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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dear God, You have told us that as a person thinks so is he or she. You have given us minds to think, evaluate, and make decisions. Today, we praise You for the gift of intellect and the ability to learn. We want to love You with our minds. Clear away any debilitating memories that haunt us, preventing us from thinking clearly about present challenges. Give us Your mind about issues. Free us from muddled, fuzzy, or negative thinking. Make us receptive to new insight from You communicated by others, even though they may represent a different point of view. We want to be hopeful thinkers who know that we have barely begun to realize Your truth.

Today, gracious Lord, we are grateful for the life and distinguished career of Adm. James Nance, and we grieve over his death. Thank you for his leadership as staff director of the Committee on Foreign Relations. Be with his family.

And now, Dear God, we commit this day to You. Inspire our minds with Your Spirit. Bless the Senators and those who advise them and those who assist them in carrying out the heavy responsibilities of their office. Here are our minds. We want our thinking to be a vital part of Your plan for our world today. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able chairman of the Judiciary Committee is recognized.

SCHEDULE

Mr. HATCH. Mr. President, this morning the Senate will resume con-

sideration of the juvenile justice legislation. Pending is the Leahy amendment with a 1-hour debate limitation. Therefore, Senators can expect the first vote of today's session at approximately 10:30 a.m. Following the disposition of the Leahy amendment, Senator BROWNBACK will be recognized to offer a code of conduct amendment with the time for a vote to be determined. It is hoped that significant progress can be made on this bill, and therefore Senators can expect votes throughout today's session of the Senate with the possibility of votes into the evening.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

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

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 254, which the clerk will report.

The bill clerk read as follows:

A bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile individuals, punish and deter violent gang crime, and for other purposes.

Pending:

Leahy Amendment No. 327, to promote effective law enforcement.

AMENDMENT NO. 327

The PRESIDING OFFICER. There will now be 1 hour for debate on the Leahy amendment No. 327 to be equally divided in the usual form.

Mr. HATCH. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without it being charged to either side.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. President, I understand we are now on the Leahy amendment to S. 254.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I thank the Chair.

Mr. President, this amendment is intended to address the problem of youth violence with tough law enforcement initiatives at the Federal level, with assistance to State and local law enforcement, proven prevention programs for juvenile delinquency, and measures to keep guns out of the hands of children.

Many of the proposals in this amendment were part of a bill I introduced, along with Senator DASCHLE and other Democratic Members, last year in the Safe Schools, Safe Streets and Secure Borders Act of 1998. That was S. 2484. We have introduced it this year as S. 9.

These are carefully crafted proposals. They were not done as knee-jerk responses to the school shootings, or even the most bloody murders in Littleton. We talked with prosecutors and police officers and teachers and everybody else in putting these proposals together. The series of proposals in the amendment have been ready since last year, but this is our first opportunity to present them to the Senate for discussion and a vote. While these proposals predated the events at Columbine High School, it escapes nobody's notice that the events at the high school give them added urgency.

This amendment is part of the Democratic multipronged agenda for action that embraces tough and more aggressive law enforcement initiatives, plus those initiatives in our other amendments to help teachers, counselors, parents, and children with afterschool

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



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programs, with effective and proven school safety strategies and, of course, treatment programs for high-risk youth. It faces the reality that we live in a different world, not like when I was going to school, or when most of us in this Chamber went to school. It is a complex world and you do not attack the problems of it on just one front; you have to attack them on many.

We Democrats look forward to the Senate debating and taking action on proposals that can be enacted now and working over the long haul on additional structural remedies. No matter what legislation we pass this week, we also need long-term solutions to school violence. These solutions include getting smaller classrooms; smaller schools—not these schools that are cities in and of themselves where students don't even know each other and the teachers don't know them—helping parents spend more time supervising their children, realizing that is the bond that is often broken in today's society; and working constructively with the movie, television, and video game industries to adopt rating systems that parents can understand and use.

This law enforcement amendment is substantial and comprehensive. It has five separate parts. I will highlight a few of the important proposals in this amendment. It addresses some of the same subject matter areas as S. 254. I will highlight some of the differences in our approaches.

In the area of federalization, my amendment also proposes reforms in the Federal juvenile justice system. We do so without Federalizing run-of-the-mill juvenile offenses and ignoring the traditional prerogative of the States to handle the bulk of juvenile crime. Too often when we have talked about crime on the Senate floor in recent years, we basically have told the States, the State legislatures, State law enforcement, and State prosecutors, that they are irrelevant, that we will run everything out of Washington, and the Federal Government knows better. I don't believe that.

My proposal for reforming the Federal juvenile justice system heeds the advice of Chief Justice Rehnquist and the Federal judiciary and reflects the proper respect for our Federal system.

Let me explain. My amendment retains the provision in current law which establishes a clear presumption that the States should handle most juvenile offenders. S. 254 repeals that provision.

Furthermore, current law directs that most juveniles "shall" not be proceeded against in Federal court, unless the Attorney General certifies certain things—in most cases, that the State does not or refuses to exercise jurisdiction over the juvenile. Judges may review that certification to see whether the threshold for exercise of Federal jurisdiction has been met. S. 254 changes that.

As I mentioned in my statement yesterday, the bill before us gives con-

flicting signals. S. 254 contains one welcome change over S. 10 from the last Congress by requiring the Attorney General or the U.S. attorney, depending on the charge, to "exercise a presumption in favor of referral" of juvenile cases to the appropriate State or tribal authorities, where there is "concurrent jurisdiction." But, in contrast to the law today, that certification is not reviewable by any court. My amendment would continue to permit such court review in most cases but not cases involving serious violence or drug offenses.

Because of the repeal of the important State presumption provision and the lack of review of the Federal prosecutor's decision to proceed against a juvenile federally, many rightly fear that the State prerogative to handle juvenile offenders will be undermined by this bill. My amendment would not do that. Basically, what I am saying is that we are not going to stand in the U.S. Senate and tell the 50 State legislatures that they are irrelevant and tell the prosecutors of the 50 States that they are irrelevant because 100 U.S. Senators know better and we can do it better from Washington.

Ironically enough, some of the same people who will vote for something that would take it away from the States and turn it over to Washington are the same ones who go back to their States and give great speeches about: We know better here in our State, and we don't need Washington to tell us what to do. And then they come up here time after time and vote to federalize cases that are being handled by the State courts and make irrelevant the State legislatures, State prosecutors, and State law enforcement. Sooner or later, some of those speeches are going to catch up with us and haunt us.

Our law enforcement officials should be proud of the decline of the violent crime rate and murder rate we have experienced since 1993, because it is largely due to their efforts and innovative programs like the COPS Program and community policing. There is nothing like seeing a police officer on the corner to make a criminal move on. We want that decline to continue, particularly in schools. Certainly, it does not take a criminologist to know that if you have the presence of the police, crime will go elsewhere, or not occur at all.

The strong bipartisan report for this proposal was demonstrated yesterday on passage of the amendment by Senator GREGG, which was cosponsored by Senator BOXER and myself. That amendment set up a new grant program with eligibility requirements to put cops in schools. The proposal in my amendment would expand the COPS Program and waive the matching non-Federal fund requirement to put more police in and around our schools.

My approach builds on a program with a proven track record. It is not a hypothetical. The States are familiar with it. We, at the State level, know

how it works. This amendment extends grants to local law enforcement for other programs, such as rural drug enforcement and Byrne grant funding.

My amendment also provides, in section 124, funding for the juvenile State court prosecutors. Yesterday, the Senate passed the Hatch-Biden-Sessions amendment which authorizes \$50 million per year for prosecutors. As I pointed out yesterday, this amendment does not authorize any additional money for judges, public defenders, counselors, or correctional officers. By leaving them out, you could end up exacerbating the backlog in the juvenile justice system rather than helping it, because it requires all those parts within the juvenile justice system to make it work.

In contrast to Hatch-Biden-Sessions, my amendment authorizes funding for "increased resources to State juvenile court systems, juvenile prosecutors, juvenile public defenders, and other juvenile court system personnel." I hope that will be something my distinguished friend from Utah, the exemplary chairman of the Senate Judiciary Committee, might support.

We need to do more to protect our children from drugs. My drug amendment would increase certain penalties for drug sales to children or near schools or for using children in the illegal drug trade.

As terrible as it sounds, Mr. President, we see this—where children are being used in the drug trade and where they abuse children as runners for distributors. It is one of the cruelest, most cynical things that can be done.

We also establish juvenile drug courts that are modeled on the successful drug court programs for adults, because it gives special attention to supervision and treatment of offenders, and how to get them clean.

It doesn't do any good to simply prosecute a drug offender if they are going to come back out and be just as addicted. We should try to get them off their dependence on drugs.

Let's talk about guns. Everybody tiptoes around this Chamber when it comes to the question of guns. On the one hand, you have people who feel there should be no guns at all, who couldn't even conceive of handling a gun, to those who feel that everybody should walk around with their own arsenal. The reality is somewhere in between.

Growing up in Vermont in a rural State, I grew up with guns. I have owned guns from the time I was a youngster. I went through the usual gun safety courses, became a champion marksman in college, and, in fact, competed in schools all over the country, and still shoot competitive target shooting.

I also taught my two sons and my daughter how to use and enjoy guns safely. We have very strict rules, and still have very strict rules at our home in Vermont in using guns, or in target practice—a lot stricter rules than most gun clubs would have.

But having said all of that, every gun owner, or not, is sickened by the school shootings and the tragic murders of the young children and dedicated teachers.

We recognize we have to take steps to protect our children from gun violence—steps that might go beyond just one parent to their child. Nothing can substitute for parental involvement and supervision.

Let me emphasize that. Most of us know as parents that nothing substitutes for parental involvement and supervision. But we also know we can take constructive steps to keep guns out of the hands of children when they are not under that kind of parental involvement and supervision.

The statement of administration position on S. 254 points out that this bill does not include any provisions on guns, and that this should be part of the broad-based, comprehensive approach to juvenile crime.

This amendment contains a number of proposals to protect children from guns.

I ask Senators: Are you willing to stand up and vote for or against these proposals?

Let me tell you what you are going to be voting on, that every Senator is going to determine whether they want to vote for it or against.

We ban the transfer to and possession by juveniles of assault weapons and high-capacity ammunition clips.

Are you for or against that?

We increase criminal penalties for transfers of handguns, assault weapons, and high-capacity ammunition clips to juveniles.

Senators are going to have to ask themselves when they vote on this: Are we for or against that provision?

We ban gun sales to persons who have violent crime records, even if those crimes were committed as juveniles.

Senators, are we for or against this provision?

We increase penalties for certain gun offenses involving minors.

Senators, are you for or against this provision?

We provide grants for the children's gun safety programs and for juvenile gun and youth violence courts with dissemination of model programs via Internet web sites.

Senators, are you for or against this provision?

We expand youth crime gun interdiction efforts in up to 250 cities by the year 2003.

Senators, are you for or against this provision?

We grant priority for tracing of guns used in youth crime, with increased Federal resources dedicated to the enforcement of firearm laws.

Senators, are you for or against this provision?

We have heard that this administration is not enforcing our gun laws. Let's stop the political mudslinging and ignoring of important facts and realize that as Americans we are in this together. The murder rate for juveniles

rose sharply in the late 1980s and the early 1990s due to a rise in gun violence. Since then, with some strong programs by this administration, the murder rate is on the decline. In fact, juvenile murder and non-negligent manslaughter arrests declined almost 40 percent between 1993 and 1997.

According to the Justice Department, Federal enforcement has focused on serious firearm offenders. These prosecutions are up 30 percent from 1992—up 30 percent. Federal and State law enforcement are working together more and more resulting in a 25-percent increase in combined annual firearm prosecutions since 1992—a 25-percent increase. The violent crime rate has come down. The murder rate has come down. The prosecution of gun offenses has gone up.

Those are indisputable facts. But having said that, we should strive to improve enforcement of our gun laws. That is why my law enforcement amendment provides \$100 million for the next 2 years dedicated to Federal firearm prosecutions.

It also establishes grant programs to replicate successful juvenile crime and truancy prevention programs, such as the program in Boston where they had a terrible, terrible slew of juvenile murders. They started this program and the murders stopped. We can replicate that in other cities.

As an aside, I strongly urge that those who prosecute cases involving weapons—be it at the Federal level or the State level—do what I did as a prosecutor. When I had a case involving a weapon of any sort—a gun, a knife, in a couple of instances a baseball bat—I sought, under our State law, a law that is similar to almost every State, an additional penalty for the use of a weapon. It can be anything that was used as a weapon in the commission of a crime. The word got around pretty quickly that if you used any kind of a weapon in a crime, assault, or burglary, or anything else, you were going to pay some additional penalty and you served additional time.

Finally, we commit resources and attention in this amendment to preventing juvenile crime with grant programs to youth organizations for supervised youth activities and after-school programs.

The amendment would authorize spending \$2 billion over the next 2 years on juvenile crime prevention and intervention.

Mr. President, everybody in law enforcement will tell you the same thing. The easiest crime to handle is the crime that never happened. And our crime prevention programs are modeled after what the police and others have told us work the best to prevent crimes.

I do not know and have never worked with a police officer who hasn't told me to help them prevent the crime from happening in the first place—juvenile crime especially. There are proven ways that work.

We are talking about spending billions and billions and billions of dollars more on the Kosovo crisis, along with the billions and billions and billions of dollars we spend in bombing Belgrade and elsewhere. Why don't we take a small part of that and invest it on our children, the safety of our children in a nation of a quarter of a billion people? Why not spend some money to protect our children within our own borders?

Similarly to S. 254, my amendment would reauthorize the Juvenile Justice and Delinquency Prevention Act. But in contrast to S. 254, my amendment preserves intact four core protections for youth in detention, but it also grants flexibility for rural areas.

We can come to the floor of the Senate and vote for feel-good proposals. We can pass resolutions condemning crime and violence—as though any Senator within this debate is for crime and violence; we are all against it. The reality is sometimes more difficult than the rhetoric. We need more than feel-good efforts. Parents and children in this country want concrete proposals. We give them those in this amendment.

As I said earlier, the question will be, Are Senators for or against them? We will have the vote and we will make that determination. These are proposals put together by Senators whose political philosophies go across the spectrum, by law enforcement officials who have testified and given Members their best analyses, by those who have run successful juvenile programs that have lowered juvenile crime and have stopped juvenile violence. We have put all this together. We have taken off any mantles of partisanship. These are proposals that we know work, not pie-in-the-sky but proven proposals.

The American people send Senators here to do a job, to pay taxes, to help parents seek a life where they do not have to fear for their children when they go to school, where parents do not have to fear for their children while they are at school, where there will be some control of juvenile violence. That is what is in this amendment.

How much time remains for the Senator from Vermont?

The PRESIDING OFFICER (Mr. SMITH of Oregon). Seven minutes 45 seconds.

Mr. LEAHY. I reserve the remainder of my time.

Mr. HATCH. Mr. President, I enjoyed listening to my colleague and I appreciate his efforts.

Before I move into the substance of Senator LEAHY's substitute, which is essentially an amendment, I note that we have had very little time to study and consider this amendment. We saw this amendment, which is 211 pages long, for the first time yesterday. The Senate has held no hearings—none whatsoever—on this amendment, nor has the amendment ever been referred to the committee as a bill or otherwise. Consequently, not only has the Senate

not considered Senator LEAHY's substitute, no outside groups in law enforcement or the juvenile justice communities have had the opportunity to examine this amendment. Having said that, that doesn't mean we should not consider it at this time.

By contrast, the Judiciary Committee has worked on S. 254 and its predecessor, S. 10, for more than 2 years. The Youth Violence Subcommittee, under the leadership of Senators SESSIONS and BIDEN, has held numerous hearings on S. 254 and its predecessor. These hearings have examined S. 254 from different angles and perspectives. A variety of experts have testified in favor and in detail about this bill. S. 254 is the most thoroughly considered juvenile crime legislation in my 23 years in the Senate and service on the Judiciary Committee and it has bipartisan support, as we saw yesterday on the vote.

Senator BIDEN, the ranking member of the Youth Violence Subcommittee, one of the leading Senators on crime issues, supports S. 254. We appreciate the efforts he has made. Moreover, the Fraternal Order of Police, the National Sheriffs Association, the International Association of Chiefs of Police, the Boy and Girl Scouts, and the National Collaboration for Youth, among other organizations, have examined S. 254 in detail. These groups have written letters of support for S. 254. Needless to say, these groups have not endorsed Senator LEAHY's substitute, because they have not had a chance to consider the amendment.

I don't mean to imply that this substitute does not contain some good proposals. In certain ways it is similar to S. 254. For example, I commend Senator LEAHY for including funds for juvenile prosecution and drug treatment, but funding for these purposes is already in S. 254. In fact, virtually every basic fund for prevention is in S. 254. Also, this substitute changes procedural reforms to the Federal prosecution of juveniles that are very similar to S. 254, the bill before the Senate. Again, we address this area in the underlying bill.

In particular, the substitute contains a reverse waiver that allows Federal district court judges to reverse any Federal prosecutor's decision to prosecute a juvenile as an adult. Under both S. 254 and Senator LEAHY's substitute, the juvenile defendant must prove by "clear and convincing evidence" that he or she should not be tried as an adult.

In short, there is much in the Leahy substitute that Senators will have the opportunity to vote for when we pass S. 254.

Despite some positive provisions, the Leahy substitute is, in my opinion, badly flawed. For example, the Leahy substitute changes the provision to encourage and assist States to upgrade and share juvenile criminal records. One of the major features of our juvenile justice bill is improving criminal

records sharing—I might add, that is a uniquely Federal role—but the Leahy amendment does not improve juvenile records in a meaningful way. It would effectively strike the provisions governing the upgrading and improving of juvenile felony records. This is an important part of our bill. We found that if we don't keep these records, people don't realize when violent juveniles reach the age of maturity, or of majority, they don't realize what these young people may have done with regard to violence in their youth.

In addition, the Leahy substitute is not a balanced approach toward the accountability program. It provides only \$150 million for accountability programs, such as graduated sanctions and detention for juveniles, out of an annual authorization of \$1.86 billion in that bill, in that substitute. In other words, only 8.9 percent of the total funding goes to accountability programs. We all want prevention, but accountability is important, too. I have worked long and hard to remedy what some have thought in the past to be a failure to have enough prevention in these bills, as we are concerned about accountability. So we have made those changes on S. 254 to try to make this a more bipartisan bill for all Members to support.

We need to support and encourage a full range of graduated sanctions from the earliest acts of delinquent behavior to help ensure that early acts of delinquency do not grow into more serious problems.

This chart indicates that the earliest acts of delinquent behavior start at age 7, the green line. That is the average age where behavioral problems really come into focus and start with young people. They continue to grow worse as they get older if there is no effective intervention. The underlying bill, unlike my colleague's substitute, recognizes this and addresses it thoroughly.

Although we showed this chart yesterday, it is worthwhile going over it again and again. People need to understand the history and the probabilities of misbehavior by young people. Minor problems of misbehavior generally start at age 7, usually because of broken families or the lack of a father in the home, with the mother doing her best to try to help the children but having to work generally or, if not working, on welfare. It starts then. It isn't necessarily the child's fault. So we need to do what we can to intervene at that time when we have some of these minor behavior problems. That includes both correction and enforcement.

Now, moderately serious problem behavior really starts gaining focus at 9.5 years. As a child grows to 9.5 years old, if that child has not been helped between 7 and 9.5, you start to get moderately serious problem behavior.

Then it becomes serious delinquency by almost 12 years of age, or 11.9 years of age. Then the first court contact generally, for index offenses—in other

words, offenses that are quite serious—happens really at about 14.5 years of age.

This is important stuff, because we have to balance both sides of this equation, not just prevention but accountability as well. If we do not expect young people to be accountable and we don't put the resources into helping them be accountable, they are going to get to 14.5 years and we are going to be left with a hoped-for prevention that really isn't going to work in many cases. It may work, but we almost guarantee it will work if we can require a certain aspect of accountability during these years of age, 7 to 14.5.

That is one of the things we are trying to do in this bill. This is not a partisan bill. This is not a bill that is a triumph of Republican principles over Democrat principles. We have taken the best from both parties and tried to mold it together into a bill that really will work and make a dent in some of these problems that really are despoiling our society.

Prevention programs are not effective unless there are some accountability measures to reinforce them. Providing only 8.9 percent for accountability measures is not a balanced approach. S. 254, by contrast, provides approximately 40 percent for accountability programs. We balance the two.

By the way, we are spending an extra half billion dollars, if we pass the Leahy substitute, an extra half billion dollars on top of what we are spending, which is a monumental amount of money, over \$1 billion, \$1.1 billion in the Hatch-Biden-Sessions bill. It is important we do the accountability aspects of this.

On what does Senator LEAHY's amendment propose spending funds? In enforcement, it authorizes rural drug training, grants for State courts and prosecutors, and the Byrne Program. All of these are generally worthy programs, and I commend the Senator for recognizing them. Indeed, I have been a vocal critic of the recent efforts of the Clinton administration to cut funding for some of these very same programs. What of the \$200 million the Leahy amendment purports to spend on more police officers in schools? This is in reality just an extension of the existing COPS Program, and it is not targeted at juvenile crime. Some COPS funding can of course be used for school security. In fact, Republicans last Congress, led by Senator CAMPBELL, amended the COPS Program to allow its grants to pay for school security officers. But to call this general reauthorization a program dedicated to cops in schools is a bit inaccurate.

What is left of the Leahy amendment? Prevention, which of course we all agree is important, no question about it. The Hatch-Biden-Sessions amendment the Senate adopted yesterday increases our bill's commitment to prevention to \$547.5 million per year, as this chart indicates.

Just so we all understand this, from the juvenile crime prevention standpoint, the funding of the OJJDP prevention programs, you can see that in 1994 we spent \$107 million on these juvenile justice delinquency prevention programs—\$107 million, which many in that year thought was quite a bit of money. I did not. Senator LEAHY did not. I don't think Senator BIDEN did. But the fact is it was \$107 million.

We have in 1995 jumped to \$144 million, and in 1996 as well. Then in 1997 we went to \$170 million; then in 1998, \$201.7 million. We have been bringing it up gradually. But look, in our bill we put it up to \$267.6 million. As we have gradually worked hard to do, we put it up. Then in our bill, starting in the year 2000, we go all the way up to \$547.5 million. We double the money in this bill. That is a lot of money. And we ought to make sure that money works. We should not get into a contest of throwing money at these problems and saying that is going to solve them.

We have a balanced bill here that takes care of the accountability aspects, about 40 percent of our bill, and about 60 percent is for prevention. Those green lines, from 2000 through 2004, represent almost \$600 million a year on top of other prevention funds we already have in other programs. So it is not as if we are letting prevention down. In fact, we have balanced it so we have both accountability and prevention.

I might add, our prevention is more balanced than that in the Leahy amendment. Mr. President, \$850 million of Senator LEAHY's amendment's "juvenile crime prevention" is focused exclusively on crime prevention. I think that is important, but we do that as well. And \$400 million of that funding is not even dedicated to the juvenile drug problem. So that bothers me a little bit, too. We are now working on a juvenile drug bill.

Yesterday, we got into a little bit of a hassle on the floor because Senator ROBB and Senator KENNEDY and others wanted to add SAMHSA money, mental health moneys, to this bill. We provide that our prevention moneys can be used for mental health, but we do not try to rewrite in the bill the whole of mental health legislation in this country. We are going to do that later. I will help them do that, because I am as concerned about mental health issues as Senators KENNEDY and ROBB and the others who voted for that. But that is not the purpose of this bill, when we provide that is one of the alternatives, one of the options that State and local governments will have in resolving this.

It is the same thing with juvenile crime prevention and drug prevention. We provide for that in this bill. Moreover, this substitute, the Leahy substitute, is not narrowly focused on the problem we should be debating, and that is juvenile crime. Indeed, of the advertised \$3.581 billion over 3 years, by my count, only \$1.6 billion, or 45.6

percent, is dedicated to addressing juvenile crime.

We would like to make this bill be a juvenile justice/juvenile crime bill, and not make it a big social spending bill, when we have other programs that literally can be beefed up for those purposes. I am not necessarily against doing that in other programs, but this bill is balanced and we want to keep it that way.

So of the advertised \$3.581 billion over 3 years, only \$1.6 billion, or 45.6 percent, is dedicated to addressing juvenile crime. My omnibus crime bill, the 21st Century Justice Act, which is S. 899, is a comprehensive approach to our general crime problem. But the bill we are debating today is a juvenile crime bill, and that ought to be our focus, our total focus. If we can pass this bill, we will do more to solve and resolve juvenile crime problems than almost anything we have done in history. That is why it is such an important bill, especially when we have had to go through some of these very difficult times that this country has gone through recently.

In short, the Leahy substitute is no substitute for the effective comprehensive approach to juvenile crime proposed in the underlying Hatch-Biden-Sessions bill. So I urge my colleagues to reject this amendment, as much as it is well intentioned, as much as I respect my colleague. I really do respect my colleague, who works very hard on the Judiciary Committee. I know he is sincere in presenting these matters. But I want this bill to be balanced. I want it to be tough and lean—and work. We have added plenty of money, as you can see. We are jumping those funds dramatically in 1 year to where we have very significant amount of funds. We have doubled them, in essence.

There will be people around here, no matter how much money you spend, who will always want to spend more. There comes a time when you have to do what is best under the circumstances and what is right under the circumstances. That is what will get this bill through both Houses of Congress and will do what really needs to be done for our young people in this society who are troubled and who have difficulties and whom we can save if we pass this bill. We can prevent some of the things that have happened in the past that have literally disrupted our society and hurt so many people.

Finally, S. 254 is supported by real people who took the time to get involved in juvenile justice. For example, more than a year ago, I received a letter from a woman named Cris Owsley in Sunnyside, WA. She wrote about how her son, Shaun, was knifed to death by a 15-year-old attacker in January of 1997. Shaun was just 2 days past his 18th birthday, and he was murdered at his birthday party.

Shaun's parents are courageous people. They took their grief and turned it into activism. Working with other par-

ents and the State legislature, they became advocates for laws that would appropriately punish juveniles like the murderer who killed their son. Then they contacted me and asked what they could do to promote reform nationally. I invited them to Washington last summer where they joined me and others on the Judiciary Committee and numerous law enforcement groups to urge passage of this juvenile crime bill. I am sure they will approve the amendment we adopted yesterday, the Hatch-Biden-Sessions amendment. They have set up a web site to advocate the passage of S. 254. That is how much it means to them and, really, millions of parents across this country.

I close my remarks with this exhibit. This box that I have contains more than 1,000 letters in support of S. 254 generated by these folks. These are real people who have endorsed this bill. Given their support, I urge the Senate to reject the Leahy substitute and support S. 254, and let's get this done. I hope we can move this ahead today and get it done today, because the sooner we get this bill passed, the more likely we are going to have greater tools and greater efforts to resolve some of these problems that are tearing our society apart. This is an extremely important bill. It is a bipartisan bill. It is a bill that will make a difference, and I think we ought to do this as quickly as we can.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, first off, I thank my good friend from Utah for the kind words. I am reminded of Shakespeare and Julius Caesar: I am here not to praise Caesar but to bury him. I think my friend from Utah has expanded on that. He wants to both bury me and praise me. I thank him for one-half of that equation and regret the other half.

I will point out a few errors, though, in his statement. One, this is an amendment. It is not a substitute. It is not intended as a substitute. It would not begin to be a substitute because there are many parts of S. 254 with which I agree.

The distinguished chairman has talked about the hearings on S. 254. In fact, there have been no hearings on S. 254; not one, not one at all. In fact, my amendment, which is basically what was introduced over a year ago and not something that popped out here yesterday, has had just as many hearings as S. 254.

There are things in S. 254 I like. I praised Chairman HATCH for including my reverse waiver in the bill. That is very good. Senator DEWINE of Ohio and I worked on it, and we adopted a technology grant, the DeWine-Leahy-Hatch Law Crime Identification Technology Act that provides a \$250 million block grant for States to upgrade their criminal records. It will be funded this year to help States upgrade their criminal history records.

My amendment provides money for both intervention and primary prevention programs because we need primary prevention programs before children get into trouble. In some ways we fail, because the only time we step in is after they get into trouble. Let's stop it before they get into trouble.

The distinguished chairman said that it is a lot of money, that I am adding \$½ billion for prevention for children. Let's talk about this. That is a lot of money. That is close to \$2 a person in this country. I think the math probably works out to about \$1.85 or \$1.90 per person every year. That is almost enough to buy a small soda at a movie, or that is almost enough to buy a comic book.

Let's be realistic. To help keep our children out of trouble, can we not afford \$1.85 or \$1.90 a year? Ask the parents in Littleton, CO, whether they would spend that kind of money, or ask the parents in any town in Vermont, California, Oregon, Utah, or Alabama if they would.

We want to address youth violence and school violence problems in this country. This is a problem that is a lot bigger than just whatever happens in our courts, once the crime has happened, once the juvenile has been apprehended.

We need an approach obviously to handle juvenile crime after it happens, but let's spend that extra \$1.85 or \$1.90 to try to use programs that have been proven to work, that our own hearings have shown work to prevent a crime from happening in the first place.

How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. LEAHY. I yield 2 minutes of that to the distinguished Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Vermont.

I rise because I think it is very important to point out to my friend, Senator HATCH from Utah, that what we are trying to do on this side of the aisle, under the leadership of the Senator from Vermont, is put more of a stress on prevention.

Here is the point. The good Senator from Utah, working with Senators LEAHY, BIDEN, and SESSIONS, had an excellent amendment that moved more toward prevention. We, on our side of the aisle, support the enforcement part, the tougher penalties part, but we want to see even more of a balance. There is still an imbalance.

I say to my friend from Utah, and I know he has had a similar experience or I think that he has, if you talk to law enforcement—and I have so many times in my State—they tell me: Senator, once the kids get into these teenage years, until they are 19, 20, 21, it is too late to turn them away from crime. Do more for prevention.

Law enforcement has been the driving force behind my afterschool bill because they understand if the kids get

the attention after school, they will not go home, get in trouble, and choose a life of trouble.

What the good Senator from Vermont is doing in this amendment, and I hope he will get bipartisan support, is to say, let's stress prevention as much as we do enforcement. He has pointed out quite eloquently, yes, we are talking about a couple of dollars out of the pockets of the average American every year, a couple of dollars to prevent crime from happening in the first place. I can assure you, Mr. President, it is much cheaper. Many have said, and it is a fact, that it costs more to imprison one of our youngsters than it does to send him or her to Harvard for a year.

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

Mrs. BOXER. We know what we are doing. I ask for 30 more seconds to wrap up.

Mr. LEAHY. I yield 30 seconds.

Mrs. BOXER. Mr. President, to address the issue that Senator HATCH raised, the vast majority of the programs in Senator LEAHY's amendment are proven programs. A couple of them that are new are essentially taking adult programs and applying them to the juveniles in our country. So this is a tried and true amendment.

I am very hopeful it will pass. It would put more cops on the street. Senator LEAHY waives the matching requirement if you place a community policeman in a school. This is very important. I think those of you who really want to help our children should vote yes on the Leahy amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time is remaining on this side?

The PRESIDING OFFICER. The Senator from Utah has 10 minutes.

Mr. HATCH. I want to yield some time to my distinguished colleague, the chairman of the subcommittee. We are both thinking of the same thing. If I could just take a minute.

Mr. SESSIONS. Please.

Mr. HATCH. And you can reemphasize it, if you could.

Look, one of the things that has always bothered me about Washington, and especially the Congress of the United States, is no matter how much money you put up that is reasonable, there is always going to be somebody who says we have to spend a lot more. Generally, it does come from the other side of the floor.

In this particular case, we have just shown you how we double the prevention moneys for the next 5 years, each year, over what they are today and how they have gone up. They will go up about five times what they were in 1994.

Now look, today, before this bill passes, let me show you the imbalance in the law right now. We are spending \$4.4 billion on juvenile prevention programs—117 programs. That is what we

are spending. That is going to be spent whether this bill passes or not.

We are going to add another \$547 million to that. It will bring it up to about \$5 billion that we are spending on juvenile prevention.

One of the problems I have with the amendment of Senator LEAHY—he says it is not a substitute. That is fine. But one of the problems I have with his amendment is he is only spending 8.9 percent on the accountability side of the equation, where we spend 40 percent in our bill.

Look how much we are currently spending: zero dollars for juvenile law enforcement or accountability. You wonder why kids are in trouble today. We made the case. The troubles begins at age 7; they escalate until age 14½, when it is too late, and they then go to court. That is what accountability is going to do. It will help to make them accountable up to age 14½, and hopefully the prevention moneys will work then, because you will have both sides of the scale, admittedly not an awful lot for accountability in comparison, but we will have accountability money and we will have even more prevention money.

I yield the remainder of my time to the distinguished Senator from Alabama, who has made this case over and over.

But what never ceases to amaze me is, whatever money we put in these programs, there is always going to be someone who wants to spend a lot more. The point we make is there is a lot more there now, and we are going to add a lot more. And we do not need to add \$400 million for each year for the next 5 years.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the distinguished chairman of our Judiciary Committee, Senator HATCH. He is right on point.

I have a similar chart here. There has been \$4.4 billion spent on juvenile prevention programs, 117 separate juvenile programs. We have had no money for law enforcement, make no mistake. The point I really want to make is, when you spend money strengthening our juvenile justice system, giving juvenile judges alternatives and possibilities to intervene effectively through the appropriate discipline when young people go wrong, that is prevention—that is prevention.

Fox Butterfield in the New York Times had a front page article about Chicago's juvenile court system. They spend 5 minutes per case. It is just a revolving door. We need to strengthen the ability of juvenile judges to intervene effectively when kids first start getting into trouble, because if you have a limited amount of money for prevention, you should apply it where it works best, for those people who are already beginning to get into trouble.

Let me show you a Department of Justice study done recently by a professor at the University of Maryland on behalf of Attorney General Reno.

The chart says, "The findings of the Department of Justice Prevention Evaluation Report." What did they find? Most crime prevention funds are being spent where they are needed least. That is a condemnation of us in Congress and the Department of Justice. Most prevention money is being spent where it is needed least. That is President Clinton's own Department of Justice.

