State and Federal law enforcement personnel by ensuring that crucial resources are provided to our DNA data-banks and crime laboratories.

Mr. THOMPSON of California. Mr. Speaker, I rise in strong support of H.R. 4640, which would assist the states in reducing the backlog of DNA samples that have been collected from convicted offenders and crime scenes.

Recent reports indicate that in my own home state of California there are more than 100,000 unprocessed DNA samples. Even using the state's most optimistic projections, it will take two years to clear that backlog.

Many states are similarly situated. Mired with both funding and collection problems, the U.S. solves far fewer crimes with DNA. But, the potential for improvement is great. While the U.S. may never match Great Britain, which has a long-established DNA database and is reported to crack 300 to 500 cases a week, reducing the backlog of DNA samples will provide both law enforcement with an increasingly important investigative and prosecutorial tool.

H.R. 4640 addresses the backlog by providing a series of grants to assist the states in processing DNA samples collected from violent offenders and samples collected from crime scenes and victims of crime. Specifically, the bill authorizes $15 million a year in grants for the next three years to process convicted offender DNA samples. In addition, it provides $25 million to reduce the backlog of crime scene samples, an intrinsically more expensive processing, by both expanding state laboratory facilities and allowing states to contract with private labs.

As important, the bill closes a loophole that has existed with respect to individuals convicted of violent federal crimes and held in federal facilities. Currently, there is no requirement that DNA samples be taken from persons convicted of certain federal crimes. H.R. 4640 fixes this oversight. Of particular interest to me is the bill's requirement that DNA be collected from individuals convicted of violent and sexual offenses under the Uniform Code of Military Justice (UCMJ).

I authored a similar provision in the House-passed FY01 National Defense Authorization Act (H.R. 4205). That language required the Department of Defense to collect, process and analyze DNA identification information from violent and sexual offenders and to provide that information to the Combined DNA Index System (CODIS), national registry of DNA samples. Currently, the Department is not required to collect DNA samples from individuals convicted of qualifying UCMJ offenses.

There is clearly a need to close this loophole. In calendar year 1999, the total number of prisoners under confinement within the Department of Defense correctional facilities for terms other than life or a sentence of death was 963. Of those, 51.5% were confined because of violent and sexual offenses, the kind of offenses for which both H.R. 4640 and H.R. 4205 would require the DoD to collect DNA samples. Under both bills, the DoD would collect, process and analyze DNA samples and provide them to the CODIS database.

Several statistics about the characteristics of the civilian prison population underscore the importance of closing this loophole.

While the number of veterans in the prison facilities nationwide declined as a percentage of the total prison population between 1985 and 1998, the absolute number rose 46%, from 154,600 to 225,700. According to the most recent data available (1997), a majority (55%) of veterans was sentenced for a violent offense (compared to 46% for non-veterans). And, veterans were twice as likely as non-veterans to be sentenced for a sexual assault, including rape (18% versus 7%).

The data do not answer precisely the question of how many veterans have a prior conviction as a member of the Armed Forces before a subsequent contact with the federal, state or local criminal justice system. However, the data show that 13.8% of the veterans in local jails, 17.4% of veterans in state prison, and 14.9% of veterans in federal prison were not honorably discharged. Many of these veterans had more serious criminal histories than those incarcerated veterans who had been honorably discharged. In fact, 43% of veterans not honorably discharged had at least three prior sentences, compared to 36% of those honorably discharged.

These data support the argument for imposing on the Department of Defense the requirement to collect DNA samples from service members convicted of a qualifying violent or sexual offense. By requiring the collection of DNA, it is likely that service members convicted of a qualifying UCMJ offense may be more readily identified, and quite possibly cleared, should they be suspected of perpetrating a violent crime as a civilian.

I strongly support H.R. 4640. It makes major strides in assisting the states in reducing the DNA backlog and in closing a loophole by which DNA samples from certain federal prisoners was not collected nor added to the national DNA database.

