

(b) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.—In compiling data and assessing trafficking for the State Departments Annual Human Rights Report and the report referred to in subsection (a), United States mission personnel shall consult with human rights and other appropriate nongovernmental organizations, including receiving reports and updates from such organizations, and, when appropriate, investigating such reports.

SEC. 06. PROTECTION OF TRAFFICKING VICTIMS.

The PRESIDING OFFICER. The Senator from Vermont.

JUVENILE JUSTICE BILL

Mr. LEAHY. Mr. President, we have an adage: Where there is a will, there is a way. Often that seems to embody how legislation is passed by this Congress. Of course the question always is what is the will, and what is the way? We should look no further than the priority being put on two separate pieces of legislation: S. 254, the juvenile justice bill, and H.R. 775, the Y2K bill. If one looks at that, one sees how the will and the way work around here.

The Hatch-Leahy juvenile justice bill, S. 254, passed the Senate after 2 weeks of open debate, after a number of votes, and after significant improvements on May 20. The Senate passed it by a strong bipartisan vote of 73-25.

On June 17, the other body passed its version of this legislation but chose not to take up the Senate bill and insert its language, which is the standard practice. Nor has the Republican leadership in the House made any effort to seek a House-Senate conference or appoint conferees.

When there are differences in legislation passed by each House, the normal order is for House and Senate conferees to work these differences out in conference, but we cannot do that unless they appoint conferees.

The majority in the other body is taking a break even before our July 4 recess. They are taking no steps to proceed to conference on the juvenile justice bill or toward the appointment of conferees. Indeed, despite statements by the Speaker of the House earlier this week, the House majority leader is now reported to be planning to delay the completion of this bill for months. This delay is costing us valuable time in getting this juvenile justice legislation enacted before school resumes this fall. This is just plain wrong.

Every parent in this country is concerned this summer about school violence over the last two years and worried about the situation they will confront this fall. Each one of us wants to do something to stop this violence. There is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. It is unfortunate that the majority is not moving full speed ahead to seize this opportunity to act on balanced, effective juvenile justice legislation.

We should not repeat the delays that happened in the last Congress on the juvenile justice legislation. In the 105th Congress, the Senate Judiciary Committee reported juvenile justice legislation in July 1997, but it was then left to languish for over a year until the very end of that Congress. In fact, serious efforts to make improvements to this bill did not even occur until the last weeks of that Congress, when it was too late and we ran out of time.

The experience of the last Congress causes me to be wary of this delay in action on the juvenile justice legislation this year. I want to be assured that a House-Senate conference on this legislation is fair, full, and productive.

At the end of the last Congress, the majority staged what appeared to be a procedural ambush to move a one-sided bill forward in a way that precluded full and open debate and amendment. I certainly hope that the current delay in action on this year's juvenile crime bill is not an attempt to concoct another procedure ambush.

We have worked hard in the Senate for a strong bipartisan juvenile justice bill. I will be vigilant in working to maintain this bipartisanship and to press for action on this important legislation. We know if we have the will, there is a way.

Mr. SCHUMER. Will the Senator from Vermont yield for a question?

Mr. LEAHY. I yield without losing my right to the floor.

Mr. SCHUMER. I thank the ranking member on the Judiciary Committee. I could not agree more with his remarks. We worked hard on this bill. We deserve for it to be heard. We do not deserve—the American people do not deserve—for it to be shoved under a carpet to pop out sometime unknown perhaps when it cannot be debated.

I ask the Senator this question: Does it seem unreasonable, given his years of experience in the Senate—and I know we worked on criminal justice matters when I was in the House—does it seem unreasonable for us to have a goal, for the American people to sort of set the goal, or agree with us in the goal, that the juvenile justice bill, including provisions such as closing the gun show loophole, which this body passed, be on the President's desk by the day school resumes, by Labor Day of next September? Does that seem to be a reasonable timetable and a reasonable request for people who are interested in debating the issues and seeing that we do something to close the gun show loophole?

Mr. LEAHY. Mr. President, I say to my friend from New York, it is reasonable to move forward on it. These are issues the American people care about. They do care about the gun show loopholes on gun sales, certainly after the tragedy of Columbine. They do care about a number of the issues that are in the juvenile justice bill. The Senate reflected that by passing it 73-25. This is a 3-to-1 vote in the Senate.

I say to my friend from New York, when he served in the other body, he

and I were on a number of conference committees together. We knew we would have major criminal justice bills come in one distinct form from the Senate and one distinct form from the House, but we moved quickly in the conferences, sometimes going all night long. In fact, I can remember a couple that went all night long, 2 or 3 nights in a row, to complete our work because we knew we were dealing with criminal justice matters, matters about which the American people have great concern. But we did it.

So I say to my friend from New York, in answer to his question, that this is wrong. This is wrong that we are not moving forward to immediately conference the Hatch-Leahy juvenile justice bill.

Mr. SCHUMER. I thank the Senator.

Mr. LEAHY. I thank the Senator from New York for his concern and his leadership on these matters. He was one of the leaders—in fact, oftentimes on the floor he was the leader—on these issues, including closing gun loopholes. I was looking forward to, and am looking forward to, his expertise and his work when we do get to conference. He and I are ready to go to conference. I am prepared to have him in there to help me in that conference, because these are major issues.

But at some time or another the American people expect us to vote one way or the other. Some Senators will vote against our position. Some House Members will vote against our position. Some will vote for it. I do not ascribe motives to them, but I say, that you either vote for or against something. You do not vote maybe. And the Congress is being forced to vote maybe.

