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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. WILSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 17, 1999.

I hereby appoint the Honorable HEATHER WILSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Monsignor Richard W. O'Keefe, Immaculate Conception Parish, Yuma, Arizona, offered the following prayer:

Lord of all our endeavors, give to our elected Congress men and women the courage to follow noble aspirations, strength to support worthy causes, integrity to seek the truth, and in all of their legislative duties, be their inspiration and guide.

Lord, you remember forever Your covenant with us. Even though it was centuries ago that You formed a community of family life with us, still You remain continually faithful. Enable us by Your merciful help to keep faith with You, to renew our covenant at important or difficult moments of our life so that at the end we may receive the promise of the covenant.

Lord, to those who believe in You, You promise kindness and truth, justice and peace. When we are faced with difficulties, increase our faith, but do not lower our ideals. From the least likely places You can bring forth the triumph of Your grace. These things we ask in Jesus name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 1905. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1905), ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BENNETT, Mr. STEVENS, Mr. CRAIG, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD, to be conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1059), ''An Act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WARNER, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, Mr. CLELAND, Ms. LANDRIEU, and Mr. REED, to be conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles, in which the concurrence of the House is requested:

S. 331. An act to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 559. An act to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building''.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 1-minute speeches on each side.

WELCOME TO REVEREND MONSIGNOR RICHARD O'KEEFE

(Mr. PASTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASTOR. Madam Speaker, it is with great pride and it is an honor to introduce to my colleagues and welcome to the House Monsignor O'Keefe

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from Yuma, Arizona, who is one of Arizona's greatest assets.

Monsignor Richard O'Keefe was ordained as a Roman Catholic priest on June 14, 1959, in Ireland. Two months later he found himself serving as an associate pastor in Douglas, Arizona, and ever since that time has continued to reside in Arizona. For the past 27 years, Monsignor O'Keefe has faithfully served my constituents in Yuma, Arizona, and for the last 17 has served in the capacity of pastor of Immaculate Conception Church.

I have to tell my colleagues that he is a man who works with all segments of the community. He knows how to bring all of us together to solve the problems and bring a better quality of life to our community. His philosophy is that our government, as well as its citizens, must ensure that all residents of Arizona be given equal and fair treatment.

Monsignor's vision and commitment to education is evident, for his tireless work towards building the first Catholic church high school in Yuma. Monsignor O'Keefe is a friend, a confidante and a great asset not only to Yuma County, but to all of Arizona.

On behalf of the Congress, Monsignor, we thank you for your service to your church and to your country.

FOND FAREWELL AND SALUTATIONS TO OFFICER KEITH PICKETT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, all across America we take great pride in the work that our law enforcement personnel offer to our cities, local communities, counties and States. Today on Capitol Hill, we pay tribute to a retiring Capitol Police officer, Mr. Keith Pickett. Mr. Pickett will be retiring this Saturday after 27 years of dedicated and valiant service to this body.

His on-the-job duties have been coupled with his strong involvement and commitment to the United States Capitol Police Retirement Association, the Fraternal Order of Police, and the American Legion. While serving the American Legion, Officer Pickett worked to raise money for Heroes, a benefit for survivors of slain police officers and firefighters.

Officer Pickett also served his Nation proudly in the United States Army before serving the occupants and visitors of our Nation's Capitol, this very building that symbolizes the freedom he protects. Here, at the center of freedom in Washington, D.C., we all wish Officer Keith Pickett a fond farewell and many thanks for his 30 years of service to the Federal Government.

Officer Pickett, along with all of my colleagues in the House, I salute you for the many years of invaluable service you have provided your Nation and your fellow officers. We offer you our thanks and our best wishes as you enter this new era of your life.

COMMUNITY REINVESTMENT ACT

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Madam Speaker, I call to my colleagues' attention the importance of the Community Reinvestment Act, also known as CRA, which is incorporated within H.R. 10, generally described as the Financial Modernization Act.

The House will be considering H.R. 10 in the next several weeks, and I bring to my colleagues' attention the importance of maintaining CRA provisions in H.R. 10, as well as ensuring the modernization of banking securities and insurance functions to include modernization of the Community Reinvestment Act.

Madam Speaker, CRA has been an enormous success in the last two decades in raising and leveraging over $1 trillion in low-interest mortgage counseling for housing and small businesses in our underserved communities. However, the need for this kind of support continues and grows. There are over 5 million Americans in substandard housing, according to a 1998 HUD report which states: There has been a sharp increase in the number of working poor families needing housing assistance, with the total number jumping by 265,000, that is 24 percent, from 1991 to 1995.

We have a housing crisis in this country. One way to meet this crisis is to maintain the CRA provisions in H.R. 10, which are in the Leach-LaFalce language, and also modernize CRA by supporting the Gutierrez amendment to H.R. 10.

SEVEN HABITS OF HIGHLY INEFFECTIVE GOVERNMENT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, this morning let us consider the seven habits of highly ineffective government. Here is a list we can all enjoy, unless, of course, one belongs to the party that has made these seven habits of highly ineffective government what they are most proud of.

Number one, disregard the law of unintended consequences. The 1974 campaign finance ''reforms'' anyone?

Number two, be compassionate with other people's money. No further comment necessary.

Number three, take credit for the other party's achievements. I think welfare reform would certainly qualify here.

Number four, spend beyond your means. Forty years of liberal Democratic rule where new programs were created without even asking how to pay for them enshrined this into Washington culture.

Number five, demonize your opponent, attack his motives. No such thing as honest disagreements.

Number six, promise tax cuts; pass tax increases once in office. That is how the liberals get elected.

Number seven, expand entitlements that are about to go bankrupt. How do we think Medicare got to where it is now?

SUPPORT THE TAUZIN-TRAFICANT NATIONAL RETAIL SALES TAX

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, the IRS sent Joshua Jones a bill for $47,000. They said, Joshua, pay up or else. Joshua was in shock. Madam Speaker, Joshua Jones is 13 years old.

Now, I ask my colleagues, what did Joshua do, mow 50,000 lawns? Sell a million cups of lemonade? Beam me up. Thank God the burden of proof is now on the IRS.

But I have a better solution now for the Internal Revenue Service. Support the Tauzin-Traficant national retail sales tax. No more forms, no more income tax, no more audits, no more bills, no more IRS, and it is that simple. This is not rocket science.

I yield back the dilemma of Joshua Jones.

MEDICARE FUNDING

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Madam Speaker, Vice President AL GORE announced his Presidential candidacy yesterday, and in the speech he said, and I quote, ''I will make sure that Medicare is never weakened, never looted, never taken away.''

How ironic to hear Mr. GORE speak those words at a time when this administration is refusing to spend the funds authorized by Congress to ensure the solvency of the Medicare program.

The Balanced Budget Act of 1997 provided the money to safeguard the health care needs of our Nation's seniors well into the 21st century. Yet, the Clinton-Gore administration is shortchanging Medicare by $20 billion. Let me repeat that. This administration is shortchanging Medicare by $20 billion. This underfunding is creating serious problems in the delivery of health services to the nearly 40 million elderly and disabled Americans who depend on Medicare.

The Vice President could make good on his campaign rhetoric and avert a major health care crisis by persuading the bureaucracy at President Clinton's Health Care Financing Administration to quit shortchanging Medicare and restore the funding to the levels authorized by Congress.

REMEMBER MELINDA FLOWERS BY VOTING FOR COMMON-SENSE GUN MEASURES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, Melinda Flowers was 4 years old when she and her 8 year old sister found a .38-caliber pistol in their mother's closet. They did not know the gun was loaded, and they played with the gun, pointing it at various items around the room. The gun went off. Melinda was fatally shot in the forehead.

As of today, Melinda Flowers' death will no longer remain anonymous. She and the 13 youngsters who die every single day because of guns are not nameless, faceless statistics; they are real people, real children who are dying from an epidemic.

Over the course of the next 2 days, Members of this body can choose between two options. They can vote for modest, common-sense gun safety provisions already approved by the United States Senate, or they can vote for a watered-down gun bill.

The mothers and fathers of this country are consistent in their plea for modest gun safety measures. Child safety locks are a simple, inexpensive way to prevent accidental deaths and in no way restrict a person's right to own a gun. Closing the loophole at gun shows will allow law-abiding citizens to get firearms freely, but prevent guns from falling into the hands of criminals.

These are common-sense, modest proposals. Let us do the will of the American people. Let us not forget Melinda Flowers.

NO SEPARATE COMMAND AND NO SEPARATE GEOGRAPHIC AREA FOR MILITARY FORCES IN KOSOVO

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Madam Speaker, this Member rises to oppose any kind of accommodationist approach regarding Russian military forces in Kosovo. Russia's gambit at the Pristina airport clearly caught NATO and the Clinton administration off guard. It looks too much like the kind of territorial grab the Soviet Army made at the end of World War II. Moscow declared and demanded that its soldiers have a separate sector to patrol outside NATO's command.

□ 1015

Madam Speaker, Americans must not be deceived by the administration to accept euphemistic rhetoric which will mask the placement of Russian forces in a separate geographic area in Kosovo under a separate command.

President Clinton must not budge. No separate sector under Russian control.

The administration and NATO absolutely must not compromise on this issue. Congress and the American people will be watching. The world will be watching. There must be only one answer to the Russians. No, no, no. Nyet, nyet, nyet.

WHAT POLICY WILL MAKE US SAFER?

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Madam Speaker, I rise today to talk about gun safety and to pose the question, What policy will make us safer? Today in Congress we will debate the issue of gun safety and, most importantly, closing the loophole with respect to gun shows. The issue will be this: Should we be allowed to do a 3-day background check on people who buy guns or should we have a watered-down version that only allows 24 hours?

Law enforcement officials such as the FBI say they need 3 days because sometimes there are thousands of Johnsons and Smiths that they have to run through their computers.

What will make us safer: Taking the 3 days to do a thorough background check so a felon or someone with mental instability does not get a gun, or rushing through for the sake of convenience and letting literally thousands of felons get guns?

These gun shows do not occur at neighborhood arenas or fairgrounds. Oftentimes it is somebody in a pickup truck who shows his guns at a small community. There is nothing wrong with that, but they should have adequate background checks. We have an opportunity to do it today.

Madam Speaker, I urge us to vote for sound, fair, sensible gun control.

LET US FOLLOW NOBLE ASPIRATIONS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask this Congress this morning, What do we tell the mothers and fathers of murdered children? What do we tell those who have seen 13 children die every day? This Congress has an opportunity, as was our prayer this morning, to follow noble aspirations and not follow our political aspirations. Four hundred thousand, 400,000 people were prevented from getting guns under the Brady bill. Two-thirds of them were felons.

To the Republicans who voted for the Brady bill, it is time now to follow noble aspirations and not political aspirations. It is time to join common-sense children's safety and protect them against guns.

Today I will go and talk to constituents who have called me, one who said they will use every penny to defeat me if I vote for gun safety. I ask my colleagues to stand against intimidation, stand for the saving of the lives of those who will go on after us. Tell the mothers and fathers of murdered children that we have the courage to follow our noble aspirations and stand up against the death of children in America.

Vote for gun safety today. Vote for gun safety.

GOP: GUNS OVER PEOPLE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Madam Speaker, a few weeks ago House Republicans said they believed that the United States should not take a leadership role in the world; a war in Europe was someone else's problem, they said. But this week, the GOP says the United States should be the leader of the world. The United States, according to House Republicans, must retain its title as world leader: in murders, assaults and other incidents of gun violence.

I used to think that the Republicans' isolationism simply meant that they closed their eyes to the rest of the world's problems. Now I see that they have closed their eyes to the rest of the world's solutions. The solution to gun violence and crime in every other industrialized nation has been fewer guns; more gun safety laws. It has proven it works.

Sometimes it is hard to figure out what the Members of the GOP stand for. They want us to stand alone in the world, too proud to take a lesson from other countries. They do not want us to stand up for freedom or stand up to an evil aggressor, but at least it is clear what the letters GOP stand for: Guns over people.

AMERICAN TAXPAYERS HAVE A RIGHT TO KNOW WHAT IS GOING ON OVERSEAS, WHO IS PAYING FOR IT, AND HOW FAR THE MILITARY HAS BEEN DILUTED

(Mr. MCINNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINNIS. Madam Speaker, I was not going to address the House until I heard the previous speaker. I would say to the previous speaker that I would like to show him a poster which I am going to show a little later on, a very violent poster. And, of course, this company contributes maximum contributions to the Democratic National Committee.

Second of all, as the previous speaker brought up, that the Republicans are questioning what kind of action went on in Kosovo. Doggone right we are questioning about that. Who is paying their fair share over there? Are the Europeans doing their fair share of burden

sharing? Or once again, is it the taxpayers of the United States of America that are going to pay for all of the action in Kosovo, or the great majority of it?

Let us not kid anybody around here. The American taxpayer and the American citizens want to know what business we have overseas, how we are paying for it, how many of our troops are in danger, how much we have diluted the United States military.

Now, the previous speaker, apparently speaking for the Democratic Party, does not think that is any of our business. Well, I do. I think it is our business. We have the obligation to, number one, see what the mission is and how we complete it.

VOTING TO SUPPORT JUVENILE JUSTICE BILLS

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Madam Speaker, later today we will have the opportunity to vote on a bipartisan piece of legislation that stresses both accountability and prevention for juveniles. In my mind, a good juvenile justice bill must have provisions that hold juveniles immediately accountable for their actions.

H.R. 1501 requires States to implement graduated sanctions, ensuring that there is a consequence to each crime committed and that penalties increase with each additional offense.

By making activities such as restorative justice programs and drug courts eligible for funding, H.R. 1501 allows communities to be innovative in how they hold youngsters accountable. These provisions are in line with legislation that I have drafted that would fund activities allowing localities to provide individual attention to nonviolent juvenile offenders, while holding them accountable for their actions.

This legislation is based on successful efforts of the juvenile justice system in one of my counties, Clackamas County. When a juvenile offender is arrested, that juvenile is assessed, evaluated. They work with parents. They work with local police and school officials to come up with proper sanctions.

I look forward to supporting both of these bills.

AMENDMENT TO PROVIDE PROGRAM FOR EARLY IDENTIFICATION AND INTERVENTION WITH MENTAL HEALTH SERVICES FOR YOUNG PEOPLE WHO EXHIBIT VIOLENT TENDENCIES

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Madam Speaker, the bill we are now debating will try young people as adults at age 13. It will provide magic solutions on guns, but it will not allow a debate on my amendment to provide a greatly expanded program for early identification and intervention with mental health services to young people at an early age if they exhibit tendencies that might lead to violence.

At the proper time today, I will ask unanimous consent to allow my amendment to be added to those other amendments that will be debated so that we can at least try to approach this problem in a comprehensive multifaceted way, so that we can deal with the problem of juvenile violence in the most comprehensive and rational fashion.

LET US PASS LEGISLATION TO PROTECT OUR CHILDREN

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Madam Speaker, when I visit schools and community centers and meet with parents at Little League games and picnics throughout my Congressional District, I constantly hear that we must do something as a Congress and as a nation about the violence that plagues our schools and streets.

The crime rate in my district and in New York City has declined. Neighborhoods are safer. Kids do not fear gang warfare and schools throughout New York are safe havens for students. Kids may be safe but parents are concerned. They are concerned about the proliferation of guns, of kids getting access to guns without trigger locks, of guns being bought at gun shows without adequate background checks, and of the ability to buy guns over the Internet.

These are the issues that the Democrats want to address, not a bill written in secret by the NRA and brought straight to the floor without an adequate committee hearing.

Why is the bill the House is addressing weaker than its Senate bill? Let us pass legislation to protect our children, make our neighborhoods safer and make it harder for guns to get into the hands of children and criminals.

REQUEST TO MAKE IN ORDER OBEY AMENDMENT TO H.R. 1501, CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

Mr. OBEY. Madam Speaker, I ask unanimous consent that during consideration of the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, pursuant to House Resolution 209, the amendment that I have posted at the desk may be considered as though it were the last amendment printed in part A of the Committee on Rules report 106–186.

The SPEAKER pro tempore (Mrs. WILSON). Is there objection to the request of the gentleman from Wisconsin?

Mr. MCINNIS. Madam Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

A REAL NIGHTMARE: DEMOCRAT TAX INCREASE

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Madam Speaker, last night I did not sleep well. I did not sleep well because I had a nightmare. I dreamed that the Democrats had control of both Houses of Congress, and the worst part of it was even more disturbing than that. In this Democrat majority Congress, the Democrat leadership decided to actually pass into law what they said they would do; in other words, raise taxes.