Most crime prevention programs have never been evaluated. We have 117 of them. They have 4-H Clubs in inner cities that are supposed to keep people from committing crime. I do not know if that works or not. I used to be in a 4-H Club, but I do not know whether that is a good idea. There are 117 of these programs.

Among the evaluated programs, some of the least effective receive the most money. We want to just do more, more, more.

We have worked for over 2 years on this legislation. We have given it a lot of attention. Chairman HATCH has given it his personal attention. We have now worked with Senator BIDEN and have his support. In the committee, the bill came out with bipartisan support last year. It has bipartisan support.

Here we have an amendment of 100 or more pages, submitted by the distinguished Senator from Vermont. I know that as a former prosecutor he cares about these issues, but we get it this morning—I think my office got this morning probably the only two copies in existence. He wants to spend, what, \$3.8 billion—just \$3.8 billion. We have not even had time to read the amendment.

There are a couple of things that are important to me. There is no money dedicated for law enforcement. I tell you, the people think juvenile judges do not care about kids. The Juvenile Judges Association is supporting this effort because the money is coming in a way that requires a committee, a coordinated committee in a community. Our vision is that the community would come together—the judge, the prosecutor, the sheriff, the probation officers, civic leaders—and prepare a plan to deal with young people who are getting into trouble.

Everyone needs to be drug tested upon arrest. If you do not care about the kids, you will not drug test them. If you love them and care about them, you will find out if part of their criminality is being driven by drug use; and if so, then you need to have treatment and continued monitoring of them if they are let go.

Parents need to know if the reason their children got involved in theft was because they were strung out on drugs. That is an important thing. That is how you intervene effectively. The power of a court gives credibility to the process that no other drug treatment center or mental health center can give because a judge can order things to happen. You talk to your pre-

vention people, the drug treatment people, the mental health people. They like the order of a judge requiring these things to happen.

So I believe that a good criminal justice system is prevention. And what they comment on is a "lock them up" mentality. This is what our accountability block grant provides: drug testing of juveniles upon arrest; and it provides the money for State and local people to do that, and the renovation or expansion of detention facilities.

The truth is, we have quadrupled the amount of bed space for adults coming in and have driven down adult crime dramatically because we focused significantly on repeat, dangerous adult offenders. But we have spent very little money at the same time that juvenile crime has been increasing dramatically.

That is why, as frugal as I am about government money, I think it is appropriate for us as a nation to rise up and address the shortcomings in juvenile court systems in America and try to give them some strength. You have to have some detention.

People across the aisle have a little mantra. They are saying: Well, we want to really lock up these tough kids. But when you have three times as many people committing murder as a juvenile, three times as many committing assault with intent to murder, and rapes, and that kind of thing in the last 15 years, then we have to have more capacity, don't we?

What are judges doing with a second-time burglar when the only bed space in the State juvenile center is filled with a youngster charged with murder? Where are they going to put these kids? That is what they are telling me.

Police officers say: Well, police officers want prevention. Look, I was a prosecutor. I had been a prosecutor for nearly 17 years. Many of my best friends are police officers. You ask them: Don't you wish we could prevent crime?

Oh, yes, they answer, I wish I could prevent crime. I am tired of arresting these kids.

They will always say that. But you ask them about what they know, you ask them how the juvenile justice system is working, and they will tell you it is in a state of collapse. They have told me over and over again: Jeff, these kids are laughing at us. We can't do anything to them, and they know it. We arrest them, and they are released within hours of their arrest. Nothing happens to them, time after time.

This isn't a first-time offense. People act as if you are going to take some youngster—

The PRESIDING OFFICER. All time in support of the amendment has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. SESSIONS. People act as if first-time young offenders are getting sent

off for long periods of time. That is not so. It is just not so. Ask people who know about the system.

What we need, though, is for that seriously disturbed youngster who is heading down the wrong road to get to a juvenile court system where the judge can look them in the eye with toughness, concern, and tough love, and be able to discipline them, to set forth a program that fits their needs, whether it is mental health, drug treatment, family counseling, or prison.

We do not have that in America, because we don't have any money spent for that. We need to do it, and this bill will do so.

I thank the chairman for his time.

The PRESIDING OFFICER. The Senator from Vermont has 1 minute.

Mr. LEAHY. Mr. President, I yield back the remainder of my time.

Mr. HATCH. All time is all yielded back?

The PRESIDING OFFICER. All time is yielded back.

Mr. HATCH. Then I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 327. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—54

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
Crapo	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Voinovich
Fitzgerald	McCaIn	Warner

NAYS—44

Akaka	Dodd	Kerrey
Baucus	Dorgan	Kerry
Bayh	Durbin	Kohl
Biden	Edwards	Landrieu
Bingaman	Feingold	Lautenberg
Boxer	Feinstein	Leahy
Breaux	Graham	Levin
Bryan	Harkin	Lieberman
Byrd	Hollings	Lincoln
Cleland	Inouye	Mikulski
Conrad	Johnson	Murray
Daschle	Kennedy	Reed

Reid
Robb
Rockefeller

Sarbanes
Schumer
Torricelli

Wellstone
Wyden

NOT VOTING—2

Cochran

Moynihan

The motion was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that with respect to the next amendment, the BROWN-BACK amendment on code of conduct, no amendments be in order to the amendment for 30 minutes after it begins.

Mr. LEAHY. Reserving the right to object, do I understand, then, the unanimous consent is not to preclude amendments but to preclude amendments for 30 minutes?

Mr. HATCH. As we work out the difficulties. We are trying to have an interim period of time.

Mr. LEAHY. This is consistent with what the distinguished chairman and I discussed.

I have no objection.

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

Mr. DASCHLE. Mr. President, last evening, Senator ROBB, Senator LEAHY, Senator KENNEDY and other Democratic Senators offered two amendments to S. 254 that were developed by a working group within the Democratic Caucus. Those amendments, together with an amendment to be offered by Senator BOXER to extend after-school programs, provide a comprehensive, measured response to youth violence.

Children today face incredible emotional and societal pressures that most people my age never had to worry about. An average of 12 children die each day from gunfire in America. The National School Board Association estimates that 135,000 guns are brought into U.S. schools each day. This reality was painfully reinforced by the terrible, senseless tragedy that occurred in Littleton, Colorado, only a few weeks ago.

The fear of school-related violence can have a profound effect on children's ability to learn. This fear has increased over the last decade. Fear for personal safety causes a significant number of students to stay home from school, or avoid certain areas of their schools. A full 71 percent of children ages 7 to 10 say they worry they will be shot or stabbed while at school.

The root causes of the Columbine High School shooting, and wider threats to our schools and communities, are complex and deep. Finding solutions will require a national commitment that goes far beyond legislative proposals. It will require students, parents, teachers and principals, business leaders, faith-based organizations, youth groups, law enforcement officials and many others working together to reduce the threat of violence.

While government—alone—can't solve the problem of youth violence, government must be part of the solution.

The amendments that make up the Democratic package to S. 254 would

help America's communities reduce violence in our schools and communities.

Our caucus is united in our support of these amendments. We are also united in our determination to continue to seek long-term solutions to the problem of youth violence—solutions that will encompass both legislative and non-legislative strategies.

PROVIDING RESOURCES AND SERVICES TO
PREVENT YOUTH VIOLENCE

More than 9 out of 10 police chiefs agree with the statement, "America could sharply reduce crime if government invested more in programs to help children and youth get a good start" by "fully funding Head Start for infants and toddlers, preventing child abuse, providing parenting training for high-risk families, improving schools and providing after school programs and mentoring."

Nine out of 10 police chiefs also agree that "if America does not pay for greater investments in programs to help children and youth now, we will all pay far more later in crime, welfare, and other costs."

They know, and we know, that prevention works.

Efforts to prevent delinquency before it starts can make a real difference in keeping children and communities safe. That's not conjecture. It's a fact.

A recent study on the effectiveness of after-school programs looked at 2 housing projects. One of the projects instituted an after-school program, the other did not. In the project with the after-school program, juvenile arrest rates declined 75 percent. In the other project, juvenile arrest rates rose 67 percent.

In housing projects with Boys and Girls Clubs, juvenile arrest rates are 13 percent lower, and drug activity is 22 percent lower, than in projects without clubs.

In Boston and Los Angeles, comprehensive efforts to prevent juvenile crime have significantly reduced the number of murders of young people.

Violence prevention saves lives. And it saves money.

A RAND study found that crime prevention efforts were three times more cost-effective than increased punishment.

A Vanderbilt University study estimates that each high-risk youth prevented from adopting a life of crime could save the country from \$1.7 million to \$2.3 million.

That is why our leadership amendments sought to balance smart prevention and tough enforcement.

Senator ROBB's amendment would have created a National Center for School Safety and Youth Violence—a national clearinghouse of strategies that work.

A Center could provide expert advice to schools and communities.

It could establish a toll-free number for students to seek help and anonymously report criminal activity and other high-risk behaviors.

It could provide assistance to parents and communities to address emergencies.

The Center could also conduct research on and evaluate effective school safety strategies.

It could serve as a clearinghouse of model programs, and establish a web site on school safety.

It could also work with local communities to strengthen school safety.

It could do all of those things if the Senate had chosen to adopt the amendment.

The Robb amendment also built on the existing Safe Schools/Healthy Students program. This is a program that brings together schools, law enforcement and the mental health community to reduce both juvenile violence and drug and alcohol abuse.

We think this program should be available to 150 additional communities, not just 50. Charges that the Robb amendment would create a whole new bureaucracy and duplicate existing programs are just not true.

Mr. President, I find it ironic that Republicans in the Senate voted against the Robb amendment, yet voted in support of the Gregg amendment, which claims to do many of the things the Robb amendment would do with fewer resources. Making our schools safe should be one of our highest priorities.

Preventing youth violence also requires a special focus on after-school hours.

Many students today spend more of their waking hours alone than they spend in school.

We know that children left home alone are more likely to become involved in risky behaviors.

Most juvenile crime occurs between 3 p.m. and 8 p.m.

We also know that children who attend quality after-school programs are less likely to engage in delinquent activity than children who do not. They have better relationships with their peers. They're better adjusted emotionally, get better grades, and they're better behaved in school.

So, our package includes an amendment, to make quality, school-based after-school programs available to more students, in more communities.

Our amendment triples funding authorization for the existing 21st Century Learning Center grant program, from \$200 million to \$600 million. This proposal is in S. 7, our education agenda bill, and was in the President's budget.

By investing in prevention, we can prevent a lot of good kids from going bad.

But we know there are young people who need tougher measures.

The amendment offered by the Senator from Vermont would have provided those measures as well. It was tough on juvenile crime—especially violent juvenile crime.

It gave the Attorney General greater discretion to prosecute violent offenders as adults in the federal courts, and streamlines the process for doing so—without trampling on the rights of juvenile suspects.

It established a program of flexible, graduated sanctions.

Our amendment also provided grants to States to incarcerate violent and repeat offenders. We need to get violent kids off our streets, and out of our communities.

When police chiefs were asked to rank the long-term effectiveness of a number of possible crime-fighting approaches, they chose "increasing investments in programs that help children and youth to get a good start" nearly 4 times as often as "trying more juveniles as adults."

Four times more often!

Our law enforcement amendment reflects the police chiefs' judgment. It invests in programs we know work, from "Say No to Drugs" community-based centers, to incentive grants for local delinquency prevention programs and drug prevention education programs.

We also proposed to better protect children from drugs by expanding drug treatment opportunities, and increasing penalties for people who sell drugs to children.

In addition, our amendment built on one of the most successful initiatives of the 1994 Crime Act, the COPS program.

We proposed to put 6,000 more police officers in our schools and our communities.

Mr. President, I think we were all disturbed by the bomb scares that were called into schools all across our nation in the wake of the Littleton tragedy. South Dakota has had to deal with 30 bomb scares or threats of violence since that incident.

One of those bomb scares was called into Tri-Valley, a school in a rural community outside Sioux Falls, South Dakota.

Fortunately, Tri-Valley has a police officer, called a "school resource" officer. His name is Deputy Preston Evans. His position is funded by a COPS grant. He actually covers two schools.

On the day of the bomb threat, as students were being evacuated from the school, a number of students came up to Deputy Evans and told him they knew who had made the threat. By the end of the day, two students had been arrested.

Those students were able to confide in Deputy Evans because they trusted him. And they were able to trust him because they knew him. They had a relationship with him.

By expanding the COPS program, and giving kids the opportunity to have police as mentors and role models when they are young, we can reduce the chances that they'll need judges and wardens when they're older. That makes sense for our children, for our communities, and for our future.

Mr. President, I never had to worry about assault weapons or pipe bombs when I was in school. No child, and no parent today should have to worry about those things, either.

We simply cannot provide hope for our children if we cannot guarantee

their safety in the very institutions where they go to learn the skills they need to succeed in life.

I know that gun control proposals alone will not keep our children safe when they leave our homes in the morning. But we can—and we must—do more to keep dangerous weapons out of the hands of children, and away from our schools.

Our law enforcement amendment banned the possession of assault weapons and high capacity ammunition clips by anyone under the age of 18.

It also increased criminal penalties for those in the deadly black market of selling handguns, assault weapons and high-capacity ammunition clips to juveniles.

Finally, when juveniles commit violent crimes and put the lives of others at risk, our amendment took away their right to possess a gun—ever—regardless of whether they are prosecuted as adults or juveniles.

In all this talk about juvenile crime, it's important for us to remember that the vast majority of our young people are good kids. They work hard in school. They're involved in their communities.

Our goal should be to empower these young people, and their communities, to take action against crime, rather than be victimized by it.

I've seen what can happen when we harness the power of our young people in my own state.

Not long ago, a student in our capitol city, Pierre, took his own life.

Many of his classmates were deeply affected. In addition to mourning, they also resolved to try to prevent other young people from making the same tragic mistake.

High school students Craig Schochenmaier, Nick Johnson, and Blair Krueger have been working to raise money to give away gunlocks imprinted with the number for a suicide prevention hotline to parents who own guns.

Instead of simply becoming numb to violence, Craig and his friends have found a way to fight it, and help others.

I believe there are young people in communities all across our country who feel as Craig, Nick, and Blair do. They want to make their schools and communities safer. They're willing to work to end the violence. Our amendments would have given them, and their communities, the tools and support they needed to do that.

I think we have missed two key opportunities on this bill. The provisions we have proposed and would make a real, positive difference in the lives of the people of this country. They represent the next right step in our ongoing effort to secure the safety of our schools and communities. My colleagues and I may offer some of these as individual amendments before the debate on this bill is over.

I certainly encourage my colleagues, especially on the other side of the aisle

but on both sides of the aisle, to reconsider these issues, to reconsider how we address these problems, and to vote in support of these amendments when they are offered again.

I yield the floor.

Mr. HATCH. Mr. President, I would like briefly to respond to the distinguished minority leader's comments. I agree with the Senator from South Dakota that we need long term solutions to the problem of youth violence. S. 254, a comprehensive package designed to combat youth violence through multiple approaches—like prevention and accountability programs—is a long term, but flexible, approach to assist the States in curbing youth violence.

My colleagues across the aisle want more funding dedicated to prevention programs, despite the funding increases approved yesterday in the Hatch-Biden-Sessions amendment. In addition, the Federal government, according to a 1999 GAO study, spends over \$4 billion annually on 117 prevention programs. The Robb amendment was wisely tabled, since it added an additional \$1 billion to Federal programs that already exist. S. 254 and the pending Republican amendments already address programs to steer youth away from a life of crime. For instance, S. 254 has a unique mentoring program that utilizes college age adults and retired couples that are matched to troubled juveniles and their families. By giving the juveniles proper guidance, communities can prevent youngsters from choosing to commit crime.

Furthermore, although there were some similar provisions between the Leahy substitute amendment and the underlying bill, the devil is always in the details. Upon close inspection, this amendment was not an adequate substitute for the most thoroughly considered juvenile crime legislation in my 23 years in the Senate.

First, the Leahy amendment duplicated programs that are already in S. 254. My bill gives the Attorney General greater discretion to prosecute violent juvenile offenders that commit Federal crimes in adult court, and streamlines the process to do so. S. 254 already has a flexible accountability block grant that provides funding for a system of graduated sanctions to hold violent and repeat offenders responsible for the crimes inflicted on their victims. Since S. 254 provides a comprehensive package to fight juvenile violent crime, the Fraternal Order of Police supports the bill.

Second, the Leahy amendment was not narrowly focussed on the problem we should be debating—juvenile crime. Indeed, of the advertised \$3.581 billion over three years price tag, by my count only \$1.632 billion, or 45.6 percent, is dedicated to addressing juvenile crime. In the law enforcement category, the imbalance is even more startling. Of the \$1.684 billion the amendment claimed to spend on juvenile crime law enforcement, only \$150 million, or 8.9 percent, is targeted at reducing juvenile crime.

This \$150 million is for juvenile and violent offender incarceration. I certainly agree with Senator LEAHY that we need to provide assistance to States and local governments for secure juvenile detention. But, we need to fully support and encourage a full range of graduated sanctions from the earliest acts of delinquent behavior, to help ensure that early acts of delinquency do not grow into more serious problems. According to the OJJDP, the earliest acts of delinquent behavior start at age seven, and continue to get worse if there is no effective intervention. S. 254, unlike my colleague's amendment, recognizes this, and addresses it.

So what did the Leahy amendment propose spending funds on? In the enforcement area, it reauthorizes Rural Drug Enforcement and Training, grants for state courts and prosecutors, and the Byrne program. Now, all of these are generally worthy programs. Indeed, I have been a vocal critic of recent efforts by the Clinton Administration to cut funding for some of these same programs. And my crime bill, the 21st Century Justice Act (S. 899) is a comprehensive answer to our general crime problem. But the bill we are debating today is a juvenile crime bill, and that should be our focus.

And what of the \$200 million the Leahy amendment purports to spend on more police officers in schools? This is, in reality, just a two year reauthorization of the existing COPS program. Some COPS funding can, of course, be used for school security. In fact, I supported the bill by Senator CAMPBELL we enacted last Congress to amend the COPS program to allow its grants to pay for school security officers. But to call this general reauthorization a program dedicated to cops in schools is a bit inaccurate.

What is left of the Leahy amendment then? Prevention. Which, of course, we all agree is important. The Hatch-Biden-Sessions amendment the Senate adopted yesterday increases our bill's commitment to prevention to \$547.5 million per year. And, I might add, our prevention is more balanced than that in the Leahy amendment. \$850 million of the Leahy amendment's "juvenile crime prevention" is focussed exclusively on drug prevention. And \$400 million of that funding isn't even dedicated to the juvenile drug program, which I agree is in dire need of attention.

In short, the prior Democratic amendments are no substitute for the effective, comprehensive approach to juvenile crime proposed in the underlying Hatch-Biden-Sessions bill. This bill, and the amendments we will offer, address our juvenile crime problem in four key areas. These include:

- (1) prevention and enforcement assistance to state and local government;
- (2) parental empowerment and stemming the influence of cultural violence;
- (3) getting tough on violent juveniles and enforce existing law; and
- (4) safe and secure schools.

So far, the amendments to this serious juvenile crime package have been simple calls for increased spending and rhetorical trinkets. So while I respect the minority leader's views on this issue, I must disagree with his conclusions.

Mr. President, before we begin the Brownback amendment debate, I ask unanimous consent the distinguished Budget Committee chairman be granted 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise to offer my thoughts on the juvenile justice legislation before us here today. I want to commend the majority leader for bringing this important bill to the floor this week.

I think it is time for the Senate to have a full debate about our Nation's juvenile crime policies, and the role the Federal Government should play in addressing youth violence.

The Federal Government should provide greater funding to the States to combat juvenile crime, but without tying the hands of the States and their ability to implement new and innovative approaches to the problem. The bill before us is a step in that direction.

In the wake of the tragedy in Littleton, CO, this will be a particularly timely debate. But I want my colleagues to know that, in the view of this Senator, this is a debate which is long overdue.

As far back as 1995, I held field hearings in my home State of New Mexico to talk to people about their experiences with escalating youth violence.

I brought in judges, law enforcement officers, youth counselors, and prevention experts, as well as victims of juvenile crime, to see what the Federal response to the problem ought to be. I then introduced legislation based on what I heard from the experts in New Mexico.

And I must say to the chairman of the Judiciary Committee, Senator HATCH, and his colleague, Senator SESSIONS, you all must have heard the same things from your experts as we heard in New Mexico. Because many of the same concepts and ideas which I heard during those discussions in New Mexico have found their way into your bill before us today.

Ideas like graduated sanctions, so that kids are punished the first time they commit a bad act, and given more severe punishment for subsequent, more severe offenses.

In New Mexico, I heard countless stories of juveniles who committed 10 or 15 minor crimes before they ever were given even the slightest punishment. It is not wonder that so many kids disrespect our justice system. This bill will encourage States to adopt graduated sanctions policies, and provide resources to do so.

Another theme echoed throughout the field hearings and meetings I held

in New Mexico was the need to better address the rights of the victims of juvenile crime.

Often, the victims and their families are forgotten in the juvenile justice system. States frequently require closed court hearings, rarely notify victims when offenders are sentenced or released, and often fail to allow for restitution.

One issue that is critically important to a rural State like New Mexico is the need to address the Federal mandates imposed upon the States as a condition of receiving Federal funds.

I have been working with Congresswoman HEATHER WILSON of New Mexico's First District on this issue since the time when she served as the Secretary of Children, Youth and Families in our State. One problem she always faced was how to deal with the Federal "sight and sound separation" mandate, which led to arbitrary, burdensome, and often times ridiculous restrictions placed on my State's use of juvenile facilities.

Let me make it clear to the critics of this bill's handling of the mandates: no one, including this Senator, wants to house juveniles in the same cell as adults or to allow adults the ability to physically or emotionally abuse juveniles held in secure facilities.

All this bill seeks to do is impose some common sense, to allow States the flexibility to use their facilities and staffs in a rational, but responsible way. I think Senators HATCH and SESSIONS have done a good job addressing the problem.

I have before me a list of the 15 Federal and 7 State gun laws already on the books which were violated by those disturbed youths in Colorado. I want my colleagues to know that I think that we should do a better job of enforcing those laws already in place, particularly at the Federal level, before we consider enacting a laundry list of new gun laws. There may be some suggestions offered this week which are reasonable, and which might be acceptable to a majority of Senators. I wait to see what will be offered.

Mr. President, I thank you for recognizing me. Again, I commend the chairman of the Judiciary Committee, Senator HATCH, and the chairman of the Youth Violence Subcommittee, Senator SESSIONS, for their hard work on this bill. I do not agree with every single provision, and I may offer some amendments later in the process, but I think they have done a fine job getting this legislation to the floor. And I look forward to working with them as we continue to shape the bill.

Mr. President, while this bill will be contentious and we will have scores of amendments, it is the right debate at the right time in the right place. I think after we have fully debated this we are going to come up with a bill that will help our sovereign States and the governments within those sovereign States to do a better job with juvenile crime policies. We do not have

a major role, but we have certainly not had a sufficient role. This bill will expand that and modify and make more responsive some of the mandates we have in our laws today with reference to juveniles.

First of all, there is a great discussion taking place about firearms and guns. While I do not address that in my few remarks, in due course we will have a significant debate on this. Clearly, we will all listen attentively and pay attention. We will try to do the very best we can. I will certainly try to do that.

But essentially there is a much bigger issue. The issue is the criminal justice system. In our land we have an adult criminal system. We all hear about that regularly. It is jury trials for serious crimes. It is whether or not to have death penalties. It is do we have enough district attorneys to prosecute. It is what is happening to the families of these adults against whom these crimes have been committed. And it is a myriad of things that apply to adults.

For the most part, the juvenile justice system in America has been almost mysterious, because we have been bent on protecting the young people and protecting their rights and protecting their reputations—and properly so. But I submit much of that apprehension about disclosing what crimes teenagers and juveniles have committed, keeping their records separate such that they can have the equivalent of two or three felonies and nobody ever knows about it when they enter the next phase of life—many of these things were done in a completely different era. Clearly, we have a small portion of America's young people committing crimes. The overwhelming number, as the minority leader said, are diligently doing their jobs, trying to grow up, learning and conducting themselves in a very, very good manner.

There is a growing number of teenagers that has become just as dangerous as adult criminals. They commit the very same crimes from rape to murder to mayhem to burglary to robbery. Drive-by shootings are not just done by adults. Many of them are done by teenagers and young people. The time has come, it seems to me, to give a little more recognition to that and to help our States and their juvenile apparatus for helping them do a better job.

I held hearings in my State the year before last, and I introduced a bill, along with my colleague from the House, Representative HEATHER WILSON. Many of the ideas in it which we got from our educators, from our judges, from our policemen, are in this bill. I compliment those who put it together. It moves in the right direction, without any doubt.

Frankly, there are young people who commit significant crimes over and over who deserve to be treated as adults. We do, to some extent, urge the

States to move in that direction—and many are—to treat as adults those young people who commit certain kinds of crimes which are just abhorrent to society.

We are moving in the direction of making sure that the records of severe juvenile criminals are made available so that the courts can be apprised in later years as these juvenile criminals commit other serious crimes. It is not as if the first 5 years of criminality as a youngster do not count. We are moving in that direction, and I think we are moving there correctly.

Likewise, it is obvious that we ought to be doing some things to help in the prevention area. I am very pleased that we are urging our schools that have great physical capacity—their gyms, their recreation centers, their classrooms—to make them available for afterschool, weekend and even summer activities so that our young people have more to do with their enormous amount of spare time, other than to spend, on average, 7 hours—it is not just teenagers, but televisions in our homes are on 7 hours a day, a rather incredible number. Probably with so many of our young people with nothing to do in the afternoons, it would not be a surprise if for a substantial number of those 7 hours, teenagers and our youngsters are watching, with no adults around, whatever they please.

Clearly, this bill is moving in the right direction, with reference to another area which is totally frustrating for fellow New Mexicans and for Americans, and that is victims of juvenile crime. We are now finding how abusive a court system can be to victims if, in fact, the courts do not take the victims into consideration.

I will be offering an amendment with reference to victims which, I believe the Senate will be pleased to hear, will take some things out of the proposed constitutional amendment that was offered with reference to victims and makes it statutory. A few of those ideas were in Dan Coats' proposal. I believe we can put in rights that victims will have under the juvenile codes of our land.

Let me close by suggesting one other thing. Again, if we get away from the shootings and look at the ordinary daily operation of the criminal justice system for young people, we find a problem with reference to what we do with young people who commit small offenses. Do we do nothing? It is pretty obvious that small offenses repeated yield to more serious offenses, and if there is no corrective action, then it will yield to more egregious offenses. Go to one of our facilities in New Mexico and interrogate a 17-year-old boy and ask him why he is there. He will say: I am finally here, but I was arrested 17 times and I was found guilty of 14 crimes, and nothing happened to me. I ended up here.

This bill talks about progressive punishment—little crimes, little punishment; bigger crimes, bigger punish-

ment—but suggests that we will help with funding in the States if they have a system that, indeed, imposes some kind of corrective measure, even for the lesser offenses.

This is not intended to create a situation where we are just being mean to somebody. As a matter of fact, it looks like young people learn when they are corrected, when they are told they cannot do something and when violating the law means they have to suffer in some way, be it mighty small when they are small offenses, or significant as they move up the ladder of criminality in terms of the number of times they violate our laws.

I hope by the time we finish this bill, we will have taken a giant step forward in helping our States which, after all, do most of the law enforcement of this criminal behavior by our young people and most of the offenses that are taking place in our school systems, such as the events that occurred in my neighboring State of Colorado. Most of the authority to do something about that is not in our hands; it is in the hands of our States.

We ought to be helpful to the States in this legislation by not tying their hands but giving them flexibility, and where we really think there ought to be improvements in the system, giving some benefit to a State that changes the system in a positive manner. This bill has that kind of incentive built into it which is the part I put in the bill which I introduced not too long ago, because I thought it was very important to encourage States to make changes.

I thank the Senator for yielding to me, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 329

(Purpose: Relating to telecast material, video games, Internet content, and music lyrics)

Mr. BROWNBAC. Mr. President, by a previous unanimous consent agreement, I call up amendment No. 329.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBAC], for himself, Mr. HATCH, Mr. LIEBERMAN, and Mr. ABRAHAM, proposes an amendment numbered 329.

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BROWNBAC. Mr. President, I call up this amendment on behalf of myself, Senator HATCH and Senator LIEBERMAN. I ask unanimous consent that Senator ABRAHAM be listed as an original cosponsor.

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

Mr. BROWNBAC. Mr. President, this is a discussion we have been having within the country and we now need to have in the Senate. We have four provisions in the amendment. They are, basically, things that we can address in the Senate about the culture of violence that has enveloped the country and has taken us to the point where so many people have so many fears of what has taken place, and we see some of this acted out.

This is not a panacea amendment. It will not solve all our problems, but I think it is a positive step in the right direction. It has bipartisan support, and I am hopeful we can get broad support throughout the Senate so that these amendments will become law. Let me go through each of them.

The amendment will provide, first, a limited antitrust exemption to the entertainment industry enabling the industry to develop and disseminate voluntary guidelines for television programming, movies, video games, Internet content and music.

What we are seeking is an antitrust exemption so that the industry can enter into its own voluntary code of conduct, the likes of which the television industry used to have and then left after there was some feeling that this was potentially an antitrust violation.

We want to give them an antitrust exemption so they can set a code of conduct, a floor below which they will not go in the race to the bottom for ever more violent, ever more explicit, ever more troubling content. We want to provide that for television, movies, video game producers, Internet content, and music.

These voluntary guidelines will be used to alleviate some of the negative impact of violent sexual content and other subjects inappropriate for children that are so pervasive throughout the television shows, movies, video games, Internet content, and music produced today by the industry.

This amendment does not—does not—require the entertainment industry to develop or disseminate such guidelines, nor does it provide the Federal Government with any additional authority to regulate TV programming, movies, video games, Internet content, or music. Members can support this and know what this amendment does not do.

The amendment does enable the entertainment industry to establish voluntary guidelines. I believe this is an appropriate way for us to encourage the industry to reconsider their entertainment products with an eye toward their corporate responsibility.

My amendment would simply make clear that the entertainment industry would not be subject to antitrust scrutiny if its members create such guidelines. This amendment does not infringe upon the first amendment rights of the entertainment industry. It would provide us with the opportunity to give the industry the tools that are

necessary to articulate what their standards are and to inform parents what they can expect from the industry.

Why do we need a code of conduct? I think there are several very important reasons why.

First, our popular culture exerts an enormous influence on our young children and on our entire society. What we see, hear, and experience helps shape how we think, how we feel, and how we act. This is particularly true for children. All too often, what kids see in movies or on television, what they hear in music, and what they experience in the games they play actually desensitizes them and debases rather than uplifts.

Given that entertainment companies wield such enormous power in this country, it is only right that parents and consumers should know what their standards are and how they will use their media. This code of conduct will call on entertainment executives to define those standards, what levels they would not sink below, and what ideals they intend to uphold. I think the public has a right to know that as well.

Second, establishing a code of conduct not only informs parents, it helps hold the entertainment industries accountable. Parents will have a written code by which to judge television, movies, music, and games and be empowered to demand that companies live up to their code.

Third, a code of conduct says that entertainment companies do bear some corporate responsibility for the impact of the entertainment that they peddle. For too long, entertainment executives have insisted—in the face of mountains of evidence to the contrary—that the violence and sexual activity they depict had no impact, and that therefore they had no responsibility. A code of conduct recognizes that these companies wield enormous power and must therefore bear a corporate responsibility to the public at large.

There are some who defend the extreme violence and sexual activity in some movies, television shows, or music lyrics by claiming they are merely reflections of the reality of life, that they hold a mirror to society. But it is not a mirror; it is a mirage. The world of television and movies is—thank goodness—far more violent, conflicted and sexually explicit than the life of the average American. There are far more Amish people in the United States than there are serial murderers. There are more pastors than prostitutes. But you would never know that from watching television.

Enabling the entertainment industry to develop and enter into a code of conduct is not a panacea. It will not, by itself, put an end to all objectionable content, but it will be an important first step in encouraging the industry to reconsider the influence—for good or ill—of its products, its internal standards, and its corporate responsibility.

It will provide parents and consumers with information, and enable them to

hold entertainment companies responsible for their product, and it will further an important national dialogue about what our duties to our children are and the role we play in determining whether we live in a culture that glorifies death, carnage and violence, or in a civil society.

We also have other provisions that are in this amendment beyond just the code of conduct, the voluntary code of conduct. This amendment would also require the Federal Trade Commission and the Department of Justice to conduct a joint study of the marketing practices of the motion picture industry, recording industry, and video game industry.

The amendment requires the FTC and the DOJ examine the extent to which the entertainment industry targets—targets—the marketing of violent, sexually explicit or other material unsuitable to minors, including whether such content is advertised in media outlets in which minors comprise a substantial percentage of the audience. We want to know, are these entertainment companies actually marketing violence to minors? Are they lacing more violence in their products to get more sales to minors?

The effectiveness of voluntary industry ratings in limiting access of minors to content that is unsuitable is something else that we want studied as well. Further, we want to study the extent to which those who engage in the sale or rental of entertainment products abide by voluntary industry ratings or labeling systems. We want to know whether mechanisms or procedures are necessary to ensure the effective enforcement of voluntary ratings or labeling systems.

We need to know the extent to which the entertainment industry encourages the enforcement of their voluntary ratings and labeling systems. And we need to know whether any of the entertainment industry's marketing practices violate Federal law.

Recently, I held a hearing at which Senator LIEBERMAN and Senator HATCH testified regarding the marketing of violence to our children, and whether violence is used to market products. There is a strong suspicion that, indeed, it occurs.

I would like to draw the attention to the Senate to some of the advertisements of products to children. These are particularly of video games.

This one that I am showing you now is an advertisement in a magazine for a video game rated for teens. This is rated for teenagers. This is the advertisement: "Deploy. Destroy. Then relax over a cold one." It sure is laced with violence and uses violence to market a product to teens.