This is a sharp contrast to the pace of action on the Y2K bill. The Y2K bill provides special legal protections to businesses. After earlier action in the House on H.R. 775, the Y2K liability limitations bill passed the Senate on June 15, 1999. That was about 1 month after the Senate passed the Hatch-Leahy juvenile justice bill.

On June 16, the day after Senate action on the Y2K bill, the Senate asked for a House-Senate conference and appointed conferees. In fact, I am one of them. The House responded by agreeing to the conference and appointed its conferees a few days later, on June 24. Then we immediately went to conference. The conference met that same day, the same day the House appointed its conferees.

After a weekend break for extensive negotiations with the White House, the conference report on the Y2K liability limitations bill was filed yesterday, June 29. I expect the House and Senate will be taking up the conference report almost immediately, and the Y2K liability limitations bill will probably see final passage this week.

It is interesting that this is a business-lobbied-for issue and that thing zips through here; it zips through here at warp speed. I can almost see the legislative clerk saying: We want warp 5,

Scottie. And, by golly, we are going to have it.

I should also note, this Y2K liability limitations bill is industry's second bite at the apple to gain protections against liability to customers and consumers. If all goes as expected, in less than a year's time, big business will have successfully lobbied for the passage of two major pieces of legislation to protect themselves against any accountability for actions or losses their products may cause to consumers.

Last year, I joined with Senator HATCH to introduce and pass into law a consensus bill known as the Year 2000 Information and Readiness Disclosure Act. This legislation passed both the House and the Senate by unanimous consent on October 8, 1998. When we took this action, requested last year, we acted in good faith, we acted in recognition of the fears of industry, but we did it in a balanced way that continued to protect consumers and the rights of all Americans. The House and Senate accepted that unanimously, and the White House signed it.

Notwithstanding that bipartisan piece of legislation, notwithstanding the unanimity we sought, we see this year where business fears are being reconstituted for the basis of greater and greater demands for special legal protections for potential Y2K defendants. Special business interests have come back to Congress with new demands, and there has been swift action.

But by contrast to this swift action to help business by limiting their potential liability in the Y2K bill at the expense of American consumers, in contrast to jumping immediately to do whatever the business lobby wanted, we find now that those who should be appointing conferees in the House are not doing that, they are dragging their feet on moving to appoint conferees on the juvenile justice bill.

The juvenile justice bill is not designed as a protection to businesses that may have made mistakes in the computers they sell to people. No. The juvenile justice bill is intended to make a difference in the lives of our children and our families. I guess children and families do not have the power and the lobbying clout that some of these major businesses do. I guess they do not have PACs. They do not give major contributions. They do not go to the big fundraisers. All they are, are families trying to raise their children and send them to school safely; so the House majority is not going to move rapidly on a juvenile justice bill.

As Senators, as House Members, as human beings, that should have been our No. 1 priority. We should have brought this to conference. We should have concluded it by now so that the new programs and protections for schoolchildren could be in place when school resumes this fall. At the rate we are going, we guarantee that children will be going back to school without the protections that three-quarters of

the Members of the Senate, Democrats and Republicans alike, voted for; we guarantee that the promise we held out here in the Senate to protect the children who have to go to school, to protect their families, to protect this country, the promise we held out to them is a hollow promise, because the House of Representatives, and their leadership, the Speaker and the majority leader, are saying: We're not going to get to this bill; we're not going to have conferees.

Mr. KENNEDY. Will the Senator yield?

Mr. LEAHY. Yes, for a question, or I will lose my right to the floor.

Mr. KENNEDY. I have listened carefully to what the Senator has said. I must say, I am in total agreement with the Senator.

As I understand the parliamentary situation, rather than follow the usual procedure, where we have legislation that has passed the House and the Senate, and then we go to the conference, and then the conference comes back and we have an opportunity to evaluate what was in the conference, but then we have at least some resolution to the issue, this process and this parliamentary gymnastics, which the leadership on both sides, evidently, were a part of, effectively, as I understand what the Senator is saying, if I understand the parliamentary situation, basically undermines in a very significant and important way the work that was done here in the Senate in terms of trying to help families deal with the problems of violence in their communities, violence in their schools, and also to deal with the law enforcement issue in terms of the gun show loophole.

I believe I am correct, am I not, in understanding what the Senator has represented here this afternoon? Am I correct?

Mr. LEAHY. The Senator from Massachusetts is absolutely right. The Senator from Massachusetts, of course, is one of those who was on the floor day after day, hour after hour, helping us craft this bill and getting it through. A former chairman of the Judiciary Committee, he has been a leader on juvenile justice issues for the better part of four decades. We greatly appreciate all that he contributes each day and all that he contributed again this year to the Senate juvenile justice bill that we were able to pass with such a strong bipartisan majority.

The Senator from Massachusetts, from his experience—longer experience than I have had in this body—is aware that when we have had these major pieces of criminal justice or juvenile justice legislation or any major justice legislation, we have gone to conference and we have worked out the differences. He also knows, as I do, if we refuse to do that, it, in effect, kills legislation—legislation that passed here in a bipartisan fashion. I share the concerns that the Senator from Massachusetts has.

Mr. KENNEDY. I am just wondering if the Senator could give us some insight. It took us 9 days to work out an agreement with the Republican leadership in order to permit the Senate to consider what we know as the Patients' Bill of Rights when we return from the Fourth of July recess, to dispose of that. What we saw during that time was every type of parliamentary maneuver in order to deny the will of the Senate on that particular issue.

