penalties.

From our own experience as parents, when our small child plays with an electrical outlet, or near a stove, we don't ignore it until he or she burns themselves, but early on we rap them on their hands to send them a clear and strong behavior changing message.

This is what we need to do in the case of our young people, who we must also remember ended up in the courts because we as a society have neglected their needs for generations. We have funded programs that reach them early and deal with them in an immediate and tangible manner that redirects their behavior in a more positive way.

And we must reach them before they get to the despair that juvenile delinquency represents, not only by funding after school activities, but by improving their in-school experience, by reinstating school repair and construction funding in the 1998 budget, by equiping those schools and by providing meaningful opportunities for them when they do apply themselves, and as our President likes to say, play by the rules.

Communities across America have found successful ways of dealing with this issue. Prosecutors, correction facility directors, policemen and women, attorneys, doctors, crime victims, community organizations, and others have come together to ask that we pass meaningful and effective legislation, and they stress that the focus must be on prevention.

We must stop crime, and we must save our children

I ask my colleagues to support the Democratic bill because it employs strategies that have been proven to effectively achieve both of these goals.

Mr. PAUL. Mr. Chairman, I rise today in opposition to the Juvenile Crime Control Act of 1997. This bill, if passed, will further expand the authority of this country's national police force. Despite the Constitutional mandate that jurisdiction over such matters is relegated to the States, the U.S. Congress refuses to acknowledge that the Constitution stands as a limitation on centralized Government power and that the few enumerated Federal powers include no provision for establishment of a Federal juvenile criminal justice system. Lack of Constitutionality is what today's debate should be about. Unfortunately, it is not. At a time when this Congress needs to focus on ways to reduce the power of the Federal Government and Federal spending, Congress will instead vote on a bill which, if passed, will do just the opposite.

In the name of an inherently-flawed, Federal war on drugs and the resulting juvenile crime problem, the well-meaning, good-intentioned Members of Congress continue to move the Nation further down the path of centralized-Government implosion by appropriating yet more Federal taxpayer money and brandishing more U.S. prosecutors at whatever problem happens to be brought to the floor by any Members of Congress hoping to gain political favor with some special-interest group. The Juvenile Crime Control Act is no exception.

It seems to no longer even matter whether governmental programs actually accomplish their intended goals or have any realistic hope of solving problems. No longer does the end even justify the means. All that now matters is that Congress do something. One must ask how many new problems genuinely warrant new Federal legislation. After all, most legislation is enacted to do little more than correct inherently-flawed existing interventionary legislation with more inherently-flawed legislation. Intervention, after all, necessarily begets more intervention as another futile attempt to solve the misallocations generated by the preceding iterations.

More specific to H.R. 3, this bill denies localities and State governments a significant

portion of their autonomy by, among other provisions, directing the Justice Department to establish an Armed Violent Youth Apprehension program. Under this program, one Federal prosecutor would be designated in every U.S. Attorney's office and would prosecute armed violent youth. Additionally, a task force would coordinate the apprehension of armed violent youth with State and local law enforcement. Of course, anytime the Federal Government said it would ''coordinate'' a program with State officials, the result has inevitably been more Federal control. Subjecting local enforcement officials, the result has inevitably been more Federal control. Subjecting local enforcement officials, many of whom are elected, to the control of Federal prosecutors is certainly reinventing government but it is reinventing a government inconsistent with the U.S. Constitution.

This bill also erodes State and local autonomy by requiring that States prosecute children as young as 15 years old in adult court. Over the past week, my office has received many arguments on both the merits and the demerits of prosecuting, and punishing, children as adults. I am disturbed by stories of the abuse suffered by young children at the hands of adults in prison. However, I, as a U.S. Congressman, do not presume to have the breadth and depth of information necessary to dictate to every community in the Nation how best to handle as vexing a problem as juvenile crime.

H.R. 3 also imposes mandates on States which allow public access to juvenile records. These records must also be transmitted to the FBI. Given the recent controversy over the misuse of FBI files, I think most citizens are becoming extremely wary of expanding the FBI's records of private citizens.

This bill also authorizes $1.5 billion in new Federal spending to build prisons. Now, many communities across the country might need new prisons, but many others may prefer to spend that money on schools, or roads. Washington should end all such unconstitutional expenditures and return to individual taxpayers and communities those resources which allow spending as those recipients see fit rather than according to the dictates of the U.S. Congress.