I urge passage of the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to extend my gratitude to my colleagues who are interested in providing the fairest possible procedures in the application of the death penalty, the most serious punishment in the criminal justice system.

Much progress has been made since the recent mark-up session regarding this bill. In general, H.R. 4640 provides for the collection and use of DNA identification information from individuals convicted of a qualifying violent or sexual offense under the Federal code, UCMJ, or District of Columbia Code.

DNA (deoxyribonucleic acid), a high tech genetic fingerprint, was first introduced into evidence in a United States court in 1986. After surviving many court challenges, DNA evidence is now admitted in all United States jurisdictions. In fact, it has become the predominant forensic technique for identifying criminals when biological issues are left at a crime scene.

In the Violent Crime Control and Law Act of 1994 (1994 Crime Bill), Congress authorized the FBI to create a national index of DNA samples taken from convicted offenders, crime scenes and victims, and unidentified human remains. This was a crucial step forward because DNA has played such a significant role in our criminal justice system.

In response, the FBI established the Combined DNA index System (CODIS). CODIS allows State and local forensic laboratories to exchange and compare DNA profiles electronically in an attempt to link evidence from crime scenes for which there are no suspects to DNA samples on file in the system. Today, CODIS is well established across the nation.

All fifty states have enacted statutes requiring certain convicted offenders to provide DNA samples for analysis and entry into the CODIS system. Nevertheless, it is important to point out that samples from persons convicted of federal crimes, crimes under the District of Columbia code, or offenses under the Uniform Code of Military Justice (UCMJ), are not presently being taken because there is no statutory authority to do so.

In addition, the Department of Justice's Bureau of Statistics (BJA) reports that as of December 1997, approximately 60 percent of the publicly operated forensic crime labs across the country reported a DNA backlog totaling 6,800 unprocessed DNA case samples and an additional 287,000 unprocessed convicted offender samples. While I am encouraged that forensic labs have responded by hiring additional staff and increasing overtime, Congress has merely appropriated $30 million toward solving the problem. Like some of my colleagues, I am concerned that the backlog continues to grow without adequate resources.

To qualify for funding under this legislation, a state must develop a plan to eliminate any backlog of samples and federal funding under the program may be awarded for up to 75 percent of the cost of the states plan. This is an important step forward in the use of DNA evidence in our federal courts.

I also believe that this legislation would ensure the collection and use of DNA identification information in CODIS from persons convicted of a qualifying violent or sexual offense under the federal code, UCMJ, or District of Columbia Code. Indeed, technical revisions have been made to the preliminary legislation that only strengthen the bill's application several offenses.

It is crucial for defendants to have access to the CODIS system in circumstances that possibly establish innocence. This is particularly important, for instance, in the growing number of capital cases where DNA identification information make a crucial difference.

Reducing the backlog regarding DNA identification information in federal courts is very important for our criminal justice system. To the extent that this legislation helps to eliminate the backlog through these grants, we can work towards establishing a more reliable justice system.

Mrs. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4640, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STOP MATERIAL UNSUITABLE FOR TEENS ACT

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4147) to amend title 18, United States Code, to increase the age of persons considered to be minors for the purposes of the prohibition on transporting obscene materials to minors.

The Clerk read as follows:

H.R. 4147

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stop Material Unsuitable for Teens Act''.

SEC. 2. AGE INCREASE.

Section 1470 of title 18, United States Code, is amended by striking ''16'' each place it appears and inserting ''18''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4147.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDO).

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

Mr. Speaker, I rise in support of H.R. 4147, the Stop Material Unsuitable for Teens Act.

In 1998, the Congress passed and the President signed into law the Protection of Children from Sexual Predators Act. This legislation sought to address many practices carried out to the detriment of our youth. This included halting child pornography online to cracking down on violent offenders.

H.R. 4147 would simply include those children under the age of 18 to the list of those who should be protected from harmful and potentially damaging material.