Now we have, as a result of the leadership, both the majority and minority leadership, an opportunity to address those issues when we return.

It seems to me we are seeing a similar effort by the leadership to deny the Senate the ability to express itself on an issue that is affecting children, an issue affecting violence in our schools and our local communities. Effectively, the rules of the Senate are being used in order to deny the Senate the reasonable chance to express itself.

Is that basically the bottom line, when all is said and done; we are seeing a parliamentary maneuver to try and effectively undermine what has been the considered judgment of this body? We are being put back, effectively, to ground zero in terms of this issue?

Mr. LEAHY. The Senator from Massachusetts is absolutely right. Unlike the Y2K bill and other things, where there is a rush to complete congressional action on it, this is something where it appears, especially in the other body, that the parents and the children of this country do not have a voice. No matter what other legislative issues are going on, the conference could have been meeting if the House had just proceeded to take the normal steps needed and appointed conferees.

The majority leader of the House of Representatives has said they are not going to appoint conferees, certainly not any time in the near future. We have been ready to go forward at any time, the members of the Senate Judiciary Committee. But if there are not going to be conferees, this bill is in limbo.

So you had the hopes of the parents of this country, the hopes that the schoolchildren had following the passage by the Senate of a good juvenile justice bill, that maybe we are coming to grips on at least some aspects of juvenile violence. Those hopes are dashed because when the matter is finally taken up by the other body, they say: Wait a minute, we don't have to have any votes on this.

I am privileged to participate in legislative action on the floor of the Senate. We Senators ought to run the Senate, not a powerful lobby. I say the same to the other body. They ought to stand up and speak for their constituents and not become mouthpieces for a powerful lobby, but that is what has happened.

Mr. KENNEDY. I thank the Senator. I see on the floor our friend and colleague from New Jersey, Senator LAUTENBERG, who made a gallant fight on

the floor of the Senate in terms of reducing the availability and the accessibility of guns to children in this country and also to those of the criminal element. It was a hard-fought battle. The Senate expressed its will. That is the way this body should act.

Now, with a parliamentary maneuver, the leadership that was strongly opposed to those provisions has been basically able, at least for the time being, to undermine what has been debated, discussed, and acted on here in the Senate.

I thank the Senator from Vermont for bringing this matter to our attention. I thank, again, the Senator from New Jersey and the Senator from California, both of whom I am sure share our frustration with this parliamentary maneuver.

I think at some time in the Senate, a body that has a very proud tradition of permitting people to express their judgment and to make a determination to deal with public business, at some time we are going to learn the lesson that you can't constantly undermine what is the regular order, which is the reason why this body was established; that is, for Senators to be able to express their will. I think we are seeing another way and means of corrupting the purpose that the Founding Fathers intended. I think it is enormously regrettable.

I assure the Senator from Vermont, we will work very closely with him to try to remedy this situation in any way that we can. I thank the Senator from Vermont.

Mr. LEAHY. Mr. President, I totally concur with what the distinguished senior Senator from Massachusetts has said. He was a leader who worked with us to design the Senate-passed bill.

All of us, whether we are parents or grandparents or teachers or policy-makers, we are puzzling over the causes of children turning violent in this country. We know that the root causes are likely multifaceted. We know there is no one cause. There is no one magic solution.

I believe the Hatch-Leahy juvenile justice bill is a firm and significant step in the right direction. The passage of that bill showed that when Senators roll up their sleeves and get to work, we can make significant progress. And we did. Senators were on the floor, they were in conferences in the cloakroom and off the floor. We worked extremely hard to come together. We had some false steps at the beginning, but we finally came together when we passed a piece of legislation 73 to 25.

That took a lot of work. We had conservatives and liberals and moderates holding hands on a number of issues to make it work because we cared about the children of this country. That progress does not do any good if the House and Senate do not come together in a conference.

I yield for a question to my friend from California.

Mrs. BOXER. I thank the Senator from Vermont for his leadership on the

juvenile justice bill, all parts of it. I see the Senator from New Jersey has come to engage also in some conversation.

I ask the Senator from Vermont, because when you read a book that says how a bill becomes a law, it seems very simple in many ways. It says a bill passes the Senate or the House. Then it goes to the second House. If it started in the House, it goes to the Senate. Then there is a conference where the differences are ironed out. Then the bill goes over to the President.

When we passed this bill—and my friend pointed out the overwhelming margin with which it was passed—the country really celebrated because for the first time in a long time we passed some sensible laws.

The question that I have for my friend is as follows: After the Senate walked hand in hand, people on both sides of the aisle, to an overwhelming vote, with three-quarters of the Senate voting to pass this juvenile justice bill, which included the Lautenberg amendment that closed the gun show loopholes—we remember that it was very close; the Vice President cast the tying vote—the people of this country were very relieved. At least they certainly were in California. They said: Thank goodness you are doing something relevant. They assumed we were making progress.

Then the bill goes over to the House, and as I remember it—and I would like the Senator from Vermont to tell me if I am correct on this—no sensible gun control was passed at all. Everything was killed. What remained was just the part that dealt with juvenile justice, not the part that talked about sensible gun laws because they separated those out.

If we are to have any closing of the gun show loophole that Senator LAUTENBERG fought so hard for, that the Vice President came over here to cast the tie-breaking vote for, which says, yes, we will do background checks to make sure that felons don't get guns and people with mental illness don't get guns and children don't get guns, we want that, the only hope, is it not so, lies in a conference where the Senate bill will be presented side by side with the House bill and the conversation will proceed and we will come up with a bill?