Millions of Democrats across the country are not liberals. In fact, many of them are quite conservative indeed; especially on fiscal issues. But the Democrat party in Washington, as most people know, is quite liberal, especially the Democrat leadership in Congress.

The House minority leader, the gentleman from Missouri (Mr. GEPHARDT), wants to expand the Federal education bureaucracy in Washington by cutting defense and raising taxes, and the minority leader in the other body, Mr. DASCHLE of South Dakota, stated just this past weekend on CNN's Evans and Novak that tax increases are on the table.

That is why I did not sleep well last night.

CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 209 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1501.

□ 1027

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative day of Wednesday, June 16, 1999, a request for a recorded vote on amendment No. 30 printed in part A of House Report 106–186 by the gentleman from Indiana (Mr. SOUDER) had been postponed.

It is now in order to consider amendment No. 32 printed in part A of House Report 106–186.

AMENDMENT NO. 32 OFFERED BY MRS. EMERSON

Mrs. EMERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 32 offered by Mrs. EMERSON:

Add at the end the following:

SEC. ___. SENSE OF THE CONGRESS WITH REGARD TO VIOLENCE AND THE ENTERTAINMENT INDUSTRY.

(a) FINDINGS.—Congress makes the following findings:

(1) Incidents of tragic school violence have risen over the past few years.

(2) Our children are being desensitized by the increase of gun violence shown on television, movies, and video games.

(3) According to the American Medical Association, by the time an average child reaches age 18, he or she has witnessed more than 200,000 acts of violence on television, including 16,000 murders.

(4) Children who listen to explicit music lyrics, play video ''killing'' games, or go to violent action movies get further brainwashed into thinking that violence is socially acceptable and without consequence.

(5) No industry does more to glorify gun violence than some elements of the motion picture industry.

(6) Children are particularly susceptible to the influence of violent subject matter.

(7) The entertainment industry uses wanton violence in its advertising campaigns directed at young people.

(8) Alternatives should be developed and considered to discourage the exposure of children to violent subject matter.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the entertainment industry—

(1) has been irresponsible in the development of its products and the marketing of those products to America's youth;

(2) must recognize the power and influence it has over the behavior of our Nation's youth; and

(3) must do everything in its power to stop these portrayals of pointless acts of brutality by immediately eliminating gratuitous violence in movies, television, music, and video games.

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from Missouri (Mrs. EMERSON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentlewoman from Missouri (Mrs. EMERSON).

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

Mr. Chairman, I think it is interesting to note that Leslie Moonves, the President of CBS television, recently said that while it is not fair to blame the media for the rampage at Columbine, anyone who thinks the media has nothing to do with this is an idiot.

I think Mr. Moonves' comment really sums up why we are offering this amendment today. We have heard a lot about gun shows, pawn shops and ammo clips over the months since the violence at Columbine. We have been told that if we tweak the law a little bit here, or add a new provision to make something else illegal, somehow people who recklessly and purposely gun down others in cold blood will not do it.

Thirty years ago, we had very few gun laws and surprisingly no high school shooting sprees to report every few days or weeks or months, but 30 years ago we also had stricter discipline in schools. School officials did not worry about lawsuits if they expelled a violent child, and parents exerted more control and discipline over their children. They were not afraid to say no to their kids.

Now we have a new gun law every year. We have school officials who are afraid of being sued and we have a Federal law which seems designed to keep violent kids in classrooms, not out of them.

We have an industry that in the name of entertainment produces images of violence that are so graphic and at a pace that makes one dizzy. Why is anyone surprised that in these modern days that some students plan mass murders instead of graduation parties?

I stand here not just as a Member of Congress, I stand here as a mother who is deeply, deeply concerned about the safety and well-being of my children.

□ 1030

I stand here as a neighbor and as a parent of a high school junior who is concerned about the safety and the well-being of my neighbors' kids and my daughter's friends.

The tragedy at Columbine High School and the violence close to schools and close to my district in Paducah, Kentucky, and in Jonesboro, Arkansas, should be a real wake-up call for all of us.

We have got to work together. We have got to work together to give back families a sense of security and control over their own lives. That is what our amendment to the juvenile justice bill seeks to do. It seeks to generate a serious dialogue in our Nation about the negative images that our children are exposed to when they watch television, when they go to the movies, when they play video games, and when they listen to CDs. This dialogue needs to take place in our homes, in our communities; yes, it also needs to take place in the Halls of Congress.

Specifically, our amendment calls on the entertainment industry to recognize the power and the influence it has over our Nation's youth. We ask that the industry does everything in its power to eliminate gratuitous acts of violence in movies, on television, in music lyrics, and in video games.

If we invest the time and the energy to have this discussion, I think we can discover ways to address the factors that contribute to youth violence in America. Now, there may be some things that we can do legislatively, but the bottom line is, quite frankly, much of the solution cannot be legislated.

Our amendment does not create any new laws. It does not create any new regulations. Our amendment does not fund yet another study on the already well-documented impact that violence as entertainment has on our Nation's youth.

I hope that our amendment sends a very clear message to the entertainment industry that Congress and the American people do hold them responsible for the desensitizing images that they market to our children. After all, we would really, really have to be idiots if we think the entertainment industry does not have anything to do with youth violence in America.

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

The CHAIRMAN. Does the gentleman from California (Mr. BERMAN) seek to control the time in opposition?

Mr. BERMAN. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from California is recognized for 20 minutes.

Mr. BERMAN. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment. I do not think anyone in today's modern society can deny the power of the entertainment industry, of the movie industry, of the TV media. We know that this is an industry that can make us cry, that can raise goose pimples on our skin. It can make the hair on the back of our neck stand up. The industry should never deny its power.

In conversations with many executives, they have thought from time to time it was rather foolish for an industry that can convey all of these emotions, that can change the direction of society with uplifting movies, can repeat the history in realistic movies, to deny that power.

But we also know that where we run into trouble with the media industry is where the media industry has access to our children in a vacuum, where the media, the entertainment industry has access to our children in a disproportionate number of hours during the day, when the media and the entertainment industry become substitutes for what families should, in fact, be doing.

Because the same research that tells us rather convincingly that the media can have a very powerful impact on our children, that the entertainment industry can help desensitize our children to violence, to the acts of violence, that it, in fact, can teach them how to perpetrate violence, the same research and additional research makes a very important point.

Where they have strong family bonding, effective teaching of moral values and norms, and effective monitoring of behavior, the effective exposure to violence on TV is probably negligible.

So, really, what this amendment is about is about whether or not we are prepared to choose, whether or not we as families with children and grandchildren are prepared to choose. We can let the media, we can let the entertainment industry become a substitute for our families. We can let our children have access to it without guidelines, without some sense of discipline. We

can let it become the teacher of our children, or we can choose to become the teacher of our children. We can let it baby-sit de facto, become the babysitter for our children, provide day care for our children; or, in fact, we can spend time with our children.

We can decide whether or not it becomes a substitute for our reading to our children. We can decide whether it becomes a substitute for our conversations with our children on values, on ethics, on sex. That is the decision that we have to make.

Because it is not the media in and of itself, it is not the entertainment industry in and of itself that creates this problem. It is in combination with the vacuum that is created by families that creates a vacuum, because they, in fact, have made other choices in their life, some out of necessity, some out of neglect, and some because simply that is what they want to do.

But they have made choices, as we have documented time and time again. They are spending less time with their children. They are having fewer conversations with their children. They are spending less time at the breakfast table, at the dinner table, some because they have very long commutes, some because I guess they choose not to spend time with their children.

That is where the problem in this intersection of this very powerful industry comes into play. I do not think they can solve that by having a blanket condemnation of that industry. I do not think they can do that, because I do not think, then, it is realistic to the children who they are trying to address.

They understand the differences between uplifting movies, movies like ''Schindler's List,'' movies like ''Star Wars,'' movies like ''Notting Hill,'' movies that portray life as they see it, and movies that have nothing to do but pursue the exploitation of women, sex, and violence.

Mrs. EMERSON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I ask the gentleman from California (Mr. GEORGE MILLER) to take a look at the language of the amendment. It does not, in fact, condemn the industry. It simply asks them to admit that it has a responsibility for the power that violence has on television and its impact on children, but also asks them to sit down with us in serious dialogue.

Mr. GEORGE MILLER of California. Mr. Chairman, if the gentlewoman will yield, I thank the gentlewoman. I think that conversation and responsibility also has to take place in our families. That conversation has to take place.

Mrs. EMERSON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary.

Mr. CHABOT. Mr. Chairman, I thank the gentlewoman from Missouri for yielding me this time.

As a member of the committee and on behalf of the subcommittee chairman and committee chairman, both of whom support the gentlewoman's amendment, I would say that our children are being desensitized by the increase of violence shown on television and in movies and in video games.

According to the American Medical Association, by the time an average child has reached the age of 18, he or she has witnessed something like 200,000 acts of violence on television, including over 16,000 murders. Children are particularly susceptible to the influence of violent subject matter.

The entertainment industry must recognize the power and influence it has over the behavior of our Nation's youth. The entertainment industry should do everything in its power to stop these portrayals of pointless acts of brutality, pointless, by eliminating gratuitous acts of violence in movies and in television and in video games.

Again, on behalf of the committee, I want to very much support and thank the gentlewoman from Missouri (Mrs. EMERSON) for offering this amendment. I think it is appropriate.

Mr. BERMAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentleman from California for yielding me this time.

We are in the middle of a historic national dialogue on how to reduce violence in our society and make America a safer place for children to grow up. I believe that the more this dialogue is about finding solutions, and the less it is about fixing blame, the more productive the dialogue will be.

Simply blaming the entertainment industry for youth violence is not productive any more than simply blaming schools or blaming young people in general is productive. Our job is to find practical, effective solutions to the problems of youth violence.

The debate today has largely focused on movies, television, and the Internet and video games. Yes, we should encourage the entertainment companies to take any and all steps to prevent objectionable, violent material from getting into the hands of children. Certainly we should support policies that empower parents to know the contents of movies and video games and help them to steer their kids away from violent, debasing entertainment and towards wholesome and productive pursuits. But we must not fail to address issues that I strongly believe strike nearer to the root of the problem of youth violence.

I am deeply saddened that the Committee on Rules struck down an amendment that would have made a giant step in the right direction. I join my fellow Democrats in urging that the juvenile justice bill do more to help our local communities and local districts to help our kids keep out of trouble when they are most at risk, immediately after school. Yet the Republican leadership said no to providing the resources that will help our kids by providing wholesome and productive after-school activities for our children.

Democrats called for tripling the amount of Federal support for after-school programs, including tutoring and mentoring and healthy recreational activities. We called for filling in the risky hours of the days, the hours after school while the opportunity for more youngsters to improve their schoolwork, grow as responsible citizens, learn values, and build stronger minds and bodies. To me, that seems like a practical and effective solution to the pathology that leads to youth violence. But the Republican leadership said no.

Now I fear that we are on the verge of a marathon demonization of the entertainment industry, a tactic of limited value, especially compared to the real-world practical and effective strategies such as tutoring and mentoring, counseling, and wholesome recreation.

We can rest assured that if we do not make it a national priority to provide for our young people activities that are wholesome and necessary for them to grow into strong, healthy adults, that they will be prey to the temptations of the streets and to other destructive influences.

I urge my colleagues to rein in the urge to simply assess blame to the entertainment industry. Let us all work together as parents. Let us instead focus on protecting our youth by providing the resources they need, especially in the high-risk after-school hours.

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

Mr. Chairman, I might add quickly here that, while the people in opposition to this amendment keep saying, do not blame any industry, do not blame any industry, we all have to work together, I would ask what they all have been doing blaming the gun industry, then, for all these weeks?

Mr. Chairman, I am very happy to yield 2½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentlewoman from Missouri for yielding me this time.

Mr. Chairman, I rise in strong support of this amendment expressing a sense of Congress on this very most important topic.

I would like to thank the gentlewoman from Missouri (Mrs. EMERSON) for her leadership on this issue, because she has pushed, I think, something that needs to be touched; and she has hit it very, very well. I appreciate her leadership in many ways, but particularly here.

Mr. Chairman, while we must take a long, hard look at all aspects of our juvenile justice system, can there be any doubt, any doubt at all, that the entertainment industry is contributing to the culture of violence that manifested itself in Colorado; in Georgia; in Jonesboro, Arkansas; and Paducah, Kentucky?

These senseless acts of schoolhouse violence committed by children against children have rightfully captured the Nation's attention, and it is time for Congress to move forward with comprehensive legislation that addresses the growing epidemic of violent juvenile crime.

Part of this response must include a strong statement against often senseless and graphic violence being peddled by the so-called entertainment industry. They do bear responsibility for what comes out. The point has been made, but it bears repeating. By the age of 18, the average child in the United States will have witnessed 200,000 acts of violence and some 16,000 plus murders through our popular culture.

□ 1045

Mr. Chairman, to call this entertainment stretches the definition of the English language. What it really is is mindless brutality, having the effect of coarsening our culture, with the devastating impact on impressionable young people. The effect of this media is a slow and steady erosion of our fundamental values of decency, honor and respect.

As the elected representatives of this great country, those of us fortunate enough to have the privilege of speaking for our constituents have a duty, I think, and an obligation, to use the bully pulpit that this House affords to say to the entertainment industry ''Stop, think, change.''

The Emerson amendment calls upon those responsible for our popular culture to acknowledge the enormous influence they have over America's children, to exercise some responsibility and just a little bit of decency when making and marketing their product. We have a duty to enforce and defend the first amendment. Likewise, the entertainment industry has a duty to use judgment, decency and restraint when it comes to our children.

Mr. Chairman, I urge my colleagues to report this very common-sense amendment.

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

I rise in strong opposition to this amendment, to this language, not because I have any doubts about the sincerity and good intentions of the sponsor, and not because I have any particular disagreement with the substantive words contained in the resolution, but because I believe it is both woefully imbalanced and terribly inappropriate.

The gentlewoman, through her amendment, seeks to select out one industry, excluding a variety of other industries that do the exact same thing, in part, and then chastises that industry in a fashion that she may not intend. She may not be intending to condemn an industry, but I assure my colleagues the passage of this amendment will be reported as a condemnation of an industry.

And what is this industry? This is an industry that produces some of the most powerful teaching instruments available to the people of this country and to the world. And let us talk about them.

Where is the recognition that this is an industry that produced and distributed Saving Private Ryan, teaching Americans and the world about the courage of American soldiers, the commitment to the country's patriotic ideals, to the brutality of war?

Where is the recognition that this is the industry that produced Amistad, revealing a very important segment of the history of slavery in this country?

Or Schindler's List, which told the story of the holocaust in a fashion so powerful that people who had never before contemplated what that meant had a new understanding of it?

Where is the recognition that this is an industry that has produced for our children movies like The Little Mermaid, The Lion King, Beauty and the Beast?

Where is the recognition that there is music that has uplifted the spirits and souls of millions and millions of people all around the world?

This is an unbalanced and unfair resolution. Sure, there are irresponsible actors, absolutely there is inappropriate marketing, absolutely there are cases of pointless and senseless brutality being depicted. To select out one industry and exclude all other industries who engage in the same kind of conduct, and to treat it in such an unbalanced fashion is not worthy of this House.

It is no more fair than my offering a resolution attacking the pharmaceutical industry because one drug company marketed a drug they knew to be harmful to people, or condemning the entire construction industry for the role of asbestos. Where do we get off going after an industry in this kind of a fashion without recognizing the good as well as the bad?

These are people that employ hundreds of thousands of people in this country, that contribute tremendous amounts to the education and the inspiration of the American people, as well as the negatives that the gentlewoman points out.

Why does this amendment exclude books and other powerful means of communication that perhaps at times, with specific authors and certain publishers, might engage in pointless acts of brutality? Where do we come off as a Congress of the United States, as the House of Representatives, memorializing and institutionalizing this kind of unbalanced frontal attack on an industry without recognizing the good along with the bad?

I think it is a bad amendment, and even as I agree with specific substantive points in the language, I do not think this body should be adopting this kind of proposal.

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

Mrs. EMERSON. Mr. Chairman, I ask unanimous consent, if the gentleman from California would be willing, to extend our time 7½ minutes on each side, because we have numerous speakers and not enough time, unless the gentleman from California would like to yield us some of his time. This is an important discussion and I think it is a good one that is worth having.

Mr. BERMAN. Mr. Chairman, reserving the right to object, how much time does each side have remaining?