Because this legislation exceeds the Constitutionally-imposed limits on Federal power and represents yet another step toward a national-police-state, and for each of the additional reasons mentioned here, I oppose passage of H.R. 3, the Juvenile Crime Control Act of 1997.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) 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, pursuant to House Resolution 143, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves that the bill be recommitted to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

TITLE I—TREATMENT OF JUVENILES AS ADULTS

SEC. 101. TREATMENT OF JUVENILES AS ADULTS.

The fourth undesignated paragraph of section 5032 of title 18, United States Code, is amended by striking ''an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a) or 2241(c),'' and insert ''any serious violent felony as defined in section 3559(c)(2)(F) of this title,''.

SEC. 102. RECORDS OF CRIMES COMMITTED BY JUVENILE DELINQUENTS.

Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''Throughout and'' and all that follows through the colon and inserting the following: ''Throughout and upon completion of the juvenile delinquency proceeding, the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:'';

(2) in subsection (a)(3), by inserting before the semicolon ''or analysis requested by the Attorney General'';

(3) in subsection (a), so that paragraph (6) reads as follows:

''(6) communications with any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, in order to apprise such victim or representative of the status or disposition of the proceeding or in order to effectuate any other provision of law or to assist in a victim's, official representative's, allocution at disposition.''; and

(4) by striking subsections (d) and (f), by redesignating subsection (e) as subsection (d), by inserting ''pursuant to section 5032 (b) or (c)'' after ''adult'' in subsection (d) as so redesignated, and by adding at the end new subsections (e) through (f) as follows:

''(e) Whenever a juvenile has been adjudicated delinquent for an act that if committed by an adult would be a felony or for a violation of section 922(x), the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation. The court shall also transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

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

SEC. 103. TIME LIMIT ON TRANSFER DECISION.

Section 5032 of title 18, United States Code, is amended by inserting ''The transfer decision shall be made not later than 90 days after the first day of the hearing.'' after the first sentence of the 4th paragraph.

SEC. 104. INCREASED DETENTION, MANDATORY RESTITUTION, AND ADDITIONAL SENTENCING OPTIONS FOR YOUTH OFFENDERS.

Section 5037 of title 18, United States Code, is amended to read as follows:

''§ 5037. Dispositional hearing

''(a) IN GENERAL.—

''(1) HEARING.—In a juvenile proceeding under section 5032, if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 20 court days after the finding of juvenile delinquency unless the court has ordered further study pursuant to subsection (e).

''(2) REPORT.—A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the attorney for the juvenile, and the attorney for the government.

''(3) ORDER OF RESTITUTION.—After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 994, of title 28, the court shall enter an order of restitution pursuant to section 3556, and may suspend the findings of juvenile delinquency, place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult.

''(4) RELEASE OR DETENTION.—With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

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

''(c) TERMS OF OFFICIAL DETENTION.—

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

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

''(B) 10 years; or

''(C) the date on which the juvenile achieves the age of 26.

''(2) APPLICABILITY OF OTHER PROVISIONS.—Section 3624 shall apply to an order placing a juvenile in detention.

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

''(e) CUSTODY OF ATTORNEY GENERAL.—

''(1) IN GENERAL.—If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by an attorney, to the custody of the Attorney General for observation and study by an appropriate agency or entity.

''(2) OUTPATIENT BASIS.—Any observation and study pursuant to a commission under paragraph (1) shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information, except that in the case of an alleged juvenile delinquent, inpatient study may be ordered with the consent of the juvenile and the attorney for the juvenile.

''(3) CONTENTS OF STUDY.—The agency or entity conducting an observation or study under this subsection shall make a complete study of the alleged or adjudicated delinquent to ascertain the personal traits, capabilities, background, any prior delinquency or criminal experience, any mental or physical defect, and any other relevant factors pertaining to the juvenile.

''(4) SUBMISSION OF RESULTS.—The Attorney General shall submit to the court and the attorneys for the juvenile and the government the results of the study not later than 30 days after the commitment of the juvenile, unless the court grants additional time.

''(5) EXCLUSION OF TIME.—Any time spent in custody under this subsection shall be excluded for purposes of section 5036.