Here is one, a popular video game, a video game called Carmageddon. I have shown this to the Senate before. Rigormortist. It is about killing people in a car-driving video game.

There is another video game that we have shown to the Senate before. It is

rated for teens. You can see the symbol there: "Destroying your enemies is not enough. You must devour their souls." Clear use of violence and other imagery with that as well.

There is in the amendment an NIH study. There have been literally hundreds of studies, some would estimate even more, conducted on the impact of television on our attitudes, thoughts, psychological well-being, behavior, development, level of aggression, and predisposition toward violence. The more we study it, the clearer the link we have of the consumption of violent entertainment and increased aggression, fear, anger, emotional difficulties, even predisposition towards violence.

However, there have been very few studies done on the impact of music and video games on young people. We need to know more. The other point of this amendment is to study that connection. By some estimates, the average teen listens to music around 4 hours a day. Between 7th and 12th grades, teens will spend around 10,500 hours listening to music. Listen to that again. Between the 7th and 12th grades, they are going to listen, the average teen, to around 10,000 hours of music. That is more time than they will spend in school.

Similarly, the popularity of video games is rapidly increasing among young people. One study, conducted by Strategy Records Research, found that 64 percent of young people played these games on a regular basis. Clearly, young people spend a huge amount of time focused on these kinds of entertainment.

It stands to reason that music and games have some sort of impact on young people, just as it stands to reason that what we see, hear and experience has some impact on our thoughts and attitudes and, thus, our decisions and our behavior. Determining what this impact is, is clearly in the public interest.

This amendment, sponsored by myself, Senator HATCH, Senator LIEBERMAN, and Senator ABRAHAM, provides for a study to determine that impact. We need to know more, and we need to start now.

The first step towards addressing problems is to accurately define them. And for that, we need all the available information. This amendment is an important start in that direction.

I point out something that I hope is becoming more familiar to Members of the Senate and to the country, the violence that is in some of the music. We talked about video games. We have studied music and television. In music, here is a person who is pretty famous now, Marilyn Manson, with an album "Anti-Christ Superstar." You can look at all the words pointing towards "Tomorrow's turned up dead." "You can kill yourself now." Glorification of suicide and violence.

Here is another record out of it. "Anti-cop, Anti-fun." I am not going to read any of that. Here is another top

record from Master P, "Come and Get Some." "I got friends running out the blanking crack house."

You can go down through this and see the violent, in many cases, very hateful and misogynistic, some racist terminology. We need to know what is the impact on a young mind that is consuming, in many cases, on the average of 4 hours of this a day. That is the intent of this study to ask that those things be looked at.

We think the evidence is clearly growing. We need to do something about what has happened to our culture. We are asking in this set of amendments, one, for an antitrust exemption for a voluntary code of conduct, for enforcement of industry rating systems, for a study on the marketing of violence to children, and for an NIH study of violent entertainment, particularly video games and music, and its impact on children.

We have had terrible, unthinkable tragedies that have happened to our children in this country. We know there is a link between the violence and the action. Both the American Medical Association and the American Association of Pediatrics have warned against exposing children to violent entertainment.

One 1996 American Medical Association study conducted concluded this: "The link between media violence and real life violence has been proven by science time and time again."

Another AMA study concluded that "exposure to violence in entertainment increases aggressive behavior and contributes to Americans' sense that they live in a mean society."

Those are pretty clear points of view.

Mr. President, we need to do something. These are modest steps. They will not, in and of themselves, change the society or change the culture, but they are appropriate steps. They can continue our national debate. I think they can help focus us on moving away from this culture of violence, this culture of death, towards more of a culture of peace and a culture of life that clearly we need to provide to our children.

I note that there are a number of people who wish to speak on this amendment. I recognize first the chairman of the committee, who wanted to address this subject, Senator HATCH, and then Senator LIEBERMAN has been on the floor to speak as well. I yield to Senator HATCH on this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that we keep the status quo with regard to no amendments to this amendment until 12:30.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I do not intend to object, but I want to make sure that others are going to be able to address the Senate during this period of time. I know the Senator from Utah, the Senator from

Connecticut—I see the Senator from California has some inquiries. I would like to be able to speak as well. I would like to see that we have an opportunity for each of these Members before we get to 12:30. That is my only concern.

Mr. HATCH. I hope everybody can be recognized, but I ask unanimous consent that at 12:30 I be permitted—

Mrs. BOXER. I can't hear the Senator.

Mr. HATCH. I ask unanimous consent to keep the status quo until 12:30 and then at 12:30 I retain the floor.

Mr. KENNEDY. Mr. President, I object to that. We have an agreement now. The Senator is recognized for 30 minutes. Now we are in the position that we can offer second-degree amendments. The Senator is asking that we do not do that for 30 minutes. If you want to get this Senator to agree to it, we are going to have to give other Members the chance to speak on the floor. Otherwise, I am going to object to it. Why don't we just try to work this out with comity?

Mr. HATCH. I would be happy to not speak at this particular time and have somebody from the Democrat side speak.

Mr. KENNEDY. Why doesn't the Senator speak for 10 minutes, and the Senator from Connecticut for 10 minutes, and the remaining 15 minutes to Senator BOXER.

Mrs. BOXER. Ten minutes.

Mr. KENNEDY. Is that agreeable?

Mr. HATCH. We also have to reserve 10 minutes for Senator DEWINE.

Mr. KENNEDY. Between now and 12:30?

Mr. HATCH. We will go beyond 12:30. I think he can come after that.

Mr. KENNEDY. I suggest that the Senator be recognized now for 10 minutes; following that, the Senator from Connecticut, 10 minutes; following that, 15 minutes divided between Senator BOXER and myself; and following that, at 12:30, Senator DEWINE be recognized for 10 minutes; and that there be no intervening motions or actions or amendments.

Mr. HATCH. Or amendments, and that I get the floor as soon as Senator DEWINE has concluded with his speech.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, just with a question to my friend from Utah. It is my understanding that this amendment would be opened up to second-degrees.

Mr. HATCH. We keep the status quo of not opening it to second-degrees.

Mrs. BOXER. At 12:35 the amendment would be opened for second-degrees?

Mr. HATCH. But the floor would be yielded to me.

Mrs. BOXER. So you may well offer a second-degree?

Mr. HATCH. I may well offer a second-degree at that time. We would prefer not to have any amendments to this, but that is what I may very well do.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Parliamentary inquiry: Just so we know, I am to speak for how many minutes?

The PRESIDING OFFICER. The order is as follows: Currently 10 minutes for the chairman, 10 minutes for the Senator from Connecticut.

Mr. HATCH. Fifteen minutes divided equally between the Senator from California and the Senator from Massachusetts?

The PRESIDING OFFICER. Fifteen minutes between the Senators from California and Massachusetts.

Mr. HATCH. And then 10 minutes for—

The PRESIDING OFFICER. And then 10 minutes for the Senator from Ohio.

Mr. HATCH. Then the floor would be yielded back to me?

The PRESIDING OFFICER. That is correct. The Senator from Utah.

Mr. HATCH. Mr. President, I first want to commend Senator BROWNBACK for his initiative to curb the exposure of our youth to violence. I recognize that as early as last year Senator BROWNBACK and I, and I have to add my dear friend from Connecticut, Senator LIEBERMAN, and others, had developed legislation designed to encourage television broadcasters to join forces and develop a code of conduct for responsible programming. That legislation is part of the amendment being offered today, and it addresses the broader concern that our children are exposed to too much violence, too much obscenity, and too much filth—whether through television, in movies, in modern music, or in video games.

Let me say for the record that I hope that as the new V-chip is implemented in televisions, our concern for the pervasive exposure of children to violence on the tube will be alleviated.

Again, I commend my colleague for his leadership in efforts to encourage the broadcast media to exercise responsibility. I commend my colleague from Connecticut as well. They have been two great leaders on these subjects. There are others who deserve credit as well.

Mr. President, I do not take the floor to attack the entertainment industry. It is well known that I work very closely with people in the entertainment industry, trying to make sure that their intellectual property needs are taken care of, and others as well. Indeed, it is just one part of a more complex problem. I do hope we can encourage the industry to work with us to do what is best for our children in America.

As my colleagues know, I have long supported the creative industry, as evidenced by continued efforts to ensure strong intellectual property rights that protect the creative products of these industries.

Why can't this industry, which is a source of so much good in America, do more to discourage the marketing of filth to children? Why shouldn't the industry help fight the marketing of violence to young people?

Study after study indicates that prolonged exposure of children to ultra-violent movies and video games increases the likelihood for aggression and aggressive conduct on their part. As President Clinton noted in his radio address last week, the two juveniles who committed the atrocities in Littleton played the ultra-violent video game Doom—that is this right here—the ultra-violent video game Doom obsessively, over and over and over. In addition, the 14-year-old boy who killed three in the Paducah, KY, school killing in 1997 was also an avid video game player. In fact, the juvenile had never fired a pistol before he accurately shot eight classmates.

Let me give one typical example of how these games are advertised. This chart back here is a page from a video game company's web site. It is promoting a new video game called Turok 2—Seeds of Evil. This ad describes this game as—if you can read those words—“the undeniably, certifiably el numero uno death match Frag fest because we know what you want.”

Now, this last sentence bears repeating: “Because we know what you want.” The ad describes “over 24 devastating weapons” and exclaims that players may “unload twin barrels of ricocheting shotgun shells” and “blow enemies clean away” with the scorpion launcher. And worst of all, it urges players to “send brains flying” with something the gamemakers call a “skull drilling cerebral bore.”

How much more graphic can this get? They emphasize how “real” the games are, too, with “real-time flinch generation.” “Enemies flinch and spasm differently, depending on which body part you hit.” Absent here is any realistic depiction of the consequences of real violence. This is just one example of the irresponsibility of these games being marketed and accessible to our kids. It is pathetic when you stop and think about it.

I might add, given there is evidence that extremely violent or otherwise unsuitable material in movies, music, and video games have negative effects on children, many are concerned about how these products are marketed and sold. Do these industries specifically target products to minors that, according to their own guidelines, are unsuitable to minors? I think the American people deserve an answer to that question.

As I testified before the Senate Commerce Committee last week, I was troubled to learn that according to the National Institute on Media and the Family, some manufacturers of video and computer games are marketing ultraviolent video games rated for adults only to children. In 1998, the National Institute on Media and the Family conducted a thorough study of the video and computer game industry. Some of the findings were very disturbing. For example, lurid advertisements for violent video games are aimed directly at children. The adver-

tisement for the video game Destrega states: “Let the slaughter begin,” while the advertisement for the video game Carmageddon states: “As easy as killing babies with axes.” These and similar advertisements appeared in recent gaming magazines that are targeted to teenagers.

Moreover, an advertisement for Resident Evil 2, a violent video game rated for adults only, was featured in the magazine Sports Illustrated for Kids. Few people would argue that cigarettes, alcohol, or X-rated, or NC-17 rated movies should be advertised in children's magazines. Why should such violent video games—games the industry itself has found unsuitable for children—be advertised and marketed to children? I think we need an answer to that.

Nor is the problem of marketing violence to children limited to video games. In recent years, the lyrics of popular music have grown more violent and depraved. And much of the violence and cruelty in modern music is directed toward women.

Here is one of the recent violent things. This is Eminem, and it is directed, in large measure, toward violence and cruelty toward women.

As Senator BROWNBACK noted on the floor two weeks ago, the group Nine Inch Nails had a commercial success a few years ago with a song celebrating the rape and murder of a woman. This is not an isolated example. Hatred and violence against women in mainstream hip hop and alternative music are widespread and unmistakable. Consider the singer Marilyn Manson, whom MTV named the “Best New Artist of the Year” last year. Some of Manson's less vulgar lyrics include: “Who says date rape isn't kind”; “let's just kill everyone and let your god sort them out”; and “the housewife I will beat, the pro-life I will kill.” Other Manson lyrics cannot be repeated here on the Senate floor.

The weekend after the Colorado shootings, a 12-year-old boy whom I know, bought a Marilyn Manson compact disc from a local Washington area record store, even though it was rated for adult content. Ironically, the warning label on the disc was covered by the price tag. Here is the disc, and here is the way the warning label was covered. The tag covered the warning label, clearly making it easier for kids to buy these products. This indicates that these record warnings are not being taken seriously. Consider Eminem, which I mentioned before, the hip hop artist featured frequently on MTV who recently wrote “Bonnie and Clyde”—a song in which he described his killing his child's mother and dumping her body into the ocean. Many of his songs contain violent, troubling lyrics with the misogynistic message.

Despite historic bipartisan legislation by the State and Federal governments, it is stunning how much modern music glorifies acts of violence, sexual and otherwise, against women.

This music is what many children are listening to. This music is marketed to our youth, and we should not ignore the fact that violent misogynistic music may ultimately affect the behavior and attitudes of many young men toward women.

One might argue that these groups are not embraced by the entertainment industry. How, then, would the industry explain a 1998 Grammy nomination for Nine Inch Nails and a 1999 nomination for Marilyn Manson? It is one thing to say these people can't produce this material; it is another thing for the industry to embrace it.

Many Americans were justifiably outraged when it was discovered that tobacco companies marketed cigarettes to children. I believe we should be equally concerned if we find that violent music and video games are being marketed to children. Limiting access to ultraviolent music and video games to children does not raise the same constitutional concerns that a general prohibition on such material would entail.

For example, while some can reasonably contend that the first amendment protects certain X-rated material, no one can reasonably argue that the Constitution prohibits restricting such material to children.

Now, that is why one provision of this amendment—a provision I developed with Senators LIEBERMAN, HARKIN, and KOHL—directs the FTC and the Department of Justice to examine the extent to which the motion pictures, recording, and video game industries market violent, sexually explicit, or other harmful and unsuitable material to minors—including whether such content is advertised or promoted in media outlets in which minors comprise a substantial percentage of the audience.

The report will also examine the extent to which retailers, and in the case of motion pictures, theater owners, have policies to restrict the sale, rental, or admission of such unsuitable material to minors—and whether the industry requires, monitors, or encourages the enforcement of their respective voluntary rating systems by retail merchants or theater owners.

Mr. President, I do want to note that over the years each of these industries has taken some positive steps in developing voluntary labeling systems that provide notice to parents about unsuitable content of certain products.

But as I have said before, it is important to see if such standards are enforced at the retail stage, and also see if, despite their standards, the industry targets unsuitable materials to minors.

I also want to take a few moments to discuss another provision of this amendment that provides a limited antitrust exemption to the industry in order to empower them to develop effective enforcement procedures for their voluntary guidelines. This provision is different from the provision developed by Senator BROWNBACK, which

relates to the development of a code of conduct.

For years, I and others in Congress have searched for solutions for limiting the negative impact exposure to violent or sexually explicit content—whether in motion pictures, television, songs, or video games—has on our children. This provision of the amendment is designed to achieve this objective by empowering the respective industries to develop and enforce responsible guidelines without the fear of liability under our antitrust laws. It will allow manufacturers and producers to agree among themselves to refuse to sell their products to retail outlets who do not follow the industry's standards and guidelines—if the industry chooses to do that.

Mr. President, as chairman of the Judiciary Committee, I am mindful of the first amendment concerns that could be raised by attempts on the part of the Federal Government to broadly regulate content, on the Internet or over the other media. But I do believe that we must do what we can do to promote responsibility on the part of the film industry, the recording industry and the entertainment software industry in meeting the needs of children. This amendment does that.

Over the years each of these industries has taken positive steps in developing voluntary rating systems that either provide notice to parents about unsuitable content of certain products, or attempt to restrict the sale of unsuitable products to adults or mature audiences. Unfortunately, it appears that adequate and effective enforcement of these guidelines at the retail level is lacking. For instance, there is little enforcement effort that ensures children under the age of 17 are in fact prohibited from viewing NC-17 rated movies—or that children are not allowed to purchase music or video games which are purportedly intended for sale to adults. The inquiry by the FTC and DOJ directed by this amendment will further be helpful in this regard.

I believe that the enforcement of the voluntary standards is necessary to make the system work. Proper enforcement will protect the integrity of the overall self-regulatory system. If the industry chooses to exercise responsibility and refuse to sell its product to a retailer who does not follow the industry code of conduct, it should be able to do so—without the fear of antitrust laws.

Here is how this provision of the amendment works: to the extent that the antitrust laws might preclude the motion pictures, recording or video game industries from developing guidelines and procedures for their respective industries to limit the sale of unsuitable material to children, this amendment fixes that. It provides industry with limited exemption from the antitrust laws in order to give them the freedom to develop and en-

force voluntary enforcement mechanisms without the fear of antitrust liability or government regulation.

But with this amendment I hope to encourage industry to limit the sale to minors of material, whether it is music, movies, or video games, which the industry itself deems unsuitable for children.

Again, it is important to underscore that this provision does not tell industry to do or not to do anything. It simply gives them the power to join forces in order to develop enforcement mechanisms without the risk of liability under the antitrust laws.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise to support the amendment. I am privileged to be a cosponsor of the amendment with the Senator from Kansas, Mr. BROWNBACK, and with the Senator from Utah, Chairman HATCH.

This amendment incorporates several proposals which many of us have been working on together across party lines in this Chamber to try to tone down one of the influences that we are convinced is contributing to the outbreak and crisis of youth violence in our country.

Two other colleagues whom I have been privileged to work with are Senator McCain of Arizona and Senator Kohl of Wisconsin. At this time I ask unanimous consent that Senators McCain and Kohl be added as original cosponsors of this amendment.

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

Mr. LIEBERMAN. Mr. President, in the wake of the tragic shooting in Littleton, we as a nation, as individuals, are focusing in on an unsettling fact: No matter how good times are economically in America, something seems to have gone wrong in our country, something that is whetting the taste for blood and death in our children, turning too many of them into killers in our schools, in the suburbs, on the urban street corners, and in the homes of every kind of community throughout our country.

As I have listened to this discussion at home in Connecticut, and as I have listened to it here on the floor of the Senate, in the committees and caucus rooms of this Capitol, I think what is important is that we are all recognizing and accepting that this is an extremely complicated problem without a single cause, fueled by an amorphous mix of factors.

A child is not, if I may say, a natural born killer. A child, unfortunately, is affected by a variety of circumstances that make him into a killer, from the disengagement of parents, from the makeup of the child himself, to the disconnection and alienation that many children feel from their families, their peers, their communities, to the weakening of our moral and community safety nets. This is a mix that has been

made more deadly in our time by the easy access many children have to guns.

Most of what we know for sure, as we consider the complexity of the problem, is, unfortunately, in the statistics, there is a Littleton every day. An average of 13 children die from gunshot wounds every 24 hours in America—some self-inflicted and more from murder.

The fact is that no civilized country in the world comes close to matching this level of homicide and suicide, let alone the massacres we have seen committed in public places. The more we look at this problem, the more we understand—many of us—that the environment in which we are raising our children, with all of the death and destruction and dismemberment and degradation that we expose them to in the entertainment media, with the wealth of perverse messages we send them romanticizing and in many ways sanitizing violence—all of that has an effect. All of that draws a connection between the culture and the killing, between the viciousness pouring out of our children and piling up throughout our society.

I know there are skeptics and naysayers who, despite the reams of evidence and scientific and anecdotal information gleaned from Littleton, Jonesboro, Paducah, and elsewhere—despite all that our intuition tells us about the omnipresence of electronic media and the pull on our society, despite all of this—cling to the notion that the culture of violence is harmless, that the relentless assault of virtual murder and mayhem on our children is having no effect, and that it can't be true. There has always been violence in our country, these skeptics rationalize. There has always been violence in the culture. So the answers must lie elsewhere.

But the answer lies within each of us, and within each of the groups and industries we are referring to here. The truth is, we have always had alienated, disaffected, and in some cases mentally troubled children. We have always had the cruel taunting of adolescents, the cliques in schools, and in many parts of the country we have also always had guns within easy reach of children. And yet, never before in the history of our country have we seen this level of violence among our children. Something entirely different, chillingly different, is happening, and we have to find out what it is and do something about it.

We could spend weeks discussing this question. In fact, in another amendment several of us will be proposing a year-long commission to look at the problems underneath the problems.

Clearly, some of it has to do with the fact that many of the traditional transmitters of values we have long relied on to shape the moral sense of our children—family, community, faith, and school—have been weakened in recent years, and more and more what is filling that value vacuum is the enor-

mously alluring and powerful, influential entertainment media which too often has become a standard shredder instead of a standard setter.

So how do we in this society that so values freedom of expression urge and push the entertainment industry to self-control, to self-regulate, to acknowledge not that they are causing this problem but that they are contributing to a crisis that is killing too many of our children?

It is not easy. I think in this amendment we have found a way to begin to do it with an industry code of conduct exempting those in the entertainment industry from the fear of antitrust prosecutions so that they can work together to develop a code of conduct which will protect them from what some of them claim to be: With the currently existing competitive pressure downward, if the other company produces an ultra-violent movie and makes money, we have got to do it.

Of course, nobody has to do anything. Lines should be drawn about what people won't do to make an extra dollar or two or an extra 10 million dollars or two.

This amendment enables the companies to get together to do just that, and also to enforce the rating system that they themselves put on. We don't want to be censors. Let the industries themselves rate their products, as they do now. But then let them agree not to market products that they have rated as inappropriate, as harmful to children. Let them agree that when they rate a movie as unsuitable for kids under 17, there ought to be some responsibility in the theater owner not to let children under 17 into that movie, just the way there was responsibility on the owner of a bar not to serve liquor to a minor.

Mr. President, last week I submitted evidence to the Commerce Committee, which I think is strongly suggestive of the fact that two major entertainment industries—the movies and the video games—are rating products as bad for our children and then, as my colleagues have shown here on the floor, directly marketing those products to our children, contributing to the culture of violence that is embracing, surrounding, suffocating, and too often motivating our kids.

This amendment rightfully calls on the Justice Department and the Federal Trade Commission to conduct an investigation of the marketing practices of the video game, music, and motion picture industries to determine if they engage in deceptive marketing practices by targeting minors for the acquisition of material they themselves have deemed unsuitable for such minors.

I am afraid to say that Joe Camel has not gone away. He seems too often to have gone into the entertainment business.

Consider the anecdotal evidence from the movie industry, which indicates that violent films rated for adults only

are being marketed to children. Over the last few years we have seen the rise of a new class of teen-targeted films—referred to by some as “teensploitation” movies—which has engaged producers and directors in a conspicuous contest to see who can be more violent, more sexually provocative, and generally more perverse to attract youth audiences. A perfect example of this trend is “Very Bad Things,” a supposed comedy about a bachelor party gone wrong, which finds fun in the dismembering of a stripper and the successive mutilation of the party-goers.

The latest entry is “Idle Hands,” which was released just last week. It is promoted as “sick and twisted laugh riot,” and it's not hard to see where this description comes from—according to reviews, the film features a severed hand that fondles a girl before strangling her, a knitting needle that is driven through a policeman's ear, and a decapitation by circular saw blade, all apparently played for laughs.

What these movies have in common, beyond their violent and offensive content, is that they are rated “R,” meaning that they are not meant for children under 17. Yet according to several recent news media reports, most producers and studio executives assume that underage kids can and will get in. “Well, let's hope so,” says Roger Kumble, the director of “Cruel Intentions,” the teen remake of “Dangerous Liaisons” which is by all accounts far more salacious than the original. This sentiment was affirmed by Don Mancini, the writer of all four R-rated “Child's Play” horror films, who acknowledged that young teens were the target for his most recent release, “Bride of Chucky,” and other similarly bloody slasher films. “They have grown up watching these movies on home video,” he said. “Now that there are new ones coming out, these kids are tantalized.”

To apparently help lure in young audiences, these teensploitation movies are heavily advertised on MTV and network series that teens watch regularly, such as “Dawson's Creek” and “Buffy the Vampire Slayer,” and are stocked with actors from these teen-favored TV shows. This pattern succeeded with the teen slasher movies “Scream” and “I Know What You Did Last Summer,” and it continues with the current “Cruel Intentions”—the director said casting Sarah Michelle Gellar of Buffy fame was like “dangling the carrot” in front of young teens. This dangling is apparently working—according to a recent Gallup poll, half of American teens say they have seen an “R”-rated movie in the last month, including 42 percent of those aged 13–15.

The video and PC and arcade gamemakers are less candid about targeting their marketing to teens than the moviemakers, but the evidence is there just the same. Action figures based on bloodthirsty characters from “Resident Evil 2,” “Duke Nukem,” and

"Mortal Kombat"—three heavily-violent titles that are rated "M" for 17-and-up—are being sold at Toys-R-Us and similar toy stores. Those same toy stores, which cater largely to children, typically carry those games and many of "M"-rated titles filled with guns and gore.

Equally disturbing is the advertising that publishers place in the various glossy game-player magazines. These magazines are widely read by young gamers, and they are filled with perverse and antisocial messages. Here are just a few: "Carmageddon" boasts it is "as easy as killing babies with axes"; "Point Blanks" claims it is "more fun than shooting your neighbor's cat"; "Die by the Sword" instructs, "Escape. Dismember. Massacre."; and "Cardinal Syn" features a severed, bloodied head on top of a spear, with the tag line, "Happiness is a Warm Cranium." A good indication these messages are reaching their target audience came from a survey done by the national Institute on Media and the Family last winter, which found that while only five percent of parents were familiar with the game "Duke Nukem," 80 percent of junior high students knew of it.

Taken together, the evidence here is enough to demonstrate that there is a troubling trend in the entertainment industry, one that it needs to stop now. The marketing of these ever-more vicious and violent products is making a mockery of the various rating systems, telling parents that these products are inappropriate for children but we're going to sell them anyway, and reminding us of similar behavior by the tobacco industry. More than that, it is unethical and unacceptable, and should stop now.

We presented this evidence at a hearing before the Commerce Committee earlier this month, and the response from Hollywood was a deafening silence. There was no acknowledgment that this is going on, or even that it presents a problem. Their unwillingness to discuss this problem leaves us no chance to act. That is why Senator HATCH and I, along with Senator BROWNBACK, are calling for an investigation into the marketing practices of the movie, music and video game industries, to determine to what extent they are targeting ultraviolent, adult-rated products to children.

Finally, in this amendment we call for an NIH study on violent entertainment. NIH is directed to conduct a study of the effect of violence in video games and music, building on the studies that have been done which conclusively show that violence in movies and television affects the behavior of children and makes them more violent.

This study would be a companion piece to the directive the President issued on Monday at the summit. He called on the Surgeon General to do a broad-based study of the causes of youth violence in our country, including the effect the entertainment industry is having on the violent behavior of our children.

This amendment is one of several that will be introduced today. None of them individually will solve this problem. This is all a matter which in some ways is the history of human civilization and the extent to which we can improve the prospect that we will express our better natures and not our worst natures. As humans, we are far from perfect. Parents try to raise children and develop their better nature. Too often today those parents feel as if they are in fundamental and in some ways critical competition with the entertainment industry to raise their kids.

All we are doing in these amendments and these statements is to appeal to the entertainment industry to exercise some responsibility: Help America raise our children so that society will be safer than I fear it is as a result of the violent material included in too many entertainment products.

I hope—and I say this with some confidence based on the bipartisan reach of the cosponsors of this amendment—Senators BROWNBACK, HATCH, MCCAIN, KOHL, and myself at least—that this amendment will be passed across party lines with an overwhelming majority of colleagues of the Senate voting in favor of it.

I yield the floor.

Mrs. BOXER. Mr. President, I have 7½ minutes and Senator KENNEDY has 7½ minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Mr. President, I appreciate the hard work the Senator from Kansas, the Senator from Connecticut, and the Senator from Utah have put into their amendment. I have no problem with looking at all the different causes of violence among our youth. As a matter of fact, it is very much called for.

I also believe that anyone in our society who says, I have nothing to do with this, is simply not taking responsibility for something very pervasive in our society. That goes for every one of us, in our private lives as moms, dads, grandmas, and grandpas, in our public lives as Members of the Senate.

There is one thing missing from this well-worded amendment. I know the Senator from Kansas is checking on some matters for Members who may have some concerns. What is missing from here as we look at the marketing practices of the entertainment industry—which, as I say, I don't have an objection to looking at that—I don't see anything in here at all that deals with the marketing practices of another industry, a huge industry in our country, and that is the gun industry.

Why do I bring that up? We all say that angry kids and guns don't mix. We know we want to keep guns away from children. So it seems to me, as we see more and more kids with weapons, we ought to look at the marketing practices of the gun manufacturers if we are to be fair in this amendment. We should look at everybody if we are truly being fair.

Why do I think this is important? Let me give my friend a couple of examples so I am not just being theoretical. I say to my friend from Kansas, the author of the amendment before the Senate, this is taken off the amendment. This is a picture directly from the Internet in the Beretta catalog. They call it their Youth Collection. We can see the bold colors in the gun. What they say in advertising—and I think this is very important—from their Youth Collection:

An exciting, bold designer look that is sure to make you stand out in a crowd.

I don't know about my friend from Kansas, but I don't know what they mean, "stand out in a crowd." If mom or dad takes them hunting, you "stand out in a crowd" with your mom and dad? You already "stand out in a crowd" with them.

This is from a gun magazine called Guns and Ammo: A young man who looks like he is about 13. It is titled "Start 'Em Young." "There is no time like the present." This young man is not holding a long gun; he is holding a handgun—which we believe is a make-believe gun—holding a handgun in one hand and a bottle of Pepsi in the other hand.

If we are going to look at marketing practices, we ought to look at them across the board.

Here is another advertisement that will take your breath away. A little boy, who like my grandson's age, about 3½, is being used in a catalog advertising Browning guns. This child looks like he is about 3½ years old.

In the NRA Youth Magazine, it says, "News for Young Shooters." It doesn't say young hunters. "New youth guns for '97."

This is an advertisement in the NRA magazine. This is a handgun. The advertisement says, "The right way to get started in handgunning." This is in a youth magazine.

The law says you can't buy a handgun from a dealer unless you are 21; at a gun show you can purchase at 18.

This is the Youth Magazine, I say to my friend from Kansas, Youth Magazine—below 18—and they advertise a handgun.

I could show more examples of marketing practices that look to a lot of Members as if they are going after very, very young people.

I understand the rules around here and I have great respect for my friend from Utah. He will second-degree the Senator's amendment with an amendment of his own, and I don't know exactly what it will contain. I hope it will be to expand this to gun manufacturers, expand our study. If it is, I would be delighted.

I ask my friend from Kansas if he would accept this amendment, which simply adds a new title, takes the same study and includes a study of marketing practices of the firearms industry toward young people, so that we have a well-balanced amendment before the Senate that deals both with

what the entertainment industry is doing and what the gun manufacturers are doing. I ask my friend from Kansas if he is willing to accept this amendment that simply takes the same study and allows it to be made of the marketing practices of the firearms industry toward juveniles.

Mr. BROWNBAC. Mr. President, if I could respond to my colleague, I appreciate her bringing this up. It would have been nice, maybe, to have caught it at a little earlier time.

The amendment itself is directed at a particular facet. I think we are going to have a number of different amendments that are going to affect the gun industry.

We do not have an amendment here on marketing for the knife industry either. There are other places, I suppose, we could look at marketing issues as well, and perhaps should.

This is particularly directed at a certain sector. I hope my colleague will bring this up at another time with another amendment. I am afraid I could not accept it at this point in time because I have too many cosponsors on this amendment and I would have to go around to those cosponsors and ask them.

I think the Senator brings up a good point. I think this is a fair item to look at. It has been studied. There have been several studies, I am informed, on this very point she is raising. It might be good to look at some of those. The things we are trying to study here have not been studied before. That is why we particularly look at that set of points, because we have not. It is tied into a particular industry area.

Mrs. BOXER. If I may reclaim my time, because I have limited time, the reason I wanted to find out if my friend would accept it—obviously, he is not going to do it. I am happy to look at how many kids a year die because of knives, but I can tell you now, 4,600 kids a year die of gunshots. It is the leading cause of death among children in my State. It is the second leading cause of death among youngsters nationwide. If you want to look at knives, I am happy to look at knives. You show the numbers. They do not come close. Guns are the No. 1 cause of death in California among kids; No. 2 nationwide. It has overtaken car deaths in my State, and it is about to overtake car deaths nationwide.

All I am saying to my friend is this. I appreciate the hard work he has put in on his amendment, but I hope he will consider accepting this amendment. I think it is fair. We are looking at causes of violence, dealing with marketing practices in the entertainment industry. We ought to expand it to include this.

I have the numbers: 137 children died of knives in 1996 compared to 4,600 who died of gunshots. If you want to examine the knifing deaths, I am happy to do that, but the magnitude of the problem is not the same. We have the equivalent of one Columbine High

School incident every day. I know the Senator from Massachusetts—

Mr. KENNEDY. I yield my time to the Senator.

Mrs. BOXER. If my friend wants to continue the colloquy, I am happy to yield him 2 minutes. Then I can discuss this back and forth with him.

Mr. BROWNBAC. I would note, I think we should look at these prior studies that have been done on this particular issue. I think it would be wise as well to look at those. I appreciate my colleague raising this. We have a series of amendments that are bipartisan. We have a series of cosponsors on this amendment. It is an area on which we have held a number of hearings. That is what we seek to have addressed here.

If she seeks to add it into another, or bring it up as a separate amendment, I think that would be a good thing to do. I am certainly not opposed. But on this, at this point in time, we have a number of cosponsors. I think we are up to eight cosponsors, bipartisan, on this. I would need to go to all of them and ask all of them to add this particular amendment. It is out of the flow of what we are trying to do with this amendment. We have announced this. I have been working with a number of people on a bipartisan basis. I think we need to stay with that at this time.

Mrs. BOXER. I thank my friend. I have to say to him, why is it out of the flow of this amendment? I am just taking back my time at this point. I yielded my friend time. He made a statement that my amendment is out of the flow.

I thought we were looking at reducing juvenile crime and juvenile death. I thought we were looking at reducing the culture of violence. All I am saying to my friend is, you are going after one industry here. Fine. They better stand up and be counted on this. But when it comes to the gun industry, you cited studies. What other studies?