The CHAIRMAN. The gentleman from California (Mr. BERMAN) has 9 minutes remaining, and the gentlewoman from Missouri (Mrs. EMERSON) has 11½ minutes remaining.

The gentleman from California (Mr. BERMAN) is recognized under his reservation.

Mr. BERMAN. Mr. Chairman, if I might inquire of the gentlewoman, the unanimous consent request would allow how much more time?

Mrs. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. Further reserving the right to object, I yield to the gentlewoman from Missouri.

Mrs. EMERSON. Mr. Chairman, my unanimous consent request would allow each side to have 7½ additional minutes, 15 minutes total.

Mr. BERMAN. That is a lot more time on a very busy day.

Mrs. EMERSON. I think the gentleman would agree it is worthwhile.

Mr. BERMAN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The CHAIRMAN. The gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from California (Mr. BERMAN) shall each have 7½ additional minutes.

The Chair recognizes the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I come to the well today as a Member of the House, but more importantly as the father of a 12-year-old and a 10-year-old stating that there is no more important domestic issue that we could focus our undivided attention on than this issue of children killing other children and what the causes and effects are of this terrible sign in our society.

Almost a thousand studies since 1971 document that mass media influences children who cannot differentiate between reality and fantasy, causing them to be more violent, even causing them to do what does not come natural, and that is to kill another human being. Even rattlesnakes do not kill other rattlesnakes.

Our military had a problem, Mr. Chairman. Colonel David Grossman, a psychologist, a renowned expert in the

field of killology, a part of psychology, says that in World War II our soldiers would not even pull the trigger when an enemy was in front of them. Only 20 percent, at most, would actually pull the trigger. It does not come naturally. So they took the bulls off the firing range and put a human figure and they began desensitization techniques and therapy, and by the Korean War it got up to 40 percent. And then technology set in and they used simulators, much like we have today, and by the time of Vietnam, 90 percent of our soldiers would actually kill. It does not come natural.

My colleagues, our children, by the age of 6, are experiencing the same desensitization therapies. Video games, Karmageddon. The video game Doom is used by our military to train soldiers how to kill, and our children are being inundated with these violent products.

Let me tell my colleagues that this week, in a shameless way, the entertainment and mass media industry is working this hill over like no one can believe, around the clock, trying to push back any kind of common-sense approaches, like uniform labeling, so parents will know what is going on. That amendment will be up in an hour and a half, and the entertainment industry is working around the clock to try to defeat any common-sense approaches so that informed parents can make responsible decisions.

But this is unequivocal. These influences are taking our children in the wrong direction. Splatter movies are not responsible. The entertainment industry has a responsibility. We do not want to place blame, but we want people to be responsible. Industries are profiting from trash going into the minds of our children. If it was alcohol or drugs going into our bodies, we would not stand for it, but the same kinds of evil influences are going into the minds of children, so we should not be so surprised when they turn around and act the way they do.

Something needs to be done. Somebody has to stand up for parents and families, not these big special interests with all the money.

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS) the ranking member of the committee.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding me this time, and I am happy to join in this discussion.

I had some talk with the maker of this particular amendment and we had not reached much of a conclusion, but now I have. There are several problematical things behind a well-intentioned resolution. First of all, this may be, in the 175 amendments that have been submitted to the Committee on Rules, the only sense of Congress resolution in a huge bill.

In other words, all of these other measures that are approved have a lot to do with something very, very specific. We have measures, and have debated them, to create increased protection for communities and holding juveniles more accountable; we have created entire new systems of punishment for juveniles. We have done a lot of things, but we have not done a sense of the Congress resolution against anybody yet except the entertainment industry.

Now, it is my view that what the entertainment industry really needs is some specific direction from us as to what it is we want them to do. I will shortly have the results of some hearings held in the Committee on the Judiciary in which we had a number of experts, academic, people in the industry, people who are critics of the industry, and industry spokesmen themselves, which I would like to make my colleagues the beneficiary of in terms of the nature of the kinds of things that we can do.

And so a sense of Congress resolution would be great if we were not here dealing with the amendments made in order for the Juvenile Offenders Act of 1999. In other words, this is showdown time. The question is not how we feel about the industry or what we do not like about it, the question is what are we going to do about it. And it is to that idea that a sense of Congress resolution is not what we need. What we need are something like the hundreds of amendments that have come forward out of the dozens of hours of debate on this subject.

The next thing that I think we ought to put in to some kind of perspective is that the gentlewoman mentioned that there are people that do not want to condemn the entertainment industry but they do want to condemn the gun industry. Well, that may be so. There are probably people that want to do one thing or the other, but this is not condemnation time. This is showdown time. This is what we do about the problems that we believe to exist. The Committee on the Judiciary has debated and discussed this for many, many hours, and what we want is not a sense of Congress resolution but something quite specific.

And so I want to point out that we do have an amendment to create an antitrust exemption so that we will be able to work industry-wide in any corrective action that we need.

□ 1100

We also have other recommendations that I will be reporting back to my colleagues.

But for sense of Congress resolutions, I am sorry to say the time has come and gone. We are now in the put up or shut up phase. What is it, assuming that everything you say in the resolution is correct, then what do we do? And that is what the amendments that were granted by the Committee on Rules, the substitute that I will shortly be offering today, all try to do.

It is in that sense that I wanted to make clear the reservations that I have about a sense of Congress resolution at this point in time in these proceedings.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield for a friendly question?

Mr. CONYERS. Mr. Chairman, yes, I yield to the gentleman from South Carolina.

Mr. KINGSTON. Mr. Chairman, although my colleague cannot support this, I do appreciate what he is doing through the format of hearings and looking into it. And I think that he will find, while we all have reservations about one thing or the other, we do want to work any way we can to protect children, give them more positive messages.

I want to say, I think my colleague will find the authors of this amendment are certainly willing to help his committee any way we can in a positive sense.

Mr. CONYERS. Mr. Chairman, we welcome that.

This is not an easy problem. It is a very intractable problem. It is deep within our culture. If we could just single out a couple of people and spank them on the hands or pass a condemnation resolution, I guess my colleagues would feel better about it. But it will not change anything.

What I am here for yesterday and last night, today and tonight and tomorrow, is to try to come to closure with the entertainment industry as to what it is precisely we want them to do. And in that regard, I would welcome the comments of the gentlewoman and working together with her and everything else that we can.

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

Mrs. EMERSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Chairman, I rise in strong support of the Emerson resolution.

Because, Mr. Chairman, before completing the sixth grade, the average American child has seen 8,000 homicides and 100,000 acts of violence on television and in the movies.

Now, how can we possibly say that this massive exposure to murder and to violence no way influences the minds of young men and women? There is no way we can. And in fact, a recent survey of young American males found that 22 to 34 percent of those young men who had been exposed to this kind of violence and murder actually tried to perform the same crime techniques.

Mr. Chairman, I was deeply moved by the testimony given in the House Committee on the Judiciary by Darryl Scott, the father of a slain daughter in the Littleton, Colorado, massacre. This remarkable father testified in part, ''I am here today to declare that Columbine was not just a tragedy, it was a spiritual event that should be forcing us to look at where the real blame lies.'' ''Men and women are three-part beings,'' he testified.

He continued, ''We all consist of body, soul and spirit. And when we

refuse to acknowledge a third part of our makeup, we create a void that allows evil, prejudice and hatred to rush in and wreak havoc.''

Mr. Chairman, what the entertainment industry is doing through the mass production of murder and mayhem is destroying the spirit of our children. So we must send a very strong message to this entertainment industry that they must stop the violence that they are thrusting into the minds and the spirits of our children. It is time that the Hollywood elites take the responsibility for the consequences of their actions.

Mr. Chairman, I would like very much to see parents whose children have been killed because of the destructive and violent material have a remedy against profiteers of such material in Federal court.

The CHAIRMAN pro tempore (Mr. QUINN). The Chair would take this opportunity to inform the managers that the gentleman from California (Mr. BERMAN) has 9½ minutes remaining and the gentlewoman from Missouri (Mrs. EMERSON) has 14½ minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield 3½ minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Chairman, I am amazed when I sit over here and listen to people stand up here after the tragedies that we have experienced in this country and say, let us not assess any blame. Mr. Chairman, how do my colleagues think we are going to find a solution?

I used to be a police officer. And when we came up to the scene of a car accident, we did not stand there and say, well, let us not assess any blame. We put a lot of resources into trying to figure out who made the mistake. Was it because of a mechanical problem in the car? Is it because we had a drunk driver? We always assessed the blame. How are we going to find the solution? How are we going to get the bad drivers off the road?

Are my colleagues afraid to stand up? I ask the Democrats, are they afraid to stand up to these kind of video games and tell them it is wrong? The previous speaker said we should not condemn anybody. Well, I am standing here today telling my colleagues, I am condemning this particular game.

We ought to take a look at this, my colleagues, take a look at the game titled ''You're Gonna Die.'' It is made by Interplay Corporation.

Let me go through this in a little more detail. This specific game, and by the way, it is advertised in a magazine. We can find it in any magazine store we want to.

Now, my colleagues may not want to condemn this. But I condemn it. ''You're Gonna Die.'' Six pages centerfold. Do my colleagues know what this game allows us to do? This game allows us to zoom in, take a look at the body parts so that we can observe the exit wounds. My colleagues do not want to condemn this? It is interesting.

Before the President went to Hollywood, he stood in front of the Nation and he condemned Hollywood. Then he goes to Hollywood and he raises millions of dollars. Then he comes back from Hollywood and he condemns Hollywood.

Republicans stand up here today with the resolution of the gentlewoman from Missouri (Mrs. EMERSON) which, by the way, does not put on more laws, does not create new Federal agencies, and does not create a new movie police force outside there. It calls for peer pressure. It says to the industry they have community responsibility.

We stand up here and express concern, and I am surprised that my colleagues are condemning us for this. Do they have another trip going to Hollywood to raise more money in Hollywood?

Let me tell my colleagues, it is interesting about this game. Do my colleagues know what the company that made this game did for the Democratic National Party? They sent them $10,000, the maximum contribution.

These games are nothing but murder simulators. Do my colleagues know what these games are like? Do they want a comparison? Do they want something to condemn? It is like giving the keys to a drunk driver, giving him the keys to a car knowing he is drunk. That is what they are doing with these games.

I urge the Democrats, I urge them from the bottom of my heart, stand up here today and condemn these games with me.

And do my colleagues know what? The industry has been responsive. Disney Corporation voluntarily, and I commend them, stepped forward and said no more of these games in our facilities. Six Flags stepped forward, no more of these games in our facilities. The City of Denver went throughout their airports, their arcades, and said, get those games out of our arcades.

So the key here, the industry will be responsive. But we have got to be willing to stand up to those people. I am asking the Democrats to put their entertainment bias, whatever, aside and stand up with the Republicans and say, we do condemn these kind of games. We do assess some blame.

Obviously, as the Republicans have stated time and time again, it comes to family responsibility. But there is community responsibility which is a contributing factor.

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

Mr. Chairman, I ask the gentleman from Colorado (Mr. MCINNIS) if he would remain at the lectern and answer questions on my time.

Does the gentleman know the name of the manufacturer of that video game?

Mr. MCINNIS. Mr. Chairman, if the gentleman would yield, I do. It is Interplay Corporation, based out of California. Just for the information of my colleagues, the web site is ''www.kingpin.corpse''.

Mr. BERMAN. Mr. Chairman, reclaiming my time, I say to the gentleman, then offer a resolution condemning the company that produced this game. Do not give a speech talking about the emptiness of condemnations coming out of the White House when the emptiness and broad-brush condemnations coming out of the Congress are no less offensive and perhaps more so.

The fact is that the gentleman sits here and correctly points out responsible actions taken by members of the entertainment industry, whether it is the Disney company in the context of pulling certain shows off, whether it is ABC not showing R-rated movie commercials before 9 o'clock, whether it is the National Association of Theater Owners taking a voluntary rating system that has been in effect for 30 or 40 years and deciding that they are going to ID every single youthful appearing person who comes to a theater to make sure that no one is getting into R-rated movies without parental consent.

Do not condemn a whole industry for the irresponsible actions and products of a specific company. Mr. Chairman, where does this blanket guilty by association broad-based defamation come from? Get specific. Tell us what they do not like and condemn what they do not like.

Do not sweep a lot of good people under this, a lot of people who work in an industry and produce positive products for America. Do not destroy the manufacturer of a digital game like Tetris because they do not like this particular digital game. Start getting specific and meaningful.

Mrs. EMERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I would like to commend the gentleman from California.

I agree with him. I think it would be despicable to condemn an entire industry for the actions of people. We have got to get to personal responsibility. I am so proud that the Democrats would never condemn an entire industry just based on the actions of people. And I am sure they will not do that when it comes up to the gun issue.

Frankly, when the gentlewoman from Missouri (Mrs. EMERSON) asked me to come here and to talk about this, I said she was not going to need me. This is incredulous. A simple resolution calling on Hollywood to work with the Congress to work with the American people to help families to stave off the violence, not in a condemning way, to ask them to work with us. I told her you are not going to need me.

My colleagues have to be brain dead to oppose this kind of amendment. Anybody who raises children, anybody who is not from some other solar system has got to understand that the impact of violence in the media is harming our children. And so, I appreciate this opportunity.

But think with me, if my colleagues will, some of the things that impact the mind. Has anybody ever seen the bumper sticker ''Visualize World Peace''? Do my colleagues know why that sticker has so much impact? Because before we can realize anything, we have got to visualize it.

Think about the golf videos. I took up golf a couple years ago with my son, and we rent these videos so we can perfect our golf swing because we visualize ourselves on the video taking that perfect swing and then we go out on the golf course and we realize it. Well, the same thing happens when we watch something over and over and over again.

The Bible says, ''As a man thinketh, so is he.'' Unless my colleagues are brain dead or bought off, they cannot disagree with that.

The fact is what we see has a direct impact with what we do. And if we immerse ourselves in it enough, soon we become desensitized. And, no, it does not make us do anything. I am not Flip Wilson saying, ''The devil made me do it.'' But the fact is, the more we see something, the more we become desensitized.

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

Mr. SALMON. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I agree with the gentleman. Since all of us are brain alive and have not been bought off, now that we are outraged and we place blame and condemnation, what does the gentleman think else we might want to do today since we are dealing with this juvenile justice bill? Is there something besides just condemning and blaming?

Mr. SALMON. Mr. Chairman, I do not see this as a condemnation. I see this as thoughtful discussion. Because frankly, I think the gentleman would agree, there are no quick-fix solutions. This is a problem within our society that is going to take a lot of hard work, a lot of rolling up our sleeves, a lot of bipartisan work, a lot of work out in the trenches, in the churches, in the neighborhoods, in the families.

Frankly, we ought to look at all options, all options.

□ 1115

That is all I am asking. Let us not close our eyes simply because we want to defend one particular industry.

Mr. BERMAN. Mr. Chairman, could I inquire as to the remaining time on both sides?

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from California (Mr. BERMAN) has 7½ minutes remaining; the gentlewoman from Missouri (Mrs. EMERSON) has 8 minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield 3½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding and for his leadership in opposing this amendment.

I rise to oppose it, and reluctantly, because of the high esteem that I have for the maker of the motion and for her cosponsors of it.

My colleagues from California are tired of hearing my stump speech when I say to people when they ask me, what are the three most important issues facing our Congress and our country, I always say the same thing: The three most important issues we face are our children, our children, our children. Everything we do should be about their well-being and the future that we are providing for them.

That is why it is very interesting for me today to come to the floor and see this blanketed condemnation of the entertainment industry being discussed on the floor. Certainly in the problems that we have in our country and the challenges that our children face, and in the aftermath of Littleton, Colorado, there is enough blame to go around everyplace. I know it is not the intention of the maker of the motion, but to some this amendment might seem like an attempt to deflect the blame from the gun industry and the easy accessibility of guns to another source of the violence in our country.

As a politician, and I use that word with great pride, I myself am very offended at the way the public in a blanket way condemns us. The gentleman from Arizona (Mr. SALMON) said that we are either brain dead or bought off. I do not think that that was an accurate characterization of anybody in this body on either side of the aisle, but I think that the American people may think that of the Congress, and so when we hear Congress mocked, criticized and condemned for insatiable appetite for campaign funds, we are accused of being bought off across the board, I certainly do not think that they are referring to me or to my colleague, or to any individual in this body. Blanket condemnations really, as they say, all generalizations, are false, including this one.