''(f) CONVICTION AS ADULT.—With respect to any juvenile prosecuted and convicted as an adult pursuant to section 5032, the court may, pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promulgate such guidelines as soon as practicable and not later than 1 year after the date of enactment of this Act.

''(g)(1) A juvenile detained either pending juvenile proceedings or a criminal trial, or detained or imprisoned pursuant to an adjudication or conviction shall be substantially segregated from any prisoners convicted for crimes who have attained the age of 21 years.

''(2) As used in this subsection, the term ''substantially segregated''—

''(A) means complete sight and sound separation in residential confinement; but

''(B) is not inconsistent with—

''(i) the use of shared direct care and management staff, properly trained and certified to interact with juvenile offenders, if the staff does not interact with adult and juvenile offenders during the same shift.

''(ii) incidental contact during transportation to court proceedings and other activities in accordance with regulations issued by the Attorney General to ensure reasonable efforts are made to segregate adults and juveniles.''

TITLE II—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Juvenile Offender Control and Prevention Grant Act of 1997''.

SEC. 202. GRANT PROGRAM.

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

''PART R—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

''SEC. 1801. PAYMENTS TO LOCAL GOVERNMENTS.

''(a) PAYMENT AND USES.—

''(1) PAYMENT.—The Director of the Bureau of Justice Assistance may make grants to carry out this part, to units of local government that qualify for a payment under this part. Of the amount appropriated in any fiscal year to carry out this part, the Director shall obligate—

''(A) not less than 60 percent of such amount for grants for the uses specified in subparagraphs (A) and (B) of paragraph (2);

''(B) not less than 10 percent of such amount for grants for the use specified in paragraph (2)(C), and

''(C) not less than 20 percent of such amount for grants for the uses specified in subparagraphs (E) and (G) of paragraph (2).

''(2) USES.—Amounts paid to a unit of local government under this section shall be used by the unit for 1 or more of the following:

''(A) Preventing juveniles from becoming envied in crime or gangs by—

''(i) operating after-school programs for at-risk juveniles;

''(ii) developing safe havens from and alternatives to street violence, including educational, vocational or other extracurricular activities opportunities;

''(iii) establishing community service programs, based on community service corps models that teach skills, discipline, and responsibility;

''(iv) establishing peer medication programs in schools;

''(v) establishing big brother programs and big sister programs;

''(vi) establishing anti-truancy programs;

''(vii) establishing and operating programs to strengthen the family unit;

''(viii) establishing and operating drug prevention, treatment and education programs; or

''(ix) establishing activities substantially similar to programs described in clauses (i) through (viii).

''(B) Establishing and operating early intervention programs for at-risk juveniles.

''(C) Building or expanding secure juvenile correction or detention facilities for violent juvenile offenders.

''(D) Providing comprehensive treatment, education, training, and after-care programs for juveniles in juvenile detention facilities.

''(E) Implementing graduated sanctions for juvenile offenders.

''(F) Establishing initiatives that reduce the access of juveniles to firearms.

''(G) Improving State juvenile justice systems by—

''(i) developing and administering accountability-based sanctions for juvenile offenders;

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

''(iii) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable;

''(H) providing funding to enable prosecutors—

''(i) to address drug, gang, and violence problems involving juveniles more effectively;

''(ii) to develop anti-gang units and anti-gang task forces to address the participation of juveniles in gangs, and to share information about juvenile gangs and their activities; or

''(iii) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

''(I) hiring additional law enforcement officers (including, but not limited to, police, corrections, probation, parole, and judicial officers) who are involved in the control or reduction of juvenile delinquency; or

''(J) providing funding to enable city attorneys and county attorneys to seek civil remedies for violations of law committed by juveniles who participate in gangs.

''(3) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—The Director shall ensure that grants made under this part are equitably distributed among all units of local government in each of the States and among all units of local government throughout the United States.

''(b) PROHIBITED USES.—Notwithstanding any other provision of this title, a unit of local government may not expend any of the funds provided under this part to purchase, lease, rent, or otherwise acquire—

''(1) tanks or armored personnel carriers;

''(2) fixed wing aircraft;

''(3) limousines;

''(4) real estate;

''(5) yachts;

''(6) consultants; or

''(7) vehicles not primarily used for law enforcement;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

''(c) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

''(A) paid to the unit from amounts appropriated under the authority of this section; and

''(B) not expended by the unit within 2 years after receipt of such funds from the Director.