By not appointing conferees, is my friend implying that at the moment it means zero progress on this whole issue of juvenile justice and sensible gun laws and, perhaps, if it continues long enough, when the kids go back to school they will have no benefit from this fine bill? Is that what my friend is saying—that this is another way to at least temporarily kill this bill?

Mr. LEAHY. The Senator from California is correct. She has described the bill very well, as she always does, and where we are in the legislative process. She has had both a distinguished career in the other body and here. She understands what has happened.

It was not an easy thing passing the Hatch-Leahy juvenile justice bill here in the Senate. We had a very difficult time. It evolved. But interestingly enough—and I have been here 25 years—I have rarely seen an occasion where the American public became involved and more fully aware of what was happening.

I must say, initially, much of the news media did not even cover it. The American people became aware through C-SPAN and through all the discussions on the Internet and through the radio. And then, more and more, they realized what was happening and what was at stake.

I do not know how many people are aware of this discussion we are having right now. I will guarantee you that it will be on web sites and on the Internet, though, because the American public is concerned about this.

The Senator from California, the Senator from New Jersey, and others, will remember that as calls started coming into Senators' offices, the debate started shifting. This was one of those all too rare occasions where the American public went beyond having the debate interpreted for them and started watching what was actually happening in the debate and contributing and participating themselves.

The Hatch-Leahy legislation passed because the American people were paying attention and because they were concerned, and votes started changing, positions started changing. That is why this body came together by a 3-to-1 vote and passed the Hatch-Leahy legislation, a good piece of juvenile justice legislation, because the American people paid attention and knew something could be done.

Now it has been blocked in the other body. Why? Perhaps because that is the only way this legislation can be stopped—it won't be stopped by a vote in the Senate. Senators have said how they will vote. The only way it can be stopped is if the other body refuses to bring it up, and the way they refuse to bring it up is by refusing to appoint conferees.

(Mr. BUNNING assumed the Chair.)

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. LEAHY. Certainly.

Mr. LAUTENBERG. I know that the Senator from Vermont very much shares this view, despite the fact that gun ownership is a popular thing in the State of Vermont where a lot of people hunt and a lot of people collect guns. But I believe it is fair to say, is it not, that in the State of Vermont, despite the abundant number of guns you have there, violent crime is a relatively small factor? Is that the case?

Mr. LEAHY. The Senator from New Jersey is right.

Mr. LAUTENBERG. Therefore, does Vermont have laws that require review of applications to buy guns and require people to get permits to buy guns?

Mr. LEAHY. No, other than the Federal law, the Brady law.

Mr. LAUTENBERG. The Federal law. So they are in adherence, obviously, to the Federal law?

Mr. LEAHY. That is right.

Mr. LAUTENBERG. I wonder if the Senator is aware of the fact that we had a long struggle, which the Senator from Vermont and I participated in, to get the Brady law into place and to try to retain the review of applicants to buy guns, to be continued under the national instant check system. I wonder if the Senator has seen the pieces recently about the fact that the FBI, even with a 3-day business period available to them, does not have enough time to control every one of the decisions that is made to enable someone to buy a gun.

Mr. LEAHY. I have seen that, and I have seen the results in some places where those who should not get guns have gotten them because there has not been enough time to make the checks.

Mr. LAUTENBERG. I know the Senator keeps abreast of things, especially affecting justice, especially affecting juveniles. I inquire of the Senator as to whether or not he knows that where more than 1,700 guns, gun purchases, were denied to prohibited buyers, unstable felons and criminals have been allowed to buy guns because they were unable to thoroughly check the backgrounds before the guns were sold. Is the Senator aware of that?

Mr. LEAHY. No. But I am aware of the fact that the Senator from New Jersey is one of the experts on this issue. He has studied it as much or more than any other person in this body. If he says those are the numbers, I am willing to accept them.

Mr. LAUTENBERG. I appreciate that. I don't know whether the Senator is further aware that since the Brady bill was put into place in March of 1994, over 400,000 illegal gun sales have been blocked—over 400,000 illegal gun sales have been blocked as a result of the Brady bill being in place.

Mr. LEAHY. I was aware of that number. It is a very significant number.

Mr. LAUTENBERG. The Senator is aware, I am sure, that I had the privilege of authoring the domestic violence prohibition for guns to be available to those who had been convicted of misdemeanors, in marital and home disputes. Over 13,000 gun permits have been denied under the law that I authored at the end of 1996, which kept those people from being able to buy guns. I don't know if the Senator is aware of the extent of that number, but it is 13,000.

The fact of the matter is that, in conjunction with that, we know that roughly 150,000 times a year a gun is put to a woman's head in front of her children, or in the privacy of a discussion between the two of them, and the threat is made: I will blow your head off.

Is the Senator aware of the fact that there are forces at play here that

refuse to permit us to have sensible gun violence control? I didn't say gun control; I said gun violence control.

Mr. LEAHY. I say to the Senator from New Jersey, apparently those forces, at least at this point, have succeeded in the other body, and that is why we are not having conferees appointed and proceeding to a prompt conference, because they know if there were a conference and if the public responds as it did during the debate on the Hatch-Leahy bill originally, that conference may pass out legislation that they might not like, especially as it relates to controlling gun violence. I think that is one of the reasons why we have not seen that.