The condemnation of the entertainment industry, I think, is grossly unfair. Should we look into and do research on the impact of violence in the media on children and how they react to it? Certainly. I think if everybody had the goal in mind that this amendment ostensibly has, the Committee on Rules of this body would have allowed the Obey amendment to be considered on the floor as part of this bill. The Obey amendment, the Obey safe schools amendment, talks about safe schools, healthy students, community action grants to prevent violence, alternative schools for at-risk and delinquent youth, 21st century community learning centers, the National Academy of Sciences study on mental health. We have to be looking into the mental aspects of this as well.

The violence that the industry puts out is market-driven. I think that we must look to all of the root causes of the violence in our society. We must look into the home, we must look into how children's consciences are developed, but we cannot, when we are delinquent in all of the other areas, then decide to make life easy on ourselves by giving a blanket condemnation of the entertainment industry.

I do not want to go into the number of jobs it creates and into what it does for the balance of payments and all that, because if they were doing the wrong thing, even that would not justify it. But I will say that our colleagues should oppose it; however good it sounds, it comes to us at the price of freedom.

Mrs. EMERSON. Mr. Chairman, I yield myself such time as I may consume to say to the gentlewoman with all due respect, whom I consider a good friend and for whom I have great respect, there have been a thousand studies in the last 45 years on the issue of violence and its impact on aggressive behavior with children, most all of which have shown a positive correlation.

Mr. Chairman, I yield 3½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, let me say to the gentleman from California and his colleagues that we appreciate the sincerity of this debate. As my colleagues know, this is an element in society today that we are concerned about, and maybe this is not the best vehicle to correct the problem. But I do want to say, it does not condemn the motion picture industry or the entertainment industry. It does have some very positive language in here.

We recommend that alternatives be developed concerning discouraging the exposure of children to violent subject matter. We do think that industry has been irresponsible, and that could be tightened up. We say we want the entertainment industry to recognize its power and influence over the Nation's youth and their behavior, and we want them to do everything in their power to stop the portrayals of pointless acts of brutality.

So while it is too broad for my colleague, it is not as broad as it has been accused of being. But let me say this. While we are discussing it, positive things are happening. I was in the State legislature in Georgia when we debated a mandatory seat belt law. We debated that for 8 years before it was passed, but during the debate the awareness was heightened, and usage of seat belts went up.

I think as long as we are talking about it, as long as the gentleman from Michigan (Mr. CONYERS) is having hearings about it, we are saying, let us bring this up, talk about it, and let us do it freely. This language has been structured by us to make sure that we do not violate the first amendment. This is an urging kind of thing. And it might be too broad for my colleague, but maybe we should come back and do it as a freestanding resolution that could give us a little more leeway on the language.

In recognition, though, the children are watching 20 hours of TV every week and countless hours listening to CDs, computers and videos and so forth, and we are worried that the influences that they are having from them can be negative. By the time a child is a senior in high school, he or she has seen 200,000 acts of violence on TV and 16,000 murders. Research shows overwhelmingly that there is a measurable increase in aggressive behavior from individuals who have been watching violent TV.

Let me just say to my colleagues, I have young children; actually, not so young anymore, a 16- and a 14-year-old, and the gentlewoman from Texas (Ms. JACKSON-LEE)'s son and mine played together at the bipartisan retreat. But Proximity Mines, a video game, this is how the makers of that game describe it in their own advertisement: A wave of shrapnel that can cut a man off at the knees and slice smaller enemies into a pulpy goo. This is what they are bragging about. Another video game, The Firestorm Cannon, delivers a literal rain of firepower.

Eric Harris and Dylan Klebold, the boys who were the perpetrators of Columbine, they were accomplished players of the video game Doom. Well, now there is a new video game Doom, but Doom II, which the promoter and the manufacturer advertises as being bigger, badder and bloodier than the original; this sequel extends the carnage started in Doom.

It is something that we are very concerned about, as I know my colleagues are concerned. I never thought I would be quoting Marilyn Manson, but Marilyn Manson, whose CD, among other things, on his album, AntiChrist Superstar, has these words: The housewife I will beat, the prolife I will kill. I throw a little fit, I slash my teenage wrist, get your gunn, get your gunn.

Yet, what does he have to say after Columbine? He has to say that the media makes heroes out of Klebold and Harris. Didn't be surprised if people get pushed into believing that these people are idols. From Jesse James to Charles Manson, the media has turned criminals into folk heroes.

There is a broad enough spectrum of philosophy here that we can look into this and not be afraid to talk about it.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from Michigan (Mr. CONYERS), our ranking member.

Mr. CONYERS. Mr. Chairman, I want to agree with the gentleman from Georgia (Mr. KINGSTON) and let him know that I think out of this discussion we may be justifying even why we had a sense of Congress resolution in a bill this complex. But I would like to turn my colleagues' attention, as along with the author of this measure, to hearings we held in the Committee on the Judiciary on May 13 on youth, culture and violence, and what a panel it was. Well, there were several panels. But involved were Michael Medved, the film critic; Jack Valenti, President of the Motion Picture Association of America; Dr. Dewey Cornell, professor of clinical psychology, University of Virginia; and we are reproducing these hearings.

What Michael Medved, at the same panel with Jack Valenti, suggested is that we desperately need a ratings, universal rating system to cover all elements of pop culture, a clear and consistent means of labeling movies, television, CDs, video games, so that consumers can make much more informed choices on the marketplace. He said, ''Even Hollywood's most shameless apologists must face the fact that the current situation with ratings and parental warnings amount to a chaotic incomprehensible mess.''

It is from there that I would like to throw this out to the author of the amendment and my friend from Georgia to see if this resonates at all with my colleagues in terms of where we may go from the sense of Congress resolution.

Mrs. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. Mr. Chairman, I think what the gentleman is saying is very important and a very good idea. I think what I want my colleagues to understand is the purpose of this amendment is really to begin the dialogue on this issue. We do not legislate, we do not make any new laws within the resolution, because it is my personal opinion that this is a huge issue that we must address, and what the gentleman is telling us is definitely an important part of that.

Mr. CONYERS. Mr. Chairman, that is exactly where I want to go from here. I want to legislate. I want to make laws. We do not make doughnuts; that is all we have here, and to me these hearings that we have already had provide a very important way for us to move forward.

The CHAIRMAN. The Chair would inform the managers that the gentleman from California (Mr. BERMAN) has 1¾ minutes remaining; and the gentlewoman from Missouri (Mrs. EMERSON) has 4 minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield 2½ minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, the entertainment industry and the academic community in study after study really documents this problem. There is no disagreement that this is a problem. I think this debate has been helpful today, and what it calls attention to is the interest of the Congress in seeing the industry do something about the facts they have.

We could give all sorts of studies that show that youth violence does increase, aggressive behavior does increase when viewing, or a preference for violent television alone is part of their lifestyle. According to the national television violence study funded by the cable TV industry itself, who really with that report say to the country, we have a problem here, TV violence has continued to grow, since 1994, violence has increased in prime time broadcasts and basic cable programs. They also say that the way TV violence is depicted encourages children toward aggressive behavior. Sixty-seven percent of the programs carried by the network programs in prime time for cable included violence; 64 percent of those programs included violence in the 1996–1997 season. That violence is often glamorized.

As my good friend, the gentlewoman from California (Ms. PELOSI) said, our business here should be about children, and however we solve this, it should be with the best interests of the children in America. According to a 1995 Mediascope study, perpetrators of violence go unpunished 73 percent of the time. The consequences of the violent action are almost never apparent. Thirty-nine percent of the time violence is depicted as part of humor.

The facts can best be changed by the industry itself. That is what the gentlewoman from Missouri's amendment says. The best solution here is not a government solution, if the industry will take their steps to solve this first. This resolution calls on them to do that. I call on them to do that, and I ask my colleagues to include this important resolution in the legislation that we vote on today.

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

Mr. Chairman, as the mother of four children, and soon to be 8 children actually, I can think of no greater love, no more profound or pure love than that which I have for my children. There is nothing in the world I would not do to protect them to keep them safe. I will do everything in my power to make sure that happens.

This debate, as everyone has so eloquently said, really goes to the heart and soul of this country. It is about the kind of place that we make for our kids and for their children.

I do not think one of us, not as legislators, not as parents, the gun lobby, the entertainment industry, our community leaders, priests, rabbis, ministers, no one, no one can shirk their responsibility and lay the blame at someone else's doorstep and say it is someone else's fault that our kids are killing kids today.

We live in the greatest country in the world and I think we have to all join hands, put aside our political differences and come down and sit at the table and figure out what is wrong in our society today. It is far more important to do this than to play politics. It is far more important than winning elections.

Quite frankly, I am embarrassed. I am embarrassed that we, as the greatest law-making body in the world, would try to make political points with

an issue that is so important and so fundamental to the well-being of our country, and that is the safety and security of our children. I think we should be ashamed of ourselves. We do not need more studies. We do not need more laws. We need to talk. We need everyone at the table. All we are doing with this amendment is asking the entertainment industry to sit down with us.

I will thank my colleagues for their eloquent words, both on my side and their side.

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

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

Mr. Chairman, I simply want to say I have a better understanding of the gentlewoman's motivations from the debate and appreciate them. I feel that this would be a better and more appropriate resolution if it focused on the bad actors or, in the alternative, recognized the tremendous good that the industry has brought.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank all of the participants and debaters on this issue. First of all, I want to acknowledge all of us who have come to the floor, and parents, who have the understanding and appreciation for our responsibility. So I thank the gentlewoman for allowing us this debate.

I would simply say this: It is a good resolution to get us discussing the issue, but I would simply say to the gentlewoman that what we can do now is to allow the entertainment industry to come to the table, along with some of the other bad actors, because I think it is equally important that we say to the National Rifle Association that all that they have been promoting is not right and they have not been listening to those of us who have said we have to find a way to cease this violence, this gun violence, these actions on the part of our children.

There are so many variables to helping our children understand that violence is not the way to go, and condemnation can occur. We can do this every day on the floor of the House, but will it bring about results?

I would say to my colleagues, let us go back to our districts and go to the retailers of videos and CDs and ask them voluntarily to meet with us and begin to explain to parents how they should instruct their children when they come in to buy CDs and come in to buy videos, and so we have a voluntary cooperation to stop the violence amongst our children.

I hope that out of this discussion that we will find resolutions and that we will not condemn just a certain industry or certain group, that we will ask all of them to come to the table and work with us to be constructive and get the problems solved.

I would like to submit for the RECORD ''Religious Expression in Public Schools: A Statement of Principles,'' by the Secretary of Education.

RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS: A STATEMENT OF PRINCIPLES

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

''. . . Schools do more than train their children's minds. They also help to nurture their souls by reinforcing the values they learn at home and in their communities. I believe that one of the best ways we can help our schools do this is by supporting students' fights to voluntarily practice their religious beliefs in schools. For more than 200 years, the First Amendment has protected our religious freedom and allowed many faiths to flourish in our homes, in our workplaces, and in our schools. Clearly understood and sensibly applied, it works''—President Clinton, May 30, 1998.

DEAR AMERICAN EDUCATOR, Almost three years ago, President Clinton directed me, as U.S. Secretary of Education, in consultation with the Attorney General, to provide every public school district in America with a statement of principles addressing the extent to which religious expression and activity are permitted in our public schools. In accordance with the President's directive, I sent every school superintendent in the country guidelines on Religious Expression in Public Schools in August of 1995.

The purpose of promulgating these presidential guidelines was to end much of the confusion regarding religious expression in our nation's public schools that had developed over more than thirty years since the U.S. Supreme Court decision in 1962 regarding state sponsored school prayer. I believe that these guidelines have helped school officials, teachers, students, and parents find a new common ground on the important issue of religious freedom consistent with constitutional requirements.

In July of 1996, for example, the Saint Louis School Board adopted a district wide policy using these guidelines. While the school district had previously allowed certain religious activities, it had never spelled them out before, resulting in a lawsuit over the right of a student to pray before lunch in the cafeteria. The creation of a clearly defined policy using the guidelines allowed the school board and the family of the student to arrive at a mutually satisfactory settlement.

In a case decided last year in a United States District Court in Alabama, (*Chandler* v. *James*) involving student initiated prayer at school related events, the court instructed the DeKalb County School District to maintain for circulation in the library of each school a copy of the presidential guidelines.

The great advantage of the presidential guidelines, however, is that they allow school districts to avoid contentious disputes by developing a common understanding among students, teachers, parents and the broader community that the First Amendment does in fact provide ample room for religious expression by students while at the same time maintaining freedom from government sponsored religion.

The development and use of these presidential guidelines were not and are not isolated activities. Rather, these guidelines are part of an ongoing and growing effort by educators and America's religious community to find a new common ground. In April of 1995, for example, thirty-five religious groups issued ''Religion in the Public Schools: A Joint Statement of Current Law'' that the Department drew from in developing its own guidelines. Following the release of the presidential guidelines, the National PTA and the Freedom Forum jointly published in 1996 ''A Parent's Guide to Religion in the Public Schools'' which put the guidelines into an easily understandable question-and-answer format.

In the last two years, I have held three religious-education summits to inform faith communities and educators about the guidelines and to encourage continued dialogue and cooperation within constitutional limits. Many religious communities have contacted local schools and school systems to offer their assistance because of the clarity provided by the guidelines. The United Methodist Church has provided reading tutors to many schools, and Hadassah and the Women's League for Conservative Judaism have both been extremely active in providing local schools with support for summer reading programs.

The guidelines we are releasing today are the same as originally issued in 1995, except that changes have been made in the sections on religious excusals and student garb to reflect the Supreme Court decision in *Boerne* v. *Flores* declaring the Religious Freedom Restoration Act unconstitutional as applied to actions of state and local governments.

These guidelines continue to reflect two basic and equally important obligations imposed on public school officials by the First Amendment. First, schools may not forbid students acting on their own from expressing their personal religious views or beliefs solely because they are of a religious nature. Schools may not discriminate against private religious expression by students, but must instead give students the same right to engage in religious activity and discussion as they have to engage in other comparable activity. Generally, this means that students may pray in a nondisruptive manner during the school day when they are not engaged in school activities and instruction, subject to the same rules of order that apply to other student speech.

At the same time, schools may not endorse religious activity or doctrine, nor may they coerce participation in religious activity. Among other things, of course, school administrators and teachers may not organize or encourage prayer exercises in the classroom. Teachers, coaches, and other school officials who act as advisors to student groups must remain mindful that they cannot engage in or lead the religious activities of students.

And the right of religious expression in school does not include the right to have a ''captive audience'' listen, or to compel other students to participate. School officials should not permit student religious speech to turn into religious harassment aimed at a student or a small group of students. Students do not have the right to make repeated invitations to other students to participate in religious activity in the face of a request to stop.

The statement of principles set forth below derives from the First Amendment. Implementation of these principles, of course, will depend on specific factual contexts and will require careful consideration in particular cases.

In issuing these revised guidelines I encourage every school district to make sure that principals, teachers, students and parents are familiar with their content. To that end I offer three suggestions:

First, school districts should use these guidelines to revise or develop their own district wide policy regarding religious expression. In developing such a policy, school officials can engage parents, teachers, the various faith communities and the broader community in a positive dialogue to define a common ground that gives all parties the assurance that when questions do arise regarding religious expression, the community is well prepared to apply these guidelines to specific cases. The Davis County School District in Farmington, Utah is an example of a

school district that has taken the affirmative step of developing such a policy.

At a time of increasing religious diversity in our country such a proactive step can help school districts create a framework of civility that reaffirms and strengthens the community consensus regarding religious liberty. School districts that do not make the effort to develop their own policy may find themselves unprepared for the intensity of the debate that can engage a community when positions harden around a live controversy involving religious expression in public schools.

Second, I encourage principals and administrators to take the additional step of making sure that teachers, so often on the front line of any dispute regarding religious expression, are fully informed about the guidelines. The Gwinnett County School system in Georgia, for example, begins every school year with workshops for teachers that include the distribution of these presidential guidelines. Our nation's schools of education can also do their part by ensuring that prospective teachers are knowledgeable about religious expression in the classroom.

Third, I encourage schools to actively take steps to inform parents and students about religious expression in school using these guidelines. The Carter County School District in Elizabethton, Tennessee, included the subject of religious expression in a character education program that it developed in the fall of 1997. This effort included sending home to every parent a copy of the ''Parent's Guide to Religion in the Public Schools.''