As a matter of fact, if you want to look at the way Congress has treated the gun industry, that is the only industry in the whole country that I know of which is not even regulated by any Federal law, in terms of the Consumer Product Safety Commission, which they are specifically exempted from. I have to say I am disappointed because, in the spirit of bipartisanship, we should make every industry stand up and be counted when it comes to our children.

Every day in America there is another Columbine. Every day, 13 children are gunned down. They die. Yes, we need to look at the violent culture, as my friend from Utah has pointed out, and my friend from Kansas. Yes, we need to look at why that culture seems to impact our kids more.

I was struck by a comment of Senator LEVIN from Michigan, who pointed out that in the town directly across from Detroit, in Canada, where they get the same videos, the same movies,

the same music, there were hardly any gun deaths. He has those exact numbers, something like 300 compared to 19.

So there are a lot of factors that we have to deal with, including family lives of our children. Do they have enough to do after school?

It is about prevention. Senator KENNEDY has been eloquent on the point. Senator LEAHY has been eloquent on the point, saying: Yes, we want to do even more on prevention. But when we are down to studying an industry, how do you say, I really can't study at this point the marketing practices of the firearm industry? To me, it is amazing that they would advertise a handgun in the NRA youth bulletin when laws in our country today say you have to be 21 to buy a handgun from a dealer, and, at a gun show, 18. But nowhere does it say in our law you can buy a handgun under 18. Yet, in the youth magazine, what does it say? "The right way to get started handgunning." Here is this young man, 13 years old, posing with a handgun replica. "Start 'em young. There's no time like the present."

Here is the Beretta, painted in bright colors to attract children, in their youth collection of which they say, "an exciting bold designer look that is sure to make you stand out in a crowd." You know, I think that ought to be investigated. What do they mean? I would love to know what they mean by that: "An exciting bold designer look that is sure to make you stand out in a crowd." Those two shooters at Columbine wanted to stand out in a crowd.

So I think if we are going to look at an industry and say we will only look at one and turn our back on the firearms industry and their marketing practice, that is wrong. I am disappointed that my friend from Kansas will not accept this amendment. He has eight cosponsors. I am sure a lot of them would support this amendment.

It is my intention to offer this at another time, because I do not feel we should study one industry and bring all our efforts down on one industry while turning our back on another industry which looks to me as if it is going after our kids—really young. A picture of a 3½-year-old child in one of these advertisements—maybe he is 2½, maybe he is 4.

Let me express my deep disappointment we cannot do this by unanimous consent, and express my desire to offer this amendment, which is basically the same as the one before us, with the FTC looking at the advertising practices of the gun industry.

I think not to take this amendment, I say to my friends on the other side of the aisle, is a sad day. It is a sad day because it looks to me as if you want to blame everything on one industry and turn your back on another one that is going after our children.

It is not balanced; it is not fair. I hope to offer this amendment, and I hope to get support for it at a later time.

Mr. President, I yield back my time to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the Senator from California. I believe most of our time has been used. I will address the Senate on the matters which I had intended to address later in the afternoon. I see my friend and colleague from Ohio on the floor, so I will seek recognition later.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent to add the Senator from Ohio, Mr. DEWINE, as an original cosponsor of this amendment.

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

The Senator from Ohio is recognized for 10 minutes.

Mr. DEWINE. Mr. President, I rise this afternoon in strong support of the amendment offered by the Senator from Kansas, Mr. BROWNBACK, and the chairman of the Judiciary Committee, Senator HATCH. I want to discuss one of the provisions of this amendment. This provision is similar to legislation Senator BROWNBACK and I introduced in the last Congress, and that bill was S. 539, the Television Improvement Act. We introduced that bill in the last Congress, along with the Senator from Connecticut, Mr. LIEBERMAN, and my friend and ranking member of the Antitrust Subcommittee, Senator KOHL.

This amendment will create an exemption from antitrust liability to allow the entertainment industry to develop and agree upon voluntary guidelines designed to alleviate the negative impact of numerous forms of entertainment—broadcast programming, movies, music lyrics, video games, and Internet content.

In other words, this amendment will remove a legal obstacle that arguably could prevent decisionmakers in the entertainment industry from getting together to make responsible decisions about the products they produce. Specifically, this amendment will allow them to agree voluntarily to limit the amount of violence, sexual content, criminal behavior, and profanity that exists in their various mediums. It will also, equally important, give them an opportunity, if they chose to take it, to promote and provide entertainment that is educational, informational, or otherwise beneficial to children. In other words, it will allow them to come together to agree to limit the bad things, but it will also allow them to come together to try to improve the quality of product they are putting out and specifically when they are dealing with products for children.

I emphasize that the purpose of this amendment is to allow the entertainment industry to voluntarily come together to address the American people's growing concern about the negative influence of television, movies, and other forms of entertainment on our children. Rather than mandate

Government restrictions on programming content, this amendment is designed to give industry leaders the opportunity to improve on their own the quality of television programs, music, movies, videos, and Internet content.

In the past, the television industry has had such a code of conduct. In fact, for most of its history, the television industry utilized the code in order to help it make programming decisions. But in recent years, many of the entertainment industry have expressed concern that such a code might expose them to legal liability and they, therefore, have abandoned it.

As chairman of the Antitrust Subcommittee, I studied this matter in the last Congress, and I came to the conclusion that a code of conduct would be appropriate and legal under current antitrust laws. However, just to be sure and to remove any doubt, I am supporting this amendment exemption.

This amendment exemption will remove any lingering doubts those in the industry might have. Quite candidly, quite bluntly, this will say to the entertainment industry: You have no excuse—no excuse—not to come together and try to improve programming for children. You have no excuse not to come together and try to limit the bad things that are on, to limit the things that the American people find so objectionable.

Acting on this legislation gives the Senate the opportunity to urge entertainment providers to work together and to cooperate to ensure our children's best interests are, in fact, protected.

This amendment encourages voluntary, responsible behavior. It will not give any Government agency or entity any new authority to regulate or control the content of television programs or the content of movies, music, video games, or the Internet. It merely gives those in the entertainment industry the freedom to regulate themselves and to do the right thing.

I recognize that entertainment, like almost everything else in our economy, is driven by competitive pressures. Often in the heat of competition, those in the industry may believe they are offering a product that is of lower quality than they might like, but they may feel they have to do that. This amendment offers a way out of the situation.

The amendment basically calls for a cease-fire among cable stations and the networks, the movie studios, the record companies, the video game industry, and the web sites. This is a cease-fire so they can try to work out an industry-by-industry response to the legitimate demands of millions of American parents for more family-oriented entertainment.

When I look at this amendment, I look at it as I think many parents do. I am worried about what is happening in this country. There was a time, not too many years ago, when parents did not have to worry about what was on television during the so-called family

hour. That is not true anymore. There really is not a family hour anymore. We have all seen the steady decline in the quality of television over the last few years.

In addition, we all know music lyrics have become more graphic and more violent and, in recent years, video games and the Internet are providing more violent and sexually explicit material than we ever imagined possible.

It is beyond dispute that these television shows, movies, records, and video games are having an effect. For a young person, for a teenager, popular music is really the sound track of their lives. Movies and television provide a lot of the context for their relationships. Video games and the Internet provide a great deal of their entertainment.

As these movies become more violent, more sexually explicit, as these songs show more and more disrespect for life and for the rights of others, some of our children are starting to believe this behavior is acceptable and normal. Some are starting to believe this make-believe world of music and movies is the real world with sometimes very tragic consequences.

I understand it is not the role or the responsibility of the entertainment industry to raise our kids or to protect them from the violence of the real world. That is our job as parents and as citizens. It is time that the entertainment industry did its fair share. That is what this amendment is calling for.

I hope the entertainment industry takes the opportunity that is offered by this amendment and makes a commitment to provide the kind of entertainment of which we can all be proud.

Mr. President, I thank the Senator from Kansas for offering this very important and, I think, timely amendment. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I ask unanimous consent that we lay the pending amendment aside so that the distinguished Senator from California may be able to call up a separate amendment, which we will accept.

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

AMENDMENT NO. 330

Mrs. BOXER. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. KENNEDY, Mr. DURBIN and Mr. LAUTENBERG proposes an amendment numbered 330.

Mr. HATCH. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end, add the following:

SEC. . STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) IN GENERAL.—

The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry; with respect to children.

(b) ISSUES EXAMINED.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to juveniles, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

Mrs. BOXER. Mr. President, I thank my friend from Utah and my friend from Kansas for indicating they will accept this amendment. All we do here is we extend this study to the firearms industry as it relates to their marketing practices aimed at children. I am very pleased that, after we had a chance to discuss this, they have agreed to accept it. I think it makes what we are doing here stronger and fairer, by looking at all the aspects of this problem.

I thank my friend for indicating he will accept this amendment.

Mr. HATCH. Mr. President, we are prepared to accept the amendment.

Mr. BROWNBACK. If I could just comment, I have had no objection to this all along. We had a specific set area we wanted to talk about and to address and to have a discussion on. I have not had an objection to doing this. But we have had a focus and set of hearings on the things we talked about, and it has been well developed, and it had eight cosponsors to it. I just did not want to do that without having a chance for other people to look at it and have their point of view. I have no objection to this.

Mrs. BOXER. Again, I thank my friend.

I ask unanimous consent that Senators KENNEDY and DURBIN be added as cosponsors to this amendment.

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

Mrs. BOXER. I look forward to working with my colleagues to reduce gun violence. I also ask unanimous consent that Senator LAUTENBERG be added as a cosponsor as well.

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

Mrs. BOXER. I thank my friends and yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 330.

Without objection, the amendment is agreed to.

The amendment (No. 330) was agreed to.

Mr. HATCH. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, what is the status of the time agreement?

The PRESIDING OFFICER. We have no time agreement.

Mr. SESSIONS. Mr. President, I would like to speak briefly in favor of the Brownback-Hatch amendment.

I believe it is a good, realistic first step, because what it deals with is a voluntary step that would allow us to conduct a search and allow voluntary actions by the movie and entertainment industry to confront a problem many of us believe is affecting the culture of violence in America.

All of us know that it is not a bomb or a knife that has the intent to kill. The intent to kill comes from the person who wields that weapon. There must be "malicious intent" under the law to constitute a criminal act.

We believe, and I think most Members of this body believe, that something is awry, that somehow, some way we are allowing a plethora, a host, a bombardment of unhealthy messages to reach our children and that some of them are seriously affected thereby.

I, for one, think that the reason we have had more than one of these mass shootings at schools is because a very, very small number of young people in America have found themselves able to immerse into a nihilistic, depressive, death-oriented, violent-oriented lifestyle. It surrounds them. If they are in an automobile, there is violent, depressive music on the radio. If they go to the movies, there are violent movies they can watch. They not only can see them in the theater, but they can rent the movies and play them time and time again, as some of these young people apparently have. These very dangerous movies are filled with anger and violence.

There are such things more and more happening on television today. And a young person can get on the Internet and play very intense life-and-death games in which youths are out to kill before they are killed. It is an intense experience for many young people.

There are chat rooms on the Internet. You can get on the Internet and find somebody who can feed your negative thoughts, who believes that Adolf Hitler is worthy of respect. You can find somebody on the Internet who would agree with that and affirm this unhealthy view of life.

I think we are seeing that kind of thing, and maybe that is a factor in what is happening in America.

I would say there is no better champion than Senator BROWNBACK, and I am so proud of the Senator from Kansas for raising this issue so articulately and so persuasively. I think this is just

the beginning. I think we are called upon as leaders in the American Government to think seriously about what we are doing and how it affects our culture.

One of the great Greek philosophers—Plato, I believe—said, "The purpose of education is to make people good."

We think the purpose of education is to transmit technical knowledge and job skills, and that no teacher should even be empowered to suggest what is good and what is bad, to choose light rather than darkness, to choose life rather than death. Are we not capable of affirming those basic principles in our public life in America? I think we can.

I think this is a bizarre and abnormal theory we have developed about the proper role of government with regard to matters of arousing religion and faith in this country. The Constitution deals only briefly with the right to express religious opinions. For example, I would like to make this point. It is the only reference in our Constitution about religion. The First Amendment says Congress "shall make no law respecting the establishment of a religion or prohibiting the free exercise thereof."

People say, what about this "wall of separation" between church and state? Thomas Jefferson wrote a letter in which he made reference to a "wall of separation" between church and state. This was later. Those who ratified the Constitution never ratified that. We don't even know what he meant by that, it was a private letter, not a formal opinion. That is not part of the Constitution. It has never been approved by the American people, adopted by we, the people of the United States of America, when they ratified the Constitution or voted on in Philadelphia by the people who were there. What they voted on was that Congress, the United States Congress, "shall make no law respecting the establishment of a religion or prohibiting the free exercise thereof."

The President, sitting in the Chair—I happen to have done that a number of times in just over 2 years in this body. When you look out across the wall, you see in words 6 inches high, or higher, right up there over the door of this august room, it says "in God We Trust."

If you go in the anteroom over here, in the President's Room, there is a figure holding a Bible in her arm. It is painted on the ceiling. How long it has been on there I don't know, but for many, many years. There is another one with a cross. There are four words on the four corners of the wall. I think one of them is "philosophy." One of them is "government." And one of them is "religion." We made reference in our founding documents to divine providence, to our creator.

So I believe we have established an extraordinarily bizarre understanding in recent years of what the meaning and the proper understanding of the

separation between church and state is. I believe that this Congress was prohibited by the American people and the Founding Fathers from establishing an official religion. I do not believe there is anything that any scholar can say that the Constitution is prohibiting acknowledgment of a higher being. In fact, we have done that throughout the history of this country.

My personal view is that this legalistic approach has intimidated teachers and made them less willing to provide moral guidance and affirmation of religious impulses of their students. They feel that it is somehow illegal for them even to do so.

I do not believe that is true. I think threats of lawsuits have intimidated natural free speech. The Constitution says Congress shall not prohibit the free expression of religion.

I think we ought to have a more natural approach. I think any teacher, or any government official, ought to be sensitive not to use any position of authority they may have to impose their own personal theology or philosophy or political views on people who are in a captive audience. That is normal, natural decency. Where I grew up, I was taught to respect people's religion. If they disagreed with me, that was their prerogative. In this country, you are allowed to have and adhere to deep religious beliefs. If a religious faith called on students to pause at a certain time during the day to have a prayer and it is part of their doctrine and they believe deeply in this, why would we not allow that to happen? I was taught you tried to accommodate people's religious beliefs—not to get into debate and argument with them—because we respected people who had something more important than who made the highest test score.

Griffin Bell, former Federal judge, and former Attorney General of the United States for President Carter once made a speech. It was suggested he might be critical of President Reagan—he was appointing judges and he said President Reagan had a litmus test for judges. Judge Bell was asked what he thought about this litmus test. He shocked the State bar association meeting members by walking to the microphone and saying, "I don't know, maybe we ought to have a litmus test—nobody ought to be on the Federal bench who doesn't believe in a prayer at a football game."

I wonder about that. Why do we think you can't even have a voluntary moment so those people who choose to do so might bow for one moment at the football game to affirm that there is something more important in life than who is the biggest, strongest and who has the most points? How does this undermine our freedom as Americans? If you don't want to bow your head, you don't have to; if you think it is superstitious—free country. If you respect other people's religion and if this is important to them, you will benignly allow them to carry on with their beliefs.

I think we have gone way too far. I think it has affected the ability of the American leadership to assert certain cultural beliefs and values, and if we don't do that, we are suggesting directly and indirectly to our children that there are no permanent values, there are no values worth dying for.

One reporter, referring to a prominent American, said there is not one single belief he would adhere to if he thinks it is against his political interest to do so. I hope we haven't reached that point. I hope there are still things that people are willing to stand for, pay a price for—yes, die for.

That ought to be transmitted to our children. There are a multitude of ways that can be done. Even our televisions, our newspapers, and our radios affirmed those basic values consistently in the 1950s, for example. It was affirmed at our schools. It was affirmed in our families. It was affirmed in our churches.

Now we have begun to lose our moral compass. How we deal with it, I don't know. The Senator from Kansas, Senator BROWBACK, has said he doesn't really know the answers but he is raising those questions. He is calling on us as a nation to analyze what is happening, to recognize that a culture that affirms life, a culture that affirms light, is better than a culture that affirms death and darkness. Honesty is better than dishonesty; kindness is better than meanness. There is right and there is wrong. We ought to adhere to the right even when, in the short-term, it is not helpful to us. Somehow we have to deal with this.

These amendments are a step. We believe it is constitutional, appropriate, and fair.

We believe we should analyze in one little area what is happening, to create some studies about the market, a National Institutes of Health study of violent entertainment and the impacts it may have.

Just this week I happened to be passing a television set tuned to the Maury Povich show. A mother was expressing her concern about her daughter who was off stage. And they would flip back and forth. The mother said she is doing a lot of dangerous things, even saying she killed somebody. The daughter, off stage, hearing this was still smiling. The daughter even acknowledged throwing her own school principal on the floor.

That is so bizarre. Some say television won't affect anybody. Well, maybe it won't one time. But what happens when you see this every afternoon after school? When certain children who are unhealthy receive these messages, can it distort their view of life? Make them less positive, more negative? Less peaceful, more violent? Less committed to honoring rules and civility and decency and order? I suspect that it does and can and it is not going away.

We have a great economy; things are doing well. We are benefiting from

some of the greatest technological achievements in the history of the world. I hope they will continue. It is making life better for us. However, if we have a danger, it will be that we as a nation will lose our way, lose our direction, lose our discipline, our commitment to order and peacefulness and cooperation. If we lose that, then improvements in technology that made our life so much better may not be able to carry us much further.

When talking about how much money we spend on education, what good does it do to have a \$500 textbook if the child won't read that book and he has no motivation, no commitment to improve himself or herself or the parents are not supportive? You have a state of the art classroom with the finest technology and students are not interested. You talk to teachers and they will say a lot of children in their classrooms are just not interested, they have no thought for what they are going to make of their lives in the future.

I don't know all of the answers. I know this juvenile violence bill does not answer all of them. I know this: In America today, if we have criminal activity by young people, this society has to take that seriously. Even Doctor Laura tells us that. Everybody knows that. A football coach knew that. If you are in the Army and you get out of step, they get you back in line. There is punishment; there are expectations of people that we insist on. That is how you have good Army units, good football teams, good classrooms, and good nations.

I am concerned with those issues. I think they are fundamental. I feel a burden to think more about it, to pray more about it, and try to be able to contribute effectively to it.

We do need to make sure we are doing fundamental things well. One of them is to have a court system that works well. When a young child is arrested for a serious crime, he should be confronted by a judge and a probation officer and something should be done that is appropriate to that crime. You do not love children and you do not care for them if you blindly allow them to get away with serious wrongdoing. We are failing them when we do that. It is the concept of tough love. If you love children, you cannot have them break into a house and steal something and be caught and allow nothing to happen to them. That is happening in America today. You talk to your police officers, they are having to make these arrests. They tell me: JEFF, these kids are laughing at us. We can't do anything to them and they know it.

Victims often are not even allowed to go into the juvenile centers and know what is going on. Their records are not maintained. Judges have no alternatives for punishment or mental health treatment or counseling or drug testing and drug treatment.

We want to improve this system to focus on those young people who are going astray, to intervene in their lives and, hopefully, create a better America. It is just a small step. But we have an absolute obligation to make sure the moneys we expend are spent wisely and that they affirm the needs of our civilization; that is, the need for order, abiding by the law, peacefulness, and not violence.

Mr. President, I thank Senator HATCH and Senator BROWBACK for their support of this amendment. It is a good step in the right direction. We are going to have to do more of that as the years go by.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his excellent remarks. He has been a major player in this matter from the beginning. I really appreciate what he has been doing.

I appreciate the cooperation we have had from colleagues on both sides of the aisle because this is an important bill. This is going to make a difference as to whether we have, time after time, incidents such as we had in Littleton, CO, or whether we are going to do something about it. This bill will do an awful lot about it, although nothing is going to stop people who have an emotional disturbance from perhaps doing things we cannot contemplate.

Mr. President, I ask unanimous consent with respect to the Brownback amendment on culture that the amendment be laid aside and no amendments to the amendment be in order prior to the vote on or in relation to the amendment.

I further ask consent that Senator LAUTENBERG be recognized in order to offer an amendment regarding gun shows under the same terms as outlined above, and the amendment be laid aside, and Senator CRAIG then be recognized to offer an amendment regarding gun shows, and there be 90 minutes equally divided for debate on both amendments, under the same terms as outlined above.

Finally, I ask unanimous consent that following the debates the amendments be laid aside, with votes occurring beginning at 4 p.m., in the order offered, with 5 minutes prior to each vote for explanation.

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

Ms. MIKULSKI. Mr. President, I ask I be allowed to speak for 5 minutes on the pending bill.

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

Ms. MIKULSKI. Mr. President, I know we have been discussing the juvenile justice bill now for several days. I would like to compliment the leadership on both sides of the aisle for trying to move this bill. But this is not about a bill. It is not about an amendment. It is not about money. It is about America's children and how are we going to get behind our children so

they are safer in their schools and safer on their streets.

There are two aspects of this bill where I have had a longstanding passion. Number one is making sure we have the support services in our schools to back up our teachers and help our children. And number two is after school so we can provide meaningful, structured activities for kids so they will not only have a place to go but a place to benefit from both learning and character building.

This is why in this legislation I support the Democratic initiative to put more mental health counselors into the schools and also to put school social workers and school nurses into the schools. Our teachers are very busy. I hope we pass the 100,000 new teachers initiative, so we have smaller class sizes so our teachers can give more attention to our children. But, while our teachers are in the classroom, there are other support services that help those children while they are in school.

I want to see more school nurses in our schools to help our kids. Mr. President, a school nurse often provides the early detection and warning for other problems the children have. They know whether our children need eyeglasses or a hearing aid. Sometimes a child who doesn't have needed eyeglasses is a child headed for trouble out of frustration. It is often the school nurse who begins identifying the early warning signals of emotional problems. Or if a child is under treatment, it is that school nurse who is supervising that the child is taking his or her medication and staying on the medication. This is what helps our kids.

Let me talk about the school social worker. This is not about Freud, this is not about Jung, this is not about in-depth counseling. This is making sure we know where these children are in terms of some aspects of the problems they are having. If a child is referred to a school social worker, that means the child is teeter-tottering and could go one way or the other. Often a child comes to school troubled because of problems at home. It could be a mother who has a substance abuse problem. It could be a father who is without a job. A school social worker first and foremost listens to the child and helps the family. Often it is the school social worker who takes the child in a teeter-totter situation and makes sure they do not go off on the wrong track. It is the school social worker that can get them back on the right track.

These are the kinds of things we want to have in our juvenile justice bill. Yes, we need more security. But I tell you, while we are looking for more cops in the schools, let's also get more counselors into the schools to be able to help our kids and our teachers.

Our children are lonely. Our children are very lonely. Listen to them. They often turn to each other and, as we saw in some communities, they turn on each other. We have to reach out to our children so they have a significant

adult they can relate to in their lives. Hopefully, it is their parents. That puts you on first base. Hopefully, they can relate to a good teacher. That can put you on second base. But often what puts you on the third base and brings you home is structured, afterschool activities. Our most famous general, Colin Powell, is devoted to these afterschool activities. It is the single most important prevention program for children. Afterschool can help kids avoid trouble. Or help them to move on, exercising the great talents they have. I visited the afterschool programs in my community. I even had townhall meetings with children in these communities. It was fantastic.

You say: What do you like about the afterschool program?

They say: At 3 o'clock we leave school and we walk in here and we are greeted with a snack and we are greeted with a smile. Often it could be a police officer in a PAL Program, a Police Athletic League, or it could be part of the Boys and Girls program. Then they learn. Often they do their homework. They even have computer classes.

They are learning. They have activities. Then they move to sports or other programs. For the kids who go into sports, it is not only about playing basketball, it is about learning sportsmanship. This is about character building, confidence building, and so on. We can do no more important things than getting behind our teachers, supporting our families, and having these services.

I hope we do not think our children should be taught in a prison-like atmosphere. We need to make sure they are safe. Let's have enough teachers, enough counselors, and enough support so the schools are not only safe, but our children's learning is sound.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to offer an amendment that will close the gun show loophole which allows criminals, mentally deranged, and children easy access to firearms.

First, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator has the right to offer an amendment at this time, which will be set aside, and then the Craig amendment will be offered and laid aside. There then will be 90 minutes for debate on both amendments.

Mr. LAUTENBERG. I assume, Mr. President, that is equally divided.

The PRESIDING OFFICER. Equally divided.

AMENDMENT NO. 331

(Purpose: To regulate the sale of firearms at gun shows)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. SCHUMER, Mrs.

BOXER, Mr. KOHL, and Mrs. FEINSTEIN, proposes an amendment numbered 331.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho is to be recognized to offer his amendment.

Mr. CRAIG. Mr. President, it is my understanding that the Lautenberg amendment that was just offered will be laid aside or should I ask that it be laid aside?

The PRESIDING OFFICER. Yes, that is the order.

Mr. LAUTENBERG. Mr. President, without objecting, this is simply to send up the amendment.

The PRESIDING OFFICER. To send it up to be read.

Mr. LAUTENBERG. I have no objection.

The PRESIDING OFFICER. It will be laid aside, and the Senators will have 90 minutes for debate.

AMENDMENT NO. 332

(Purpose: To amend chapter 44 of title 18, United States Code, to preserve privacy and property rights, prohibit the collection of fees, and the retention of information in connection with background checks of law abiding citizens acquiring firearms)

Mr. CRAIG. Mr. President, I ask that the Lautenberg amendment be laid aside, and I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 332.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CRAIG. Mr. President, I have now offered a gun show amendment that I believe is an important counter to the one just offered by Senator LAUTENBERG. I yield the floor to Senator LAUTENBERG for the presentation of his amendment.

The PRESIDING OFFICER (Mr. GREGG). The Senator from New Jersey.

AMENDMENT NO. 331

Mr. LAUTENBERG. Mr. President, I thank the Senator from Idaho, and I look forward to the discussion that will ensue, because we are going to decide, with serious debate, whether or not we are going to close this gun show loophole which, as demonstrated in this chart, shatters the image of the Brady bill that has been responsible for obstructing gun purchases 250,000 times in the years it has been in business.

Some of my colleagues are well aware of criminals who have used gun shows to purchase guns to kill, maim and destroy the lives of others.

I am going to talk about specific examples. Most of my colleagues also

know that there are thousands of gun shows across the country each year. Last year, over 4,400 gun shows were advertised in the Gun Show Calendar, a trade publication.

Ordinarily, these shows are held in public arenas, civic centers, et cetera. The gun seller rents a table—it could be a card table or any kind of a table—from a gun show promoter to display material for a fee ranging from \$5 to \$50. The number of tables at shows vary from as few as 50 to as many as 2,000.

Fortunately, most of the people who participate in gun shows are law-abiding citizens. Many families look forward to a Saturday or a Sunday spent at a gun show. But these families are not aware that they may be in the presence of dangerous criminals who use gun shows as cash-and-carry convenience stores.

I mentioned before there are many criminals who use gun shows as a place to shore up their weaponry to commit mayhem. In 1993, Gian Ferri, a mentally disturbed man with a grudge against lawyers, used a TEC-DC9 to kill eight people and wound six others in a San Francisco law office. He walked in there and started shooting. He bought the gun at a gun show.

In 1987, Robert Mire escaped from a Florida prison and got his weapons at a gun show to launch a lengthy robbery spree. Mire then took his own life when confronted by law enforcement at a Tampa gun show in 1991.

Perhaps the most notorious criminals associated with gun shows are Timothy McVeigh and Terry Nichols. They used gun shows to raise money for the Oklahoma City bombing episode that took place in 1995.

In fact, a recent study by the Department of the Treasury and the Department of Justice reveals that thousands of firearms from gun shows wind up in the hands of criminals. This may be just the tip of the iceberg. Because many vendors are not required to keep records of their sales, there is no way to precisely know how many firearms from gun shows wind up in the hands of criminals or the mentally unstable and children.

The threat that gun shows pose for our children became clear with the terrible tragedy in Littleton, CO. Although all of the facts are not in yet, it appears that a female associate of the killers, Eric Harris and Dylan Klebold, purchased some of the guns that were used in the attack at a gun show. Regrettably, it has become clear to our youth that gun shows provide easy access to weapons.

How did we get to this point? The problem is a loophole in Federal gun laws. The Brady law requires that federally licensed gun dealers complete a background check and keep certain records when they sell a firearm, whether at a gun store or at a gun show. But many individuals can sell firearms without a license, and they are not required to conduct a background check.

Since between 25 and 50 percent of the gun sellers at gun shows are not licensed, tens of thousands of firearms are sold at these events with no background checks or recordkeeping. You can just walk into a gun show, put down your cash, and walk away with a shotgun, a semiautomatic handgun, or any other deadly weapon you can get your hands on. Of course, you can also sell a deadly weapon. If you have stolen a gun or are involved in a gun trafficking scheme, gun shows provide an easy opportunity to distribute firearms.

While the gun show loophole helps criminals further their deadly schemes, it also places federally licensed firearms dealers—people who bought a license through the Federal Government and have been checked out—at a competitive disadvantage when it comes to the gun shows, because these guys can just sell it from their table, they can sell it from the back of their car, and they can sell as many as they want. They do not care who they sell it to, and they do not even have to ask the person's first name. Just give me the cash. I don't know if they use credit cards. Give me the cash and here are the guns you want.

When federally licensed firearms dealers participate in a gun show, they have to comply with a background check and recordkeeping requirements of the Brady law. It is so simple but so appropriate.

But an unlicensed seller at the next table can make unlimited sales to any person who comes up with the cash without any requirements.

The ease of these sales drains significant business from the law-abiding gun store owners and other licensees and penalizes them for following the law. So there are a good many reasons to close the gun show loophole, and there is no excuse not to. We have to act, and act now, to help make our communities safer.

The amendment I am proposing would take several simple steps to prevent illegal activity at gun shows. First, I point out that this amendment is very clearly designed for gun shows, the places where these unlicensed dealers sell to anybody they want. Gun shows are defined as an event where two or more people are selling 50 or more firearms. So this amendment does not cover someone who is selling their favorite gun to a friend or a club member or a neighbor.

The key provision would require that all gun sales go through a federally licensed firearms dealer. So if the person who is unlicensed wants to sell a gun to somebody over here, he then has to include a federally licensed firearms dealer in the process. The federally licensed firearms dealer then would be responsible for conducting a Brady check on the purchaser. This ensures that the prohibited purchasers—criminals, the insane, and children—cannot buy guns. This will not burden the vast majority of collectors or hunters or sportsmen who want to buy firearms.

Of course, a gun sale may take a few more minutes, but why not? This minor inconvenience is a small cost to pay. And if you do not believe that, ask the 61 percent of the American people who think that the accessibility of firearms had a large measure of responsibility in the killings that took place at Columbine High School. This minor inconvenience is a small cost to pay when weighed against the need to keep guns out of the wrong hands.

My amendment would also take other steps to help the Bureau of Alcohol, Tobacco and Firearms investigate gun crimes and to help law enforcement prosecute criminals.

Taken together, these provisions will prevent criminals from abusing gun shows to buy deadly weapons. For many Americans, as we note, these commonsense steps seem so obvious. They are probably wondering why we have not addressed this problem sooner. Frankly, I do, too. Well, I don't wonder, because there is an influence around here and around the House of Representatives that always intervenes when we try to get commonsense legislation in place.

We are not taking away guns from people who have a legitimate right to buy them. But we are saying that gun violence is an unacceptable condition in our country.

In the last 20 years, over 70,000 children have lost their lives—70,000 families stricken with grief—because of the availability of a gun, obviously, we think, in the hands of the wrong person.

I do not want to point any fingers or try to assess blame, but this is not the time for partisan politics. This is not the time for organizations, such as the NRA, that stand in the way of any sensible, commonsense legislation every time we bring it up—87 percent of the people in a poll just conducted said they want the gun show loophole closed. Why do we have to fight to make it happen?

Everybody—every one in this Chamber—ought to stand up and salute it and say, yes, we want to save the lives of our kids who are going to school. Do they have the right to bear arms? That is a question, but we know people have a right to bear children. And we think they have a right to see these children live safely and that when they go to school, they do not have to worry as much about whether they are going to be injured or perhaps even killed than whether they do their homework.

Our country has seen too much violence. Every year in this country over 4,000 children lose their lives to guns. Every day, 13 kids, on average, are gunned down by a gun, either in their own hand or someone else's. Too many parents have seen their children injured or killed. Too many families have been torn apart by grief and anguish as a result of the absence in their lives of a child they brought to this world.

So, please, let us work together to pass this measure. I plead with my col-

leagues: Step up to the plate and be people of honor, people of concern. Let's try to prevent future tragedies. Let's make it harder for young people and criminals to gain access to guns.

I think we are reaching a consensus on this issue. We are going to find out in a few minutes. There is a broad range of bipartisan support for closing the gun show loophole. Also, there is a broad spectrum of organizations that support this amendment.

They know that it is going to help fight crime. Law enforcement officials support it. In addition to the Federal agencies that enforce gun laws, the Police Executive Research Forum, the Police Foundation, the Hispanic American Police Command Officers Association, and the National Organization of Black Law Enforcement Executives have written letters of support. I ask unanimous consent that copies of those letters be printed in the RECORD.

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

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, May 11, 1999.
Senate Majority Leader TRENT LOTT,
The Capitol, Washington, DC.

DEAR SENATOR LOTT: The Police Executive Research Forum (PERF)—a national organization of police professionals who are dedicated to improving policing practices through research, debate and leadership—believes that reasonable measures need to be taken to protect our citizens and our children from gun violence. We are currently studying the President's proposed gun legislation and other pending firearms proposals that affect public safety. While we cannot give our position on every amendment that is expected to be offered on the Senate floor this week, PERF has taken a position on a number of the provisions, and supports the goals of the remaining measures.

It is estimated that there are 2,000 to 5,000 gun shows annually across the nation that are not subject to federal gun laws. Sales from "private collections" can be made at these shows without a waiting period or background check on the purchaser, unless the seller is a licensed Federal Firearm Dealer. To close the loopholes that are exploited by sellers who operate full-fledged businesses, but are not FFLs, we believe the proposed legislation is needed and long overdue. PERF has supported gun show legislation to this effect in the past and will continue to work towards ensuring reasonable measures that will help keep guns out of the hands of criminals.