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

''(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to units of local government. Any amounts remaining in such designated fund after shall be applied to the Federal deficit or, if there is no Federal deficit, to reducing the Federal debt.

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

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

''SEC. 1802. AUTHORIZATION OF APPROPRIATIONS.

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

''(1) $500,000,000 for fiscal year 1998;

''(2) $500,000,000 for fiscal year 1999; and

''(3) $500,000,000 for fiscal year 2000.

The appropriations authorized by this subsection may be made from the Violent Crime Reduction Trust Fund.

''(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1998 through 2000 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, and assuring compliance with the provisions of this part and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.

''(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

''SEC. 1803. QUALIFICATION FOR PAYMENT.

''(a) IN GENERAL.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this part.

''(b) PROGRAM REVIEW.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this part.

''(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of local government qualifies for a payment under this part for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

''(1) the chief executive officer of the State has had not less than 20 days to review and comment on the application prior to submission to the Director;

''(2)(A) the unit of local government will establish a trust fund in which the government will deposit all payments received under this part; and

''(B) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

''(3) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

''(4) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this part shall be audited in compliance with the Single Audit Act of 1984;

''(5) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this part or that the Comptroller General reasonably requires to review compliance and operation;

''(6) the unit of local government will spend the funds made available under this part only for the purposes set forth in section 1801(a)(2);

''(7) the unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this title. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference;

''(d) SANCTIONS FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

''(A) has taken the appropriate corrective action; and

''(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

''(2) NOTICE.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

''(e) MAINTENANCE OF EFFORT REQUIREMENT.—A unit of local government qualifies for a payment under this part for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.''.

(b) TECHNICAL AMENDMENT.—The table of contents of the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by striking the matter relating to part R and inserting the following:

''PART R—JUVENILE CRIME CONTROL GRANTS

''Sec. 1801. Payments to local governments.
''Sec. 1802. Authorization of appropriations.
''Sec. 1803. Qualification for payment.''.

SEC. 203. MODEL PROGRAMS TO PREVENT JUVENILE DELINQUENCY.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall provide, through the clearinghouse and information center established under section 242(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5652(3)), information and technical assistance to community-based organizations and units of local government to assist in the establishment, operation, and replication of model programs designed to prevent juvenile delinquency.

TITLE III—IMPROVING JUVENILE CRIME AND DRUG PREVENTION

SEC. 301. STUDY BY NATIONAL ACADEMY OF SCIENCE.

(a) IN GENERAL.—The Attorney General shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies—

(1) to evaluate the effectiveness of federally funded programs for preventing juvenile violence and juvenile substance abuse;

(2) to evaluate the effectiveness of federally funded grant programs for preventing criminal victimization of juveniles;

(3) to identify specific Federal programs and programs that receive Federal funds that contribute to reductions in juvenile violence, juvenile substance abuse, and risk factors among juveniles that lead to violent behavior and substance abuse;

(4) to identify specific programs that have not achieved their intended results; and

(5) to make specific recommendations on programs that—

(A) should receive continued or increased funding because of their proven success; or

(B) should have their funding terminated or reduced because of their lack of effectiveness.

(b) NATIONAL ACADEMY OF SCIENCES.—The Attorney General shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in subsection (a). If the Academy declines to conduct the study, the Attorney General shall carry out such subsection through other public or nonprofit private entities.

(c) ASSISTANCE.—In conducting the study under subsection (a) the contracting party may request analytic assistance, data, and other relevant materials from the Department of Justice and any other appropriate Federal agency.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1, 2000, the Attorney General shall submit a report describing the findings made as a result of the study required by subsection (a) to the Committee on the Judiciary and the Committee on Education and the Workforce of the House of Representatives, and to the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate.

(2) CONTENTS.—The report required by this subsection shall contain specific recommendations concerning funding levels for the programs evaluated. Reports on the effectiveness of such programs and recommendations on funding shall be provided to the appropriate subcommittees of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(e) FUNDING.—There are authorized to be appropriated to carry out the study under subsection (a) such sums as may be necessary.

Mr. McCOLLUM. Mr. Speaker, I reserve a point of order on the motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes in support of his motion to recommit.