Help is available for those school districts that seek to develop policies on religious expression. I have enclosed a list of associations and groups that can provide information to school districts and parents who seek to learn more about religious expression in our nation's public schools.

In addition, citizens can turn to the U.S. Department of Education web site (www.ed.gov) for information about the guidelines and other activities of the Department that support the growing effort of educators and religious communities to support the education of our nation's children.

Finally, I encourage teachers and principals to see the First Amendment as something more than a piece of dry, old parchment locked away in the national attic gathering dust. It is a vital living principle, a call to action, and a demand that each generation reaffirm its connection to the basic idea that is America—that we are a free people who protect our freedoms by respecting the freedom of others who differ from us.the Baptist, the Catholic, the Jew and many others fleeing persecution to find religious freedom in America. The United States remains the most successful experiment in religious freedom that the world has ever known because the First Amendment uniquely balances freedom of private religious belief and expression with freedom from state-imposed religious expression.

Public schools can neither foster religion nor preclude it. Our public schools must treat religion with fairness and respect and vigorously protect religious expression as well as the freedom of conscience of all other students. In so doing our public schools reaffirm the First Amendment and enrich the lives of their students.

I encourage you to share this information widely and in the most appropriate manner with your school community. Please accept my sincere thanks for your continuing work on behalf of all of America's children.

Sincerely,

RICHARD W. RILEY,
U.S. Secretary of Education.

RELIGIOUS EXPRESSION THE PUBLIC SCHOOLS

Student prayer and religious discussion: The Establishment Clause of the First Amendment does not prohibit purely private religious speech by students. Students therefore have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. For example, students may read their Bibles or other scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable nondisruptive activities. Local school authorities possess substantial discretion to impose rules of order and other pedagogical restrictions on student activities, but they may not structure or administer such rules to discriminate against religious activity or speech.

Generally, students may pray in a nondisruptive manner when not engaged in school activities or instruction, and subject to the rules that normally pertain in the applicable setting. Specifically, students in informal settings, such as cafeterias and hallways, may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech. Students may also speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. School officials, however, should intercede to stop student speech that constitutes harassment aimed at a student or a group of students.

Students may also participate in before or after school events with religious content, such as ''see you at the flag pole'' gatherings, on the same terms as they may participate in other noncurriculum activities on school premises. School officials may neither discourage nor encourage participation in such an event.

The right to engage in voluntary prayer or religious discussion free from discrimination does not include the right to have a captive audience listen, or to compel other students to participate. Teachers and school administrators should ensure that no student is in any way coerced to participate in religious activity.

Graduation prayer and baccalaureates: Under current Supreme Court decisions, school officials may not mandate or organize prayer at graduation, nor organize religious baccalaureate ceremonies. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services. A school may not extend preferential treatment to baccalaureate ceremonies and may in some instances be obliged to disclaim official endorsement of such ceremonies.

Official neutrality regarding religious activity: Teachers and school administrators, when acting in those capacities, are representatives of the state and are prohibited by the establishment clause from soliciting or encouraging religious activity, and from participating in such activity with students. Teachers and administrators also are prohibited from discouraging activity because of its religious content, and from soliciting or encouraging antireligious activity.

Teaching about religion: Public schools may not provide religious instruction, but they may teach about religion, including the Bible or other scripture: the history of religion, comparative religion, the Bible (or other scripture) as literature, and the role of religion in the history of the United States and other countries all are permissible public school subjects. Similarly, it is permissible to consider religious influences on art, music, literature, and social studies. Although public schools may teach about religious holidays, including their religious aspects, and may celebrate the secular aspects of holidays, schools may not observe holidays as religious events or promote such observance by students.

Student assignments: Students may express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free of discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns identified by the school.

Religious literature: Students have a right to distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities. Schools may impose the same reasonable time, place, and manner or other constitutional restrictions on distribution of religious literature as they do on nonschool literature generally, but they may not single out religious literature for special regulation.

Religious excusals: Subject to applicable State laws, schools enjoy substantial discretion to excuse individual students from lessons that are objectionable to the student or the students' parents on religious or other conscientious grounds. However, students generally do not have a Federal right to be excused from lessons that may be inconsistent with their religious beliefs or practices. School officials may neither encourage nor discourage students from availing themselves of an excusal option.

Released time: Subject to applicable State laws, schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend. Schools may not allow religious instruction by outsiders on school premises during the school day.

Teaching values: Though schools must be neutral with respect to religion, they may play an active role with respect to teaching civic values and virtue, and the moral code that holds us together as a community. The fact that some of these values are held also by religions does not make it unlawful to teach them in school.

Student garb: Schools enjoy substantial discretion in adopting policies relating to student dress and school uniforms. Students generally have no Federal right to be exempted from religiously-neutral and generally applicable school dress rules based on their religious beliefs or practices; however, schools may not single out religious attire in general, or attire of a particular religion, for prohibition or regulation. Students may display religious messages on items of clothing to the same extent that they are permitted to display other comparable messages. Religious messages may not be singled out for suppression, but rather are subject to the same rules as generally apply to comparable messages.

THE EQUAL ACCESS ACT

The Equal Access Act is designed to ensure that, consistent with the First Amendment, student religious activities are accorded the same access to public school facilities as are student secular activities. Based on decisions of the Federal courts, as well as its interpretations of the Act, the Department of Justice has advised that the Act should be interpreted as providing, among other things, that:

General provisions: Student religious groups at public secondary schools have the same right of access to school facilities as is enjoyed by other comparable student groups. Under the Equal Access Act, a school receiving Federal funds that allows one or more student noncurriculum-related clubs to meet on its premises during noninstructional time may not refuse access to student religious groups.

Prayer services and worship exercises covered: A meeting, as defined and protected by the Equal Access Act, may include a prayer service, Bible reading, or other worship exercise.

Equal access to means of publicizing meetings: A school receiving Federal funds must allow student groups meeting under the Act to use the school media—including the public address system, the school newspaper, and the school bulletin board—to announce their meetings on the same terms as other noncurriculum-related student groups are allowed to use the school media. Any policy concerning the use of school media must be applied to all noncurriculum related student groups in a nondiscriminatory matter. Schools, however, may inform students that certain groups are not school sponsored.

Lunchtime and recess covered: A school creates a limited open forum under the Equal Access Act, triggering equal access rights for religious groups, when it allows students to meet during their lunch periods or other noninstructional time during the school day, as well as when it allows students to meet before and after the school day.

Revised May 1998.

List of organizations that can answer questions on religious expression in public schools.

Religious Action Center of Reform Judaism

Name: Rabbi David Saperstein, Address: 2027 Massachusetts Ave., NW, Washington, DC 20036, Phone: (202) 387–2800, Fax: (202) 677–9070, E-Mail: rac@uahc.org, Web site: www.cdinet.com/RAC/.

American Jewish Congress

Name: Marc Stem, Address: 15 East 84th Street, New York, NY 10028, Phone: (212) 360–1545, Fax: (212) 861–7056, E-Mail: Marc-S-AJC@aol.com.

Christian Legal Society

Name: Steven McFarland, Address: 4208 Evergreen Lane, #222, Annandale, VA 22003, Phone: (703) 642–1070, Fax: (703) 642–1075, E-Mail: clrf@mindspring.com, Web site: www.clsnet.com.

National School Boards Association

Name: Laurie Westley, Address: 1680 Duke Street, Alexandria, VA 22314, Phone: (703) 838–6703, Fax: (703) 548–5613, E-Mail: lwestley@nsba.org, Web site: www.nsba.org.

American Association of School Administrators

Name: Andrew Rotherham, Address: 1801 N. Moore St., Arlington, VA 22209, Phone: (703) 528–0700, Fax: (703) 528–2146, E-Mail: arotherham@aasa.org, Web site: www.aasa.org.

National PTA

Name: Maribeth Oakes, Address: 1090 Vermont Ave., NW, Suite 1200, Washington, DC 20005, Phone: (202) 289–6790, Fax: (202) 289–6791, E-Mail: m__oakes@pta.org, Web site: www.pta.org.

National Association of Evangelicals

Name: Forest Montgomery, Address: 1023 15th Street, NW #500, Washington, DC 20005, Phone: (202) 789–1011, Fax: (202) 842–0392, E-Mail: oga@nae.net, Web site: www.nae.net.

Freedom Forum

Name: Charles Haynes, Address: I 10 1 Wilson Blvd., Arlington, VA 22209, Phone: (703) 528–0800, Fax: (703) 284–2879, E-Mail: chaines@freedomforum. org, Web site: www.__ freed omfo rum. org.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment offered by the gentlewoman from Missouri (Mrs. EMERSON).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 28 offered by the gentleman from Alabama (Mr. ADERHOLT); amendment No. 29 offered by the gentleman from Indiana (Mr. SOUDER); and amendment No. 30 offered by the gentleman from Indiana (Mr. SOUDER).

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

AMENDMENT NO. 28 OFFERED BY MR. ADERHOLT

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 28 offered by Mr. ADERHOLT:

Add at the end the following new title:

TITLE ___—RIGHTS TO RELIGIOUS LIBERTY

SEC. ___. FINDINGS.

The Congress finds the following:

(1) The Declaration of Independence declares that governments are instituted to secure certain unalienable rights, including life, liberty, and the pursuit of happiness, with which all human beings are endowed by their Creator and to which they are entitled by the laws of nature and of nature's God.

(2) The organic laws of the United States Code and the constitutions of every State, using various expressions, recognize God as the source of the blessings of liberty.

(3) The First Amendment to the Constitution of the United States secures rights against laws respecting an establishment of religion or prohibiting the free exercise thereof made by the United States Government.

(4) The rights secured under the First Amendment have been interpreted by courts of the United States Government to be included among the provisions of the Fourteenth Amendment.

(5) The Tenth Amendment reserves to the States respectively the powers not delegated to the United States Government nor prohibited to the States.

(6) Disputes and doubts have arisen with respect to public displays of the Ten Commandments and to other public expression of religious faith.

(7) Section 5 of the Fourteenth Amendment grants the Congress power to enforce the provisions of the said amendment.

(8) Article I, Section 8, grants the Congress power to constitute tribunals inferior to the Supreme Court, and Article III, Section 1, grants the Congress power to ordain and establish courts in which the judicial power of the United States Government shall be vested.

SEC. ___. RELIGIOUS LIBERTY RIGHTS DECLARED.

(a) DISPLAY OF TEN COMMANDMENTS.—The power to display the Ten Commandments on or within property owned or administered by the several States or political subdivisions thereof is hereby declared to be among the powers reserved to the States respectively.

(b) EXPRESSION OF RELIGIOUS FAITH.—The expression of religious faith by individual persons on or within property owned or administered by the several States or political subdivisions thereof is hereby—

(1) declared to be among the rights secured against laws respecting an establishment of religion or prohibiting the free exercise of religion made or enforced by the United States Government or by any department or executive or judicial officer thereof; and

(2) declared to be among the liberties of which no State shall deprive any person without due process of law made in pursuance of powers reserved to the States respectively.

(c) EXERCISE OF JUDICIAL POWER.—The courts constituted, ordained, and established by the Congress shall exercise the judicial power in a manner consistent with the foregoing declarations.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 248, noes 180, not voting 6, as follows:

[Roll No. 221]

AYES—248

Aderholt	Dooley	Kelly
Archer	Doolittle	King (NY)
Armey	Doyle	Kingston
Bachus	Dreier	Klink
Baker	Duncan	Knollenberg
Ballenger	Dunn	Kolbe
Barcia	Ehlers	LaFalce
Barr	Emerson	LaHood
Barrett (NE)	English	Largent
Bartlett	Etheridge	Latham
Barton	Everett	LaTourette
Bass	Ewing	Leach
Bateman	Fletcher	Lewis (CA)
Bereuter	Foley	Lewis (KY)
Berry	Forbes	Linder
Biggert	Ford	Lipinski
Bilbray	Fossella	LoBiondo
Bilirakis	Fowler	Lucas (KY)
Bishop	Gallegly	Lucas (OK)
Blagojevich	Ganske	Manzullo
Bliley	Gekas	Mascara
Blunt	Gibbons	McCollum
Boehner	Gilchrest	McCrery
Bonilla	Gillmor	McHugh
Bono	Gilman	McInnis
Boswell	Goode	McIntosh
Boyd	Goodlatte	McIntyre
Brady (TX)	Goodling	Metcalf
Bryant	Gordon	Mica
Burr	Goss	Miller (FL)
Burton	Graham	Miller, Gary
Buyer	Granger	Mollohan
Callahan	Green (TX)	Moran (KS)
Calvert	Green (WI)	Murtha
Camp	Gutknecht	Myrick
Canady	Hall (OH)	Nethercutt
Cannon	Hall (TX)	Ney
Chabot	Hansen	Northup
Chambliss	Hastings (WA)	Norwood
Chenoweth	Hayes	Nussle
Clement	Hayworth	Obey
Coble	Hefley	Ortiz
Coburn	Herger	Ose
Collins	Hill (MT)	Oxley
Combest	Hilleary	Packard
Condit	Hobson	Paul
Cook	Hoekstra	Pease
Costello	Hostettler	Peterson (MN)
Cox	Hulshof	Peterson (PA)
Cramer	Hunter	Petri
Crane	Hutchinson	Phelps
Cubin	Hyde	Pickering
Cunningham	Isakson	Pitts
Danner	Istook	Pombo
Davis (VA)	Jenkins	Portman
Deal	John	Pryce (OH)
DeLay	Johnson (CT)	Quinn
DeMint	Johnson, Sam	Radanovich
Diaz-Balart	Jones (NC)	Rahall
Dickey	Kasich	Ramstad

Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—180

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gonzalez
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Kuykendall
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wilson
Wise
Woolsey
Wu
Wynn

NOT VOTING—6

Brown (CA)
Carson
Houghton
McKeon
Smith (NJ)
Thomas

□ 1158

Mr. VISCLOSKY and Mr. TOWNS changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 29 OFFERED BY MR. SOUDER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 29 offered by Mr. SOUDER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. RELIGIOUS NONDISCRIMINATION.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting before title III the following:

''RELIGIOUS NONDISCRIMINATION

''SEC. 299J. (a) A governmental entity that receives a grant under this title and that is authorized by this title to carry out the purpose for which such grant is made through contracts with, or grants to, nongovernmental entities may use such grant to carry out such purpose through contracts with or grants to religious organizations.

''(b) For purposes of subsection (a), subsections (b) through (k) of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply with respect to the use of a grant received by such entity under this title in the same manner as such subsections apply to States with respect to a program described in section 104(a)(2)(A) of such Act.''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 346, noes 83, not voting 5, as follows:

[Roll No. 222]

AYES—346

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—83

Ackerman
Allen
Baldwin
Berkley
Blagojevich
Blumenauer
Brady (PA)
Brown (OH)
Cardin
Clay
Clayton
Conyers

Cummings
Davis (IL)
DeGette
Dixon
Doggett
Edwards
Engel
Eshoo
Evans
Fattah
Filner
Gejdenson
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Horn
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kennedy
Kilpatrick
Kind (WI)
Kucinich
Lampson
Lantos
Lee
Lewis (GA)
Lowey
Maloney (NY)
Martinez
McCarthy (NY)
McDermott
McNulty
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Morella
Nadler
Napolitano
Oberstar
Olver
Pallone
Paul
Payne
Pelosi
Pickett
Rangel
Rothman
Roybal-Allard
Rush
Sanders
Schakowsky
Scott
Serrano
Sisisky
Slaughter
Stark
Tierney
Udall (CO)
Velazquez
Vento
Waters
Watt (NC)
Waxman
Woolsey
Wu

NOT VOTING—5

Brown (CA)
Carson
Houghton
Smith (NJ)
Thomas

□ 1208

Mr. DEFAZIO, Mr. HINOJOSA, Ms. BROWN of Florida, Mrs. MCCARTHY of New York and Ms. HOOLEY of Oregon changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 30 OFFERED BY MR. SOUDER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment No. 30 offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 30 offered by Mr. SOUDER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting before title III the following:

''NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS

''SEC. 299J. None of the funds appropriated to carry out this Act may be used, directly or indirectly, to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of juveniles who participate in programs for which financial assistance is provided under this Act or of the parents or legal guardians of such juveniles.''.