PERF has also been a long-standing proponent of a waiting period that would give local police the opportunity to screen handgun purchasers using local records. PERF members believe that there is also value in a "cooling-off" period between the purchase and receipt of a firearm, particularly when there are exceptions for exigent circumstances.

We have witnessed again the carnage that results when children have access to firearms. PERF has supported child access prevention bills in the past because we see the horror that can occur when angry and disturbed kids have guns. PERF has supported measures that impose new safety standards on the manufacture and importation of handguns requiring a child resistant trigger standard; a child resistant safety lock; a magazine disconnect safety for pistols; a manual safety; and practice of a drop test.

PERF has supported proposals to prohibit the sale of an assault weapon to anyone under age 18 and to increase the criminal penalties for selling a gun to a juvenile.

We must do more to keep America's children safe—not just because of recent events—but because of the shootings, accidents and suicide attempts we see with frightening regularity. These proposals are steps in the right direction. We applaud your efforts to help police make our communities safer places to live.

Sincerely,
EDWARD A. FLYNN,
PERF's Legislative Committee Chair,
Arlington (VA) Police Department.

POLICE FOUNDATION,
Washington, DC, May 11, 1999.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: The Police Foundation is a private, independent, nonpartisan, and nonprofit organization dedicated to supporting innovation and improvement in policing. Established in 1970, the foundation has conducted seminal research in police behavior, policy, and procedure, and works to transfer to local agencies the best new information about practices for dealing effectively with a wide range of important police operational and administrative concerns. Motivating all of the foundation's efforts is the goal of efficient, humane policing that operates within the framework of democratic principles and the highest ideals of the nation.

As a founding member of the Law Enforcement Steering Committee, an unprecedented coalition of the nation's foremost law enforcement organizations, the foundation worked tirelessly for six years for passage of The Brady Law to require a waiting period and a background check prior to the purchase of a handgun. The foundation has also supported efforts and legislation to regulate the sale of armor-piercing ammunition, and the importation, manufacture, and sale of assault weapons, the high-capacity magazines.

The reality of policing in America includes dealing with citizens who possess firearms. About 200 million guns are in private hands. So huge is the domestic arsenal that American police must be aware that a firearm may be at hand in any situation they encounter. Tragically, in thousands of situations each year, the potential for injury or death by firearms is realized.

In 1994, almost 40,000 Americans died from gunshot wounds. By the year 2003, according to the Centers for Disease Control, the leading cause of death by injury in the United States will be from gunshots. Yet we regulate guns less than we do other consumer products such as automobiles.

The legacy of disability and death that guns, especially handguns, have wrought on American society is of concern to law enforcement personnel, health officials, educators, policy makers, families and communities across America. Today, in the wake of yet another tragic episode of gun violence by high school students, it is incumbent that these same forces join together to formulate rational national policies to address gun violence and children. Every day in America, 13 young people aged 19 and under are killed in gun homicides, suicides, and unintentional shootings, a toll equal to the tragedy in Littleton, Colorado.

The Police Foundation, therefore, supports the following amendments to S. 254:

- (1) An amendment to ban juvenile possession of assault weapons;
- (2) An amendment that bans juvenile possession of high-capacity ammunition clips;

(3) A ban on the importation of high-capacity ammunition clips;

(4) An amendment that requires that no guns are sold at gun shows without a background check, a waiting period, and appropriate documentation;

(5) An amendment requiring anyone offering guns for sale over the Internet to possess a federal firearms license and to oversee all resulting firearms transactions;

(6) An amendment that will provide: enhanced tools for the prosecution of firearms laws, including substantially increasing the scope of the Bureau of Alcohol, Tobacco, and Firearms' youth gun tracing program; additional resources to investigate and prosecute violations of Federal firearms laws; and resources for increased federal and state coordination of gun prosecutions.

(7) An amendment raising the minimum age to 21 for possession of handguns, semi-automatic assault weapons, and large-capacity ammunition feeding devices.

(8) An amendment that requires the sale of child safety locks with every handgun sold;

(9) An amendment to reinstate a permanent, mandatory national waiting period prior to the purchase of a handgun.

(10) An amendment to limit handgun purchases to one per month.

The Police Foundation is committed to working with you and your colleagues in the Congress in supporting and enacting sensible gun control measures that protect all Americans and most especially our children.

Sincerely yours,

HUBERT WILLIAMS.

HISPANIC AMERICAN POLICE
COMMAND OFFICERS ASSOCIATION,
Washington, DC, May 10, 1999.

Senate Majority Leader TRENT LOTT,
The Capitol, Washington, DC.

DEAR MAJORITY LEADER LOTT: I am writing on behalf of the Hispanic American Police Command Officers Association, HAPCOA to express our general support for the eight gun control amendments that are expected to be offered on the Senate floor this week. HAPCOA also supports President Clinton's legislation. The 1999 Gun Enforcement and Accountability Act. Both of these measures are designed to reduce child criminal access to firearms.

HAPCOA represents of 1,500 command law enforcement officers and affiliates from municipal police departments, county sheriffs, and state agencies, to the DEA, U.S. Marshals Service, FBI, U.S. Secret Service, U.S. Park Police and other federal agencies and organizations.

As a law enforcement association, we know only too well the impact gun violence has on Communities. As with all law enforcement officers, we too live in the communities. We have witnessed first hand what happens when children and criminals have too easy access to guns. Today, in every city in our country, there are children in schools and homes with hand guns. Children who are exposed to Violence on a daily basis, children who feel they need protection—more than they need an education. Children who should be enjoying life—rather than taking a life.

We place profound responsibilities on our nation's police officers asking them to combat Crimes, uphold the law, and defend the lives of others while continually risking their own. We trust the police to keep our homes, schools and neighborhoods safe from crime. Police officers cannot achieve these and other goals without legislation that supports their work.

These eight proposed amendments would do that—help law enforcement officials in their efforts to reduce gun related crimes. It

is time to break the cycle of gun violence in America.

Sincerely,

JESS QUINTERO,
National Executive Director.

NATIONAL ORGANIZATION OF
BLACK LAW ENFORCEMENT EXECUTIVES,
Arlington, VA, May 11, 1999.

Hon. ROD R. BLAGOJEVICH,
House of Representatives, Hart Senate Office
Building, Washington, DC.

DEAR REPRESENTATIVE BLAGOJEVICH: This is to advise you that National Organization of Black Law Enforcement Executives (NOBLE) representing over 3000 black law enforcement managers, executives, and practitioners strongly supports your effort to provide a permanent legislative mandate (S. 443) to promote the fair, safe, and reasonable regulation of gun shows.

As the threat of violence against the police and citizens alike has escalated, so has NOBLE'S commitment to the passage of effective gun control legislation. The potential threat posed to our members and to law enforcement personnel nationwide by the unregulated selling of firearms demands that S. 443 be enacted. Your efforts to bring fairness and accountability to gun shows by holding all participants to the same standards is commended and supported by NOBLE.

If our organization can be of further assistance on this matter, please call me.

Sincerely

ROBERT L. STEWART,
Executive Director.

Mr. LAUTENBERG. I have also received support, surprisingly—and I say, hooray—from some in the gun industry. The American Shooting Sports Council, which represents the interests of gun manufacturers, and the National Shooting Sports Foundation have both endorsed my legislation. They say, "Support the amendment that is proposed closing the gun show loophole."

The National Alliance of Stocking Gun Dealers, the trade association for gun dealers, has endorsed this legislation. I would like to read part of their letter:

While it is uncommon for our organization to endorse legislation that would place any new regulations upon the sale of guns, we view the case of gun shows as an exception.

As your legislation creates no new requirements or regulations that don't already exist for law-abiding gun owners, we find it a reasonable and necessary change to existing laws and fully endorse the gun shows accountability act.

It is a letter that they sent to me.

There are prominent Republican politicians—this isn't exclusively a Democratic matter—who support closing the gun show loophole, for instance, Texas Governor George W. Bush, a prominent name in national politics, as well as the Governor of one of the largest States in this country. Congressman HENRY HYDE, a distinguished, respectable Congressman—he has always been a supporter of gun ownership—supports eliminating the gun show loophole.

The amendment is also supported by Jim and Sarah Brady's Handgun Control, Incorporated, and the Coalition to Stop Gun Violence, which represents a number of health, religious and civil rights organizations.

When Sarah Brady, George W. Bush, HENRY HYDE, gun manufacturers and

gun dealers get behind closing a loophole, I think everybody here ought to listen, and we ought to close it. We ought to close that loophole, because what happens in that loophole is children fall through it, and lives, way too early, are permanently maimed as a result.

All you have to do is remember a picture of the boy jumping out of the window at Columbine High and see what has happened to him. He is damaged, severely damaged. It looks as if those damages are going to last all of his life, impairing his speech, his ability to walk, and so forth.

Americans are tired of it. They are tired of losing those lives to gun violence. Again, I do not understand why the opposition is trying to say, no, let's leave the loophole there. Let's make sure that we don't inhibit those purchases of guns by anybody who just wants to buy them.

I do not understand it. I am sure the American people, whether they are here or watching television and seeing what is going on, don't want to have that loophole continue to exist.

Every year we lose 34,000 Americans to gunfire. It is the number of deaths that we would expect to see in a war. In Vietnam, a terrible, terrible period in American history, we lost 58,000 people in the 11 years of that war. Here we see more than half of that number lost every year. When will the public's rage finally reach into this place and say we have had enough? Instead, there is a war going on in our communities. We have to stop this senseless slaughter.

Every day, 13 young lives end prematurely. The hopes and the dreams of 13 children, their families, their friends are destroyed.

I urge my colleagues to take this step with all of us holding together in the battle against gun violence. Let those who want to oppose this legislation think about what they would say to a neighbor or a friend or someone in their community who lost a child: Well, he had the right to bear arms, or guns don't kill, people kill.

They always blame it on the criminal. But for a lot of people, the first time they commit a crime is when they pull the trigger on that weapon.

I hope we are going to pass this amendment, make it harder for criminals and children to get guns. We might not stop all the shootings, but we may stop some. I hope that the American people will notice everybody who votes for and against this amendment or what they try to do to water it down, to leave a glaring loophole sitting there.

Mr. President, how much time do I have?

THE PRESIDING OFFICER. The Senator has 26 minutes 33 seconds.

Mr. LAUTENBERG. I yield the Senator from New York 5 minutes.

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

Mr. SCHUMER. Mr. President, I thank the Senator from New Jersey

very much. I also thank my friend, the Senator from Idaho, for his graciousness in letting me take the floor right now.

Let me say, as somebody who has been involved in this issue for a long time, today is a very crucial day in our fight to bring rationality to the laws that relate to guns in America. It is the first time we have had a real opportunity to make progress since the Brady law was passed.

All we are trying to do here is make sure that Brady continues to work. The bottom line is a simple one; that is, as Brady has begun to work, the vast majority of Americans, gun owners and nongun owners, have abided by this law. Almost everybody believes it has worked, but those who wish to avoid the law have found loopholes—the Internet, which we will be dealing with later, an amendment I will propose, and most notably, gun shows, which the Senator from New Jersey has highlighted. I am proud to be his lead cosponsor of that legislation we have worked on.

The problem we face in the law when we try to make laws on gun controls is we are always ruled by the least common denominator. If 99 percent of the people obey the law, but 1 percent finds a loophole, then all the criminal element and everybody who wants to give guns to children, to criminals, to the mentally incompetent will use that loophole. So all the rest of the laws do no good.

They say there are 40,000 laws on the books about gun control. But as long as you have a weak link in the chain, it is exploited, and we suffer. In my city, 95 percent of the guns that are used in crimes come from out of State, many of them from gun shows. Gun shows have proliferated as the loophole has become more obvious and more known to people.

I plead with my colleagues—it is so important for us to continue the work of Brady. We are not seeking to go further in the area of gun control. We are simply trying to keep the status quo by plugging the loopholes that have allowed people to get around the Brady law which most people regard as very, very successful.

I know that my friend, the Senator from Idaho, has an amendment to make it voluntary. The problem with that is very simple, in my judgment. Again, it would not work because it is the least common denominator. If you go to a gun show and nine of the sellers of guns are using the instant check system and one isn't, anyone who evades the law will go to that one. All the other nine law-abiding people will both lose business and not be able to stop it. So making these laws voluntary, you may as well not make them at all, because those who wish to avoid the law will go to the one person who doesn't participate in the system and send a cascade of guns forward.

I am proud of this debate, Mr. President. First, I am proud that its tone is

one of constructiveness in the light of Littleton, CO. Each of us is groping to see what can be done. We have differences of opinion, but there is respect in the debate.

I thank the Senator from Idaho. When he added his amendment, he did not come up with an amendment that was a subterfuge. He did not come up with an amendment that simply diverted the issue, as we have seen time and time again. He came up with an amendment that would allow us to debate this issue foursquare.

It is very simple. If you believe in closing the gun show loophole, you have to vote yes on the amendment of the Senator from New Jersey. If you vote no on that, the loophole will continue, because no matter how many people voluntarily comply at gun shows, those who wish to violate the law or turn the other way, as the law is violated, will continue to do so.

This is an important crossroads in our debate. Just as in warfare there is defensive and offensive warfare and some move forward and then new mechanisms are found to get around those who move forward, we are at that point right now. If we allow people who wish to get around the Brady law and sell guns to criminals and sell guns to children and sell guns to the mentally incompetent, to use gun shows or use the Internet or any other way to get around it, we will have taken a dramatic step backwards. I believe the Brady law has in good part contributed to the decline in gun violence throughout America. Has it made it certain; has it made it so that there is no gun violence? Of course not. But why is it that gun violence has plummeted even more than other crimes since the Brady law has been passed?

The best explanation is that, yes, it works. The best explanation is that despite the doom and gloom, when we debated Brady, from the opponents, it has not interfered with the rights of the legitimate gun owner. I ask my colleagues, if you believe in keeping Brady sound—

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SCHUMER. If I might ask for an additional 30 seconds.

Mr. LAUTENBERG. I yield 30 seconds.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SCHUMER. I thank the Senator, and I thank the Chair.

If you believe in keeping Brady sound, if you believe that we can save lives without impinging on the rights of legitimate gun owners, then the only vote you can cast is yes on the Lautenberg amendment. Any other vote will not do the job.

This is a modest but important first step that will continue to reduce the number of deaths caused by firearms without impinging on the rights of those who believe they need them. I thank the Senator, and I thank the Senator from Idaho, again, for his graciousness.

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

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AMENDMENT NO. 332

Mr. CRAIG. Mr. President, I hope that those of our colleagues who are not on the floor this afternoon will take time to watch this debate and listen on television, because today we have very clear comparatives of something that works, that lessens the impact of Government, lessens the creation of a bureaucracy, and something that doesn't work which creates a very large bureaucracy against a substantial American pastime and an American business activity in this country. We are talking about gun shows. Some 5,000 gun shows across America are attended today by between 4.5 million and 5 million people annually. They are not in some back room or in some dark alley creating the environment for clandestine meetings between criminals. They are at fairgrounds, large convention centers and hotel lobbies. They are something that many Americans attend today because most Americans who attend gun shows are legitimate law-abiding citizens who have disposable income and wish to collect firearms as something they do in their pastime. Those are the true dynamics of a gun show.

Let me read to you what the President of the United States—and I am afraid what my colleagues have tried to generate this afternoon is that it may be some evil activity. This is a radio message from the President of the United States, November 7, 1998, speaking of gun shows.

... illegal arms, bazaars for criminals, and gun traffickers looking to buy and sell guns on a cash-and-carry/no-questions-asked basis, entirely without background checks.

That is the rhetoric that has imbued this issue and came up with this neat little quick phrase called a "loophole." That is the basis from which we come this afternoon to this debate. Five million people are clandestine criminals going to gun bazaars across this Nation? Five million? I doubt that very much.

In fact, the National Institute of Justice, which is an arm of the Justice Department of this administration, said this about gun shows:

Less than 2 percent of the guns used by criminals may have come from gun shows.

Less than 2 percent. So those are the dynamics and the realities of this debate. I don't know how you paint it any other way, except by using bright red and black paint, because other than that, you have to deal with the truth and the facts at hand.

What is this great loophole that my colleagues are talking about at this time? The loophole, they would have you believe, happens to be the Federal law. That law is a very straightforward

law. That law of several years ago defines what a gun dealer is and what a gun dealer isn't. It is the Gun Control Act of 1968 and the Firearm Owners Act of 1986. In there it is clearly defined what a gun dealer is and what a gun dealer isn't and, most importantly, what a private citizen is allowed to engage in in an occasional sale or exchange or purchase of a firearm for the enhancement of a personal collection, or for a hobby and/or to sell all or part of a personal collection of firearms within their State of residence without obtaining a dealer's license.

What the Senator from New Jersey has not talked about are the laws that govern gun shows. Mr. President, 98 percent of those who are there are dealers licensed under Federal law who must keep records and have those records inspected by the Bureau of Alcohol, Tobacco and Firearms. That wasn't mentioned. Maybe it was simply forgotten. But there is no question, the Senator from New Jersey is right; there are private citizens who come to gun shows and engage in discussions with other private citizens and decide to buy or sell their gun or guns. Is that a loophole? No. It is provided for in the 1986 law. It is something this Congress has already decided is right and proper to do as a private citizen—to engage in the sale of his or her private property. And we have been very clear in tightening it up so they could not get beyond the law. But we have also talked about legitimate collectors, and they are very definable within the law.

But what is important is that we make sure can clarify even the 2 percent. My amendment works to do that. There are people who collect guns, and now and then want to sell more than just one or two of their guns. Guess where they would go. They would probably go to a gun show where there are a lot of people who are interested in guns. And we would say in my amendment that we would allow them a special license category, that they could become a licensed gun dealer for a short period of time for either the sale of their guns, or for gunsmithing, or for a firearm repair business. This would be a new category of license in the Federal law.

This term of "engage in business" would not necessarily fit because they were not businesspeople. They didn't make their living from the sale of firearms or firearm equipment or gun cleaning equipment or loading equipment or all of those kinds of things that are the hobbies of millions of Americans. But we recognize that we ought to give them a category, and in that category, in selling their guns, they would be required to keep records. They would be required to keep records, and they could keep them at their homes. Those records must be available for inspection by the ATF because they don't have a business.

Remember, those in business keep copious Federal records, and the Bureau of Alcohol, Tobacco and Firearms can

inspect them at any time. People who are involved in the sale of guns, and certainly in the importation of guns, all of those kinds of things today, under the 1968 and 1986 laws, are clearly well defined and controlled. But we are saying in these special instances we want to make sure these people do it right.

Now, this is more than just to protect the person who purchases; we want to protect the person who sells, because if that gun were to end up being used by a criminal in a criminal act, and an independent person sold it, they could be liable under local law, under State law, under Federal law. Remember, there are 40,000 gun laws in America today—city, State, county and Federal laws—40,000 gun laws. I would like to adjust it a little, and the Senator from New Jersey wants to add one more so that we would have 40,001.

We also do something else. We spent a lot of time with Brady, and out of Brady we came up with the national instant check system. We created a large computerized system by which when a gun dealer sells a gun, he can check the background of an individual to see whether he or she is a convicted felon, or if they have some adjudication against their personality that would cause them not to be able to own a gun. We will create a special class of register to be at a gun show so that people engaged in the legal, private sale of guns under Federal law can go to that person and say: I have this individual who wants to buy one of my guns. Here is his or her Social Security number. Run it through your system.

Now, what does it do if you comply with these two areas? It creates a safe haven against liability because you have been within the law. But what the Senator from New Jersey didn't say is that if you sell to minors at a gun show, you are breaking the law. If your sale at a gun show went to a felon and it is proven, you are breaking the law. I am talking about private citizens. It is as if he suggested that gun shows are big black holes that criminals congregate in because they can traffic in illegal gun sales. That is false, Mr. President. I don't know of any other way to say it more clearly and abruptly in order to catch the ear of my colleagues. It is not true, and there is no loophole, unless the Senator from New Jersey wants to say that the laws he voted for are loopholes.

I doubt that he would want to do that, because I think at least he was here for the passage of one of those laws. I can't honestly tell you whether he voted for or against it. But it did restrict the rights and activities of individuals as they relate to guns. My guess is that he did. But I will let him speak to that issue.

What we are talking about here is continuing to shape and refine the gun laws—all 40,000 of them.

If my amendment passes, and we create a special new license for a temporary person, or if we create a reg-

istrant for gun shows so that private sales can have a background check, under either of the new license or the special registrant, which would be optional—I don't argue that because I don't want to infringe on the right of private citizens under the 1986 law; congress has already spoken to that—it would provide a very clear incentive to individuals to participate as I have suggested.

Why? Because, as I have mentioned, if the firearm was later used illegally and caused harm, they would be immune from the civil liabilities of that action, except for a lawsuit based on negligent entrustment, or the negligence per se. That you will never get away from, nor should you.

So I think therein lies the difference.

Let me talk to one other thing about my colleague's amendment that concerns me a great deal.

On page 4 of his amendment he tries to define what a gun show is. I must tell you, very frankly, it demonstrates to me that he doesn't understand collectors, and hundreds of thousands, if not millions, of Americans who own well more than 50 guns, from antique, Civil War weapons to World War II and World War I weapons, Revolutionary War weapons, are collectors. It doesn't define any of them; it just says 50 firearms or more.

What it says to me is that he has suggested by his law that he is going to move from about 35,000 gun shows a year to hundreds of thousands of gun shows.

What do I mean by that?

If two collectors happen to get together and they happen to own more than 50 guns, and they decide to trade a gun or sell a gun between themselves, they are in violation of the Lautenberg amendment.

I think we have to be careful of that, because it says, "at which two or more persons are offering or exhibiting one or more firearms for sale, transfer, or exchange." I know the law, or at least I know this language. I know that when ATF gets through interpreting it, it won't be any narrower than this; it will be considerably broader.

What about a gun show promoter?

Is that Marriott Corporation, which happens to be housing the gun show for participants next to the convention center, which has a sign up: Gun show participants, come stay at the Marriott, promoting the gun show? I think they would be, by definition of the Lautenberg law.

In other words, what I am asking my colleagues today to do is to read the fine print—which is really not so fine at all—for the term "gun show vendor."

What I am suggesting is, we don't change the law, that we strengthen the law at hand, that we give some options to the private individual, who still should have the right as a private citizen to sell his or her guns to other private citizens if those actions do not fall within Federal law where they are

businesspeople making a profit and are not therefore licensed dealers under the law.

It was interesting when the Senator from New Jersey quoted Handgun Control. They got involved in this issue, and they cranked up Americans, talking about this issue some time ago. They talked about "unlicensed dealers." But, all of a sudden, they found out they couldn't use that term, because all of the dealers are licensed by definition of the Federal law. They had to back off.

In other words, they were more interested in the political impact than the legality and the correctness of their debate, and how tragic that is. So they backed away from that. But they kept the term "loophole," because somehow it conjures up this idea of this dark escape hatch through which criminals pass. That is not the case. It is not the case in 5,000 legitimate, publicly promoted gun shows which nearly 5 million Americans attend annually in city parks, in legitimate hotels, in State convention centers, and in State fairgrounds around this country.

My amendment and the amendment of the Senator from New Jersey are distinctly different. We honor the right of the private citizen. But we give that private citizen options to protect themselves and to access the information system that the taxpayers of this country have spent millions and millions of dollars building so we could have an instant background check to make sure guns didn't get into the hands of convicted felons or other citizens who have adjudicated problems.

I have supported that and have strongly fought for it, even though this administration was dragged, kicking and screaming, into the 21st century of computer background checks because they wanted the right of control.

Therein lies the ultimate difference between these two pieces of legislation.

I hope in the course of the debate we can hear a much clearer definition of what a gun show is, because now I have a lot of friends. If I walk into their home and they discuss the idea of trading a gun or selling a gun to me, I might be in a gun show, and that citizen and I would be engaged in an illegal act. Yet, up until now, that would have been a legal act, because of the right of the private nondealer citizen to engage in those kinds of activities.

There is no loophole. It is only in the minds of those who see guns to be the evil instead of the problems that citizens have either abiding by the law or dealing with their own frustrations.

We have offered a clear alternative, and I think an appropriate alternative, to deal with the question of the 2 percent of sales at gun shows that may on some occasions find themselves in the hands of criminals where that gun was used in illegal activity. Therein lies the difference.

I hope it is clear to my colleagues, the importance of sustaining the gun laws we have and guaranteeing that

private citizens have the right to engage in gun sales from their private collections and their private ownership, on a limited basis, clearly described by the law, without having to become a federally-licensed firearms dealer, as many would care not to be.

I retain the remainder of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from New Jersey.

I want to tell those following this debate that you are never going to have a clearer choice than between the Lautenberg amendment and the Craig amendment. The Lautenberg amendment closes down the loophole that allows people to sell lethal weapons at a gun show—what they call "private sales"—without a background check. The Craig alternative makes it permissible.

What does that mean? It means if you want to get involved in a background check for sale at a gun show, you may. You may. How many laws do we write across America where you say "you may" observe the speed limit, "you may" observe the law when it comes to the sale of drugs, "you may" observe the law when it comes to treason against the United States? No. If a law is going to work, a law has to be sensible and enforceable.

The Craig amendment is neither. It is neither sensible nor enforceable, because not only does it ignore the reality of the horror that is coming out of schools in America but it ignores the reality that at gun shows across America people are buying weapons without a background check and using them in the commission of crime.

This is not my observation, it is the observation of the Department of Treasury, the Department of Justice, and ATF, and other researchers who reviewed 314 recent investigations involving gun shows across America. Their findings are chilling. Felons, although prohibited under the Brady law from buying firearms, have been able to purchase guns at gun shows. In fact, felons buying or selling firearms were involved in more than 46 percent of the investigations involving gun shows.

There are plenty of gun shows in my home State of Illinois. Most of the people who attend are law abiding. Most of them follow the law and are glad to do it. Clearly, the criminal element is using this gun show as a way to launder weapons and purchase them when they can't buy them from a licensed dealer.

Mr. CRAIG would suggest the people attending gun shows are much like those who come around to buy and sell baseball cards. There is a big difference. Of course, what you are buying and selling at a gun show is a lethal weapon.

Senator LAUTENBERG is trying to close down a loophole which is a loophole for criminals. Why the National Rifle Association—which continues to say it is just defending the rights of hunters and sportsmen across America who want to use guns safely and legally—would come in with the Craig amendment in an attempt to undermine Senator LAUTENBERG's amendment is beyond me.

That is not all that is in the Craig amendment. Read on, my friends, because he proceeds in this amendment to provide immunity from civil liability for those who would ask for a special license at a gun show. There are only two groups in America who can't be sued now—diplomats and some health insurance companies—and we are debating that particular element. And now the Senator from Idaho says we should also include in the group of Americans who cannot be held accountable in court those who want to sell guns at a gun show.

The last point I want to make is this: As they poured through the records to try to figure out how these two children in Littleton, CO, came up with two sawed-off shotguns and other weapons, they were stymied because there were no records; they couldn't trace them. They were trying to figure out where they came from. Senator CRAIG's amendment would mandate that we destroy records about the sale of firearms, records that law enforcement needs to try to figure out when guns are stolen and used in the course of crime.

I can't believe any gun owner, who as I do opposes the gun crimes across America, is going to stand up and defend what Mr. CRAIG is arguing for. Senator LAUTENBERG's amendment is clear and concise and hits the points in this loophole that many criminals are using to come into possession of guns which they are using to menace Americans and American families.

Mr. LAUTENBERG. I yield 3 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from New Jersey for his continued leadership on sensible gun laws. That is what we are talking about here: closing a loophole that is leading to trouble, that is leading to death. We have a chance to close the loophole. That is all the Lautenberg amendment does.

Good people go to gun shows but not all gun shows are good. Let me read from an associated press article:

Undercover state [this is California] agents found illegal weapons so plentiful at a Los Angeles County gun show that they ran out of money after shopping at a handful of booths.

The weapons included rocket launchers and flame throwers, Attorney General Bill Lockyer said. . . .

They were readily available, all sorts of illegal weapons.

He goes on to say:

I don't know what hunter needs a flame thrower.

I have to say to my friend from Idaho, if we followed his leadership—

and the Senator from Illinois has pointed out the flaws in his amendment—we would be saying something we don't say to any other industry.

Let me explain what I mean. We have standards for cars. They have to have brakes, they have to have wipers, they have to have seatbelts. But guess what. If you sell them at a "car show," as opposed to a "car dealership," they don't need to meet any of the standards and you can sell a car to someone who hasn't got a license because none of the laws would apply.

You could do that with pharmaceuticals. The FDA approves a pharmaceutical and says it has to contain certain elements, that is what they approve, but if you sell it at a "pharmaceutical show" you don't have to have any of those elements.

We could do the same thing for industry after industry.

There are more standards for toy guns in this country than there are for real guns, but even toy guns have to meet certain standards if they are sold at a toy show—the same laws apply.

To make the law voluntary, as my friend from Idaho does, makes no sense at all. It exacerbates a problem that is already a serious problem.

The Senator from New Jersey is saying people are dying unnecessarily from gun violence. There are people getting guns, getting their hands on guns at gun shows who couldn't do it if they went to a licensed dealer. Why on Earth would anyone in this Senate want to condone that—no background checks at a gun show, nothing?

All the Senator from Idaho is saying is make it voluntary. That is not going to fly. The bad people who want to get away with it aren't going to say: Do a background check on me; you might find out I'm a felon. They will say: No, I don't want to comply.

I thank my friend, the Senator from New Jersey, for this intelligent amendment.

I point out to my colleagues who may be following this debate, and I know we vote our conscience here, 87 percent of the American people support a background check on a gun buyer at a gun show—87 percent of the people; 83 percent support requiring background checks on gun show buyers, including dealers.

The bottom line is people want us to take action. The people don't like the fact that thousands of people a year die from gunshot wounds. We can stop it.

This is a good amendment. I hope we will support it and defeat the Craig amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I yield myself such time as I may consume.

Mr. President, while the Senator from California is on the floor, I think it is important we understand the facts about which she talks. She is referencing a recent gun show in California where State justice department agents were involved. What she did not

say is that every private sale in California, by State law, must be run through the department of justice background check. In other words, the very thing that she wants is now available in California but doesn't work.

What is wrong? Why didn't it work? I guess she will have to answer that question. I am not sure. She is saying she wants what the Senator from New Jersey is offering, but they have it in California as State law and it doesn't work.

Mrs. BOXER. Will the Senator yield?

Mr. CRAIG. I will allow the Senator to debate this on her own time.

It is important we keep the record very clear. She said there are no background checks at gun shows. Only 98 percent of the transactions are background checked. She cannot come to the floor and make a broad statement that says there are no background checks. That is within itself a clearly false statement.

In the State of California, the very gun show where there were found to be some violations of State law—and probably Federal law—somehow the State of California can't control it, either. Or should they? Therein lies the question.

In the case of my legislation, private transactions would be given the opportunity of sanctuary, and it would be a tremendous incentive. I think what we need to do here is create incentives. In the State of California there are no incentives; there are mandatory laws, and apparently those laws were broken, at least in some instances.

It is important the record show that it was instances of probably less than 2 percent. It is important the record show that well over 98 percent of sales at gun shows—not by ATF but by the Justice Department's own figures—are background checked. Those are the facts. They shouldn't be just intentionally generated for this debate. They come from the Justice Department itself.

I retain the remainder of my time.

Mr. LAUTENBERG. Mr. President, it is my understanding that time not in a quorum call is divided equally. If we want to stand here silently so that their rebuttal time is reserved for the Senator from Idaho, we are not going to do that; we will wile it away.

Mr. CRAIG. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield himself time?

Mr. CRAIG. I yield myself time. I want to make a correction to one of the statements I made just a minute ago. Because I insist others use right figures, I must use the same rules. I said 98 percent. I am wrong. It is about a 60-40 percent relationship at gun shows; about 60 percent are sold by licensed firearm dealers that require background checks. By the estimation of ATF and the Justice Department, there appears to be about 40 percent of sales that are private by definition of the law. That is a much more accurate statement than the one I just made.

But it is clear the State of California does have a law that requires all private sales, all transactions, to be subject to background check.

I retain the remainder of my time and yield the floor.

Mr. LAUTENBERG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 10 minutes and 39 seconds. The Senator from Idaho has 23 minutes and 9 seconds. If neither side yields time, time will be charged equally.

Mr. HATCH. Will the Senator from Idaho yield some time?

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield the chairman of the Judiciary Committee such time as he requires.

Mr. HATCH. Mr. President, the proposal, the Democratic proposal to heavily regulate firearms at gun shows, while well intentioned, is an example of regulatory overkill.

First, the proposal would require a law-abiding gun show organizer to notify Federal and State law enforcement prior to holding a gun show, and require substantial recordkeeping and reporting before and after the show. But gun shows are not conducted in a secret black market. They are publicly advertised for weeks in advance in order to generate public participation.

Second, the proposal would require individuals to sell through a licensed dealer in order to obtain the background check and other information. While obtaining a background check is a laudable goal, requiring an individual to pay a dealer for the service could be cost prohibitive to a lawful business transaction. So that is a matter of great concern.

The Republican proposal provides for a "special registrant" at a gun show that any nonlicensed seller can use to conduct a background check on the instant check system. This cost-effective mechanism will prevent any unlawful sales without unduly burdening a lawful transaction with regulatory costs. Thus, I must oppose the amendment to heavily regulate gun shows because it is overly burdensome on law-abiding sellers.

I strongly support the amendment filed by my colleague, Senator CRAIG, which will provide for increased safety and licensing of firearm sales at gun shows. This amendment contains several provisions that will make it more difficult for criminals to purchase firearms at gun shows, but this amendment allows law-abiding citizens to continue to buy and sell legal products.

First, the Craig amendment will provide for "special registrants," who may conduct background checks for individual sellers at a gun show using the instant check system. These checks will prevent criminals from purchasing a firearm from another individual, an unlicensed seller at a gun show. It will also provide an inexpensive and efficient means to facilitate the lawful

sale of a firearm by one individual to another.