The Protection of Children from Sexual Predators Act also contained new language which provided for enhanced penalties for individuals who knowingly transfer obscene materials to juveniles whether through the mail or interstate commerce. These enhanced penalties carry the weight of up to 10 years incarceration, and/or applicable fines, compared with previous federal statutes under Title 18 of the United States Code that only carried a penalty of 5 years.

The bill is important for it builds upon the efforts of this body to regulate and stem the flood of obscene material throughout this country.

H.R. 4147 would build upon the efforts taken in 1998 to increase penalties against transferring obscene materials to juveniles under 16 years of age. It would raise the age limit for enhanced penalties for transfer to juveniles to 18 years of age and close the loophole left in the law by not protecting youth between the ages of 16 and 18.

If this body is going to act on behalf of our children and concerned parents in limiting exposure to obscene materials, then we should act accordingly and across the board for all juveniles.

The bill would not limit any material that is protected by the First Amendment. It would only limit the material which is defined as obscene.

The Supreme Court has gone on record several times as saying that obscene material is not protected by the First Amendment. Additionally, the Supreme Court has defined ''obscenity'' on several other occasions.

The bill in no way will prohibit the exchange of protected material and is designed solely to protect all children from what is clearly inappropriate material. More than 32 years ago, the Court recognized the harm to minors from pornography and the need to protect minor children from pornography in the case of Ginsberg v. New York. The Court ruled that protecting children from exposure to pornography is a ''transcendent interest'' of government because it concerns ''the health, safety, welfare and morals of its community by barring the distribution to children of books recognized to be suitable for adults.''

Furthermore, obscene material is an effective tool in the hands of predators. Pedophiles use the material as part of the seduction process of children. It is used to engage children and lure them into activities that pedophiles find acceptable and the rest of us find deplorable.

This bill, in short, would extend protection from pedophiles to those under the age of 18.

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I would ask all my colleagues to support our children and support this bill. We should make sure that those who would seek to spread this filth knowingly to our children be ready to pay the price of up to 10 years behind bars. I believe strongly that it is the role of this body to protect children across the Nation from both direct violent harm and also from the type of harm that comes from being confronted with this kind of material at such a young age.

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

Mr. Speaker, this came to our attention late Friday afternoon that it would be on suspension and not available for amendment or any discussion. So I have been having a little trouble getting the details on it. We have contacted the sentencing commission that indicated a problem with the bill and, that is, there are certain sentencing inconsistencies. For example, if an 18-year-old were to have consensual sex with a 17-year-old, that would not be a Federal crime nor a crime in most States. However, if they shared dirty pictures, then that would be a Federal crime. Perhaps the sponsor of the bill or someone on the other side could explain to me what the probable effect of this legislation would be for the 18-year-old sharing pictures with a 17-year-old, what the effect of this legislation would be.

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

Mr. SCOTT. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Speaker, the bill sets out the parameters very specifically, referring only to materials unsolicited, and in a case where someone is transferring that kind of material using the interstate, transferring that kind of material, unsolicited to anybody, they would be affected by the measures in this bill.

Mr. SCOTT. If the gentleman would respond, what would be the difference in sentencing? If the two went from Washington, D.C. to Northern Virginia and had consensual sex and shared dirty pictures, what would be the effect of this bill? It is already illegal to share those dirty pictures right now. It would be a Federal offense. What would be the impact of this bill on that Federal crime?

Mr. TANCREDO. If the gentleman will yield further, I do not know that there would be any impact of this bill on the particular situation that the gentleman identifies. Two people engaged in consensual sex, of course, that has nothing to do with this piece of legislation. Sharing materials at that point in time has nothing to do with this legislation. Quote, ''dirty pictures,'' as the gentleman characterizes it, I do not know that that has anything to do with this legislation because, of course, the Supreme Court has already determined that you can distinguish between certain materials that some people would find objectionable to the kind of materials that this covers, which are strictly pornographic. It is the transfer of that material, unsolicited transfer of that material, from one person to another underage that this deals with. So I do not think, unless I mistook the gentleman's characterization of this particular action, that it would have any impact.