Mr. LAUTENBERG. I ask the Senator this question. The Senator from Vermont has had abundant experience as a prosecutor in the law since he was able to start his profession, the distinguished career in the Senate.

What will it take, in the Senator's mind, to finally say to the American public that we get your message? We understand that you want to protect your children. And while people have the right to bear arms, people have the right to bear children and send them to school hoping and believing that they are going to get home safely. When, I ask the Senator, does he think that message will get through these, I will call them "hollow halls," so that people will believe that they can send their children or their loved ones to the workplace or to school or to the streets without being gunned down by someone who shouldn't have a gun?

Mr. LEAHY. It will only come, I say to my friend from New Jersey, when we realize that our children and our families are far more precious to us than votes or campaign contributions. The Senator from Vermont was long ago clear on that point. My wife, my children—my family—are far more important to me than any votes, any office, any lobbyist, any pressure, any favors, any campaign contributions, or anything else. I think most families in this country feel the same way—that the family is the most precious thing possible to them.

In this body we passed legislation that might protect those families. We see the response on the other side of the Capitol of symbolism instead of substance, of speeches or feel-good solutions. We cast the tough votes here. The Senator from New Jersey made sure that we did.

On this issue especially, can we not stand up and say our families are more important, our children are more important, our grandchildren are more important, and all of that is more important than a powerful lobby?

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Utah, the chairman of the Judiciary Committee, a coauthor of the Hatch-Leahy-Biden-Sessions-Feinstein juvenile justice bill on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague. I have been very intrigued and interested in the remarks that have been made. I just want everybody to know that I want to go to conference on this bill.

The Hatch-Leahy-Biden-Sessions-Feinstein bill is a very important bill. We all know it. We all know it is important. We all know that we need to pass it this year.

Let me just say this: Leadership will, in my opinion, appoint conferees in July because I believe we have to do this.

I met just this week with leaders in both the House and the Senate—the majority leader in the Senate and the Speaker of the House. I know the intention is to appoint conferees and to have this matter resolved. My hope is that we will pass a conference report before the August recess.

No one wants this bill more than I do. It is an important bill.

To hear some of my colleagues speak, though, you would think that 99 percent of this bill is a gun control bill. I would say that a very small part of it involves guns, and the rest of it addresses in a serious way the very important issues we must confront regarding juvenile violence and juvenile justice. These are the truly critical parts of this bill.

Mr. LEAHY. Will the Senator yield for a question?

Mr. HATCH. I would be happy to yield.

Mr. LEAHY. Mr. President, I agree with the point that the Senator from Utah has made. There are an awful lot of things in the Senate-passed bill besides guns. There are some very major changes in the handling of juvenile crimes, especially juvenile violent crimes, and matters relating to the relationship between the Federal Government and State governments. There are some very significant things that should not be overlooked and will be a part of the debate.

I was wondering if the Senator from Utah knows when the other body will appoint conferees and how quickly we might appoint conferees?

Mr. HATCH. My feeling is that they will appoint conferees in July—both leaders of the House and the Senate, the floor leaders—perhaps prior to the recess. My goal is to have this conference report voted on before we go out on the August recess; if not, then as soon as we can after we get back, but I hope before the August recess.

Mr. LEAHY. I also hope, I might add—and I will not interrupt the Senator again—that we are able to come to a conclusion and agreement on legislation that can be signed into law prior to the beginning of the school year.

Mr. HATCH. It would be great if we could do that. That is my goal.

I thank my colleague for being willing to stand up on that point with me.

I voted against the Lautenberg amendment. I voted against it twice. Neither of those votes on Lautenberg

won a majority of the Senate. But it finally passed with the tie-breaking vote of Vice President GORE.

Still, I voted for the final bill. I have repeatedly made clear my desire to pass this bill. This is not an empty exercise for me. This is an important bill. So there is no question about that.

Let me just say this: We have had a lot of crying, moaning, and groaning about background checks at gun shows.

Let's just stop and think about it. If we had not had Brady, which required a 5-day waiting period, if we had not had this new demand for a 3-day waiting period, we could have already had a responsible system in place. We spent so much time on 3- to 5-day waiting periods that we haven't gotten the instant check system in place throughout the country. In other words, we haven't concentrated enough efforts on implementing the one thing that will really help us to identify and weed out the felons and others who are disqualified to purchase guns in the first place.

Some would rather concentrate their efforts on this phony waiting period issue than address the real problem of identifying those who aren't allowed to own a firearm. The reason they would rather address the phony issue of a 3-day waiting period at gun shows is because gun shows only take place for 3 days. If you have a 3-day delay, it means basically there won't be any more gun shows.

What does that mean? This is pretty important stuff.

If you do not have the gun shows where legitimate, private sellers of guns can come and sell their weapons with appropriate background checks, which everybody in this body is willing to do—I have led the fight to do it—if you do not allow that to happen, then the private sellers of weapons are going to go into the streets, and those guns will all be sold on what will then be a much larger black market for guns.

We have that already in our society. We ought to minimize it. The best way to do it is to have legitimate gun shows. There are some 4,000 of them in this country—legitimate gun shows where we have legitimate background checks that are done within a 24-hour period. And that will never happen as long as we keep playing political games, and seeking the political advantage that some people think they get by talking about 1 day, 2 days, or 3 day waiting periods.

The key is to get an effective instant check system in place so we absolutely instantly can tell whether the purchaser of this weapon is somebody who is legitimately entitled to purchase the weapon.