Second, this amendment will provide for special licenses for persons who want to buy and sell guns primarily or solely at gun shows. This will allow occasional sellers, such as gunsmiths, to avoid the expense and regulation of becoming full-fledged Federal firearms licensees.

Third, the Craig amendment will prohibit Federal and State law enforcement officials from charging a fee to conduct a background check on the instant check system. This would reduce the cost of criminal background checks to individuals.

Fourth, the Craig amendment would encourage the use of the instant check system by granting civil liability protection to those who use it at gun shows. Given the litigation climate we are currently experiencing, this will be a strong incentive to use the "special registrant" provision of this amendment.

In short, this amendment will promote background checks on sales by nonlicensed individuals at gun shows without an undue financial burden. It will prevent crime without punishing law-abiding citizens. So, accordingly, I do believe this amendment deserves support.

I respect the distinguished Senator from Idaho. In fact, I respect both Senators on the Democrat side and the Senator from Idaho for trying to resolve these difficult problems. But I do believe that the amendment of the Senator from Idaho resolves this problem in a more fair and reasonable manner while accomplishing just as much as the distinguished Senator from New Jersey is trying to do with his amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If nobody yields time, time will be charged equally by the Chair.

Several Senators addressed the Chair.

Mr. LAUTENBERG. I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, since we have had the measure on the juvenile crime bill before us, this is really the first opportunity we have had to deal with one of the compelling aspects of reducing violence, not only in our schools but in our communities. We are talking about youth violence. We have had debate and discussion on how we can help schools, how we can help parents, and how we can help teachers. We have also considered, under the Leahy proposal, a series of different strategies to effectively use law enforcement to reduce violence.

Now, we really begin the debate about the proliferation and availability of guns in our society. There are many who choose not to talk about this particular issue, but, hopefully, we will have an opportunity to debate and

have votes. We will find out who in this body is serious about trying to reduce the availability and accessibility of guns whose only purpose is not for hunting, but for killing and maiming individuals.

It is particularly important that we have this discussion about children. Every single day, 13 children die because of the use of guns—almost the equivalent of Littleton, every single day. We know that when we reduce the availability and accessibility of guns, it extends children's lives and the lives of others.

I have just a few moments now. I will, later in the course of the debate, clearly demonstrate, how the United States compares to other countries in terms of the incidence of violence and the incidence of violence and the utilization of guns.

One of the most extraordinary examples we have seen in recent times is what has happened in my own city of Boston. But before discussing Boston's success, I think it is important to understand the weakness of the Craig proposal. This proposal fails to meet the minimum standards of doing anything about guns because, as has been pointed out, this is a completely voluntary program. Those who are not interested in participating, will not participate in the program. It fails to meet the minimum standard of responsibility in dealing with the loophole which the Senator from New Jersey, Senator LAUTENBERG, has identified.

If we are going to do something about gun shows, the Lautenberg amendment is the way to do it. I think any fair reading or listening to the debate will reveal that the Craig amendment fails, and fails abysmally, in reducing the availability and accessibility of guns.

Mr. President, how much time remains?

The PRESIDING OFFICER. There are 7 minutes and 16 seconds remaining.

Mr. KENNEDY. On the time I was yielded?

The PRESIDING OFFICER. There are 2 minutes remaining on the Senator's time.

Mr. KENNEDY. Mr. President, in my 2 remaining minutes, I want to mention what has happened with the use of firearms in homicides for those 16 and under in Boston, MA. In 1990, we had 10; in 1995, we only had 2. In 1998, we had 4. In 1999, for youth homicides in Boston, MA, in 128 schools, zero so far. Zero so far. Something is working. Something is working.

What is working is tough gun laws—and I will have a chance to go into greater detail on that later in the debate—tough law enforcement, effective programs in the schools, and working with children and parents to respond to some of the underlying causes, and the needs of children. It is that combination, but it is also effective because we have tough gun laws.

The Lautenberg amendment is a downpayment on the things that are

important in reducing violence. Many say here: This is a complex issue, and therefore we can't really solve the problem. What the Lautenberg amendment and other amendments say is, we can reduce the incidence of violence in our society and we will miss that opportunity if we fail to adopt them.

This is about saving children's lives. That is what this proposal is about, and a number of other proposals. We should be willing to accept this in an overwhelmingly positive way. The Lautenberg amendment does something; the Craig amendment fails the minimum standard.

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

Who yields time?

Mr. LAUTENBERG. How much time remains?

The PRESIDING OFFICER. The Senator from New Jersey has 5 minutes 13 seconds remaining. The Senator from Idaho has 18 minutes 29 seconds.

Mr. LAUTENBERG. Mr. President, I understand it is possible to extend the time some because the vote, I am told, is going to be delayed from 4 to 4:30. I ask the Senator from Idaho if he is interested in taking some more time for our discussion here. I do not want the time to go by without use.

Mr. HATCH. I prefer to get these two amendments over with so we can move on to the next amendment. We do have one or two others that are going to come up today. I think we have covered it pretty well on both sides.

Mr. LAUTENBERG. I thank my friend from Utah.

Mr. President, I yield myself such time as I have. I understand there is a 2½-minute presentation before each of the votes; is that true?

The PRESIDING OFFICER. Five minutes equally divided; that is correct. The Senator now has 3 minutes 49 seconds.

Mr. LAUTENBERG. Mr. President, I listened with interest and felt like the famous philosopher from New Jersey, Yogi Berra, who said, "This is déjà vu all over again," because the Senator from Idaho and I have sharply disagreed on what constitutes freedom.

I think there is a freedom that overrides all the others—the freedom to live, the freedom to send your children to school and not worry about whether or not they are going to get shot and permanently injured or worse yet, killed.

The Senator from Idaho points out the fact that there is only a small percentage—he corrected that; he is an honest man. He corrected the percentage he ascribed to gun show purchases away from licensed dealers. A small percentage he said. What are we talking about? What percentage did it take to kill 13 kids in Littleton, CO? It could have been done with 1 percent or less. Four weapons, all of which had a history of gun show traveling.

Four weapons killed those children. Ask those families whether they want tighter control or whether they are

worried about the menace that the Senator from Idaho presented. The menace, he says, is a bigger bureaucracy. How about the menace of losing your child? Where does that stand in the list of things? No, it is important that the Federal Government doesn't intervene; we ought to get rid of the Federal Government. Maybe we do not need any laws.

He said only a small percentage are violators. Yes, we have in our country over 100 million cars on the road, but we have laws against drunk driving; we have laws against reckless driving; we have laws against speeding. Why? Because even though a car is a nice convenience, it can be a lethal weapon if it is mishandled.

What is wrong with saying we ought to take some time, we ought to make records? I do not understand this sham attempt to obscure reality.

He said we don't want to interfere; we will let private citizens—let a private citizen go to an FBI file and say: Listen, I want to look up this guy, and tell me what you will.

A private citizen going to the FBI to find out what kind of history this person has, whether they have mental disease or mental illness or whether or not they have ever been in jail, in private records? But, no, we can't trivialize the gun show business. We are not trivializing it. We say if you want to buy a gun at a gun show, then let a licensed Federal dealer offer a check.

The Senator from Idaho and I had a disagreement a few years ago about whether or not spousal abusers ought to be deprived of their right to own a gun. Beat up your wife as many times as you want, but you still should have your gun. We won that one. It took a heck of a fight to win it, and they are still trying to upset it, but the court upheld our right to say no to a spousal abuser, you don't have a right to own a gun if you are going to abuse your family. Mr. President, 150,000 times a year a woman has a gun put to her head with the threat: I am going to kill you. And the children are watching. What kind of trauma is that?

Mr. CRAIG. Will the Senator from New Jersey yield?

Mr. LAUTENBERG. I will yield for a question on your time.

Mr. CRAIG. Did I support you in the spousal abuse amendment? Did I support you and vote for it?

Mr. LAUTENBERG. The vote was for it.

Mr. CRAIG. Thank you.

Mr. LAUTENBERG. But the amendment died in committee. The amendment died because the NRA wanted to kill that amendment.

Mr. CRAIG. But the Senator from New Jersey said I did not support it. He is wrong. I voted for it, and I supported him.

Mr. LAUTENBERG. We negotiated very hard as they tried to strip it bare but finally resolved it because it was too embarrassing in the public to vote

against it, to say to the public: No; you still deserve a gun even though you beat the heck out of your wife.

What are we talking about here?

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

Mr. LAUTENBERG. This is theater; this isn't government.

How much time do I have?

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

Mr. LAUTENBERG. I guess I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, it is important that facts be facts. The Senator from New Jersey and I did negotiate on the spousal abuse issue because there were some differences. When those differences were worked out, we agreed. So it is not correct to characterize on the floor that I opposed him. He and I agreed, we shook hands, and we voted for it. And I do not run from that vote at all. So let's set that one aside.

Let's talk about the National Shooting Sports Foundation, which the Senator said some minutes ago had endorsed his legislation. We called the National Sports Shooting Foundation today, and they said they do not endorse the Lautenberg legislation.

Just last Monday, the president of NSSF said the industry supports backgrounds checks at gun shows provided the FBI does not maintain the names in violation of the law and the White House agrees to a more aggressive prosecution of felons turned up by the background checks. That is what they said. They did not, by my checking today, support the Lautenberg amendment.

I am also told by Governor Bush's office here in Washington that his office has now called the Lautenberg office to say they do not support, nor have they endorsed, the Lautenberg amendment. That is possibly why that placard a few moments ago that said George W. Bush supported the legislation has been taken down. I do not know that to be a fact. I have not talked with Governor Bush, but it is my understanding at this moment that that is the case from the Governor's office here in Washington. I will set that one aside.

Let's talk about the facts. The facts are that there are 40,000 gun laws in America. Twenty of those were violated at Columbine High School in that tragic event which all of us mourn. We are here today in a juvenile justice bill trying to create a much stronger environment in which to deal with juveniles who act in violent and illegal ways. That is what we are trying to do. That is what the chairman of the Judiciary Committee has worked for over 2 years to do. We are going to be treating violent juveniles more like adults—a significant change in our society and in our culture. And we should. We must.

Well, then, why are gun shows a part of it? Because every time some people get an opportunity to talk about op-

posing guns, they take that opportunity. I do not deny them that right, but what is important is that we deal with the character of the law in the right and appropriate way.

Private citizens are allowed to sell guns in private transactions—at gun shows, in the middle of the street, or in the privacy of their home. That is what the law says. There are liabilities to that. If you sell to a minor, that is against the law. If you sell in an interstate transaction, that is against the law. If you sell to a felon, you better be careful; you will be liable. Those are the laws that exist today.

If you are a licensed dealer of guns, making your living from guns, then the laws are manifold and you walk a very tight rope. You keep records, as you should, and you do background checks to deny felons access to guns or those who have an adjudicated problem that would make them unstable in the ownership of guns.

Those are the laws today with which we deal. There are some 5,000-plus gun shows annually that nearly 5 million people attend across America, where 60 percent of the gun transactions are done within the context of federally licensed firearms dealers, and 40 percent are not. We are saying something distinctively different than the Senator from New Jersey, who says: Federally controlled, federally defined, in a bureaucracy of recordkeeping that puts the private citizen at a tremendous liability, even though they are law abiding and do all the right things. We are saying we ought to allow background checks to private citizens if they are involved in those transactions. Our amendment would do that, would create a special registry to access, for that citizen, the NICS, instant background check system of the FBI.

That is right, and it is proper, and it will go a long ways toward dealing with illegal activity—some exist; I cannot deny that. But clearly even the Justice Department says that of the guns that are sold at gun shows, less than 2 percent are found to be in illegal activities. That is this Justice Department. That is Bill Clinton's Justice Department. Yet, Bill Clinton, our President, who tried to characterize gun shows as being a bazaar for criminal activity, is wrong, and he knows it. But when he can play politics with this issue, he runs to do so, even though his own Justice Department would argue that the statistics are substantially different.

We also provide for a unique status of licensure. But what we do most importantly is we do not increase the liability or the recordkeeping responsibility of the private citizen. No tripwires here, no failure to dot the "i" or cross the "t" of a Federal process for which the ATF can come into your home and find you liable. That is not the way it should be. Private citizens have rights in this country, and they even have rights to own guns within the law and under the Constitution. That is what

we guarantee here with clearer definition and clearer process.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CRAPO). The Senator has 11 minutes 45 seconds.

Mr. CRAIG. Mr. President, one other area that concerns me a great deal is the definition by the Senator from New Jersey of "gun show." I have spoken to that to some extent. But I am tremendously fearful that law-abiding citizens, who are legitimate collectors of guns, all of a sudden will find themselves, where more than one should meet, automatically by definition of the Federal law a gun show.

That is wrong. It should not be that way. But certainly if it becomes that way, their liability to even talk about guns and trade guns or exchange guns amongst their friends who are collectors is dramatically curtailed.

Also, I do not think the Senator from New Jersey has done an effective job of refuting what "gun show promoter" means. Because he says that the term "gun show promoter" means any person or organization that plans or promotes and operates a gun show. These are the people who find themselves not only liable but having to get Federal licensure to do so. Does that include the Marriott Hotel next to the Convention Center with a sign out front: All gun show exhibitors stay here. We promote gun show X in city Y or Z? It could. Because we all know that what we mean here as legislative intent oftentimes becomes vastly different once interpreted by the Federal bureaucracy.

Those are my concerns as they relate to these issues. I hope my colleagues will clearly understand those before they take the opportunity to vote this afternoon.

I retain the remainder of my time and relinquish the floor.

Mr. ROTH. Mr. President, I would like to express my views with respect to the issue of background checks at gun shows in relation to the amendments we have today before the Senate.

I am a strong supporter of the second amendment; however, I also believe we must maintain procedures to ensure that guns do not find their way to the wrong hands. This is why I have supported the instant check system which is currently in place.

I have reviewed the amendment offered by Senator LAUTENBERG and the amendment offered by Senator CRAIG. I have concerns with both. In my view the amendment offered by Senator LAUTENBERG goes much further than simply requiring a background check for purchases at gun shows. It would put in place new and burdensome record requirements for gun show operators and vendors and provide the Secretary of the Treasury with unlimited authority to issue additional regulations.

On the other hand, the amendment offered by Senator CRAIG, in my view,

does not go far enough. Senator CRAIG's amendment merely outlines a voluntary or optional background check process.

Mr. President, consistent with my view and past support of the Brady bill, I would support a straightforward background check system for gun show sales, but that is not the choice we have before us today.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Idaho has 5½ minutes remaining.

Mr. CRAIG. I yield to the chairman.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. With the permission of Senator CRAIG, I ask unanimous consent that the distinguished Senator from Arizona be given 7 minutes to offer his amendment, speak to it, and, as I understand, he is going to withdraw the amendment at the end.

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

Mr. CRAIG. Mr. President, not objecting but clarifying, if I may, do I retain my time or is that simply used up in this—

The PRESIDING OFFICER. The Senator from Idaho retains his 5 minutes, and the Senator from Arizona would have 7 minutes intervening. Is that the intent of the Senator from Utah?

Mr. HATCH. The Senator's time would not come out of the time of the Senator from Idaho.

Mr. LAUTENBERG. May I ask a question, please? How is the time derived? Is the time now under the control of the Senator from Idaho?

The PRESIDING OFFICER. At this time, the Senator from Idaho has 5 minutes 2 seconds remaining. The unanimous consent request is that the Senator from Arizona have 7 additional minutes for his own purposes.

Mr. LAUTENBERG. No objection.

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

AMENDMENT NO. 333

(Purpose: To prohibit the receipt, transfer, transportation, or possession of a firearm or ammunition by certain violent juvenile offenders, and for other purposes)

Mr. MCCAIN. Mr. President, I call up an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN) proposes an amendment numbered 333.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . FIREARMS PENALTIES.

(a) STRAW PURCHASE PENALTIES.—

(1) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony, shall be—

“(i) fined under this title, imprisoned not more than 15 years, or both; or

“(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

“(B) In this paragraph—

“(i) the term ‘juvenile’ has the meaning given the term in section 922(x); and

“(ii) the term ‘violent felony’ means conduct described in subsection (e)(2)(B).”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

(b) JUVENILE WEAPONS PENALTIES.—

(1) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended—

(A) in paragraph (4), by striking “Whoever” and inserting “Except as provided in paragraph (6), whoever”; and

(B) in paragraph (6), by striking subparagraph (B) and inserting the following:

“(B) A person other than a juvenile who knowingly violates section 922(x)—

“(i) shall be fined under this title, imprisoned not more than 1 year, or both; or

“(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile, knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a violent felony, shall be imprisoned not less than 10 and not more than 20 years and fined under this title.

“(C) In this paragraph—

“(i) the term ‘juvenile’ has the meaning given the term in section 922(x); and

“(ii) the term ‘violent felony’ means conduct described in subsection (e)(2)(B).”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

Mr. MCCAIN. Mr. President, I thank the Senator from Utah and also the Senator from Idaho for allowing me this time. I don't think I will use as much as 7 minutes. At that time, I will withdraw my amendment upon the completion of my statement.

This amendment is designed to prevent juveniles from illegally accessing weapons and to punish those who would assist them in doing so.

This amendment provides that whoever illegally purchases a weapon for another individual, knowing that the recipient intends to use the weapon to commit a violent crime, may be imprisoned for up to 15 years. Further, the amendment mandates that whoever illegally purchases a weapon for a juvenile, knowing that the juvenile intends to commit a violent felony with the weapon, will receive a mandatory minimum sentence of 10 years and may be imprisoned for up to 20 years. Current law provides a maximum prison term of 10 years, regardless of the age of the shooter.

Additionally, if a person transfers a handgun or ammunition to a juvenile knowing that the juvenile intends to

commit a violent felony, that individual will receive a minimum 10-year sentence and may be imprisoned up to 20 years.

Mr. President, as I just outlined, this amendment is very simple. The amendment targets the nexus of the youth gun violence issue. Despite the arguments of those who are pushing for more restrictive guns ownership laws, the fact is that the overwhelming majority of kids who are committing these violent acts are getting guns illegally. It is ludicrous to argue that gang members are going to gun shows or to Walmart to buy their weapons. For the most part, they are obtaining them illegally.

Recent events have shaken the collective conscience of this nation. The murders at Columbine High School in Colorado have again brought home to every American the degree to which we are failing our children.

The most basic and profound responsibility that our culture—any culture—has is raising its children. We are failing in that responsibility, and the extent of our failure is being measured in the deaths and injuries of kids in schoolyards and on neighborhood streets. Over the past 2 years, we have been jolted time and again with the horrifying news and images of school shootings. Every day, in towns and cities across this country, kids are killing kids, and kids are killing adults in a spiraling pattern of youth violence driven by the drug trade, gang activity, and other factors.

Our children are killing each other, and they are killing themselves. We must act to change this.

Primary responsibility lies with families. As a country, we are not parenting our children. We are not adequately involving ourselves in our children's lives, the friends they hang out with, what they do with their time, and the problems they are struggling with. This is our job, our paramount responsibility, and we are failing. We must get our priorities straight, and that means putting our kids first.

However, parents need help. They need help because our homes, our families, and our children's minds are being flooded by a tide of violence. This dehumanizing violence pervades our society. Movies depict graphic violence, and children are taught to kill and maim by interactive video games. The Internet, which holds such tremendous potential, is used by some to communicate unimaginable hatred, images and descriptions of violence, and "how-to" manuals on everything from bomb construction to drugs. Our culture is dominated by media, and our children, more so than any other generation, are vulnerable to the images of violence and hate that are, sadly, the dominant themes in so much of what they see and hear.

I recently joined with some of my colleagues to call upon the President to convene an emergency summit of the leaders of the entertainment and

interactive media industry to develop an action plan for controlling children's access to media violence. I am pleased that the President heeded this call. However, I am very disappointed that the President's summit proved to be heavy on symbolism and light on substance. We can do more.

I have also joined others to introduce legislation calling upon the Surgeon General to conduct a comprehensive study of media violence in all its forms, and to issue a report on its effects together with recommendations on how we can turn around the tragic tide of youth violence.

Further, yesterday, I, along with Senator LIEBERMAN and others, announced legislation that would establish a National Youth Violence Commission, consisting of religious leaders and experts in education, family psychology, law enforcement, and parenting, to produce a comprehensive study of the forces that are conspiring to turn our children into killers.

Combined, these measures—along with this legislation—are important steps targeting various aspects of the complex problem of youth violence. However, if we are to turn this tide, we must press the fight on every front.

One reality of the horrific schoolyard shootings, and the criminal gun violence that is so prevalent among our youth, is the illegal use of guns. The amendment I have offered is specifically targeted at the illegal means by which kids are acquiring guns. The extent of this problem is made acutely apparent by the events that unfolded in Littleton. From what we are told, 18 different gun laws were violated, including illegal straw purchases and transfers.

This amendment states simply that, if you know a kid is going to commit a violent felony, and you give him or her the gun to commit that crime, you are going to go to jail for a long time.

Mr. President, this amendment is not a panacea. As I have stated, the malady of youth violence that is eating at the soul of this Nation is a complex disease. It will require a multi-faceted cure. I believe we must push for a comprehensive approach. What we must have is the unqualified commitment of all Americans to raise our children, to put them first.

This amendment is one step—one necessary step that will help us deal with the problem of kids killing kids. I hope the Senate will adopt this amendment.

Mr. President, my understanding is that the distinguished manager of the bill has included this amendment in the package. I thank him for doing that. Therefore, it would be deemed unnecessary that this amendment be considered separately at this time. I thank the distinguished chairman of the Judiciary Committee for including this amendment in the package.

Mr. President, I ask unanimous consent to withdraw the amendment at this time.

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

The amendment (No. 333) was withdrawn.

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

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I compliment the distinguished Senator from Arizona for his leadership on this issue and for the work that he has done to help pass this bill.

Mr. President, I ask unanimous consent that the previously stacked votes be delayed to begin at 4:30 this afternoon. We have three so far lined up. And further, following the debate outlined in the previous consent, Senator THOMPSON be recognized for up to 20 minutes for general debate on the bill, and then Senator KENNEDY for 10 minutes and then Senator LEAHY for 5 minutes.

I further ask that following the votes, Senator HOLLINGS be recognized to offer an amendment regarding TV violence limited to 3 hours equally divided prior to a motion to table, with no amendments in order prior to that vote.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, I want to make sure I understand this. We are starting basically now, Senator THOMPSON will be recognized.

Mr. HATCH. Right.

Mr. LEAHY. And then my 5 minutes is in there prior to the vote.

Mr. HATCH. Following Senator KENNEDY.

Now, also if we have enough time left over after Senator LEAHY speaks, I ask unanimous consent that we can work on a Republican amendment before the votes, too, so we can at least have one more. We will try to work that out between the two managers on the floor. We will begin with Senator THOMPSON for 20 minutes, KENNEDY for 10, and LEAHY for 5, and then we will see where we can go.

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

The Senator from Tennessee is recognized.

Mr. THOMPSON. I thank the Chair. I thank the Senator from Utah and I congratulate him for his long work in this area. While I cannot support this legislation, it is certainly better than much I have seen in this area. I know he and Senators SESSIONS, BIDEN, and others, have spent a lot of time on this. I congratulate them for it.

Mr. President, I rise not to debate any particular amendment. There has been a lot of good discussion as to the grants, the programs, and as to the various amendments and details of what we should do and how much money we should spend on various programs.

I rise not to address that because I have a significant problem with the entire concept. I believe that our approach with regard to youth violence

here is misguided. First, I will address basically what this bill does. Among other things, it makes it easier to prosecute juveniles in Federal criminal court. We have from 100 to 200 prosecutions a year of juveniles in Federal court. It is a minuscule part of our criminal justice system.

In 1998, there were 58,000 Federal criminal cases filed involving 79,000 defendants. As I say, there were only 100 or 200 juvenile Federal crime cases among that group. This bill would make it easier to bring what has traditionally been a State matter into the Federal system. It makes it easier to try a juvenile as an adult. It would allow juveniles as young as 14 years of age to be tried as an adult for violent crimes and drug offenses—drug offenses, again, that are of the street crime category, where we have laws on the books in every State of the Union. It makes more local street crime Federal offenses—recruiting gang members and things of that nature. It allows the Attorney General to send in a Federal task force if she deems it necessary.

Then there is an array of programs and grants that this bill sets forth: Educational programs, educational grants for dropout prevention, school violence, restitution, child abuse, probation enhancement, mentoring programs, drug abuse, gang prevention, gun prevention, job training, after-school activities, family strengthening, evaluation programs. Then this bill requires in a few instances, and in a few instances encourages, States to do certain other things if they want to participate and get this grant money and program money. It encourages boot camps, sentencing of juveniles who are as young as 10 years old as adults, encourages graduated sanctions, and encourages States to set up various kinds of programs for victims of juvenile crime. That is required if the States want this money. It requires communities to establish coalitions to replicate other communities. In other words, it requires coalitions of groups of law enforcement officers to get together and do some of the things that have been done in other communities where they apparently have had good results.

Then we have seen research amendments with regard to crime in schools, establishing of hotlines, and increasing the penalties for various things. We have extended, by amendment, the 1994 crime bill that will spend about \$31 billion over the next 5 years. This bill does all of these things.

Mr. President, it is a tremendous conglomeration of grants and programs and mandates, whereby we spend additional billions of dollars on matters that are being, or should be, covered by State and local laws, or that should be handled by local governments—such things that would be anticrime measures, tough on crime measures; or we are dealing with areas in which we really don't know what we are doing, with all due respect, as a Federal Gov-

ernment. With that, I am referring to basically prevention programs.

Basically, what we try to do is either get tough on crime programs, increasing penalties, and federalizing additional offenses, on the one hand, or coming in with prevention programs designed to reach young people before they get in trouble. Both are laudable goals. But not too long ago, I chaired the Youth Violence Juvenile Justice Subcommittee of the Judiciary Committee. We had extensive hearings. It is a subject that we are all concerned about. We are looking for solutions. I came away with the distinct feeling and impression that we need to concentrate more on research and evaluation of the underlying problems of juvenile violence. There is no question but that these are deep-rooted, social, complex problems about which we know very little.

I believe there is one thing the Federal Government does probably better than anybody else, and that is research and evaluation. We have the resources and we can get the capability and we can make the long-term commitment if we desire to come up with evaluation programs over a period of time to really determine what kind of programs work. We spend all of this money, we put forth all of these programs, and we really have no idea what is working.

We have 132 Federal criminal juvenile justice programs on the books today. I daresay we have very little idea what is really working and what is not working. We have another tragedy, so we double the money with regard, in many instances, to the same programs we have already.

Professor Alfred Blumstein was a witness before our committee. He is a professor at Carnegie-Mellon University. He talked about the research and evaluation that was needed. You could not listen to him without coming away with a certain feeling of humility about how little we know regarding this matter. He said:

The last 25 years has seen a considerable accumulation of research findings and insights that were not available earlier. Those research findings, however, reflect only a tiny portion of what we need to know to make effective policy and operational decisions in each of the many areas relating to juvenile violence.

He said:

There have been some evaluations of various kinds of rehabilitation programs, and these are encouraging, but we have very little in the way of evaluation of prevention programs. This is partly because so little has been done, but also because it is very difficult to measure the effects of programs whose effects may not be observed for a decade or more.

In other words, what he is saying is, in order to have an evaluation of a research program worth its salt, we need to set it up for a decade or more.

He goes on to say:

... Thus, while it is clear that much important research has been conducted over the past decade, it is also clear that we are still at an extremely primitive stage of

knowledge regarding violence, especially for directing focused action, and that much more still needs to be done.

He says:

... we need much more and better information on the development and the nature of criminal careers ...

He goes on and on and says:

... The major growth in juvenile violence is not only of concern itself, but it is symptomatic of many key aspects of juvenile development that need major attention. The knowledge base to address these issues is remarkably thin in terms of knowing how best to intervene in these developmental processes.

So, Mr. President, instead of passing additional laws, additional get-tough-on-crime measures, instead of establishing a Federal entity that is sufficiently funded where there is a commitment over many, many years, instead of focusing on research and evaluation before we go about implementing these policies, we are now coming up with the same old responses that we have had in the past.

In this bill, there is some research and evaluation provisions that I think are very good; in fact, some of the things we worked on in times past when I was on the Judiciary Committee. But it is minuscule in comparison to what we need. Research and evaluation programs are scattered out among the States, a little bit here and there. We need a long-term Federal commitment in the one area where the Federal Government does it best—for research and evaluation of programs. We can see what works—which of these 132 Federal programs are working—and then be a clearinghouse for State and local governments so they can get the benefit of that knowledge, and they can go back and implement their own programs, instead of us instituting all of these grants and all of these programs directing States to do some things, and encouraging States to do other things, thinking that we have answers that we do not have. We are getting the cart before the horse because of the tragic circumstances we are faced with.

We know now that some of these programs are very questionable in terms of results.

The DARE program, the GREAT program, some of the mentoring programs—we simply know that in some cases there is absolutely no objective data that indicates they are doing any good, and in some cases there is expert testimony that in fact they are doing some bad things.

We cannot sit up here and have things occur to us that sound good to us and assume they are going to work out in real life. That is how we got the airbags that killed children. That is how we got the program of asbestos removal that we now know was the wrong way to go about that problem. We need to have a little humility as we approach this problem.

We encourage things. There are some amendments, such as counseling programs for juvenile violence in schools,

and so forth. I understand they have a gymnasium full of counselors out there in Colorado now that people are not using. We encourage boot camps for juveniles as adults when we know now that in some cases juveniles treated as juveniles will get more than they do being treated as adults.

We want to pass additional gun laws. Every State in the Union has laws against children taking guns to school. We came in and overlaid that with Federal law that made it a Federal offense for kids to take guns to school. Now we have State laws and a Federal law.

Now we have had a tragedy. And goodness knows what the next batch of laws will be that portend to address this.

When I see statements made that by this bill we are giving our children back their childhood, or we are empowering parents to be decent parents, it concerns me that we may really believe that, because we do not have that ability, we do not have that power, we do not have that knowledge, or know-how.

What is the underlying philosophy for Federal involvement in this area, or Federal control in some cases? Is it expertise? Do we have more expertise on the Senate floor than out among the State and local people who deal with this problem every day?

I doubt it, because we keep coming up with the same old programs and adding one every once in a while. We have the waterfront covered as far as programs are concerned. I can't think of a program that has not been covered or funded in some way.

Is it because we have the money? Well, yes. We do have the money, because more and more we are depriving States and local governments of their sources of revenue, bringing it to Washington, then doling it back to them and telling them how to spend it, as if we knew.

In this bill we have \$450 million for juvenile accountability block grants, \$75 million for juvenile criminal history upgrades, \$200 million for challenge grants, \$200 million for JJDPa prevention grants, \$40 million for the National Institute for Juvenile Crime Control and Prevention, of which \$20 million would go to evaluation research, \$20 million for gang programs, \$20 million for the demonstration programs, \$15 million for mentoring programs.

I defy anyone to point out to me which one of these programs is working or not working of the ones that we already have on the books that basically track these same kinds of efforts.

Is the federalization of this matter because the problem is bigger and, therefore, we have to address it? I don't think that is the case. We continue to federalize matters that are so insignificant that we don't even prosecute them once they get on the books.

We now have Federal laws with regard to animal enterprise terrorism, theft of livestock, and odometer tampering. There has been a total of four

prosecutions nationwide for all three of those acts.

Now we have a horrendous incident out in Colorado, which disturbs all of us. But the fact of the matter is that less than 1 percent of youth homicides occur in schools.

Deaths by homicide is the second leading cause of deaths among children, second to accidents. And much of that has to do with driving while intoxicated and things of that nature.

Mr. President, the 10th amendment was put in the Constitution for a reason. The Federal Government ought to do the things the Federal Government is good at and leave the States alone to do the things the Constitution gives them under the Constitution. There is no plenary Federal law enforcement power under the Constitution.

We think we have a good result up here with a program in Boston, or wherever, so that we want to authorize the Attorney General to go in and put that program in other places. If it were a good program, logic would extend it to every place in the country, which means a Federal police power. And we do not want that.

We held federalism hearings the other day. We had a consensus from Democrats and Republicans, liberals and conservatives, law enforcement officers and defense lawyers. And they are all concerned about the trend toward federalizing what essentially have been State and local matters for more than 200 years.

There were 1,000 bills introduced in the 105th Congress. A lot of them had to do with juvenile crimes. No one knows actually how many Federal crimes are on the books now; the statutes are so complicated. Some people say 3,000. But with the administrative regulations, and so forth, there are thousands and thousands of statutes and regulations that have criminal consequences. That is the wrong direction.

The Federal Government should cover things in the Federal criminal law that have to do with Federal people or property, and interstate transactions that are truly interstate. Local corruption conflicts, litigation of civil rights, and things of that nature; that is, the law enforcement side of the equation, that is the equation that the State and local governments have the responsibility for. If we take that away from them, either in one fell swoop or gradually, they will do a worse job of it in the future instead of a better job.

On the prevention side, especially with regard to juveniles, let us have a little modesty and acknowledge that we do not know the answers to these problems. Some of them we will never know. They are complex. They are inherent societal problems that we did not get into overnight; we will not get out of them overnight.

But I would suggest again that instead of spending these billions of dollars—literally billions of dollars on top of billions of dollars—on programs

about which we have no idea of their efficacy, what is working and what is not working, let's scale that way back and put some money up here for some long-term research and evaluation for over a decade or so, so we can really tell what works. Let us be a clearing-house and an example then for the States. We don't have to dole out the money to them or suggest that they do this program or that program when we don't know what we are doing. They can see what works and what doesn't work.

On the grounds of the Federal Government properly doing what it should be doing, letting the States do their traditional job under the Constitution, and, second, on the grounds of a little bit of modesty in terms of crime prevention—and that is where it is as far as these juveniles are concerned, on the prevention side—we have to get to these kids earlier. But the fact of the matter is, we are scattered to the four winds, throwing billions of dollars at a problem without knowing what the solution is.