Mr. CONYERS. Mr. Speaker, the motion to recommit is essentially the Conyers-Schumer substitute which we will now offer as the motion to recommit. It is both smart and tough. We have almost brought juvenile justice law to the point where the only thing left on the other side was to offer an amendment abolishing the distinction between juveniles and adults in our system. Because of a determination on germaneness made by the Speaker and the leaders, we have taken out the child safety lock provision. Sixteen children are killed every single day in the United States of America, and that provision now cannot be debated or voted on in any provision, neither the base bill or the substitute.

The funding, great, $1.5 billion; but only five States meet the qualifications. Five States. It will be years before anybody will ever receive any

money at the State and local level in this regard. Then, of course, we take the question of whether juveniles should be prosecuted as adults out of the judge's discretion and given to the prosecutors; great day in America in fighting juvenile crime.

We have, most importantly, the only meaningful prevention in a juvenile justice bill, meaningful prevention based on research, which is cost-effective and which provides States and local governments maximum flexibility. It rejects the Washington-knows-best approach. It is smart and tough and compassionate, and I urge Members to join us in the motion to recommit.

Mr. Speaker, I include for the RECORD a letter from the National Conference of State Legislatures expressing opposition to H.R. 3.

The letter referred to is as follows:

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. Speaker, I yield to the gentleman from New York Mr. CHARLES SCHUMER, former chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Speaker, I urge a vote for recommital. Let me say, Mr. Speaker, on the issue of crime, this body has made great progress in the last several years because we have been both tough on punishment and smart on prevention. We have said to violent repeat offenders, you will pay a severe price. But we have also said that we are going to do our darnedest to prevent and decrease the number of violent severe offenders.

The Conyers-Schumer substitute is really the only, only proposal that has been out there today that is both tough on punishment and smart on prevention. It is where America is, it is where this body ought to be, and it is what we all should vote for.

Mr. Speaker, the crime issue had long been a political football. Everyone was talking values; no one was getting anything done. Several years ago this Congress changed that and started looking at programs that work on both the punishment and the prevention side. As a result, in part, our crime rate has decreased. Let us not forget that. Let us not go back to either a policy that just punishes and throws away hope or a policy that forgets that there are violent criminals among us, at whatever age, and they must be punished. The only proposal on the floor that really does that is Conyers-Schumer, and I urge a vote for it.

Mr. McCOLLUM. Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. The gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. McCOLLUM. Mr. Speaker, this amendment that would be adopted by the motion to recommit, if we were to vote for it, has a big problem. The amendment is not either tough or smart. The fact of the matter is that what we are about in this bill, underlying bill today, is to try to help the States correct the juvenile justice systems of this Nation that are broken.

As I said many times today in the debate on this bill, unfortunately we have one out of every five violent crimes in America committed by those who are under the age of 18, and less than 1 out of every 10 who are adjudicated guilty of those violent crimes who are juveniles are ever incarcerated for a single day. The FBI predicts that by the year 2010, which is just a few years away, we will have more than double the number of violent crimes committed by juveniles if we keep on this track; part of that because of demographics.

□ 1530

All of us will agree that the solution to a violent juvenile crime is a comprehensive thing that takes a lot of different components. This bill today before us is not designed as a prevention bill. It is intended to be in the traditional sense of prevention, although certainly putting consequences back into the law of this Nation for juveniles.

It says that, if you commit a simple delinquent act such as a vandalization of a home or spray painting a building, you ought to get community service or some kind of sanction, which is what we are encouraging by the bill. It is not very important to prevention, but there are going to be other traditional prevention programs that are going to out here on the floor from other committees.

This bill is designed to repair a broken juvenile justice system. In the motion to recommit is an offering of another amendment that replicates several that have already been offered today. What it does is a couple of things.

One is, it mandates that 60 percent of all the spending in this bill go to prevention programs, says that is what you have to spend it on, States and local governments. It is more than the Lofgren amendment that was overwhelmingly defeated just a few minutes ago.

In addition to that, it strips from this bill the very effective provisions that we have in the bill to fix the juvenile justice system and the whole program of incentive grants. And equally important, on the tough side, it strips out the toughest provisions that we have in this bill for repairing the Federal juvenile justice system that the administration wants repaired.

If this amendment that is offered by the motion to recommit were to pass, the tough antigang provisions in this bill would disappear where we would permit Federal prosecutors in limited cases to go in and help take apart the gangs in big cities where we have to take juveniles and spread them across the Nation.