RECORDED VOTE

Mr. CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 210, noes 216, not voting 8, as follows:

[Roll No. 223]

AYES—210

Aderholt
Archer
Armey
Bachus
Baker
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cunningham
Danner
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Ford
Fossella
Fowler
Franks (NJ)
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
Lazio
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Paul
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Rahall
Ramstad
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wise
Wolf
Young (FL)

NOES—216

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Ballenger
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goodling
Goss
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Petri
Phelps
Pickett
Price (NC)
Pryce (OH)
Rangel
Regula
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Sisisky
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wilson
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—8

Boucher
Brown (CA)
Carson
Houghton
Kolbe
Linder
Smith (NJ)
Thomas

□ 1217

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 33 printed in part A of House Report 106–186.

AMENDMENT NO. 33 OFFERED BY MR. MARKEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 33 offered by Mr. MARKEY:

At the end of the bill, insert 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 minors, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than 1 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).

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. Chairman, the Markey-Roukema-Barrett amendment is very simple and straightforward. It would require the Department of Justice and the Federal Trade Commission to work together to examine gun manufacturers' marketing efforts towards children.

To effectively combat youth gun violence, we must first understand the factors contributing to the culture of violence. Just as we must examine the role the media and the entertainment industry play in glamorizing gun violence, so too must we investigate the firearm industry's targeting of children.

Advertisements and articles such as this one, which encourage parents to ''Start 'em young,'' and depict children toting guns that would be illegal for them to possess, needs to be closely examined and stopped. This is not unusual. Advertisements aimed at children are utilized by Beretta, Browning and Harrington & Richardson Revolvers, to name a few. They appear on-line in gun catalogues and weapons magazines and appeal to a culture where guns and gun violence are considered acceptable.

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

Mrs. ROUKEMA. Madam Chairman, although I am not opposed to the amendment, I ask unanimous consent to control the time.

The CHAIRMAN pro tempore (Mrs. EMERSON). Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, 13 young people die each and every day from gun violence, from murder, suicides, tragic accidents. Of course, we have heard about the Littleton massacre. Actually, these statistics shows us that there is one Littleton-size massacre every day in our society.

But I really want to thank the gentleman from Massachusetts (Mr. MARKEY) for his leadership here because we pride ourselves in the House that we legislate based on the facts, and that is what the gentleman from Massachusetts, and I and the gentleman from Wisconsin (Mr. BARRETT), a co-sponsor of this amendment, are seeking to do.

This amendment very clearly directs the Federal Trade Commission and the Attorney General to take an in-depth look at the marketing practices of the firearms industry with respect to children.

The gentleman from Massachusetts has outlined it, and he has given a good example about what we are trying to do here. The provision is identical to the action in the Senate. The Senate juvenile justice bill passed by a voice vote back in May, the same provision. It was due to Senators HATCH and BROWNBACK, who are hardly liberal legislators, but they are sensible, common-sense people, who agreed to this.

The marketing of guns to children has become a budding industry in our Nation, shamefully so, I might say. We have seen the examples of advertisements in magazines that are up here, and I am sure the gentleman from Massachusetts (Mr. MARKEY) will reference them later, but I have just one here that I would like to show that graphically illustrates what we are talking about.

This ad ran on the Beretta Web site stating that this new design, on the gun handle and barrel namely, a tie-dyed design is very attractive to young people, and it states, as stated here, ''This is sure to make you stand out in the crowd.'' That is the kind of appeal that they are making to young, innocent people, enticing them to buy an Assault Beretta.

Mr. Chairman, we have been searching for answers for the past 2 days in this House on the epidemic of violence that has plagued our young people, but I think it is too many guns, violent movies, videos, song lyrics, and parents. Well, as far as I am concerned, it is all of the above, but it is about time that we take this action to examine on the facts what is being done to market to our children. We have to help save them from this violence.

We seek to keep guns out of the hands of children, especially those who have a tendency towards violence. I can think of no better way, no more common-sense way for us to get some facts that will guide us in the future to meaningful legislation.

Madam Chairman, I reserve the balance of my time.

Mr. MARKEY. Madam Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Madam Chairman, I am pleased to join the gentleman from Massachusetts (Mr. MARKEY) and the gentlewoman from New Jersey (Mrs. ROUKEMA) in this amendment.

As my colleagues have mentioned, we are asking for a study on the marketing practices of gun manufacturers. As the father of four young children, I want to know if gun makers are targeting kids in an effort to get them interested in guns at a very young age and to guarantee their use as they are growing up.

Madam Chairman, I want to bring to the Members' attention this advertisement for the Harrington & Richardson 929 Sidekick Revolver shown right here. This ad promotes the Sidekick as ''the right way to get started in handgunning,'' and as a ''quality 'first-time' revolver.'' This seems harmless until we realize the ad appears in Insights, the NRA's youth magazine.

This ad clearly illustrates the issue we want to address. It is illegal for anyone under the age of 18 to purchase a handgun, and yet handgun advertisements appear prominently in a publication specifically aimed at those under age 18. We can see from the letters. The young lady here is 14 years old, 15 years old. This is a child's magazine, yet they are marketing handguns to children.

I want to point out that this language was adopted by the Senate last month by a voice vote. So this is a no-brainer. We should adopt this amendment today, and I hope the House will agree to take this very simple and commonsense step.

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

Madam Chairman, to show my colleagues how bad this practice is, Senator BOXER made this amendment in the Senate and Senator HATCH accepted it.

These disturbing advertisements and articles bring to mind the all-out assault the tobacco industry made on children through the use of Joe Camel and the Marlboro Man. I think it is wise for Congress to ask the question of whether or not the gun industry, the gun manufacturers, and the NRA are targeting the young children of our country, trying to develop them into a culture of guns and violence, which ultimately manifests itself in crimes or antisocial behavior in our society.

Our amendment is not a panacea. It will not solve all the problems of youth gun violence. It will, however, begin an important dialogue about firearm manufacturers' and marketers' contribution to the high incidence of gun violence and gun deaths among our Nation's children.

Three-quarters of all of the murders of young people in the 26 largest industrialized countries of the world occur in the United States. Three-quarters of all of the murders of the 26 largest industrialized countries occur amongst children in the United States. Does anyone doubt that this kind of advertising helps to perpetuate an atmosphere in which that kind of act is contemplatable? I think not. I think that those who carelessly target the young people of our country with this kind of advertisement must be stopped.

I urge the Members of the House to today embrace this amendment. It is a small but important step in ensuring that the gun manufacturers and the NRA be made accountable for their actions in creating a culture of youth violence within our society.

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

Mrs. ROUKEMA. Madam Chairman, I yield myself the balance of my time to simply comment on the statement of the gentleman from Massachusetts that I think it is callous and irresponsible and totally disingenuous the way they are marketing to our children, and I thank him for his leadership.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 34 printed in part A of House Report 106–186.

AMENDMENT NO. 34 OFFERED BY MR. MARKEY

Mr. MARKEY. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 34 offered by Mr. MARKEY:

Insert at the end the following new section:

SEC. . SURGEON GENERAL REVIEW OF EFFECT ON JUVENILES OF VIOLENCE IN MEDIA.

(a) FINDINGS.—The Congress finds the following:

(1) the tragic killings at a high school in Colorado remind us that violence in America continues to occur at unacceptable levels for a civilized society;

(2) the relationship of violent messages delivered through such popular media as television, radio, film, recordings, video games, advertising, the Internet, and other outlets of mass culture, to self-destructive or violent behavior by children or young adults towards themselves, such as suicide, or to violence directed at others, has been studied intensely both by segments of the media industry itself and by academic institutions;

(3) the same media used to deliver messages which harm our children can also be used to deliver messages which promote positive behavior;

(4) much of this research has occurred in the 17 years since the last major review and report of the literature was assembled by the National Institute on Mental Health published in 1982;

(5) the Surgeon General of the United States last issued a comprehensive report on violence and the media in 1972; and

(6) the number, pervasiveness, and sophistication of technological avenues for delivering messages through the media to young people has expanded rapidly since these 2 reports.

(b) COMPREHENSIVE REVIEW REQUIRED.—The Surgeon General, in cooperation with the National Institute of Mental Health, and such other sources of expertise as the Surgeon General deems appropriate, shall undertake a comprehensive review of published research, analysis, studies, and other sources of reliable information concerning the impact on the health and welfare of children and young adults of violent messages delivered through such popular media as television, radio, recordings, video games, advertising, the Internet, and other outlets of mass culture.

(c) REPORT.—The Surgeon General shall issue a report based on the review required by subsection (b). Such report shall include, but not be limited to, findings and recommendations concerning what can be done to mitigate any harmful affects on children and young adults from the violent messages described in such subsection, and the identification of gaps in the research that should be filled.

(d) DEADLINES.—The review required by subsection (b) shall be completed in no more than 1 year, and the report required by subsection (c) shall be issued no later than 6 months following completion of the review.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

□ 1230

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

Madam Chairman, this amendment seeks to update the last two reports prepared under the direction of the Surgeon General concerning what the research tells us about how media affects young people.

The President has called for such a report. In fact, the Motion Picture Association has indicated it does not oppose such a report.

When this proposal was introduced as a bill, it attracted 31 cosponsors, led by the gentleman from Indiana (Mr. BURTON) and proving the bipartisan nature of this need. It has been 17 years since the report by the National Institute of Mental Health in 1982, and 27 years since the Surgeon General's report of 1972.

Both reports focused on television's impact on behavior. But since that time, the capacity of the entertainment industry to deliver ever more graphic depiction of violence has vastly increased, and the outlets for delivering these images to children without the intervention of adults has multiplied many times.

Moreover, the research community and the entertainment and interactive media have produced a vast compendium of research polling and analysis, much of it confusing and conflicting, but which is much more relevant to today's world than when it was studied 15 and 30 years ago.

The last Government-sponsored review in 1982 included the following introductory sentence: ''We must recognize that children are growing up in an environment in which they must learn to organize experiences and emotional responses not only in relationship to the physical and social environment of the home, but also in relationship to the omnipresent 21-inch screen that talks and sings and dances and encourages the desire for toys and candies and breakfast foods.'' This notion is now as quaint as it is obsolete.

Over the last 30 years, we have seen a transformation of the media in the United States. We no longer talk about the 21-inch box. We now have the Internet. We now have a cable revolution with dozens of channels, all of them potentially threats to the well-being of children unless there is proper protections, proper safeguards put into place.

So we call upon the Surgeon General to provide the country with a new Surgeon General's report within 18 months which reflects a contemporary crisis. We hope that all of the Members here on the floor today can embrace, I believe, the need for better public health information about the threat to children in our country.

Mr. BURTON of Indiana. Madam Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Madam Chairman, I would just like to have a little colloquy with the gentleman.

I would just like to say that I was going to make some of the same points that my colleague the gentleman from Massachusetts (Mr. MARKEY) just made, but I do not want to be redundant.

I will just say that this is something that is extremely important. As he said, it has been a long, long time since we have had any kind of report or study like this. With the advent of all the new technologies, television becoming so pervasive, the Internet becoming so pervasive, it is extremely important that we in the Congress and the people of this country know where the problems lie. And this report is going to be extremely important in our decision-making process and for the American people.

So I join with my colleague in trying to make sure that this passes with an overwhelming majority. It is the right thing to do, and I do not see why anybody would oppose it.

Madam Chairman, I would like to thank my colleague for taking the initiative on this.

Mr. MARKEY. Madam Chairman, reclaiming my time, only to say that this amendment obviously reflects a long-term concern that the gentleman from Indiana (Mr. BURTON) and I have had for this whole subject area, and I would hope that all of the Members could embrace it today.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mrs. EMERSON). Does anyone seek time in opposition?

Mr. MARKEY. Madam Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MARKEY) has 30 seconds remaining.

Mr. BURTON of Indiana. Madam Chairman, if we need more time, I would be glad to claim the time in opposition. I ask unanimous consent to do that.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MARKEY. Madam Chairman, I yield the balance of my time to the gentleman from California (Mr. BERMAN).

Mr. BURTON of Indiana. Madam Chairman, if the gentleman needs more than 30 seconds, I would be glad to yield him the time.

Mr. BERMAN. Madam Chairman, I thank very much both the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Indiana (Mr. BURTON) for yielding me the time.

I support the amendment. I think establishing the science of the relationship between the depiction of violence and the impacts of media violence are legitimate, are important, and are relevant. And I think both gentlemen have fashioned a proposal that does

this, removes all of the rhetoric on both sides and all of the efforts to point blame, and is an investment in real science.

I hope that the NIH study would review the methodologies and the formulas that have been used by the different researchers, study the different conclusions and different statistical models that could be developed from those formulas. And I think questions that have not even been asked before by private researchers, the questions and the relevance of neighborhood violence and what kind of role that plays in terms of family, in terms of the commission of violence, family situations and their relationship to the root causes of violence, all these things, are a matter for investigation, not anecdote, empirical studies, science, not rhetoric.

I urge the adoption of the amendment.

Mr. BURTON of Indiana. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Madam Chairman, I thank the gentleman for yielding.

There is one point I hope that the Surgeon General's study does include, because there is an interesting question out here, the issue of depiction of violence through the media and the commission of violent acts, and the distribution of that same media throughout the world, and the existence of a lower violence rate in many other countries and what are the relationships and what are the reasons.

I think this would be worth pursuing, too, because this becomes a part of the debate on the whole question of media violence and its contribution to violence in our society.

Mr. BURTON of Indiana. Madam Chairman, I yield myself such time as I may consume.

I will conclude by saying that I think the point of the gentleman is well-taken, and I think the gentleman from Massachusetts (Mr. MARKEY) and I will try to ask the Surgeon General to include that in this.

I hope anybody in the media who is watching will realize how serious Congress is about finding out the source of a lot of our problems so that we do not have these problems in the future. And if people in the media and the entertainment industry and other industries that have depicted violence and sexual explicitness on television and in the movies in the years past, if they would just of their own initiative start addressing this problem, it might eliminate some of the action that Congress might have to take in the future.

Madam Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Chairman, thank the gentleman very much for yielding.

Again, I want to thank him so much for all the work which he has done. I want to thank Tamara Fucile on my staff for all the excellent work she has done as well in helping to put all this together.

Mr. BURTON of Indiana. Madam Chairman, I want to thank Matt on my staff for all the work he has done as well.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

RECORDED VOTE

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 35 printed in Part A of House Report 106–186.

AMENDMENT NO. 35 OFFERED BY MR. WAMP

Mr. WAMP. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 35 offered by Mr. WAMP:

At the end of the bill insert the following:

SEC. 3. SYSTEM FOR LABELING VIOLENT CONTENT IN AUDIO AND VISUAL MEDIA PRODUCTS.

(b) LABELING OF AUDIO AND VISUAL MEDIA PRODUCTS.—The Fair Packaging and Labeling Act is amended by adding at the end the following:

''LABELING OF AUDIO AND VISUAL MEDIA PRODUCTS

''SEC. 14. (a) It is the policy of Congress, and the purpose of this section, to provide for the establishment, use, and enforcement of a consistent and comprehensive system for labeling violent content in audio and visual media products (including labeling of such products in the advertisements for such products), whereby—

''(1) the public may be adequately informed of—

''(A) the nature, context, and intensity of depictions of violence in audio and visual media products; and

''(B) matters needed to judge the appropriateness of the purchase, viewing, listening to, use, or other consumption of audio and visual media products containing violent content by minors of various ages; and

''(2) the public may be assured of—

''(A) the accuracy and consistency of the system in labeling the nature, context, and intensity of depictions of violence in audio and visual media products; and

''(B) the accuracy and consistency of the system in providing information on matters needed to judge the appropriateness of the purchase, viewing, listening to, use, or other consumption of audio and visual media products containing violent content by minors of various ages.

''(b)(1) Manufacturers and producers of interactive video game products and services, video program products, motion picture products, and sound recording products may submit to the Federal Trade Commission a joint proposal for a system for labeling the violent content in interactive video game products and services, video program products, motion picture products, and sound recording products.

''(2) The proposal under this subsection should, to the maximum extent practicable, meet the requirements set forth in subsection (c).

''(3)(A) The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement between or among manufacturers and producers referred to in paragraph (1) for purposes of developing a joint proposal for a system for labeling referred to in that paragraph.

''(B) For purposes of this paragraph, the term 'antitrust laws' has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

''(c) A system for labeling the violent content in interactive video game products and services, video program products, motion picture products, and sound recording products under this section shall meet the following requirements:

''(1) The label of a product or service shall consist of a single label which—

''(A) takes into account the nature, context, and intensity of the depictions of violence in the product or service; and

''(B) assesses the totality of all depictions of violence in the product or service.

''(2) The label of a product or service shall specify a minimum age in years for the purchase, viewing, listening to, use, or consumption of the product or service in light of the totality of all depictions of violence in the product or service.