Having said all of that, having made it very clear that we intend to have conferees on this matter and that we intend to put this matter to bed, hopefully before the August recess, a lot depends on cooperation from the other side.

As we know, we have lost a week and a half because of delays on the other

side because they want their legislation considered on their terms, regardless of how important the appropriations bills are. We have had interference after interference on getting the work of the Senate done.

And as important as all of that is, I think it is important that the American people know that the juvenile justice bill is about a lot more than guns. That is a minuscule part of the bill. We are talking about prevention and enforcement and assistance to local and State governments.

S. 254, the Senate-passed bill, provides an infusion of funds to State and local authorities to combat juvenile crime.

S. 254 provides approximately \$1.1 billion annually to fight juvenile crime and prevent juvenile delinquency.

We have \$500 million for a juvenile accountability incentive block grant.

States can use this grant to implement graduated sentencing sanctions which intervene early with appropriate penalties, so that at the first signs of delinquent or antisocial behavior take firm steps to get these kids back on the right track. They can build detention facilities for juvenile offenders, test juvenile offenders for drugs upon arrest, and require juvenile offenders to complete school or vocational training, among other reforms.

S. 254 provides a 25-percent earmark of the juvenile accountability block grant for drug treatment, school counseling, and crime prevention. These are important, significant grants. They far supersede this almost feckless debate about guns.

The Hatch-Leahy amendment provides \$50 million for the States for juvenile judges, public defenders, and probation officers to reduce the backlog of juvenile cases. That is important. The juvenile Brady provision, which prohibits juveniles who commit a violent crime or serious drug felony as a juvenile from ever being able to buy a gun thereafter, is something almost everybody agrees with. We had it in the bill to begin with. We didn't need those on the far left who hate guns and who want gun control to tell us what to do in these matters.

There is \$75 million annually to help States upgrade juvenile felony records and provide school officials access to such juvenile felony records in appropriate circumstances. This may be the most important reform in the bill, because it gets these records to the police and prosecutors and judges who need the information to appropriately deal with repeat offenders.

There is \$435 million annually to the States for programs to prevent kids from getting into crime. Some of these are specifically targeted towards gangs in school. This is far more important than all of this harping about guns.

There is \$40 million to assess the effectiveness of youth crime and drug prevention efforts; a 3-year, \$45 million demonstration project to provide alternative education to at-risk or problem

juveniles; and an extension of the violent crime reduction trust fund through 2005, to ensure adequate funding for the administration of justice programs.

In S. 254, the Senate-passed bill takes action to empower parents, the entertainment industry, and the general public to limit the exposure of children to violence. Specifically, this bill includes important provisions for the enforcement of industry rating systems.

The Hatch-Brownback amendment—and I commend my distinguished colleague from Kansas for his leadership—to S. 254, which passed overwhelmingly, provides the entertainment industry with limited exemption from the antitrust laws. This provides the motion picture, recording, and video game industries the freedom to develop and enforce voluntary standards and enforcement mechanisms without fear of antitrust liability or government regulation. The Brownback-Hatch amendment allows the appropriate industries to enter into joint discussions, consideration, and agreement to ensure retail compliance with preexisting rating systems for both off-line and on-line content.

We have a provision regarding marketing violence to children. The Brownback-Hatch amendment to S. 254 directs the Justice Department and the Federal Trade Commission to jointly examine the marketing practices of the video game, music, and motion picture industries to determine the extent to which violent material is marketed to children. The FTC is directed to report their findings to Congress within 9 months of enactment. And while I am pleased that President Clinton belatedly endorsed this idea, I should note that the Senate passed this three weeks before the President said a word about it.

We have a National Institutes of Health study. The Brownback-Hatch amendment to S. 254 provides \$2 million in funding to the National Institutes of Health to study the effects of violent entertainment on children. We know that is the cause of an awful lot of the problems.

Mr. DURBIN. Will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. DURBIN. I have listened carefully to the Senator's speech in support of the juvenile justice bill. The Senator makes such a compelling argument of how important this bill is, how we shouldn't waste any time to move forward.

I ask the Senator, if that is his feeling and the feeling shared by Members on his side of the aisle, why has the Republican leadership in the House refused to appoint conferees?

Mr. HATCH. I have assurance from the House leaders they will appoint conferees.

Mr. DURBIN. They announced they will not appoint conferees until after the Fourth of July.

Mr. HATCH. That is true. I know they have their hands full. I trust the

statement of the leaders. If they do it then, that will be fine. That is consistent with what we have done in the past. I don't have any problem with that.

Let me continue my remarks. The Hatch-Leahy amendment to S. 254, which passed overwhelmingly, encourages large Internet service providers to offer screening/filtering software to empower parents to limit access to material unsuitable for children. This amendment provides that within 12 months of enactment, large Internet service providers should provide the software either at no charge or at a fee not exceeding the cost to them. That is a very important part of this bill.

We have an antiviolence public service campaign in this bill. The Republican education amendment to S. 254 provides \$25 million annually to the National Crime Prevention Council and community-based organizations for a national public service campaign to prevent violence.

We have a provision on Internet bombmaking. The Hatch-Feinstein amendment to S. 254 prohibits the teaching of bombmaking, including bombmaking instructions, on the Internet if there is reason to know the bomb will be used in violation of Federal law.

We also get tough on violent juveniles and other violent offenders. We ensure that violent juveniles will be held accountable. Among other reforms, S. 254, with Republican amendments, contains the following: Project Cuff. The Hatch-Craig amendment provides \$50 million to hire additional Federal prosecutors to prosecute gun crimes in Federal court to take advantage of stiff Federal sentences.