This motion to recommit, the underlying amendment is neither smart nor tough. We need a no vote on it. We need a yes vote on the underlying bill, H.R. 3, on final passage to give us a chance to revitalize and rebuild and repair a completely broken juvenile justice system, to not only correct the problems with violent youth today in this Nation but let the juvenile justice systems of this Nation in the various States finally get the resources that they so vitally need to repair that system and begin sanctioning from the very beginning delinquent acts so kids will understand there are consequences to their acts.

And if they understand there are consequences to the less serious crimes they commit, maybe, just maybe some of them will not pull the trigger when they get a gun later, as they do now, thinking there are no consequences.

This may be the most important criminal justice bill many of us in the years we have served here ever had a chance to vote on, because it really does repair a broken justice system. We will have another day for other measures, but this is the day for repairing the juvenile justice systems in the Nation. A no vote is absolutely essential on the motion to recommit, it guts the underlying bill; and a yes vote for final passage for juvenile justice system.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 243 not voting 16, as follows:

[Roll No. 117]

AYES—174

Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—243

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Pease
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Calvert
Clay
Costello
Diaz-Balart
Filner
Gutierrez
Hastings (WA)
Hefner
Istook
Matsui
McCrery
McKinney
Moakley
Paxon
Pickering
Schiff

☐ 1549

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Calvert against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MOAKLEY. Mr. Speaker, on rollcall No. 117, had I been present, I would have voted "yes."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. McCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, noes 132, not voting 15, as follows:

[Roll No. 118]

AYES—286

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
McCollum
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—132

Ackerman
Allen
Baldacci
Becerra
Berman
Blagojevich
Blumenauer
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Dixon
Doggett
Eshoo
Evans
Farr
Fattah
Fazio
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kleczka
Lantos
LaFalce
Levin
Lewis (GA)
Lofgren
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Slaughter
Snyder
Stabenow
Stark
Stokes
Strickland
Stupak
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

Wamp	Weller	Wolf
Watkins	Wexler	Young (AK)
Watts (OK)	White	Young (FL)
Weldon (FL)	Whitfield	
Weldon (PA)	Wicker	

NOES—132

Ackerman	Hastings (FL)	Owens
Allen	Hilliard	Pallone
Baldacci	Hinchey	Pastor
Barrett (WI)	Hostettler	Paul
Becerra	Hoyer	Payne
Berman	Jackson (IL)	Pelosi
Berry	Jackson-Lee	Pomeroy
Blagojevich	(TX)	Rahall
Blumenauer	Jefferson	Rangel
Bonior	Johnson, E. B.	Rivers
Brown (CA)	Kanjorski	Roybal-Allard
Brown (FL)	Kennedy (MA)	Rush
Brown (OH)	Kennedy (RI)	Sabo
Campbell	Kennelly	Sanders
Cannon	Kilpatrick	Sanford
Capps	Klink	Sawyer
Cardin	LaFalce	Schaffer, Bob
Carson	Lantos	Schumer
Clayton	Levin	Scott
Clyburn	Lewis (GA)	Serrano
Conyers	Lofgren	Shadegg
Coyne	Markey	Skaggs
Cummings	Martinez	Slaughter
Davis (IL)	Mascara	Snyder
DeFazio	Matsui	Stark
DeGette	McCarthy (MO)	Stokes
Delahunt	McCarthy (NY)	Strickland
Dellums	McDermott	Stupak
Dixon	McGovern	Thompson
Doggett	Meehan	Thurman
Doyle	Meek	Tierney
Ehlers	Menendez	Torres
Eshoo	Millender-	Towns
Evans	McDonald	Velazquez
Farr	Miller (CA)	Vento
Fattah	Minge	Visclosky
Fazio	Mink	Waters
Flake	Mollohan	Watt (NC)
Foglietta	Morella	Waxman
Ford	Murtha	Weygand
Frank (MA)	Nadler	Wise
Furse	Neal	Woolsey
Gejdenson	Oberstar	Wynn
Gephardt	Obey	Yates
Gonzalez	Olver	

NOT VOTING—15

Calvert	Filner	McKinney
Clay	Gutierrez	Moakley
Costello	Hastings (WA)	Paxon
Diaz-Balart	Hefner	Pickering
English	McCrery	Schiff

□ 1605

The Clerk announced the following pairs:

On this vote:

Mr. Diaz-Balart for, with Mr. Filner against.