''(3) The format of the label for products and services shall—

''(A) incorporate each label provided for under paragraphs (1) and (2);

''(B) include a symbol or icon, and written text; and

''(C) be identical for each given label provided under paragraphs (1) and (2), regardless of the type of product or service involved.

''(4) In the case of a product or service sold in a box, carton, sleeve, or other container, the label shall appear on the box, carton, sleeve, or container in a conspicuous manner.

''(5) In the case of a product or service that is intended to be viewed, the label shall—

''(A) appear before the commencement of the product or service;

''(B) appear in both visual and audio form; and

''(C) appear in visual form for at least five seconds.

''(6) Any advertisement for a product or service shall include a label of the product or service in accordance with the applicable provisions of this subsection.

''(d)(1)(A) If the manufacturers and producers referred to in subsection (b) submit to the Federal Trade Commission a proposal for a labeling system referred to in that subsection not later than 180 days after the date of the enactment of this section, the Commission shall review the labeling system contained in the proposal to determine whether the labeling system meets the requirements set forth in subsection (c) in a manner that addresses fully the purposes set forth in subsection (a).

''(B) Not later than 180 days after commencing a review of the proposal for a labeling system under subparagraph (A), the Commission shall issue a labeling system for purposes of this section. The labeling system issued under this subparagraph may include

such modifications of the proposal as the Commission considers appropriate in order to assure that the labeling system meets the requirements set forth in subsection (c) in a manner that addresses fully the purposes set forth in subsection (a).

''(2)(A) If the manufacturers and producers referred to in subsection (b) do not submit to the Commission a proposal for a labeling system referred to in that subsection within the time provided under paragraph (1)(A), the Commission shall prescribe regulations to establish a labeling system for purposes of this section that meets the requirements set forth in subsection (c).

''(B) Any regulations under subparagraph (A) shall be prescribed not later than one year after the date of the enactment of this section.

''(e) Commencing one year after the date of the enactment of this section, a person may not manufacture or produce for sale or distribution in commerce, package for sale or distribution in commerce, or sell or distribute in commerce any interactive video game product or service, video program product, motion picture product, or sound recording product unless the product or service bears a label in accordance with the labeling system issued or prescribed by the Federal Trade Commission under subsection (d) which—

''(1) is appropriate for the nature, context, and intensity of the depictions of violence in the product or service; and

''(2) specifies an appropriate minimum age in years for purchasers and consumers of the product or service.

''(f) Commencing one year after the date of the enactment of this section, a person may not sell in commerce an interactive video game product or service, video program product, motion picture product, or sound recording product to an individual whose age in years is less than the age specified as the minimum age in years for a purchaser and consumer of the product or service, as the case may be, under the labeling system issued or prescribed by the Federal Trade Commission under subsection (d).

''(g) The Federal Trade Commission shall have the authority to receive and investigate allegations that an interactive video game product or service, video program product, motion picture product, or sound recording product does not bear a label under the labeling system issued or prescribed by the Commission under subsection (d) that is appropriate for the product or service, as the case may be, given the nature, context, and intensity of the depictions of violence in the product or service.

''(h) Any person who violates subsection (e) or (f) shall be subject to a civil penalty in an amount not to exceed $10,000 for each such violation. In the case of an interactive video game product or service, video program product, motion picture product, or sound recording product determined to violate subsection (e), each day from the date of the commencement of sale or distribution of the product or service, as the case may be, to the date of the determination of the violation shall constitute a separate violation of subsection (e), and all such violations shall be aggregated together for purposes of determining the total liability of the manufacturer or producer of the product or service, as the case may be, for such violations under that subsection.

Mr. WAMP. Madam Chairman, I ask unanimous consent that the gentleman from Michigan (Mr. STUPAK), the prime sponsor on the Democratic side of this amendment, be granted 10 minutes' time in support of this amendment and that he be able to yield time to Members in support of this amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Tennessee (Mr. WAMP) will control 10 minutes, and the gentleman from Michigan (Mr. STUPAK) will control 10 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. WAMP).

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. Madam Chairman, are either one of these gentlemen opposed to the amendment?

The CHAIRMAN pro tempore. The Chair has not recognized opposition time at this point.

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

Madam Chairman, this act will create a consistent and comprehensive system for labeling violent content in audio and visual media products, including the labeling of products in the advertisements.

The system will consist of a single label that will inform consumers of the nature, context, intensity of violent content, and age appropriateness of such products. The label will specify a minimum age in years for the purchase, viewing, listening to, use, or consumption of the product or service. The label will also include an icon or symbol with written text in plain view of the consumer. In the case of video or motion picture programs, the label with appear at the beginning of the program and last for at least 5 seconds.

The act waives antitrust laws, and the industries are given 6 months to work together in developing a standardized product labeling system. The proposal is subject to modification and final approval by the Federal Trade Commission.

In the occasion manufacturers do not submit a labeling system at the appropriate time, the Federal Trade Commission will devise regulations on its own to establish the labeling system.

The act bans domestic sale or commercial distribution of unlabeled products after 1 year in the event that these things are not met. Further, retailers are required to enforce label restrictions on such products and are subject to a fine of up to $10,000 for failure to do so. Manufacturers and producers who violate the labeling system will be subject to these fines each day for every day the product is in the marketing place.

So my colleagues may ask, why is this necessary? We have heard testimony today that there have been almost a thousand studies since 1971 clearly showing that the violence in mass media products such as video games, movies, CDs is now so outrageous that it is having a desensitization effect, a conditioning effect on the young people of America. And this violence is so prolific that young people who cannot differentiate between fantasy and reality are effectively sitting at video games serving as simulators with killing, splattering, exit wounds.

The promotion is now so outrageous that all we are asking for is not to ban these products, but to have a uniform labeling system, much like we have on food safety products, much like we have on cigarettes, where a label will show a responsible parent what is necessary to make an informed judgment about whether to buy this product or take this product home.

I submitted earlier that Lieutenant Colonel Dave Grossman, in a book called ''On Killing Provocatively,'' shows that the desensitization of human beings today, the act of killing happens over time by desensitization, these magazines' media products clearly are causing this to happen to our children, and pointed to the fact that our soldiers even in war are not inclined to naturally kill each other, that typically species do not kill each other. Even rattlesnakes do not kill each other and humans do not kill each other naturally.

We are asking at this defining moment, what is causing our children to kill each other? What evil is manifesting itself when our children will show up in places like Columbine and actually pull the trigger and kill each other?

□ 1245

I would suggest that one of the primary factors is this desensitization that in large part the mass media, and I know their motives are not such but the fact is it is happening where these video games are having such an adverse effect.

Our soldiers in World War II, only 15 to 20 percent according to studies would actually kill each other, would kill the enemy when they were faced with an enemy. So they took the bull's eye off the firing range and they put a human figure so that the desensitization would begin to happen. They tried to break solders down so that they would ultimately pull the trigger. By the Korean War we got that figure up to 40 percent. By the Vietnam War, technology set in and it got up to 90 percent, so that the soldiers would actually pull the trigger, because it is not human, it is not natural for us to kill each other but they are desensitized, much like a pilot is desensitized through simulation for flight training, much like a driver learns how to drive through simulators. Video games have that same effect on small children. This is a catastrophic thing clearly in our society that we need to do something about. These video games need to at least be labeled.

With that, I look forward to a healthy and honorable debate here.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mrs. EMERSON). Does any Member seek time in opposition?

Mr. CONYERS. Yes. I do, Madam Chairman.

The CHAIRMAN pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 20 minutes.

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

This is an interesting concept here in which we now move the government into the labeling system business and we will now have an all-controlling, omnipotent Federal Trade Commission which will now be directly responsible for the labeling system for video games, movie and sound packages having violent content.

I hope everybody is thinking about what this is going to do in terms of the relationship of the government to commerce in the United States. The Federal Trade Commission has its hands full now. Outside of the Antitrust Division of the Department of Justice, it is the only antitrust division that we have, FTC. So it is with some reluctance that I indicate to my dear friend the gentleman from Michigan (Mr. STUPAK) that this goes a little bit beyond the pale in terms of its overreach. What we are doing is creating a politburo that will move much of the entertainment industry to Washington, D.C. and I think we want to stop and think a minute about what we are doing.

We had an interesting hearing on May 13 on youth and violence. One of the great ideas, and I am not sure if the authors of this amendment are aware, which came out of it was the notion that there ought to be one kind of labeling system for all the entertainment industry. It was advanced by a media critic. It made a lot of sense. At the panel was Jack Valenti himself, representing the movie industry. It is, I think, under active consideration.

What we find is the problem here, instead of trying to see if the entertainment industry will move on our recommendations, is that here we have decided that they are not or they will not or they cannot and we will now do it for them by commanding the Federal Trade Commission to promulgate a government labeling system. This kind of parallels the Hyde amendment that was rejected yesterday. It is a little bit more tailored. But it still is constitutionally suspect because of the vagueness.

Not defining what violence means means that we will be in the courts for quite a long period of time. It is overbroad because it would apply to historical programs and restrict the dissemination of facts. It also may be considered not exactly necessary because the covered industries are using labels and, as I have suggested, they are moving toward even improving them. We have a problem with the V-chip, but I understand from the gentleman from Michigan (Mr. STUPAK) that there may be an amendment that can correct it.

With regard to whether the amendment is premature or not, we are assuming that the entertainment products with violence are automatically harmful to youth and we impose a costly and burdensome labeling system. Might it not be better to wait for the definitive evidence of such links before imposing an intrusive government regulation system? Under the Markey amendment just passed, we decided to have the Surgeon General conduct a study. In another arena we have NIH conducting a study.

So without trying to punt on this, there is the unambiguous scientific evidence that really needs to be brought to bear. I am hopeful that we will consider this with great care.

Madam Chairman, I reserve the balance of my time.

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

My good friend the ranking Democrat on the Committee on the Judiciary has raised a couple of issues I would like to respond to.

Government is already into labeling. This is a label amendment. Government is into labeling. Let me explain. Let us say this is video. Let us say this is music. Let us say this is TV. Let us say this is movies. We have four different packages here and government labels every one of these packages. Everything we consume physically, government labels. On the back of every one of these packages is nutritional facts. It came from the FDA. Every one of them.

What we are saying is whether you are a movie, you are going to have a uniform, consistent standard label so we as consumers, before we consume it, we know what it is. Every one of them, nutritional facts. Every one of them, nutritional facts. Every one of them, nutritional facts. That is what we are asking the entertainment industry to do.

It is suggested that we should wait. For over 30 years the movie industry has been putting forth ratings. They are never the same. They constantly change. There is no enforcement. We have been waiting for over 30 years. Why 30 years ago did they bring up a rating system? Because study after study shows violence, constantly depicted, starting at age 8 makes the impression upon people that it is okay to do what you are seeing on television or what you are listening to in music or what you are seeing in the interactive video games, whatever it may be. In fact, this amendment amends government's Fair Packaging and Labeling Act. That is what we are asking to do in this bill. Government has been labeling and telling us what to do.

What we are asking for, music, video, interactive, television, give us the same, consistent, uniform label. And we let industry determine it. For the first 6 months industry will determine it. As the gentleman from Michigan (Mr. CONYERS) points out, the Federal Trade Commission, FTC, has a right to oversee it. So it is uniform, it is consistent. Yes, we put financial penalties in there if they do not do it, if the producers and distributors do not do it. Why? Because we have been waiting over 30 years.

Madam Chairman, today I am offering my amendment with the gentleman from Tennessee to establish a standardized product, to put a violence labeling system for interactive video games, video programs, motion pictures and music. This is to inform and have a uniform and consistent labeling system which will be a valuable tool before I purchase a video game or music for my sons or let them go to a movie.

I want to thank the gentleman from Tennessee for his hard work on this. It is fair to say we must thank in the other body Senators LIEBERMAN and MCCAIN for their tireless effort in this same area. What we are saying here, we require that the manufacturers of products, whatever they are, put forth a uniform label which tells us what is the nature of the movie, or the music, what is the context, what is the intensity, what is the intensity of the violent content and the age appropriateness for these products.

It requires industry to work together, all of them, music, video games, videos, television, to work together to develop a standardized product. And if they cannot, the FTC is going to do it for them.

The amendment bans domestic sale and commercial distribution of unlabeled products after a year. There are already several different rating systems. Just like these packages, each one is packaged differently. That is what the current ratings system is in this country. We say let us put a uniform label, nutrition facts, nutrition for our mind and for our reviewing. That is what we are asking for, create a uniform and consistent labeling system so every parent and every consumer in this country can identify the product's content.

As I indicated, we have the nutritional labels so a consumer understands what is contained in a product he is about to consume. Why should parents and consumers of video games, movies, television and music not know what is the product before they buy them? We need to provide product information to parents and consumers about the violent content of these products to increase our ability to make informed decisions before we give the products to our children. Ultimately, parents have the responsibility to determine what is suitable for their children, to play on their VCR or what game to play, what to listen to and what to watch. However in this increasingly digital age, parents need to be more informed to make educated decisions and let us make it simple, so they know what it is through this labeling, a uniform, consistent label, not ratings but label throughout all of industry so we do not have to go to the

music CD and look at one thing and try to figure out what it says and go to the video, and see something else in interactive video games.

I urge my colleagues to vote ''yes'' on the Wamp-Stupak amendment.

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

REQUEST TO MODIFY AMENDMENT NO. 35 OFFERED BY MR. WAMP

Mr. WAMP. Mr. Chairman, I ask unanimous consent that I be allowed to modify the amendment and to explain the modification relative to the V-chip.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. BERMAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WAMP. Mr. Chairman, I yield myself such time as I may consume. What the modification would simply do after consultation with anyone that is concerned about the V-chip issue is to clearly establish with language in the amendment that the V-chip is not affected in any way, shape or form. There is no relationship to this amendment and the V-chip. The labeling system does not even mention V-chip technology. The product label does not interfere with the V-chip in any way. If anything, it provides a supplement to parents who cannot afford to purchase a new television set or set-top box in order to block V-chip programming. The V-chip is a rating system. The Wamp-Stupak amendment is a plain English labeling system. Parents really want common sense English language product content information and no one should be afraid of this particular amendment. As a matter of fact, relative to the V-chip, this is the same bill that was made in order as an amendment that was dropped in the Senate with bipartisan cosponsors, Senator MCCAIN and Senator LIEBERMAN, an original cosponsor, Senator CONRAD, who was the author of the V-chip legislation in the Senate. It has support from Senator LOTT, the majority leader, strong bipartisan support. All the fearmongering about this would affect the V-chip is unjustified.

I really regret that someone objected to our reasonable efforts to make sure in this amendment that their needs were met. They are the ones that asked that we be considerate. We were attempting to do so.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER).

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Mr. HUNTER. Mr. Chairman, I want to thank the gentleman from Michigan (Mr. STUPAK) and the gentleman from Tennessee (Mr. WAMP) for this long-needed legislation.

It is interesting to me to watch two of my friends, the gentlemen from Hollywood, California (Mr. WAXMAN) and (Mr. BERMAN), who have long been real champions of labeling cigarettes with those warning labels, those hazardous-to-your-health labels, and I am sure they think that is a very good idea.

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

Mr. HUNTER. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, the Constitution, as far as I know, does not say, Congress shall pass no law abridging the manufacture, the marketing, the distribution or the sale of potato chips or cigarettes.

Mr. HUNTER. Mr. Chairman, reclaiming my time, and just to respond to my friend, there is no constitutional problem with having a label on the movie Natural Born Killers which says to parents, ''This product contains graphic and intense depictions of violence in the context of criminal activity. This product is inappropriate for consumption by minors under 17 years of age.'' In fact, that is an exercise of free speech, that is not an inhibition of free speech.

Mr. Chairman, parents are raising their children in a very dangerous world today with respect to the media and Hollywood and the entertainment industry. In the old days, Roy Rogers, when he was the biggest star in the world for children, never did anything to frustrate parents with respect to their goals of raising children who are honest, who are wholesome, and who have values. They did not have to explain why Roy Rogers did something that was horrible or unusual and that they should not follow.

I was looking at this billboard for Natural Born Killers. This stars people, Woody Harrelson, Juliette Lewis, Robert Downey, Jr., and Tommy Lee Jones, who millions of children throughout the world say, I really like her, or I really like him, and they have developed an affection and an admiration for those people. They have not learned to disassociate what those people do on the screen with the person themselves.