We have full funding of the National Instant Check for background checks for firearm purposes. That is something that had to be done. We have not been concentrating on that as we should, because we keep playing games on guns instead of doing what should be done.

We have an extension of the prohibition against juvenile possession of a handgun in the Youth Handgun Safety Act to semiautomatic rifles.

The juvenile Brady provision, which I have already mentioned, prohibits firearm possession by juveniles who commit violent offenses.

We have a bipartisan provision that requires safety locks or secure gun storage devices to be sold with a handgun.

We have a minimum of 12 years in prison for those who discharge a firearm during the commission of a violent felony or drug trafficking crime.

We have a minimum of 15 years in prison for those who injure a person during the commission of a crime of violence or a drug trafficking crime.

We have a minimum of 3 years in prison for first-time offenders and a minimum of 5 years in prison for repeat offenders for those who distribute drugs to minors or sell drug in or near a school.

We have an increase in the maximum penalty for knowingly possessing, transporting, or transferring stolen firearms, to 15 years in prison.

We have an increase in the maximum penalty to 20 years for a juvenile who illegally brings a gun or ammunition to school with intent to carry or otherwise possess, discharge, or use the handgun or ammunition in the commission of a violent felony.

We have an increase in penalties for illegal purchase of a firearm.

We have an increase in penalty for committing crimes of violence while wearing body armor.

We have a safe-and-secure-schools provision.

These are very important. One would think that everything comes down to the Lautenberg amendment. That amendment didn't pass overwhelmingly. In fact, it didn't even have the support of a bare majority in the Senate until the Vice President of the United States, as is his right, voted to break the tie.

SAFE AND SECURE SCHOOLS

S. 254, with Republican amendments, will promote safe and secure schools, free of undue disruption and violence, so that our teachers can teach and our children can learn. S. 254 includes the following:

Training for parents, teachers, and other interested members of the community for the identification of—and appropriate responses to—troubled and violent youth.

Innovative research-based delinquency and violence prevention and mentoring programs.

Assistance to state and local school districts for comprehensive school security assessments.

Assistance to state and local school districts to purchase school security equipment and technologies such as metal detectors, electronic locks, and surveillance cameras.

Collaborative efforts with community-based organizations (including faith-based organizations) and law-enforcement agencies to provide effective violence prevention and intervention programs.

Assistance to state and local school districts to establish and implement school uniform policies.

Assistance to state and local school districts to hire school resource officers, including community police officers.

Incentives for States to detain juveniles found in possession of an illegal firearm for 24-hours to undergo evaluation.

Incentives for schools to make school discipline records available to all schools, whether private or public, when students transfer between schools.

Civil liability protection for teachers who discipline a violent student.

Resources to States and localities to create anonymous hotlines to report possible acts of violence.

I say in closing, I have been assured we will have conferees after we get

back from this next recess. My goal, of course, if we can and if we get some cooperation from the other side on the floor, is to have that bill up before the August recess, so we can have this bill passed and hopefully signed by the President before school begins this year.

I want to see that happen. It isn't going to happen if we keep playing games on guns. There is no point kidding ourselves about it.

One side must not think they have a big advantage over the other on guns. We have to work in good faith to resolve these problems. And I believe we can. I have total confidence in my colleague, Senator LEAHY from Vermont, who has worked with me assiduously on this matter. He has played a significant role.

Senator BIDEN and Senator FEINSTEIN, also on the other side, have worked very hard to try to have this bill completed. I know my colleague from Vermont and I will work very hard to get this bill done in the best way we possibly can that will bring everybody together in both the House and Senate and hopefully get a bill signed by the President.

In any event, we intend to go forward. It is an important bill, probably in some respects the most important bill in this whole session of Congress, when one considers the needs of our nation's children. We need to address—as S. 254 does—ensuring safe schools, promoting ways to keep vile entertainment from our kids, preventing juvenile crime, and really addressing for the first time needed law enforcement with regard to violent juvenile crimes.

I think we have taken too much time on this. I know we have an important appropriations bill on the floor, so I yield the floor at this time.

Mrs. FEINSTEIN. Mr. President, I join the ranking member of the Judiciary Committee, Senator LEAHY, and my colleagues in urging the majority to appoint conferees and proceed to conference on the juvenile crime bill.

It has now been one month and four days since the Senate passed the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, by an overwhelming margin of 73-25. It has been nearly two weeks since the House of Representatives passed its counterpart bill.

And yet, since that time, there has been no progress at all toward going to conference on these two bills. In fact, it appears that there are some on the other side of the aisle who deliberately want to forestall or even de-rail the conference that is necessary to pass this vitally-needed legislation.

When the House passed its counterpart bill, they did something that is very unusual: they did not take up the Senate bill, insert the text of their bill, and request a conference, as is routinely done. This is not the kind of thing that happens by accident. For a conference to take place, both Chambers of Congress must pass the same bill.

Because the House of Representatives did not do this, one of the two Chambers must take up the other one's bill, pass it, and ask for a conference. This presents numerous opportunities for procedural mischief and delay by those who would rather not see any bill pass than one containing modest gun safety provisions, such as the Senate bill.

Mr. President, I am very disturbed by this delay in taking the next step to pass this important legislation.