There is only one way that I see we can go, and that is more research for Federal evaluation and research, and in the meantime let's hold our horses and not respond to the headlines—the most difficult thing in the world to do. But by getting out front and pretending we can do things we can't do, we are setting the cause back; we are not advancing it.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, thank you very much.

I was listening to my good friend from Tennessee talking about what we need to do, that we need to give more time for research and evaluation of where we are in terms of violence among young people in this country.

Quite frankly, I would invite our colleagues and Members of Congress—Members of the Senate in this instance—to look at what has happened up in my own home city of Boston, MA, in recent years.

In Boston, Mr. President, we have had a dramatic strengthening of various gun laws in recent years, stricter enforcement of existing laws, and the implementation of very important programs in terms of help and assistance for the students, the teachers, and the parents, and the schools. We have had the community police men and women working in the schools, working with the superintendents, working with the parents, working with the children.

There has been the development of support groups for the children. There has been the development of violence prevention and mediation programs; an important 2 to 6 program; an after-school program which is so important

in terms of helping and assisting children in the afternoon with their various academic endeavors so when the children do go home in the late afternoon and see their parents—in most situations both of whom have been working hard—they will have quality time with them.

It is an effective approach. We are not here to suggest this will be the only approach. I am not here to suggest that there shouldn't be additional reviews or studies. But as we look at the various challenges we are facing today, we shouldn't just throw up our hands and say because there are so many things to do, we can't do anything at all. There are important things that we can do.

The Senate has made some judgments on some of those recommendations—those which have been offered by Senator ROBB, Senator LEAHY, and others during the course of the last day or so. Now we are beginning a debate on another, I think, extremely important provision. That is the accessibility and the availability of these weapons, particularly to children, in our society.

It is uncontroversial that various societies that deny easy access and easy availability of these weapons do not have the kind of homicide records we have seen in the United States. Industrial nations that have strict restrictions on the access and availability of weapons see a fraction of the number of homicides that we have seen. There is a direct correlation. We have seen that ourselves over the years.

We have had leadership from our colleagues, including Senator FEINSTEIN, Senator LAUTENBERG, and others here on the development and the support of the Brady bill. We have made important progress. In my own State of Massachusetts, we have made significant progress in a variety of ways regarding gun laws.

This chart describes firearm homicides by all ages in recent years in Boston. We see the dramatic reduction: 1993, 65; 1994, 62; 1995, 64; 1999, 4. It seems to me it would be worthwhile to look and listen to those who are out there in the streets, in the schools, in law enforcement, who have witnessed this kind of result. We hear a great deal of postulating and theorizing about what may be done or what should be done, but we have a very practical example in this chart of what has been done and what is being done. So far in this particular year, with 128 schools, we have not had a single homicide in Boston, MA.

The school lots of the city of Boston were fire zones, not too many years ago, but we have made important progress. One of the most important reasons is the gun laws that have been passed.

The age for juvenile possession of handguns in Massachusetts is 21—it is 18 nationwide—but it is 21 in my State of Massachusetts. We enacted the cap

law, a law that says we are going to hold individuals who have weapons in their homes responsible, so that there will be a separation of the gun from the ammunition. We hear a great deal of talk about the second amendment, about responsible Americans. We say that is fine; we will hold you responsible. You are going to store your gun separate from your ammunition. If you don't and there is a crime, we are holding you responsible.

That has had an important impact. There have been 16 States that have adopted similar laws, and we are beginning to see important progress made.

In Massachusetts, we have a waiting period for handgun purchases. We have a State ban on all assault weapons, and we have yet to hear from any hunters that they need to have assault weapons to go out in the woods and hunt deer. We have effectively halted all assault weapons, and that has been an important addition.

We have barred private sales of guns between individuals avoiding, circumventing the background checks.

We have insisted we will have safety locks on the guns that are sold in Massachusetts. We have the technology for a gun safety lock to prevent children up to maybe 4 years of age from pulling the trigger of a handgun. Why aren't we putting those requirements into the legislation?

We have important, strict, provisions in terms of reporting stolen weapons.

Those are the kinds of measures we have passed in Massachusetts. I don't see how anyone can make the case that they provide much hindrance to individuals who want to exercise their right to go out and hunt. I don't see how those measures inhibit that opportunity.

We are seeing, not only in the city of Boston, similar results in other cities around our Commonwealth. Something is working; something is happening. We are saying, let us try to find what is working, what is happening, what is tried and tested. We are not going to solve all of the problems, but we are going to reduce the number of youth homicides. We can see very clearly from this chart we are talking about 15, 20, 30, 40, 50, 60 children who are alive today that would not be alive, I daresay, unless those steps had been taken. These are positive bottom-line results.

We are going to see various amendments offered by Members on this side of the aisle—whether it is the Lautenberg amendment on the gun shows; whether it is the Durbin amendment; or whether it will be Senator BOXER and Senator FEINSTEIN offering amendments that have been along the lines of what has been proven and tested here. And I doubt very much we will have much success.

The American people ought to pay close attention to this debate. We will have votes this afternoon. And hopefully, we will have the important votes on these issues tomorrow. We need to

listen to the American people on these issues. We are talking not just about a policy on education. We are not talking about a health policy. We are not talking about an environmental policy. We are not talking about a defense policy. We are talking about whether there are steps that can be taken, by this body, that will make a difference in terms of the lives of children in our society.

We can do it. We demonstrated it. We should do it. And we ought to be able to accept it here in the Senate during the course of this debate.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont, Mr. LEAHY, is to be recognized for 35 minutes.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I know we are going to have a series of votes in a short while. I would like to speak about one of them, amendment No. 332, introduced by the distinguished Senator from Idaho, Mr. CRAIG. I have heard of the emperor not having clothes, but this amendment has no clothes.

This is an amendment that speaks about controlling gun sales at gun shows, auctions or out of the back of your truck or whatever, and we are going to put some controls on it. We are going to put some controls on for background checks, but only if the person who opens the back of his trunk to sell these guns "desires to have access to the national instant check system." Of course, if he doesn't want to, he can keep right on selling the guns, no checks, nothing. I am not that great at driving a truck, but I could drive an 18-wheeler through that hole.

Then it has a whole lot of civil liabilities in here for certain future Federal firearm violations. But then there is probably the best sweetheart deal I have ever seen. It dismisses pending actions from any Federal or State court for gun dealers. It gives blanket immunity. This amendment might cover a State or a city, Attorney General or anybody else who sued a gun dealer and dismiss the case. Not even a TV judge could throw it out that easy, but this amendment could. It is not clear from its drafting who is covered by this immunity section of the amendment.

I do not know why we do not amend it. I am sure there are some around here, because of their ties with the tobacco industry, who would like to do that for the tobacco industry. Can you imagine if anybody brought up a piece of legislation that said we will, by this amendment, remove all liability on tobacco suits? They would be laughed out of here. It would be a front-page story in the paper. Suppose somebody came in and said, I want to throw a little amendment in here to do away with suits against toxic waste sites. People would be calling up, saying, what, did you get a PAC contribution from Polluters, Incorporated?

I have seen some remarkable amendments. I commend the distinguished

Senator. He has very strong feelings about guns and he has concerns about any limitations on them. But this is remarkable.

I keep a file of extraordinary things I have seen during my 25 years here. This will go in the file. To put in an amendment, not even debate this line, but to say, anybody who has a suit against a gun dealer or perhaps a gun manufacturer, it might be thrown out. No hearings. No debate. Nothing. But the Senate has thrown it out. In fact, this section is just titled "Immunity." That is pretty amazing. It says:

A qualified civil liability action pending under the date of enactment of this subsection shall be dismissed immediately by the court.

Man, every defendant is going to be rushing into court if we pass this, saying, I am home free. I get out of jail. I do not have to pass "go." I do get to collect the \$200.

Mr. President, every Senator who votes for this is voting to override the courts of their State. They are voting to override the municipalities of their State. They are voting to override the legislature of their State. They are voting to override the Attorney General of their State. They are voting on suits they have not even seen, to just throw them out of court. I have been here long enough to know special interest legislation makes it to the floor of the Senate, but this may be the all-time king.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, we now have 25 minutes left. There are a few people who would still like to speak, especially the distinguished Senator from Alabama, in response to Senator KENNEDY and his conclusions. I ask unanimous consent to yield 3 minutes to the distinguished Senator from Alabama, and then immediately thereafter call up the Hatch-Leahy Internet screening amendment.

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

Mr. SESSIONS. Mr. President, I thank the Senator for his leadership on this. I say to the Senator from Massachusetts, the Boston project has been a very successful project and contrary to his understanding of our legislation, it does model itself after the key successes of the Boston project. I have had members of my staff visit Boston. The number of murders and decline in crime have been remarkable. It is driven, if you talk to the people there, by a coordinated effort by the entire community, really led by the judiciary, the courts, the police and the probation officers.

When judges give a young person probation in Boston, if he is a member of a gang and he is supposed to be in at 7 o'clock at night, a probation officer, along with a uniformed policeman, will go out at night, knock on the door and make sure he or she is home. This is not being done anyplace else in America.

They are taking these young people seriously. They are following up. Judges and parole officers in Boston have the capacity to discipline them through detention facilities and other forms of discipline if they violate their probation, which most juvenile judges do not.

The whole purpose, what we are doing here, is to try to empower other court systems in America to do the same type of innovative research. In fact, our bill, on page 230, requires this coordinated local effort, which was the key to Boston and several other cities which are making progress in juvenile crime.

This requires, prior to receiving a grant under this section, that

... a unit of local government shall certify that it has or will establish a coordinated enforcement plan—

That is what they have in Boston.

for reducing juvenile crime within the jurisdiction of the unit of local government developed by a juvenile crime enforcement coalition, such coalition consisting of individuals within the jurisdiction representing police, sheriff, the prosecutor, State or local probation services, juvenile court, schools, business, and religious affiliated, fraternal, nonprofit and social service organizations involved in crime prevention.

So I say to the Senator from Massachusetts, this is what we are doing here. The key to the success of the Boston project, in my opinion, is a coordinated effort among Federal, State and local agencies under the jurisdiction of the court and probation officer, who actually monitors young people who started to be involved in violations of the law, with an intense interest, an intense interest borne out of love and concern, to insist that they stop their bad activities and, in fact, return to the rule of law.

If we do that effectively, I do believe we have the capacity to reduce crime in America.

I yield the remainder of my time to Chairman HATCH.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 335

(Purpose: Relating to the availability of Internet filtering and screening software)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. LEAHY, proposes an amendment numbered 335.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 265, below line 20, add the following:

SEC. 402. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of en-

tering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term "Internet service provider" means a "service provider" as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

Mr. HATCH. Mr. President, I am pleased to offer this next amendment along with Senator LEAHY, my friend and colleague, which I have developed with the distinguished ranking member of the Judiciary Committee, Senator LEAHY. This amendment is largely aimed at limiting the negative impact to children from violence and indecent material on the Internet.

At the outset, let me note this amendment does not regulate content. Instead, it encourages the larger Internet service providers to provide, either

for free or at a fee not exceeding the cost to the ISP, the Internet service provider, filtering technologies that would empower parents to limit or block access of minors to unsuitable material on the Internet.

We cannot place all the blame for today's culture of violence on the Internet. But we also cannot ignore the fact that this powerful new medium has the ability to expose children to violent, sexually explicit, and other inappropriate materials with no limits, not even the time-of-broadcast limits that are currently imposed on television broadcasters. Indeed, a recent Time/CNN poll found that 75 percent of teens aged 13 to 17 believed the Internet is partly responsible for crimes like the Columbine High School shootings.

This amendment respects the first amendment of the Constitution by not regulating content, but ensures that parents will have the adequate technological tools to control the access of their children to unsuitable material on the Internet.

Let me say that many Internet subscribers already have such tools provided to them free of charge. For example, the largest Internet service provider currently provides its 17 million subscribers with such filtering technology as part of their standard service.

I honestly believe that other ISPs, or Internet service providers, who do not already provide filtering software to their subscribers will do so voluntarily. They will know it is in their best interests and that the market will demand it. That is why this amendment will not go into effect if, within 3 years, the service providers end up offering such technologies voluntarily.

This is what we would like to do. We think it is a fair amendment. We think it is something that should be done, and we think responsible Internet service providers should be willing to do this, and I am very, very pleased to offer this with my esteemed colleague who has worked very, very hard on all software Internet issues.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I appreciate the generous comments of the Senator from Utah. This can be propounded later on, but we will be voting on this one tomorrow. I ask unanimous consent it be in order to ask for the yeas and nays on this amendment, the Lautenberg, the Craig, and the Brownback amendments at this point.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I move to table the Lautenberg amendment.

Mr. LEAHY. Mr. President, first, on the Hatch-Leahy Internet amendment,

let me just say I have worked on a number of these issues with the distinguished Senator from Utah. I think this is one that should get very broad support in this body.

I have talked for years about how we should allow the users of the Internet to control limited access to objectionable material that can be found on line. Anybody with any kind of ability at all can find objectionable material on line. It fits the standard of objectionable by any of us in this body. Some of it is disgusting and obscene and nothing I would want even my adult children to see.

But there is also a lot of amazing and wonderful material in this relatively new communication medium when you can go on the Internet and see people exploring in Antarctica or on Mount Everest, or see surgery being performed experimentally, or talk with astronauts on our space shuttle. These are the wonderful things on line and should be encouraged.

What worries me is when Congress tries to regulate content on the Internet. I have opposed that. For example, I was against the Communications Decency Act, eventually found unconstitutional by the Supreme Court. The law was passed with the best of intentions. It was done to protect children from indecent on-line materials, something all of us as parents want to do. It did it by empowering the Government and was, thus, unconstitutional.

What we should do is empower individual users and parents to decide what material is objectionable. This belongs to parents and users. Also, it brings parents and their children closer together if they actually work together and look at what is on the Internet.

The amendment Senator HATCH and I have offered will require large on-line service providers to offer subscribers filtering software systems that will stop material parents find objectionable from reaching their computer screen.

I am supportive of voluntary industry efforts to provide Internet users with one-click-away resources on how to protect their children as they go on line. Senator CAMPBELL, the distinguished Senator from Colorado, and I joined the Vice President at the White House just last week to hear about this One Click Away Program. Vice President GORE, Senator BEN NIGHTHORSE CAMPBELL, I, and others across the political spectrum joined together to say this is something parents want, need, and can use.

Our amendment promotes the use of filtering technologies by Internet users. It is a far better, more constitutional alternative to Government censorship. I commend the distinguished Senator from Utah. I appreciate working with him on this. While I realize we will not vote on this one until tomorrow morning, I look forward to joining the distinguished Senator from Utah and encourage all Senators of both parties to vote for it.

Mr. President, I yield to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am honored to have my colleague work with me on this. It always makes me feel good when we work together on these matters. This is an important issue, and since one ISP, or Internet service provider, already provides these services as a matter of course, it seems to us it is not asking too much for others to do so. If they do not want to do it without cost, then they should not charge more than what the actual costs are, which is what this amendment does.

Do we have the yeas and nays on this amendment, Mr. President?

The PRESIDING OFFICER. We do.

Mr. HATCH. I ask unanimous consent that this amendment be put over and set aside until tomorrow morning, to be voted on at 9:40 in the morning with at least 6 minutes divided equally between the Senator from Vermont and the Senator from Utah for final debate.

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

Mr. HATCH. As I understand it, we are coming in at 9:30 a.m., so we have allowed for the prayer and 6 minutes for the distinguished Senator from Vermont and the Senator from Utah. Of course, if the majority leader wants to change the times—I understand the 9:30 time is all right with the majority leader, but if he wants to change it, we will be glad to do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I see the distinguished Senator from Kansas is here. I understand he is prepared to go forward. There is 5 minutes to be equally divided between him and whoever decides to speak on the minority side. I suggest we go ahead and be prepared to vote.

The PRESIDING OFFICER. Does the Senator have a unanimous consent request?

Mr. HATCH. I ask unanimous consent that we proceed at this time on the three amendments and the three votes, with the 5 minutes equally divided for each one.

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

The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you very much.

AMENDMENT NO. 329

Mr. BROWNBACK. Mr. President, as the vote nears on the amendment that I have proposed, along with the chairman and Senator LIEBERMAN and a

number of others—and I will be asking for a recorded vote—I thank them for their work on this issue. The chairman has done tireless work in trying to do things to clean up the culture, and also in this juvenile justice bill to address issues here which I think are critically important. Senator MCCAIN, with his leadership on the Commerce Committee, has elevated the issues, as well as Senator LIEBERMAN in his work, and Senator SESSIONS as well.

I also note the addition of Senator KENT CONRAD as an original cosponsor of this amendment, and I appreciate all of his support.

There has been much discussion today about the causes and cures of youth violence. As I have noted before, I do not believe my amendment—this amendment—is a panacea for all that ails us, but it is a modest and necessary first step towards encouraging a sense of corporate responsibility among some of the most powerful corporations in the world—corporations with incredible access to the minds of young people—and towards gaining a better understanding of the impact of cultural influences on youth violence.

I firmly believe that youth violence is not merely, or even primarily, a public policy problem; it is a cultural and a moral problem.

We live in a society, unfortunately, that glorifies violence. Popular culture is awash in violence. It is glorified in gangsta rap songs, glamorized in movies with vigilante heroes, and simulated in numerous video games. Violence, carnage, destruction and death is presented not as a horror but as entertainment for our young people—young people whose minds, hearts, moral sense, manners, behavior, convictions, and conscience are still being developed.

Recently, the Pope denounced what he called a “culture of death,” a culture that rewards the producers of violent entertainment with lucrative contracts and critical acclaim, celebrates the casual cruelty and consequence-free violence depicted in movies and music, that markets the simulation of mass murder in games that were sold to children. His remarks should give us much to think about. This is not something we can fix with legislation, but it should be raised and discussed and seriously considered, not only on the floor of the Senate, but in homes, studios, and corporate boardrooms across America.

Nothing in this amendment curtails freedom of expression in any way. It does not restrict the entertainment industry in any way. Rather, it gives entertainment companies more freedom, enabling—not requiring but enabling—they to enter into a voluntary code of conduct. Such a code would spell out what the company standards are, what products they would be putting forward, and would set a line that the industry would say below this we will not go, and say that to the public.

This amendment also provides for further studies on the impact and mar-

keting of violent entertainment. We need to know more, and we need to start now. The first step towards addressing problems is to accurately define them.

Mr. President, I say, in conclusion on this amendment, we are here today saying that it is time to address this. It is time for us to step forward and be serious about it. It is time for us to renew the culture in America. This amendment is a first step.

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

Mr. BROWNBACK. I will ask for the yeas and nays at the appropriate time on this amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mrs. FEINSTEIN. Mr. President, for 7 years now as a member of the Senate Judiciary committee I have watched the situation in this nation going from bad to worse to terrible with respect to violence and its glorification in the media.

I am voting for this amendment because I believe it gives the various industries what they need to be able to establish voluntary guidelines through a voluntary “code of conduct” to limit the depictions of violence in music, films, video games or television.

This amendment provides the entertainment industry with an exemption from antitrust laws in order to develop and disseminate voluntary codes of conduct with respect to violence, similar to the National Association of Broadcasters television code prior to 1983, when a court held the code violated antitrust laws.

Additionally, the Justice Department and the Federal Trade Commission will be directed to conduct a joint investigation of the marketing practices used by the makers of video games, music and motion pictures to determine whether they engage in deceptive marketing practices, including directly targeting material to minors, which is unsuitable for minors.

Furthermore, the National Institutes of Health will be directed to conduct a study of the effects of violent video games and music on child development and youth violence, examining whether and to what extent such violence affects the emotional and psychological development of juveniles and whether it contributes to juvenile delinquency and youth violence.

The glorification of violence in the media has reached such an extent that a manufacturer of interactive computer games to young people advertises: “Kill your friends, guilt free.”

With such messages of death and degradation delivered through the media, and with our nation awash with guns easily accessible to young people, is it any surprise that troubled youths are now taking up these weapons and going on rampages, killing their classmates and teachers?

The latest of these tragedies occurred in Littleton, Colorado, where Eric Harris spent hours and hours playing vio-

lent computer games like Doom and Quake, featuring the wholesale slaughter of digital enemies before joining his friend Dylan Klebold in killing 12 other students and a teacher.

Isn't it time, at the very least, that the manufacturers of video games, television programs, motion pictures and music acknowledge the impact on young people of the carnage they promulgate and demonstrate through a voluntary code of conduct some willingness to limit the violence?

Isn't it time that the entertainment industry does its best to discourage the production and promotion of gratuitous, simulated death and destruction that all too often triggers real and terrifying acts of violence by our young people?

Isn't it time that we in Congress direct the Justice Department and the Federal Trade Commission to investigate whether deceptive marketing practices are being employed to target minors?

Isn't it time that we in Congress direct the National Institutes of Health to study the effect of these violent video games and music on our young people?

Isn't it time that we do everything we can to stop tragedies like Littleton from happening again?

Mr. KOHL. Mr. President, today I rise to cosponsor this measure, which aims to provide us with a better understanding of how violence in our culture is marketed to children and encourage industry to take self-regulatory steps to reduce this violence. Just as important, it will help us determine whether the video game industry is breaking its promise and targeting ultraviolent games to minors.

Mr. President, as we look to find meaning—or to develop policy—in the wake of the Littleton tragedy, it is clear that there's no single answer as to how we can prevent such a terrible event from happening again. Indeed, throughout my time in the Senate, I've worked very hard for a comprehensive approach: Prevention programs for at-risk kids, laws that try to restrict minors from getting handguns, strong punishments for folks who use guns to commit a crime and for truly violent juveniles, and reasonable restrictions on providing inappropriate information to children. My sense is that by the time we complete action on this juvenile justice bill, many of these issues will be addressed in productive, bipartisan ways.

But one part of this comprehensive approach that I'll focus on today is the marketing of violence to children, especially in ultraviolent video games. Senator LIEBERMAN and I have worked very hard on this issue for quite some time, and we've made some progress since we first held joint hearings on the video game industry back in 1993. Since then, the industry has rated all games, giving parents a far better sense of what they are buying for their kids. Recently, though, we have seen

some disturbing signs of "backsliding," especially on enforcement of the ratings system.

Let me give you just a few examples. The Interactive Digital Software Association—which represents video game manufacturers—has an Advertising Code of Conduct that says, "Companies should not specifically target advertising to [underage] consumers." But the companies who produce games like "Duke Nukem" and "Resident Evil"—both rated "M" for age seventeen and up—sell action figures from their games at Toys-R-Us to much younger children.

That is not only wrong, it is unacceptable.

Make no mistake about it: Though these games are for adults, the manufacturers are marketing to our kids. That's why we think an FTC/DOJ study—one that separates out the bad actors from the good ones and gives this disturbing trend the scrutiny it deserves—is not just an appropriate response, it is also a timely one. And while the evidence is much clearer with respect to video games than other forms of entertainment, what harm can there be in a study? It might just prove some folks in the industry are doing a good job.

Mr. President, this amendment also includes an antitrust exemption for the entertainment industry so its members can collaborate on a "code of conduct" and how best to implement the various ratings systems. It is not entirely clear that the industry actually needs this "safe harbor," but again, there is no harm to reenacting and expanding Senator SIMON's measure.

Of course, Mr. President, these measures are certainly no panacea—no law can be. But they each represent a small step that we in Congress can take as our national community gains a better understanding of what kind of violent images our children face today and what effect it is having on them. For if we do not take the time to learn more about the root causes of youth violence and, instead, blindly make scapegoats out of games or artists or movies we simply don't like, we might as well know nothing at all. Thank you.

Mr. LEAHY. Mr. President, I understand the thrust of what the distinguished Senator from Kansas wishes to do. I am inclined to agree with him.

I am worried that his amendment may be creating not just one, but two antitrust exemptions in the bill. I do not want, nor do I expect that he would want to create unnecessarily large loopholes in our antitrust laws.

I will support his amendment so we can go on to conference with it, because what he is trying to accomplish is something I think the majority of us here in this Senate would want to accomplish. I suggest that the distinguished Senator, between the time this bill leaves the Senate and goes to conference, may want to work with the distinguished Senator from Utah and myself to make sure that we do not

create an antitrust exemption that goes beyond what the distinguished Senator wishes to accomplish.

I am not suggesting such an expertise in antitrust law that I could tell him precisely how we might do that, but there are a couple red flags here. My recommendation is that we pass the amendment, but then that the three of us, and any other Senators who may be interested, may want to look at it closely to make sure that it is drafted, one, to accomplish exactly what all of us want to accomplish, but, two, not to raise an antitrust problem in another area.

With that, Mr. President, I am perfectly willing to yield back the remainder of my time, if there is any time on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 329. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—98

Abraham	Enzi	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Murkowski
Bennett	Graham	Murray
Biden	Gramm	Nickles
Bingaman	Grams	Reed
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Hagel	Roberts
Brownback	Harkin	Rockefeller
Bryan	Hatch	Roth
Bunning	Helms	Santorum
Burns	Hollings	Sarbanes
Byrd	Hutchinson	Schumer
Campbell	Hutchison	Sessions
Chafee	Inhofe	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	

NOT VOTING—2

Inouye Moynihan

The amendment (No. 329) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. ASHCROFT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, parliamentary inquiry: My understanding is the Lautenberg amendment is next and there are 5 minutes to be equally divided before I make a motion to table.

The PRESIDING OFFICER. There are 5 minutes equally divided prior to the motion to table.

Mr. LEAHY. Mr. President, I don't believe the time should start until the Senate is in order. The Senator from New Jersey is entitled to be heard.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Jersey is recognized.

AMENDMENT NO. 331

Mr. LAUTENBERG. Mr. President, my amendment is pretty simple. It does nothing more than close a loophole—that exists at gun shows—from the Brady law. The loophole allows criminals, children, and other prohibited persons to purchase guns at gun shows without a background check, without giving them a name, without giving them an address. Just take it away. Pay your money and take your gun.

Some people may be surprised to hear you can walk into a show, put your money on the table, walk away with a shotgun, semiautomatic, handgun or any other deadly weapon that you want to get your hands on. It is an unacceptable condition. We have to insist that all gun purchases at gun shows go through the background checks that a gun store has to have or that any federally licensed gun dealer will have to have.

Law-abiding citizens have nothing to fear from this amendment. They can buy a gun to the limits already established. All they have to do is consent to an instant background check which takes only minutes. This won't inconvenience. It will save lives and reduce injuries.

This isn't a time for partisan politics. Our country has seen too much gun violence. If we reflect a little bit, see what happened in Colorado. Understand that at Columbine High School those guns traveled their way through gun shows to get into the hands they did. Too many parents have seen their children killed. Too many families have been torn with grief as they understand what has happened to a child—unbelievably, in a school.

Let us work together. I plead with my colleagues, let us pass this measure. Who does it hurt? It doesn't hurt anybody and it may save someone. Let's make it harder for young people and criminals to gain access to guns.

I think we are reaching a consensus on this issue. There is a broad range of bipartisan support for closing the gun show loophole. An extraordinary alliance supports closing the gun loophole, including gun dealers, law enforcement, Republicans, Democrats, the Bradys.

I hope we can come together, pass this amendment, and show the American people that Democrats and Republicans alike, the gun industry, law enforcement and handgun control, can put partisan politics aside and pass this commonsense legislation.

Mr. CRAIG. Mr. President, you are being asked to table the Lautenberg amendment and to vote up or down on the Craig amendment.

There are very real differences in these two amendments. First of all, there are 40,000 gun laws spread across America. There are 5,000 gun shows and 5 million people attending them on a regular basis.

The question is, Is there a loophole in the law through which illegal activity is going on? If the 1986 gun act is right—that many of you voted on—that says that private citizens have the right to engage in legal transactions, then there is no loophole. In fact, this Justice Department says that less than 2 percent of the guns found in criminal use were sold at gun shows.

What do we do about it? There were 20 laws broken in Littleton, CO. Many people are dead. Laws were broken and now people are being arrested for having violated those laws.

What I offer is a reasonable way to begin to shape gun shows and allow law-abiding citizens the right of access to the FBI instant check system so if they are engaged in the sale of a gun they can make sure that they are safe in that sale. Therefore, we provide an instant check capability at a gun show.

What the Senator from New Jersey did not say is if you are selling at a gun show and you are a licensed dealer, you already come under Federal law. No child, no juvenile walks into a gun show and buys a gun. It is against the law in this country and it is against the law in every State. Nothing should be represented to say anything different. That is the law.

There is a 40-percent sale at a gun show between private citizens, private citizens who are protected under the 1986 gun act who do not engage in gun sales for business purposes.

The Senator from New Jersey goes on to say when two people meet and there are 50 guns present and they exchange a gun, that is a gun show. You have a lot of friends and neighbors that are gun collectors and all of a sudden they find themselves libel.

He also goes on to say promoters must register. Who is a promoter? How about the Marriott Hotel across the street from the convention center of the gun show that has a sign on the marquee; "Gun sales. People attending the gun show stay here." Is that a promotion?

I don't know how to define that definition.

These are the realities of the issues we deal with. I have a much more aggressive, voluntary approach that rapidly begins to tighten down while at the same time protecting the civil liberties of our citizens.

Mr. HATCH. I move to table the amendment.

The PRESIDING OFFICER (Mr. ABRAHAM). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 331. The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—51

Abraham	Enzi	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Baucus	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cleland	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Coverdell	Jeffords	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
Domenici	Mack	Thurmond

NAYS—47

Akaka	Feingold	Lincoln
Bayh	Feinstein	Lugar
Biden	Fitzgerald	Mikulski
Bingaman	Graham	Murray
Boxer	Harkin	Reed
Breaux	Hollings	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
DeWine	Landrieu	Voinovich
Dodd	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Edwards	Lieberman	

NOT VOTING—2

Inouye Moynihan

The motion was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to table was agreed to.

AMENDMENT NO. 332

The PRESIDING OFFICER (Mr. ABRAHAM). There now are 5 minutes equally divided on the Craig amendment.

Who seeks recognition?

Mr. HATCH. Will either side object to yielding back the time so everybody can vote?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. LEAHY. The Senate is not in order.

The PRESIDING OFFICER. Will Senators please take their conversations off the floor of the Senate.

The Senator from Vermont.

Mr. LEAHY. I thank the Chair.

Mr. President, I have spoken earlier about this. The Craig amendment, as drafted, dismisses pending and future lawsuits against some firearms dealers. And I say "some," because the way it is drafted it is not clear, but it throws out State court cases, Federal court cases, gives blanket immunity. I think that goes to such special interests on gun legislation that we ought to reject it, even in this setting.

I yield the remainder of our time to the Senator from New York.

Mr. SCHUMER. I thank the Senator for yielding.

It is unfortunate we could not take this step forward on the Lautenberg amendment. Let me just inform my colleagues that the Craig amendment would not be a status quo amendment, but it would be a big step back, for three reasons.

One was mentioned by Senator LEAHY, that it would exempt certain people—it is unclear who—from liability. No. 2, it expands the pawn shop loophole. The law now is if you are a criminal, you have to get a background check when you redeem your gun at a pawn shop. Under the Craig amendment, that background check would be erased—no check.

And most significantly of all, the Craig amendment repeals a significant portion of the 1968 gun control act. Right now, if you are a licensed Federal firearms dealer, you can only sell guns at your licensed premises or at a gun show in your State. Under the Craig amendment, you could go anywhere in the country and sell your gun. It is a significant step backward.

I had hoped the Senate would take what would be, in my judgment, a step forward on Lautenberg. But please let us not take a step backward, which we would be doing if we voted for this amendment.

I yield back my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we have to deal with the facts and we have to deal with what is in print. Is there a liability exemption? Yes. If you are a new registrant, and you do a background check, and you play by the rules at a gun show, or if you are a new licensed dealer at a gun show, those are the incentives to get there. We are not exempting anybody. What we are saying, by definition—on page 14 it clearly spells out what a qualified civil liability action is.

What the Senator from New York just said is not true. I have not changed any Federal law except to deal with gun shows. I am sorry he has misinterpreted it that way. You cannot have it both ways. If you are a registered firearms dealer, and a Federal dealer, you have to meet those standards and qualifications. You do not ramble around the country. You do not do interstate sales. That is against the law. And he knows it.

But what we are saying, to encourage background checks, to encourage participation at a gun show—under the legal status now, remember, these guns that are sold by individuals without background checks are legal under the law, but we want to tighten it up. So we say, we will protect your liability, not your negligence but your liability, if you get a license and become registered and do background checks and keep a record.

And if you choose not to do that, but you still want to protect yourself, we are putting a new registrant in each gun show qualified by the ATF and the FBI, and you walk over to them and say: I want to sell gun "X" to person "Y." Run a background check on them to find out if they are a legal citizen. That is the new law. That is the incentive.

If you believe in the right of free citizens to own a gun, but you want to create incentives to create the kind of thing we are talking about here, then you vote for this amendment. But you do not change the law; you do not create interstate trafficking. That is against the law now, and it will always be.

I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The Senator from Utah.

Mr. HATCH. I ask unanimous consent that immediately following this vote, Senator THURMOND be recognized for up to 5 minutes for debate and Senator HOLLINGS then be recognized as under the previous order for up to 30 minutes under his control for debate on his TV violence amendment.

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

Mr. HATCH. In light of this agreement, there will be no further votes today. The first vote tomorrow will be at 9:40 a.m.

The PRESIDING OFFICER. The question is on agreeing to the Craig amendment No. 332. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting the Senator from New York (Mr. MOYNIHAN) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—53

Abraham	Cleland	Frist
Allard	Cochran	Gorton
Ashcroft	Collins	Gramm
Bennett	Coverdell	Grams
Bond	Craig	Grassley
Brownback	Crapo	Gregg
Bunning	DeWine	Hagel
Burns	Domenici	Hatch
Campbell	Enzi	Helms

Hutchinson	McConnell	Snowe
Hutchison	Murkowski	Specter
Inhofe	Nickles	Stevens
Jeffords	Roberts	Thomas
Kyl	Santorum	Thompson
Lott	Sessions	Thurmond
Lugar	Shelby	Voinovich
Mack	Smith (NH)	Warner
McCain	Smith (OR)	

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Fitzgerald	Mikulski
Bingaman	Graham	Murray
Boxer	Harkin	Reed
Breaux	Hollings	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee	Kerry	Roth
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2

Inouye Moynihan

The amendment (No. 332) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I thank my able colleague for yielding me this time.