Mr. SCOTT. Mr. Speaker, in all due respect, I did not get an answer to my question. The bill would have an impact. I have not been able to determine exactly what that impact would be. But the point of the consensual sex was that they could be in bed not committing an offense and as soon as the 18-year-old showed some obscene pictures to the 17-year-old, then you would have a Federal crime. That is the present law. You cannot distribute obscene material. My question was, what would the impact of this bill have on that situation, because apparently there would be an enhanced punishment. I have not been able to ascertain what the enhancement would be.

Mr. TANCREDO. Once again, the bill is very specific about the method of transfer of the material we are talking about. In what you describe, there is no effect from this particular piece of legislation. It has got nothing to do with it.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

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

Mr. CANADY of Florida. This is a very simple bill. It amends a statutory provision, which I will read. It is short enough for us to read right here and see what is being amended. The prohibition is this:

''Whoever using the mail or any facility or means of interstate or foreign commerce knowingly transfers obscene matter to another individual who has not attained the age of 16 years, that is currently in the statute, the bill raises that to 18 years, knowing that such other individual has not attained the age of, raised from 16 years to 18 years, or attempts to do so shall be fined under this title, imprisoned not more than 10 years, or both.''

But it requires the use of the mail or other facilities or means of interstate or foreign commerce.

Mr. SCOTT. If the gentleman would respond, that would include e-mail or any other interstate commerce, could mean you could take it across the State line from Washington, D.C. to Northern Virginia.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to voice concerns regarding H.R. 4147, the Stop Material Unsuitable for Teens Act, which is before the House today under suspension. This bill should it become law would raise the age of minors to whom adults could be penalized for giving obscene materials from age 16 to age 18.

I would hope that this measure would offer some additional protection to children from those who would do them harm, but it appears that this bill will be going over ground that has already been covered by the passage into law of the Protection of Children From Sexual Predators Act (PL 105–314).

This law would amend the Protection of Children From Sexual Predators Act which prohibits transferring obscene material through the Internet or mail to children under 16 years of age. Violators under current law are subject to a mandatory prison sentence of 10 years.

Should the effort to pass this legislation be successful, I would hope that in keeping with the spirit of this change in the law I would hope that the definition of adult would also be amended. Because I believe that it would be judicially unproductive should an 18-year-old be found in violation of this law by providing inappropriate material to another 18-year-old and made to endure the full penalty that this bill provides for.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4147.

The question was taken.

Mr. CANADY of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL POLICE ATHLETIC LEAGUE YOUTH ENRICHMENT ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3235) to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours, as amended.

The Clerk read as follows:

H.R. 3235

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Police Athletic League Youth Enrichment Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The goals of the Police Athletic League are to—

(A) increase the academic success of youth participants in PAL programs;

(B) promote a safe, healthy environment for youth under the supervision of law enforcement personnel where mutual trust and respect can be built;

(C) increase school attendance by providing alternatives to suspensions and expulsions;

(D) reduce the juvenile crime rate in participating designated communities and the number of police calls involving juveniles during nonschool hours;

(E) provide youths with alternatives to drugs, alcohol, tobacco, and gang activity;

(F) create positive communications and interaction between youth and law enforcement personnel; and

(G) prepare youth for the workplace.

(2) The Police Athletic League, during its 55-year history as a national organization, has proven to be a positive force in the communities it serves.

(3) The Police Athletic League is a network of 1,700 facilities serving over 3,000 communities. There are 320 PAL chapters throughout the United States, the Virgin Islands, and the Commonwealth of Puerto Rico, serving 1,500,000 youths, ages 5 to 18, nationwide.

(4) Based on PAL chapter demographics, approximately 82 percent of the youths who benefit from PAL programs live in inner cities and urban areas.