Our nation was rocked 2 months ago by the tragic shootings at Columbine High School in Colorado, coming as it did in the wake of earlier school shootings in Jonesboro, Arkansas; West Paducah, Kentucky; Springfield, Oregon; and elsewhere. We cannot tolerate or evade this shocking school violence. We should not let our children start a new school year without passing this important legislation to address youth violence.

The Senate bill is a wide, sweeping measure, which will help us to confront the problem of juvenile crime. It includes a number of provisions which I authored and which I have worked on for several years, including:

A ban on importing high capacity ammunition magazines;

A ban on juvenile possession of assault weapons and high capacity ammunition magazines;

A comprehensive package of measures to fight criminal gangs;

Limits on bombmaking information;

The James Guelff Body Armor Act, which contains reforms to take body armor out of the hands of criminals and put it into the hands of police; and

Crime prevention programs.

It also contains other modest reforms to keep guns out of the hands of criminals and children, including: Requiring the same background checks at gun shows which gun dealers have to preform; and requiring the sale of child safety locks with handguns.

The Senate bill also establishes a new \$700 million juvenile justice block grant program for states and localities, representing a significant increase in federal aid to the states for juvenile crime control programs, including:

Additional law enforcement and juvenile court personnel;

Juvenile detention facilities; and

Prevention programs to keep juveniles out of trouble to begin with.

Our bill encourages increased accountability for juveniles, through the implementation of graduated sanctions to ensure that subsequent offenses are treated with increasing severity.

It reforms juvenile record systems, through improved record keeping and increased access to juvenile records by police, courts, and schools, so that a court or school dealing with a juvenile in California can know if he has committed violent offenses in Arizona; and extends federal sentences for juveniles who commit serious violent felonies.

Let us not delay further in enacting these important measures. I join my colleagues in urging the majority to

proceed to conference and appoint conferees, so that we can enact this vital legislation.

I thank the Chair, and yield the floor.

Mr. KENNEDY. Mr. President, it has been 71 days—71 days—since the tragic shooting at Columbine High School. There are 69 days left before school children in Massachusetts and other states go back to school. It is time for Congress to finish the job we began last month and pass juvenile justice legislation. Communities across America are waiting for our answer.

We need to provide communities with the assistance they need to reduce youth violence.

We need to help parents struggling to raise their children from birth through adolescence.

We need to help teachers and school officials recognize the early warning signals and act before violence occurs.

We need to assist law enforcement officers in keeping guns away from children.

We need to close the gun show loophole.

We need to require the sale of safety locks with all firearms.

The Senate passed such legislation with overwhelming support last month. The House of Representatives passed its own version of this legislation earlier this month. It is time to appoint House and Senate conferees to write the final bill and send it to the President, so that effective legislation is in place as soon as possible.

Everyday we delay, this critical problem continues to fester. Children are under assault from violence and neglect—from the break-up of families—from the temptations of alcohol, tobacco, and drug abuse—from violence in the media. These are not new problems, but they have become increasingly serious problems, and Congress cannot look the other way and continue to ignore them.

We must support youth, parents, educators, law enforcement authorities, and communities. The public overwhelmingly supports more effective steps to keep guns out of the hands of criminals and juveniles. We cannot accept "no" for an answer from the National Rifle Association. It is long past time for Congress to face up to this challenge. The tragedy at Columbine High School is an urgent call to action to every member of Congress. Will we finally do what it takes to keep children safe, or will we continue to sleepwalk through this worsening crisis of gun violence in our schools and our society.

We have a national crisis, and common sense approaches are urgently needed. If we are serious about dealing with youth violence, the time to act is now. There is no reason why this Congress can not pass a comprehensive juvenile justice bill before the August recess. The citizens of this country deserve better than what Congress has given them so far.

The lack of action is appalling and inexcusable. We cannot continue to whistle past the graveyards of Littleton and the many other communities scarred by juvenile gun violence in recent years. Each new tragedy is a fresh indictment of our failure to act responsibly.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000—Continued

Mr. McCONNELL. Mr. President, the hour of 1 o'clock having arrived, all the amendments to this bill have now been filed. I, at this point, will consult with Senator LEAHY about how we proceed, but in all likelihood we should be able to finish this bill by mid to late afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1119

Mr. BROWNBACK. Mr. President, I wanted to address the body on several of the discussion points that were raised today regarding an amendment I filed. I inquire first of the President, what is the pending business?

The PRESIDING OFFICER. The question is the McConnell amendment to the amendment of the Senator from Kansas.

Mr. BROWNBACK. Then I will not have to ask the pending business be set aside. We are still on that.

I wanted to address several of the issues my colleagues have raised, that the negotiations between Armenia and Azerbaijan that are taking place in the so-called Minsk Group are at a very delicate time period and the repeal of section 907, as addressed in the McConnell-Abraham amendment, would upset the delicate negotiations at this point in time.

Frankly, it is just not true that these negotiations are at a delicate point in time now and this amendment would do that. The present conflict has been going on since the dissolution of the Soviet Union, and a cease-fire has been in effect since 1994. The U.S. Government is one of the peace group co-chairs, along with Russia and France, and they all—the U.S. Government, the Clinton administration—favor repeal or waiver of section 907.

The amendment I put forward prevents our Government from being an honest broker in the peace process. We have letters from Secretary Albright and the administration on this.

Russia is involved, and not in a helpful way. Their handiwork in retaining influences in the Caucasus is only slightly less obvious than their efforts to help out in Kosovo—in some situations where they were not helpful at all. Russian military troops are still based in Armenia and were providing military support and munitions supplies to Armenia during the war with Azerbaijan.