I am very pleased that we are considering S. 254, Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act. This legislation is badly needed to help states effectively confront youth crime and violence.

The recent murders in Littleton, Colorado were random and senseless acts of violence. There are no Federal laws, including the bill we are considering here, that would have prevented this terrible tragedy. However, the events there highlight the importance of having an effective policy to deter and combat youth crime and violence. Children aged 15 to 19 committed over 20 percent of all crime in 1997, including 20 percent of all violent crime. America must have safe schools where students can learn, and this bill is part of this Congress' efforts to help families and communities provide this security.

The states have responsibility over almost all juvenile offenders, and this legislation provides hundreds of millions of dollars to assist states in their efforts. In part, it contains flexible block grants to help states hold violent juveniles accountable for their actions. The money can be used for a wide variety of initiatives according to the needs of the states, including drug testing, boot camps, and detention facilities. It also encourages states to implement graduated sanctions for young offenders. This early intervention with appropriate penalties at the first signs of trouble is essential to deterring more serious crime down the road.

Further, the bill provides almost an equal amount of money, over \$400 mil-

lion, that can be used for prevention programs. Indeed, the key feature of S. 254 is that it provides a balance between prevention and accountability. While prevention is important, it is not alone the solution to violent criminal activity.

During the consideration of this bill, there will probably be more discussion about gun laws. This legislation takes a responsible, reasoned approach in this regard, prohibiting someone who commits a violent felony as a juvenile from possessing firearms. Gun control is not the solution to America's crime problem.

Before we take a reactive approach to putting more Federal gun laws on the books, we should consider whether the laws we already have are being adequately enforced. My Subcommittee on Criminal Justice Oversight in the Judiciary Committee recently held a joint hearing with the Youth Violence Subcommittee on gun prosecutions in the Justice Department. We discovered that gun prosecutions during the Clinton administration have declined considerably from the Bush administration. Unfortunately, the Clinton administration is just beginning to take notice of programs, modeled after Bush administration successes, which aggressively prosecute the gun laws already on the books. In Richmond, Virginia, a concerted effort to enforce gun laws has reduced violent crime almost 40 percent. The Congress is working to expand successes such as this into other cities.

Mr. President, it is time for the Congress to address violent crime committed by young people, and S. 254 represents the most comprehensive Federal effort to address this problem in American history. I hope we can work together to enact this critical legislation.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized for up to 30 minutes.

AMENDMENT NO. 328

(Purpose: To amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. DORGAN, Mr. KOHL, Mr. INOUE, and Mr. BYRD, proposes an amendment numbered 328.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

TITLE —CHILDREN'S PROTECTION FROM VIOLENT TELEVISION PROGRAMMING**SEC. —01. SHORT TITLE.**

This title may be cited as the "Children's Protection from Violent Programming Act".

SEC. —02. FINDINGS.

The Congress makes the following findings:

- (1) Television influences the perception children have of the values and behavior that are common and acceptable in society.

- (2) Broadcast television, cable television, and video programming are—

- (A) pervasive presences in the lives of all American children; and

- (B) readily accessible to all American children.

- (3) Violent video programming influences children, as does indecent programming.

- (4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

- (5) Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

- (6) Children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

- (7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

- (8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

- (9) Because some programming that is readily accessible to minors remains unrated and therefore cannot be blocked solely on the basis of its violent content, restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve a compelling governmental interest.

- (10) Warning labels about the violent content of video programming will not in themselves prevent children from watching violent video programming.

- (11) Although many programs are now subject to both age-based and content-based ratings, some broadcast and non-premium cable programs remain unrated with respect to the content of their programming.

- (12) Technology-based solutions may be helpful in protecting some children, but may not be effective in achieving the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has in fact been rated for violence.

- (13) Technology-based solutions will not be installed in all newly manufactured televisions until January 1, 2000.

- (14) Even though technology-based solutions will be readily available, many consumers of video programming will not actually own such technology for several years and therefore will be unable to take advantage of content based ratings to prevent their children from watching violent programming.

- (15) In light of the fact that some programming remains unrated for content, and given that many consumers will not have blocking technology in the near future, the channeling of violent programming is the least restrictive means to limit the exposure of children to the harmful influences of violent programming.

- (16) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, are unable to supervise their chil-

dren's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solution, or are unable to determine the content of those shows that are only subject to age-based ratings.

SEC. —03. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute any violent video programming to the public during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term violent video programming'.

"(c) ENFORCEMENT.—

"(1) CIVIL PENALTY.—The Commission shall impose a civil penalty of not more than \$25,000 on any person who violates this section or any regulation promulgated under it for each such violation. For purposes of this paragraph, each day on which such a violation occurs is a separate violation.

"(2) LICENSE REVOCATION.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

"(3) LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

"(d) DISTRIBUTE DEFINED.—In this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite."

SEC. —04. SEPARABILITY.

If any provision of this title, or any provision of an amendment made by this title, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this title or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. —05. EFFECTIVE DATE.

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section—03 of this title) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

Mr. HOLLINGS. Mr. President, I understand in the debate on this par-

ticular amendment I can have a V-chip device. I ask unanimous consent that I may have that on the floor during the debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOLLINGS. As I understand it from the managers of the bill, on the 3-hour agreement, we are to be allocated 1½ hours per side, with me introducing the particular amendment tonight and using a half hour. I ask the Chair to call my hand at 15 minutes, because I have divided that time with the Senator from North Dakota, Senator DORGAN.

The PRESIDING OFFICER. The Senator will be so informed.

Mr. HOLLINGS. I appreciate that very much.

Mr. President, this is a historic moment for this Senator and the Senate in that I hearken back to 1969, 30 years ago, when the senior Senator from Rhode Island, Senator Pastore, raised the question of violence on television and the deleterious effect it had on children and their particular conduct. After much wrangling and debate, it was forestalled for what? A Surgeon General's report. Mind you me, this is 30 years ago. I say "historic" because the stonewalling has been going on for 30 years.

Mr. President, I refer to the Sunday program of "Meet the Press" when my distinguished friend, Mr. Jack Valenti of the Motion Pictures Association, was being interviewed by Tim Russert.

I refer exactly to Mr. Russert's question:

Do you believe that movies can create a sense of violence in people and force them to imitate or copy what they see on the screen, particularly children?

In response, Mr. Valenti said:

The answer is I don't know. This is why I've supported Senator Joe Lieberman's call for the surgeon general to do an in-depth analysis to find out the "why" of violence.

Thereupon, of course, my distinguished friend, Mr. Valenti, went into his dog and pony show of the church, the home, and the school.

Now, there it is, Mr. President. For 30 years, we have been trying to get a measure of this kind up, and it was reported out with only one dissenting vote from the Commerce Committee in the congressional session before last, and again with only one dissenting vote, in a bipartisan fashion, in the last Congress. But we couldn't get it up because they have been very clever about their opposition, their stonewalling, their put-off.

Right to the point, Mr. President, we have done everything possible to show that this particular amendment would pass constitutional muster with all the hearings. There have been some 18 sets of hearings in the Commerce Committee over the 30-year period, with the support of the Parent-Teacher Association, the American Medical Association, the American Psychological Association, and different other ones,

according to this kind of action, with the industry putting in its report, with the cable television people sponsoring it, and finding the same conclusion in here just last year—and with, of all things, the put-off that we had under the leadership of Senator Paul Simon of Illinois. He said the industry ought to be able to get together. But they couldn't on account of the antitrust laws. He wanted to lapse those antitrust laws for a period of time so they could get together and form a code of conduct.

They issued that code of conduct. Of all things, Mr. President, they have been ever since in violation of it.

But I want to refer to the bill itself, and exactly what it does in the sense of having a precedent set, and the idea of TV indecency. We had indecency on TV. It was bothersome to all of the colleagues on both sides of the aisle. We passed a law that the FCC should determine indecency and call the stations' hands if they saw that being violated. Obviously, that thing was taken up immediately under the First Amendment of the Constitution and in the Supreme Court. They found it constitutional.

Incidentally, in the hearings that we had back a few years ago, we had none other than Attorney General Reno attest to the fact that this particular amendment that I now submit would pass constitutional muster. The amendment prohibits the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

That is tried and true. We know in the United Kingdom, France, Belgium, countries in Europe, and down under in Australia, that they have had this safe harbor during a period of time, say, from 9 in the morning until 9 in the evening. I think under the indecency one, it is from 6 in the morning until 10 in the evening. But it is to be determined by the Federal Communications Commission.

Under that safe harbor, they are not shooting each other in the schools in Europe. They are not shooting each other in the schools in Australia. It is tried and true. It has been working. And the issue has been taken up to the highest court and found constitutional.

The FCC is required to define "violent programming" and determine the appropriate timeframe for the safe harbor.

The bill permits the FCC to exempt news and sports programming from the safe harbor, as well as premium and pay-per-view cable programming.

Incidentally, the emphasis is on gratuitous—excessive, gratuitous violence.

Obviously, with the Civil War series, with "Saving Private Ryan," they are going to require a showing of violence for the authenticity of the film itself. That is not what we are really concerned with. Those are educational, and everyone should know about them, including children. But we are talking

about gratuitous violence not being necessary, and even excessive gratuitous violence.

We have legislated in the matter of public interest, after hearings in all of these committees. We have the most restrictive application under the decisions of the Court with respect to the FCC making its findings. Violators of the prohibition would be fined up to \$25,000 for each violation on each day on which a violation occurs. The FCC would revoke the licenses of repeat violators of this prohibition. In considering license renewals, the FCC would consider a licensee's record of compliance with the legislation.

Why, Mr. President, the big objection?

We go back. I counsel my friend, Mr. Valenti, to get the three-volume set of "The History of Broadcasting of the United States," the Oxford Press.

I will turn to that first chapter talking about, in 1953, where we had the film "Man Against Crime." I read from page 23, a quote that the writers received for this plot instruction. I think it is very, very important that everybody pay attention to this one. I quote:

It has been found that we retain audience interest best when our story is concerned with murder. Therefore, although other crimes may be introduced, somebody must be murdered, preferably early, with the threat of more violence to come.

Could there be any better evidence than their writing of their own history of broadcasting to say: Look, the issue here is money. As long as it is going to be supported and, more so, supported with violence, then more money is made. And let's get up to the Congress.

I sort of became amused about these term limitations. We have up here. I am in my 33rd year. We are finally getting the measure that Senator Pastore had in mind when he was put off with the Surgeon General study, which was formulated finally in 1972.

Mr. President, I ask unanimous consent to have printed in the RECORD the summary of that Surgeon General report.

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

TELEVISION AND GROWING UP: THE IMPACT OF TELEVISION VIOLENCE

SUMMARY OF REPORT TO THE SURGEON GENERAL, U.S. PUBLIC HEALTH SERVICE FROM THE U.S. SURGEON GENERAL'S SCIENTIFIC ADVISORY COMMITTEE ON TELEVISION AND SOCIAL BEHAVIOR, 1972

The work of this committee was initiated by a request from Senator John O. Pastore to Health, Education, and Welfare Secretary Robert H. Finch in which Senator Pastore said:

"I am exceedingly troubled by the lack of any definitive information which would help resolve the question of whether there is a causal connection between televised crime and violence and antisocial behavior by individuals, especially children. . . . I am respectfully requesting that you direct the Surgeon General to appoint a committee comprised of distinguished men and women from whatever professions and disciplines deemed appropriate to devise techniques and

to conduct a study under this supervision using those techniques which will establish scientifically insofar as possible what harmful effects, if any, these programs have on children."

* * * * *

Effects on aggressiveness: Evidence from experiments

Experiments have the advantage of allowing causal inference because various influences can be controlled so that the effects, if any, of one or more variables can be assessed. To varying degrees, depending on design and procedures, they have the disadvantages of artificiality and constricted time span. The generalizability of results to everyday life is a question often not easily resolvable.

Experiments concerned with the effects of violence or aggressiveness portrayed on film or television have focused principally on two different kinds of effects: *imitation* and *instigation*. Imitation occurs when what is seen is mimicked or copied. Instigation occurs when what is seen is followed by increased aggressiveness.

Imitation: One way in which a child may learn a new behavior is through observation and imitation. Some 20 published experiments document that children are capable of imitating filmed aggression shown on a movie or television screen. Capacity to imitate, however, does not imply performance. Whether or not what is observed actually will be imitated depends on a variety of situational and personal factors.

No research in this program was concerned with imitation, because the fact that aggressive or violent behavior presented on film or television can be imitated by children is already thoroughly documented.

Instigation. Some 30 published experiments have been widely interpreted as indicating that the viewing of violence on film or television by children or adults increases the likelihood of aggressive behavior. This interpretation has also been widely challenged, principally on the ground that results cannot be generalized beyond the experimental situation. Critics hold that in the experimental situation socially inhibiting factors, such as the influence of social norms and the risk of disapproval or retaliation, are absent, and that the behavior after viewing, through labeled "aggressive," is so unlike what is generally understood by the term as to raise serious questions about the applicability of these laboratory findings to real-life behavior.

The research conducted in this program attempted to provide more precise and extensive evidence on the capacity of televised violence to instigate aggressive behavior in children. The studies variously involve whole television programs, rather than brief excerpts; the possibility of making constructive or helping, as well as aggressive, responses after viewing; and the measurement of effects in the real-life environment of a nursery school. Taken as a group, they represent an effort to take into account more of the circumstances that pertain in real life, and for that reason they have considerable cogency.

In sum. The experimental studies bearing on the effects of aggressive television entertainment content on children support certain conclusions. First, violence depicted on television can immediately or shortly thereafter induce mimicking or copying by children. Second, under certain circumstances television violence can instigate an increase in aggressive acts. The accumulated evidence, however, does not warrant the conclusion that televised violence has a uniformly adverse effect nor the conclusion that it has an adverse effect on the majority of children.

It cannot even be said that the majority of the children in the various studies we have reviewed showed an increase in aggressive behavior in response to the violent fare to which they were exposed. The evidence does indicate that televised violence may lead to increased aggressive behavior in certain subgroups of children, who might constitute a small portion or a substantial proportion of the total population of young television viewers. We cannot estimate the size of the fraction, however, since the available evidence does not come from cross-section samples of the entire American population of children.

The experimental studies we have reviewed tell us something about the characteristics of those children who are most likely to display an increase in aggressive behavior after exposure to televised violence. There is evidence that among young children (ages four to six) those most responsive to television violence are those who are highly aggressive to start with—who are prone to engage in spontaneous aggressive actions against their playmates and, in the case of boys, who display pleasure in viewing violence being inflicted upon others. The very young have difficulty comprehending the contextual setting in which violent acts are depicted and do not grasp the meaning of cues or labels concerning the make-believe character of violence episodes in fictional programs. For older children, one study has found that labeling violence on a television program as make-believe rather than as real reduces the incidence of induced aggressive behavior. Contextual cues to the motivation of the aggressor and to the consequences of acts of violence might also modify the impact of televised violence, but evidence on this topic is inconsistent.

Since a considerable number of experimental studies on the effects of televised violence have now been carried out, it seems improbable that the next generation of studies will bring many great surprises, particularly with regard to broad generalizations not supported by the evidence currently at hand. It does not seem worthwhile to continue to carry out studies designed primarily to test the broad generalization that most or all children react to televised violence in a uniform way. The lack of uniformity in the extensive data now at hand is much too impressive to warrant the expectation that better measures of aggression or other methodological refinements will suddenly allow us to see a uniform effect.

Effects on aggressiveness: Survey evidence

A number of surveys have inquired into the violence viewing of young people and their tendencies toward aggressive behavior. Measures of exposure to television violence included time spent viewing, preference for violent programming, and amount of viewing of violent programs. Measures of aggressive tendencies variously involved self and others' reports of actual behavior, projected behavior, and attitudes. The behavior involved varied from acts generally regarded as heinous (e.g., arson) to acts which many would applaud (e.g., hitting a man who is attacking a woman).

All of the studies inquired into the relationship between exposure to television violence and aggressive tendencies. Most of the relationships observed were positive, but most were also of low magnitude, ranging from null relationships to correlation coefficients of about .20. A few of the observed correlation coefficients, however, reached .30 or just above.

On the basis of these findings, and taking into account their variety and their inconsistencies, we can tentatively conclude that there is a modest relationship between expo-

sure to television violence and aggressive behavior or tendencies, as the latter are defined in the studies at hand. Two questions which follow are: (1) what is indicated by a correlation coefficient of about .30, and (2) since correlation is not in itself a demonstration of causation, what can be deduced from the data regarding causation?

Correlation coefficients of "middle range," like .30, may result from various sorts of relationships, which in turn may or may not be manifested among the majority of the individuals studied. While the magnitude of such a correlation is not particularly high, it betokens a relationship which merits further inquiry.

Correlation indicates that two variables—in this case violence viewing and aggressive tendencies—are related to each other. It does not indicate which of the two, if either, is the cause and which the effect. In this instance the correlation could manifest any of three causal sequences:

- That violence viewing leads to aggression;
- That aggression leads to violence viewing;
- That both violence viewing and aggression are products of a third condition or set of conditions.

The data from these studies are in various ways consonant with both the first and the third of these interpretations, but do not conclusively support either of the two.

* * * * *

General implications

The best predictor of later aggressive tendencies in some studies is the existence of earlier aggressive tendencies, whose origins may lie in family and other environmental influences. Patterns of communication within the family and patterns of punishment of young children seem to relate in ways that are as yet poorly understood both to television viewing and to aggressive behavior. The possible role of mass media in very early acquisition of aggressive tendencies remains unknown. Future research should concentrate on the impact of media material on very young children.

As we have noted, the data, while not wholly consistent or conclusive, do indicate that a modest relationship exists between the viewing of violence and aggressive behavior. The correlational evidence from surveys is amenable to either of two interpretations: that the viewing of violence causes the aggressive behavior, or that both the viewing and the aggression are joint products of some other common source. Several findings of survey studies can be cited to sustain the hypothesis that viewing of violent television has a causal relation to aggressive behavior, though neither individually nor collectively are the findings conclusive. They could also be explained by operation of a "third variable" related to preexisting conditions.

The experimental studies provide some additional evidence bearing on this issue. Those studies contain indications that, under certain limited conditions, television viewing may lead to an increase in aggressive behavior. The evidence is clearest in highly controlled laboratory studies and considerably weaker in studies conducted under more natural conditions. Although some questions have been raised as to whether the behavior observed in the laboratory studies can be called "aggressive" in the consensual sense of the term, the studies point to two mechanisms by which children might be led from watching television to aggressive behavior: the mechanism of imitation, which is well established as part of the behavioral repertoire of children in general; and the mechanism of incitement, which may apply only to those children who are predisposed to be susceptible to this influence. There is some evidence that incitement may follow

nonviolent as well as violent materials, and that this incitement may lead to either prosocial or aggressive behavior, as determined by the opportunities offered in the experiment. However, the fact that some children behave more aggressive in experiments after seeing violent films is well established.

The experimental evidence does not suffer from the ambiguities that characterize the correlational data with regard to third variables, since children in the experiments are assigned in ways that attempt to control such variables. The experimental findings are weak in various other ways and not wholly consistent with one study to another. Nevertheless, they provide suggestive evidence in favor of the interpretation that viewing violence on television is conducive to an increase in aggressive behavior, although it must be emphasized that the causal sequence is very likely applicable only to some children who are predisposed in this direction.

Thus, there is a convergence of the fairly substantial experimental evidence for short-run causation of aggression among some children by viewing violence on the screen and the much less certain evidence from field studies that extensive violence viewing precedes some long-run manifestations of aggressive behavior. This convergence of the two types of evidence constitutes some preliminary indication of a causal relationship, but a good deal of research remains to be done before one can have confidence in these conclusions.

The field studies, correlating different behavior among adolescents, and the laboratory studies of the responses by younger children to violent films converge also on a number of further points.

First, there is evidence that any sequence by which viewing television violence cause aggressive behavior is most likely applicable only to some children who are predisposed in that direction. While imitative behavior is shown by most children in experiments on that mechanism of behavior, the mechanism of being incited to aggressive behavior by seeing violent films shows up in the behavior only of some children who were found in several experimental studies to be previously high in aggression. Likewise, the correlations found in the field studies between extensive viewing of violent material and acting in aggressive ways seem generally to depend on the behavior of a small proportion of the respondents who were identified in some studies as previously high in aggression.

Second, there are suggestions in both sets of studies that the way children respond to violent film material is affected by the context in which it is presented. Such elements as parental explanations, the favorable or unfavorable outcome of the violence, and whether it is seen as fantasy or reality may make a difference. Generalizations about all violent content are likely to be misleading.

Thus, the two sets of findings converge in three respects: a preliminary and tentative indication of a causal relation between viewing violence on television and aggressive behavior; an indication that any such causal relation operates only on some children (who are predisposed to be aggressive); and an indication that it operates only in some environmental contexts. Such tentative and limited conclusions are not very satisfying. They represent substantially more knowledge than we had two years ago, but they leave many questions unanswered.

Some of the areas on which future research should concentrate include: (1) Television's effects in the context of the effects of other mass media. (2) The effects of mass media in the context of individual developmental history and the totality of environmental influences, particularly that of the home environment. In regard to the relationship between

televised violence and aggression, specific topics in need of further attention include: predispositional characteristics of individuals; age differences; effects of labeling, contextual cues, and other program factors; and longitudinal influences of television. (3) The functional and dysfunctional aspects of aggressive behavior in successfully adapting to life's demands. (4) The modeling and imitation of prosocial behavior. (5) The role of environmental factors, including the mass media, in the teaching and learning of values about violence, and the effects of such learning. (6) The symbolic meanings of violent content in mass media fiction, and the function in our social life of such content.

Mr. HOLLINGS. Mr. President, a reading of that report will show a definite causal connection between TV violence and aggressive behavior on the part of children. Time and time again it was shown.

But let me go to the next put-off that we had with my good friend, Senator Paul Simon.

I knew they had somebody to stop me here in the early 1990s.

He got his measure passed. So we couldn't get our bill up for a vote. We had then a finding of standards for the "Depiction of Violence in Television Programming" issued by ABC, CBS, and NBC in December 1992.

Mr. President, I ask unanimous consent to have this printed in the RECORD.

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

APPENDIX B. STANDARDS FOR THE DEPICTION OF VIOLENCE IN TELEVISION PROGRAMS
(Issued by ABC, CBS, and NBC—December 1992)

PREFACE

The following standards for the Depiction of Violence in Television Programs are issued jointly by ABC, CBS, and NBC Television Networks under the Antitrust Exemption granted by the Television Violence Act of 1990.

Each network has long been committed to presenting television viewers with a broad spectrum of entertainment and information programming. Each Network maintains its own extensive published broadcast standards governing acceptability of both program (including on-air promotion) and commercial materials.

These new joint standards are consistent with each of the Network's long-standing preexisting policies on violence. At the same time they set forth in a more detailed and explanatory manner to reflect the experience gained under the preexisting policies. While adopting and subscribing to these joint Standards, each Network will continue the tradition of individual review of material, which will necessitate independent judgments on a program-by-program basis.

The standards are not intended to inhibit the work of producers, directors, writers, or to impede the creative process. They are intended to proscribe gratuitous or excessive portrayals of violence.

In principle, each of the ABC, CBS, and NBC Television Networks is committed to presenting programs which portray the human condition, which may include the depiction of violence as a component. The following Standards for the Depiction of Violence in Television Programs will provide the framework within which the acceptability of content will be determined by each Network in the exercise of its own judgment.

STANDARDS FOR DEPICTION OF VIOLENCE IN TELEVISION PROGRAMS

These written standards cannot cover every situation and must, therefore, be worded broadly. Moreover, the Standards must be considered against the creative context, character and tone of each individual program. Each scene should be evaluated on its own merits with due consideration for its creative integrity.

(1) Conflict and strife are the essence of drama and conflict often results in physical or psychological violence. However, all depictions of violence should be relevant and necessary to the development of character, or to the advancement of theme or plot.

(2) Gratuitous or excessive depictions of violence (or redundant violence shown solely for its own sake), are not acceptable.

(3) Programs should not depict violence as glamorous, nor as an acceptable solution to human conflict.

(4) Depictions of violence may not be used to shock or stimulate the audience.

(5) Scenes showing excessive gore, pain, or physical suffering are not acceptable.

(6) The intensity and frequency of the use of force and other factors relating to the manner of its portrayal should be measured under a standard of reasonableness so that the program, on the whole, is appropriate for a home viewing medium.

(7) Scenes which may be instructive in nature, e.g., which depict in an imitable manner, the use of harmful devices or weapons, describe readily usable techniques for the commission of crimes, or show replicable methods for the evasion of detection or apprehension, should be avoided. Similarly, ingenious, unique, or otherwise unfamiliar methods of inflicting pain or injury are unacceptable if easily capable of imitation.

(8) Realistic depictions of violence should also portray, in human terms, the consequences of that violence to its victims and its perpetrators. Callousness or indifference to suffering experienced by victims of violence should be avoided.

(9) Exceptional care must be taken in stories or scenes where children are victims of, or are threatened by acts of violence (physical, psychological or verbal).

(10) The portrayal of dangerous behavior which would invite imitation by children, including portrayals of the use of weapons or implements readily accessible to this impressionable group, should be avoided.

(11) Realistic portrayals of violence as well as scenes, images or events which are unduly frightening or distressing to children should not be included in any program specifically designed for that audience.

(12) The use of real animals shall conform to accepted standards of humane treatment. Fictionalized portrayals of abusive treatment should be strictly limited to the legitimate requirements of plot development.

(13) Extreme caution must be exercised in any themes, plots, or scenes which mix sex and violence. Rape and other sexual assaults are violent, not erotic, behavior.

(14) The scheduling of any program, commercial or promotional material, including those containing violent depictions, should take into consideration the nature of the program, its content and the likely composition of the intended audience.

(15) Certain exceptions to the foregoing may be acceptable, as in the presentation of material whose overall theme is clearly and unambiguously anti-violent.

Mr. HOLLINGS. I thank the Chair.

I will read just one sentence, being limited in time here.

All depictions of violence should be relevant and necessary to the development of character or to the advancement of theme or plot.

Mr. President, that is exactly what we have in the law. We have the opponents agreeing to this particular amendment. Of course not. They will have Members move to table the amendment.

I am trying to plead for favorable consideration. All we are doing is what the industry—ABC, CBS, NBC—issued to themselves in their own code of conduct.

I read:

Gratuitous or excessive depictions of violence are not acceptable.

Exactly what we are saying in this amendment.

Again I read:

Programs should not depict violence as glamorous.

That is exactly what we found last year in the National Television Violence Study. This study is too voluminous to print in the RECORD. It is what they found in the cable TV-sponsored study with the most outstanding authorities imaginable conducting this study. Various campuses were represented, as I recall. Included were the Society for Adolescent Medicine, the National Cable Television Association, the American Psychiatric Association, Producers Guild of America, American Sociological Association, the Caucus for Producers and Writers, the American Bar Association. They say it is too glamorous.

I ask unanimous consent to have those names in support printed in the RECORD.

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

NATIONAL TELEVISION VIOLENCE STUDY
COUNCIL MEMBERS

Trina Menden Anglin, M.D., Ph.D., Society of Adolescent Medicine.

Decker Anstrom (Ex Officio), National Cable Television Association.

Char Beales, Cable and Telecommunications: A Marketing Society.

Darlene Chavez, National Education Association.

Belva Davis, American Federation of Television and Radio Artists.

Carl Feinstein, M.D., American Psychiatric Association.

Charles B. Fitzsimons, Producers Guild of America.

Carl Gottlieb, Writers Guild of America, West.

Felice Levine, Ph.D., American Sociological Association.

Ann Marcus, Caucus for Producers, Writers and Directors.

Virginia Markell, National Parent Teacher Association.

Robert McAfee, M.D., American Medical Association.

E. Michael McCann, American Bar Association.

Gene Reynolds, Directors Guild of America.

Donald F. Roberts, Ph.D., International Communication Association.

Don Shifrin, M.D., American Academy of Pediatrics.

Barbara C. Staggers, M.D., M.P.H., National Children's Hospital Association.

Brian L. Wilcox, Ph.D., American Psychological Association.

Roughly three-quarters of all violent scenes showed no remorse or penalty for violence.

These are the things, excessive gratuitous violence, that the industry agrees with in their code, but they continue to violate.

That is why I say this is a historic moment, to get a measure that the best of minds have said is what is needed. Otherwise, the industry associates—writers, producers and everyone else—follow exactly what they found in the history of broadcasting in the 1950s, 40-some years ago, that violence pays.

I retain the remainder of our time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. I thank the Senator from South Carolina for raising a number of important issues concerning the quality of TV programming and other programming.

I remember very distinctly a number of years ago I was watching when the Pope came to California and in Hollywood met with top executives. He met with them, encouraged them, and urged them to do a better job, and to start to clean up some of the things being shown on television.

When the program was over, they came out to the TV cameras. They interviewed each one of these executives and asked what happened, and what they thought. They said the Pope had made a number of very important suggestions that deserved great consideration and they thought they could make some progress toward his goals.

Charlton Heston came out. They asked: Mr. Heston, what do you think? Mr. Heston, do you think things will get better? Mr. Heston said: If the Lord himself were speaking to them, they wouldn't change. The only thing they are looking at is the rating.

Since then, things have continued to get worse. I have always remembered that. I think it is fair to say that violence apparently pays. They are looking for ratings and money. It does leave us with a difficult question of what we can do to make this a healthier society, a society that is better for raising children.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

NATO'S MISTAKEN BOMBING OF THE CHINESE EMBASSY IN BELGRADE

Mr. MCCAIN. Mr. President, all Americans were disturbed and very sorry about NATO's mistaken bombing

of the Chinese embassy in Belgrade. The President has apologized to the Chinese people, and it was, of course, appropriate for him to do so. I think it is also right that those responsible for this tragic error are held accountable for their mistake. I know that neither apologies nor other responses will alleviate the suffering of those who lost loved ones in the bombing. But America does sincerely regret what happened, and as inadequate as that might be to a grieving parent or spouse or friend, it will have to be enough for the Government of China.

It is outrageous that Beijing would claim, suggest or even hint to the Chinese people that the bombing was intentional. It was a mistake and the leaders of China know that. They do us and themselves a great disservice by pretending otherwise. States that aspire to be great powers should not indulge paranoid delusions as a means of motivating their people. The political consequences are seldom predictable or as easy to manage as they might have anticipated.

America and China have a complex, important, and very consequential relationship that will, in large part, shape the history of the next century. That relationship should not be jeopardized as cavalierly as Beijing has allowed it to be jeopardized over these last few days.

China must cease immediately fueling anti-Americanism and tolerating the attacks it engendered on our embassy and on Americans in China. China should cease immediately its calumnies against the United States. America is a just power, and the greatest force for good on Earth. A very regrettable accident does not change that historical fact, and Beijing knows it. Finally, China should cease immediately to threaten the other elements of our relationship, be they human rights discussions, anti-proliferation cooperation or trade agreements. A sound bilateral relationship is a vital interest for both of us, and, indeed, for the world. Both countries' leaders must conduct themselves with that priority in mind at all times.

China should accept our apology confident that it is sincere, and begin to play a constructive role in helping to persuade Milosevic that he must accede to the just demands of humanity, and the, I hope, nonnegotiable demands of NATO.

Terrible things happen in war. People often make bad mistakes in the fog of battle. That is why decent people try to avoid resolving their differences by force of arms. But that is not always possible. The enemy of peace and justice in the Balkans, Milosevic and his regime, are not decent people. They are the cause of this war, and, thus, are ultimately responsible for the tragedy that occurred last week, and the suffering of the people of Serbia. Furthermore, the calamity that Serbia is now experiencing, as awful as it is, in no way approximates the scale of the hor-

ror that has been visited on the Kosovars. Let us be clear about that, Mr. President. Should Mr. Milosevic observe the most basic standards of human decency no bombs would fall anywhere in the Balkans.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 11, 1999, the federal debt stood at \$5,575,359,326,029.03 (Five trillion, five hundred seventy-five billion, three hundred fifty-nine million, three hundred twenty-six thousand, twenty-nine dollars and three cents).

One year ago, May 11, 1998, the federal debt stood at \$5,487,765,000,000 (Five trillion, four hundred eighty-seven billion, seven hundred sixty-five million).

Five years ago, May 11, 1994, the federal debt stood at \$4,575,659,000,000 (Four trillion, five hundred seventy-five billion, six hundred fifty-nine million).

Ten years ago, May 11, 1989, the federal debt stood at \$2,765,542,000,000 (Two trillion, seven hundred sixty-five billion, five hundred forty-two million).

Fifteen years ago, May 11, 1984, the federal debt stood at \$1,480,589,000,000 (One trillion, four hundred eighty billion, five hundred eighty-nine million) which reflects a debt increase of more than \$4 trillion—\$4,094,770,326,029.03 (Four trillion, ninety-four billion, seven hundred seventy million, three hundred twenty-six thousand, twenty-nine dollars and three cents) during the past 15 years.

THE GREAT APE CONSERVATION ACT OF 1999

Mr. JEFFORDS. Mr. President, yesterday I introduced a bill to assist in the preservation of the great apes. The bill, the "Great Ape Conservation Act of 1999", is modeled after the highly successful African and Asian Elephant Conservation Acts, and the Rhinoceros and Tiger Conservation Act. It will authorize up to \$5 million per year to fund various projects to aid in the preservation of the endangered great apes.

Great ape populations currently face many threats, including habitat loss, population fragmentation, live capture, and hunting for the bushmeat trade. Of all these threats, the danger posed by the increasing bushmeat trade is the most severe. This trade is being facilitated by the construction of in-roads to logging areas, which allows once remote forests to be linked directly with urban markets.

Chimpanzees, gorillas, and bonobos, once hunted sustainably, now face population destruction due to increased illegal trade, powerful weapons, and high market prices. This consumption of ape meat not only threatens ape populations, but poses severe health risks to humans. Human contraction of many viruses, including the Human Immunodeficiency Virus (HIV) has