Mr. Calvert for, with Mr. Moakley against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on rollcall No. 118, final passage of H.R. 3. I was unavoidably detained in my office and was unable to appear to cast my vote prior to the close of the rollcall. Had I been present, I would have voted ''aye.''

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3, JUVENILE CRIME CONTROL ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3, the Clerk be authorized to correct section numbers, cross-references and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader, for the purpose of engaging in a colloquy on the schedule for today, the rest of the week and next week.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that we have just had our last vote for the week. However, this afternoon the House will continue to debate amendments to H.R. 2, the Housing Opportunity and Responsibility Act of 1997. Members should note that any recorded votes ordered on the housing bill today will be postponed until Tuesday, May 13, after 5 p.m.

I would like to outline, Mr. Speaker, next week's schedule.

The House will meet on Monday, May 12, for a pro forma session. There will be no legislative business and no votes on that day.

On Tuesday, May 13, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that we will not hold any recorded votes before 5 p.m. on Tuesday next.

The House will consider the following bills, all of which will be under suspension of the rules:

H.R. 5, the IDEA Improvement Act of 1997.

H.R. 914, a bill to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures, as amended.

House Concurrent Resolution 49, authorizing use of the Capitol grounds for the Greater Washington Soap Box Derby.

House Concurrent Resolution 66, authorizing use of the Capitol grounds for the National Peace Officers' Memorial Service.

House Concurrent Resolution 67, authorizing the 1997 Special Olympics Torch Relay to be run through the Capitol grounds.

House Concurrent Resolution 73, a concurrent resolution concerning the death of Chaim Herzog.

And House Resolution 103, expressing the sense of the House of Representatives that the United States should maintain approximately 100,000 United States military personnel in the Asia and Pacific region until such time as there is a peaceful and permanent resolution to the majority security and political conflicts in the region.

After consideration of the suspensions on Tuesday, the House will resume consideration of amendments to H.R. 2, the Housing Opportunity and Responsibility Act of 1997. We hope to vote on final passage of the public housing bill on Wednesday morning.

Mr. Speaker, on Wednesday, May 14, and Thursday, May 15, the House will meet at 10 a.m., and on Friday, May 16, the House will meet at 9 a.m. to consider the following bills, all of which will be subject to rules:

H.R. 1469, the Fiscal Year 1997 Supplemental Appropriations Act; and H.R. 1486, the Foreign Policy Reform Act.

Mr. Speaker, we should finish legislative business and have Members on their way home to their families by 2 p.m. on Friday, May 16.

Finally, Mr. Speaker, I would like to take this occasion to notify all Members of some potential changes in the schedule as it affects the month of June.

Mr. Speaker, because we anticipate a heavy work month with appropriations bills and budget reconciliation bills throughout the month of June, I should like to advise all Members that contrary to the published schedule in their possession, that they should expect and we anticipate that we will have votes on Monday, June 9; Friday, June 13; and Monday, June 23. Appropriate notification will be sent to Members' offices. We will keep Members posted about those dates, but I think in all deference to their June scheduling concerns, Members should have this notice as soon as I can give it and, therefore, it is given at this time.

Mr. BONIOR. Can I just repeat those dates, because I think they are important. Monday, June 9, Friday, June 13, and Monday, June 23 we will be meeting.

Mr. ARMEY. The gentleman is correct.

Mr. BONIOR. I thank the gentleman.

I noticed on the schedule that we are going to have two athletic events on the Capitol grounds, the Greater Washington Soap Box Derby and the Special Olympics Torch Relay to be run through the Capitol grounds.

I am wondering if the gentleman from Texas would be interested in engaging someone here on the minority, namely myself, in the soap box derby with the winner writing the tax bill. What does the gentleman think?

Mr. ARMEY. I am not quite sure. If the soap box derby is racing, I think I might be willing, but if it is orating, I would never want to engage the gentleman in such a derby.

Mr. BONIOR. I have just two brief questions, if the gentleman would indulge me.

On the supplemental, it is an emergency bill that is badly needed for relief of flood victims. It has been pulled for the past 2 weeks. What day next week do we expect that? Do we expect that on Wednesday or Thursday?

Mr. ARMEY. If the gentleman will yield further, it is our expectation that