(5) PAL chapters are locally operated, volunteer-driven organizations. Although most PAL chapters are sponsored by a law enforcement agency, PAL chapters receive no direct funding from law enforcement agencies and are dependent in large part on support from the private sector, such as individuals, business leaders, corporations, and foundations. PAL chapters have been exceptionally successful in balancing public funds with private sector donations and maximizing community involvement.

(6) Today's youth face far greater risks than did their parents and grandparents. Law enforcement statistics demonstrate that youth between the ages of 12 and 17 are at risk of committing violent acts and being victims of violent acts between the hours of 3 p.m. and 8 p.m.

(7) Greater numbers of students are dropping out of school and failing in school, even though the consequences of academic failure are more dire in 1999 than ever before.

(8) Many distressed areas in the United States are still underserved by PAL chapters.

SEC. 3. PURPOSE.

The purpose of this Act is to provide adequate resources in the form of—

(1) assistance for the 320 established PAL chapters to increase of services to the communities they are serving; and

(2) seed money for the establishment of 250 (50 per year over a 5-year period) additional local PAL chapters in public housing projects and other distressed areas, including distressed areas with a majority population of Native Americans, by not later than fiscal year 2006.

SEC. 4. DEFINITIONS.

In this Act:

(1) ASSISTANT ATTORNEY GENERAL.—The term ''Assistant Attorney General'' means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice.

(2) DISTRESSED AREA.—The term ''distressed area'' means an urban, suburban, or rural area with a high percentage of high-risk youth, as defined in section 509A of the Public Health Service Act (42 U.S.C. 290aa–8(f)).

(3) PAL CHAPTER.—The term ''PAL chapter'' means a chapter of a Police or Sheriff's Athletic/Activities League.

(4) POLICE ATHLETIC LEAGUE.—The term ''Police Athletic League'' means the private, nonprofit, national representative organization for 320 Police or Sheriff's Athletic/Activities Leagues throughout the United States (including the Virgin Islands and the Commonwealth of Puerto Rico).

(5) PUBLIC HOUSING; PROJECT.—The terms ''public housing'' and ''project'' have the meanings given those terms in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

SEC. 5. GRANTS AUTHORIZED.

(a) IN GENERAL.—Subject to appropriations, for each of fiscal years 2001 through 2005, the Assistant Attorney General shall award a grant to the Police Athletic League for the purpose of establishing PAL chapters to serve public housing projects and other distressed areas, and expanding existing PAL chapters to serve additional youths.

(b) APPLICATION.—

(1) SUBMISSION.—In order to be eligible to receive a grant under this section, the Police Athletic League shall submit to the Assistant Attorney General an application, which shall include—

(A) a long-term strategy to establish 250 additional PAL chapters and detailed summary of those areas in which new PAL chapters will be established, or in which existing chapters will be expanded to serve additional youths, during the next fiscal year;

(B) a plan to ensure that there are a total of not less than 570 PAL chapters in operation before January 1, 2004;

(C) a certification that there will be appropriate coordination with those communities where new PAL chapters will be located; and

(D) an explanation of the manner in which new PAL chapters will operate without additional, direct Federal financial assistance once assistance under this Act is discontinued.

(2) REVIEW.—The Assistant Attorney General shall review and take action on an application submitted under paragraph (1) not later than 120 days after the date of such submission.

SEC. 6. USE OF FUNDS.

(a) IN GENERAL.—

(1) ASSISTANCE FOR NEW AND EXPANDED CHAPTERS.—Amounts made available under a grant awarded under this Act shall be used by the Police Athletic League to provide funding for the establishment of PAL chapters serving public housing projects and other distressed areas, or the expansion of existing PAL chapters.

(2) PROGRAM REQUIREMENTS.—Each new or expanded PAL chapter assisted under paragraph (1) shall carry out not less than 4 programs during nonschool hours, of which—

(A) not less than 2 programs shall provide—