What this does for parents, for parents who are so busy today, often having several jobs, very often the mother and the father both working, many times raising children in single families, this gives them some information. This is supposed to be the information age. This tells them that something is graphic violence or graphic sex, and it allows that mom who is walking out the door whose child is going to go with another child somewhere to watch a movie, it enables them to make a decision and say either you can go or you cannot go.

This Wamp-Stupak legislation empowers parents, and the one thing that we have been afraid to do, apparently because of the enormous pressure and the enormous power of Hollywood, is empower parents. That is what we must do, and if this legislation passes, it will accrue to the benefit of every family in America.

Mr. CONYERS. Mr. Chairman, I begin by apologizing to the now long list of Members that want to speak in opposition to the amendment.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform and Oversight.

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

As the author of the legislation that required food labeling of nutritional information on products, I want to tell my colleagues why this is not the same kind of area where government ought to be involved.

I think we have to be very, very careful when government is going to be involved in intruding itself in the expression of ideas. Do we really want the same label to be on Schindler's List that we would have on Natural Born Killers? Do we want to put a chilling effect on entertainment, on literature, on creativity? I think it is inappropriate for government to do this sort of thing, and I thought it was inappropriate for the V-chip, and it never seems to satisfy people, because there seems to be this great desire to move from one label to the next label to start government censorship, and that is precisely the kind of thing that government ought to restrain itself from doing.

I would hope we would vote against this amendment.

The CHAIRMAN. The Chair would inform the Committee that the time of the gentleman from Tennessee (Mr. WAMP) has expired. The gentleman from Michigan (Mr. CONYERS) has 13 minutes remaining; the gentleman from Michigan (Mr. STUPAK) has 4 minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime of the Committee on the Judiciary.

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

Reluctantly, I have to oppose this amendment. I believe that there are a number of reasons why this is not a good idea. I think, first of all, we have to recognize that all of us believe in labeling. I think every one of the movies that comes out, all of the television shows and so forth should have a label. But that is being done already in a system that is not perfect, but is being done by the industry groups involved.

This legislation, though, would come in and say one size fits all. It would require all of these industry groups to be together on a format, or the FTC would impose a format on them. What is good for country music certainly is not necessarily the same thing that we want for a video game. We have a country music song labeled in the same category with Doom, a violent and graphic game, and that would be totally inappropriate.

I would also think that we would require by this the rerating of hundreds of thousands of existing movies and television programs and so forth, and

that is an enormous task and a very expensive one.

Last but not least, I do not think the proposal is constitutional, unfortunately, and I know it will be discussed a lot more later. The reality is that we have a free speech question here, and if there is not an obscenity standard or something like that, there is no way we can label constitutionally by Congress.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BERMAN), a ranking subcommittee member of the Committee on the Judiciary.

Mr. BERMAN. Mr. Chairman, I want to reemphasize the point that if we could analogize movies and music and books and television to potato chips and cigarettes, there would be no constitutional impediment whatsoever to government mandating of a rating system, but we cannot. The first amendment is very specific in its protection here.

In the V-chip legislation that we will hear more about later, there were no criminal penalties. There was a voluntary rating system developed by an industry, enforced by an industry, connected to a technology to make it meaningful.

With respect to the voluntary ratings system in the motion picture industry, with the recent decision of the National Association of Theater Owners, we will now find effective enforcement of a very effective rating system. I urge that this well-intentioned, but unconstitutional proposal be rejected.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN).

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

Mr. TAUZIN. Mr. Chairman, a couple of years ago when ratings for television were discussed and V-chips were discussed, there were bills to do this. For government to step in and establish rating systems, we did the wise thing then, and I ask my colleagues to do the wise thing today. Reject the notion of government ratings.

We took our committee on telecom to Peoria. We took with us Eddie Fritz, we took with us Jack Valenti, the representatives of the movie, cable and the television industries, and we let them meet with parents in Peoria. We let parents talk directly to the industry. Out of it came an industry-agreed-upon ratings system for television that is going to work with the V-chip.

There are ratings right now on video games, ratings on movies. For government to step in and mandate a system would not only offend first amendment rights, it would disturb a very healthy process already going forward with industry and parents and communities around America to set up ratings that we can understand and work with.

The last thing we need to do is have government rerating all that stuff, government interfering with the first amendment in our society. We need more parents to pay attention to what industry is doing to tell them what is in movies, books and videos.

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

Just in response to the last speaker, I just want to say if it worked so well in television, why is not NBC doing the same system? They are not.

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

Mr. STUPAK. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, NBC has its own rating system.

Mr. STUPAK. Oh, really? They do not.

Mr. TAUZIN. Mr. Chairman, if the gentleman will yield, NBC was the one network who felt they were under too much government pressure to adopt a rating system others agreed to. They adopted their own rating systems.

Mr. STUPAK. Mr. Chairman, reclaiming my time, this is the point. If everyone has their own rating system, why can we not put a label so it is consistent, whether it is NBC, CBS, ABC, FX, video games, whatever?

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the amendment, and I am particularly pleased with the feature calling for a uniform system of ratings for video games.

While some media companies have taken action to address this problem, such as Disney, which has removed violent video games from their theme parks, there are many companies that, I believe, are going in the opposite direction, such as the manufacturer of the video game Duke Nukem, advertised on the Internet with the teaser quote: Learn what you can do with pipe bombs, unquote.

The players of this game not only learn to shoot people, but in particular, they learn to shoot women and doing other things that I cannot even speak of on the floor of the House of Representatives.

I do not believe that we can rely on industry to police itself in this arena and that action is necessary, and it is for that reason that I rise in strong support of the amendment.

Mr. WAMP. Mr. Chairman, I ask unanimous consent that the debate be extended by 10 minutes, equally divided, 5 minutes on each side. There are just too many people that need to speak. I know that the House is pressed for time today and that it may be midnight before we finish tonight, but could we please ask the Chair and ask the Members to grant 10 minutes, 5 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee (Mr. WAMP) that he be granted an additional 5 minutes and that the gentleman from Michigan (Mr. CONYERS) be granted an additional 5 minutes?

There was no objection.

Mr. WAMP. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. WOLF).

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

Mr. WOLF. Mr. Chairman, I rise in very strong support of this amendment. As a father of five children and as a grandfather, we all know that content labeling is not working. Just watch the television or see a movie and try to figure out PG, PG 13, R ratings. It is not working. We know that the industry will not regulate itself.

I was one of the Republicans that broke with my party several years ago in support of the V-chip. I remember one Member said the answer is for parents to take care of it, and it is. But there are some people that cannot do it. There are some people whose children are home alone. There are some people that need help. It is violent content. Every Member should look at the video, Doom. Every Member should read the article about ''Killology'' that the gentleman from Tennessee (Mr. WAMP) sent around.

This amendment is a good idea. This makes a lot of sense. Sometimes what concerns me is that the powerful interests, the lobbyists that control some of these issues can mislead and say whatever and get us to postpone and postpone.

The Wamp-Stupak amendment will help parents, and, even more importantly, I believe it will save a lot of lives. I strongly urge all Members on both sides to support this amendment by an overwhelming vote.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I have to oppose this amendment as it is drafted, as it is being debated out here on the floor. No matter how many times the proponents say as it is drafted that this does not affect the V-chip, the plain language of the amendment says the opposite. Its purpose, ''is the labeling of violent content in visual media products.'' That is what the V-chip does. We won that vote 3 years ago, and then the industry voluntarily, working with parents' groups, constructed a rating system that every parents' group in America supports.

Now, if this amendment is adopted, it jeopardizes that system. A whole new system would have to be constructed under this amendment.

There are going to be 26 million TV sets purchased in America over the next year with a V-chip in it, and 26 million the year after, and 26 million the year after that, all with the ratings system built in that parents support. If this amendment is adopted, it jeopardizes that, because a whole new system would be put in place and potentially jeopardize all of these new TV sets which will not have a ratings system that is in conformity with something that the government sets up.

So that is why the National Association of Elementary School Principals,

the American Psychological Association, the Center for Media Education, all of them endorse the V-chip and the system that we now have in place.

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It is voluntary. It is being built into TV sets today. It works. Parents want it.

If there is some other new system people want to set up, we will go off and try to do that. But for the 6 hours a day the TV sets are on in America, millions of young parents are buying these TV sets. We should not have a new system. This one works. Vote no on the Wamp amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to my friend, the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I thank my good friend for yielding time to me.

Mr. Chairman, the difference between this label and the label on potato chips is that this label has the government judging expressive content, not MSG content—expressive content and ideas. Those are protected under the First Amendment in ways that MSG content are not.

The way this bill was drafted is very dangerous. It says that the FTC is supposed to determine a system appropriate for the nature, context, and intensity of the depictions of violence. Regarding context, consider that Full Metal Jacket and Apocolypse Now were violent films about Vietnam. Saving Private Ryan was a violent film about the Second World War. The Federal trade Commission is asked to comment about violence in context. If we support the war, perhaps the violence is appropriate. If we do not, perhaps the violence is inappropriate. We see why the First Amendment deals with expressive content differently than MSG content.

Lastly, there is a drafting error. The bill has no maximum to the minimum age; let me repeat, no maximum to the minimum age. Turn to page 7 of the bill. A person ''may not sell, in commerce * * * product to an individual whose age in years is less than the age specified as the minimum age * * * for a purchaser * * * of the product * * * under the labeling system * * * prescribed by the Federal trade Commission under subsection (d).''

There is nothing in (d) saying ''minor'' or ''minority.'' There is a reference to ''minor'' in A, the findings section, but that only applies to when the industry does its own labeling. There is thus a huge loophole in this bill of an unconstitutional nature—adult access can be limited.

Let me simply conclude that the bill was poorly drafted, and infringes the First Amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from California (Mrs. TAUSCHER).

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

Mr. Chairman, I rise in opposition to the Wamp amendment. We all agree that children should not be exposed to music and movies that depict violence or sexual images. But the answer is not to overregulate industries that are already making positive efforts to police themselves.

The motion picture industry has a well-established rating system for warning parents about the content of movies. The television networks have recently begun a similar rating practice. Parents are increasingly making use of the V-chip to keep harmful material away from their kids, and virtually every major recording company complies with voluntary label warnings on their recording that contain material that is inappropriate for children.

Establishing a labeling system with the muscle of the Federal government at the regulatory helm is not the way to help parents protect their kids. Instead, we should continue to work constructively with the entertainment industry to improve ways for parents to limit their children's exposure to harmful material.

Our number one priority must be to protect our children and empower parents. The Wamp amendment provides the wrong approach. I urge my colleagues to vote no on this amendment.

Mr. STUPAK. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Chairman, this is a complicated debate, and I know technology is complicated to the Members in this body. But what we are in effect debating today is that we tell our families across America the sodium content in a bag of pretzels, and we will label that. Why should we not label a video game called Sin that teaches, that rewards, that glorifies, showing our children hour after hour after hour on the computer how to destroy people; minute after minute, hour after hour, week after week?

This is Sin. I have played it. I have pulled it down and looked at it. The more people you kill and shoot, the better one's score.

Mr. Chairman, I understand the argument of the gentleman from California (Mr. CAMPBELL) about movies. Movies may desensitize us to violence, and I think that, quite frankly, the amendment of the gentleman from Tennessee (Mr. WAMP) and the gentleman from Michigan (Mr. STUPAK) needs to be improved in that area.

But video games do not desensitize us to it, they glorify it. They reward it. They teach our young people, shoot them again and I will give you 150 more points. And if you shoot their head off, I will give you more points.

This is something that our parents and our families simply need a label on. We are not telling them, have the government take the industry over. We are telling Members in this amendment, try to work together to come up with a voluntary labeling warning for our families.

Some of our parents do not know too much about these games yet. These are new. This industry now on the Internet is a $300 billion industry and growing, and we want to promote the Internet. The Internet has valuable education, resource, and teaching tools, but it also has some dangers.

What we are saying, Mr. Chairman is, maybe Members did not vote for the Hyde amendment yesterday, which went too far.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. ROEMER) has expired.

Mr. ROEMER. Mr. Chairman, I ask unanimous consent to give both sides 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, if Members voted against, as I did, the Hyde amendment yesterday, which goes to the heart of our First Amendment and our freedoms, and if Members intend to vote for the amendment of the gentleman from Massachusetts (Mr. MARKEY) which says let us study this and hopefully do something about it in 5 or 6 or 7 years, and Members may have some qualms about this particular amendment and the way it is drafted, however, it starts to address a growing problem in America about the glorification and the teaching and the instruction of violence to our youngest people.

We just say, if we can label pretzels and salt content, let us just warn with the label, in a voluntary way, with our industry working together, about the violent content of our video games today.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me just speak for a moment in objection to the Wamp amendment. The gentleman from Tennessee (Mr. WAMP) is a wonderful father. I see his son Wesley here all the time, and I know he is concerned for his children, and reasonably so.

But there are labels. This is a label that is on records. There are labels on video games. This one is gauged Teen, and it is larger than the Microsoft logo. They have descriptions entirely appropriate to tell what is in this game: Comic mission, animated violence, real violence, informational, use of drugs, use of tobacco, alcohol, gaming, strong language, animated blood, realistic blood, suggestive themes, mature sexual themes.

They do that. They voluntarily do it by category. That is video games.

Videos, R-rated. Another video, PG–13. There are ratings. The very Members that I got elected with in 1994 that wanted to shrink the size of the Federal Government now want to give added responsibility to the FTC and give them more work to do.

I respectfully request that parents get more involved. These video games just do not show up in their homes in the bedrooms while their children play them, they buy them. They get them at the malls. The parents need to join them in their pursuit and purchase of these games.

We could certainly make a lot of commentary today about violence, and I agree, there are some terrible products out there and there are some terrible shows out there. But I suggest that the Americans can vote with their wallets. America can vote with its pocketbook and say no more shows like Jerry Springer. Let us reduce the ratings of those shows so advertisers no longer advertise and it is taken off the air.

But we should allow this system to work as it is in place. It is working.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from California (Ms. ESHOO).

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

Mr. Chairman, I rise today in opposition to this amendment. I think it is deeply, deeply flawed. I am not going to reiterate what has been pointed out by my colleagues that have gone to the heart of the flaws of the amendment.

What I would like to do with my remaining time is to do just a very brief congressional classroom sort of history here. How did we arrive here and begin debating what we are debating? There was a bill that was being sent over from the Senate. It was said by the Speaker that he wanted to bring about something that was reasonable on gun control. I think that this is a bob and weave effort, because the bills have been separated out.

What happened in Littleton and on other high school campuses is really engraved in an inextricable way in the Americans' conscience: That is, America's children running outside of their schools with their hands over their heads because there were students inside of those institutions, inside of those classrooms, that were holding guns to the heads of other students.

So the target in my view, today and in our arguments, in our debates, is what we are going to do about guns. The American people and parents across this country did not ask the Members of Congress to come here and trample on First Amendment rights. They want us to do what the Congress can and should do, and that is stay with the target and control and do something about guns going into our children's hands.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), Chair of the Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, let me first start off by saying we are all concerned about the violence that has taken place in places like Littleton. We are all trying to find out the causes and effects of those acts of violence.

Many of us believe that one of the major causes is the garbage that our children consume. That is why the V-chip was passed a few short years ago.

After the V-chip, and I want to say that I am sure my colleagues, the gentleman from Tennessee (Mr. WAMP) and the gentleman from Michigan (Mr. STUPAK) are well-intentioned, and I know we all agree that we have to do something about the violent content we see in the things our kids are consuming.

The fact of the matter is we passed a V-chip a couple of years ago, 3 years ago, and just yesterday we had a news conference where RCA, the Thompson Company, has just produced 200,000 sets with the V-chip in them. There are going to be millions of those sets produced in the next year. People are buying those sets with the intention of blocking out objectionable material they do not want their children to see.

This legislation would hamper those people being able to do that because the parent groups, working with the industry, have worked out a rating system that has been agreed to. They are going to be able to block out that objectionable material. All of that may go out the window if we come up with a new system with labeling involved and everything else, and a lot of these industry people may back out.

What does that mean? The people that bought those TV sets will not be able to block out that objectionable material because there is going to be a new rating system that is not agreed to. That is what we are concerned about.

I think everybody in this body, everybody in the other body, wants to make sure that we stop the horrible things that are happening in this country, the violence and the things our kids are consuming that is really causing a lot of that. But the way to do it is to do it in a different way than we are talking about today. We should not be doing anything that is going to impede the progress of the V-chip and blocking out of objectionable material, which this would do. If we are going to do it, let us do it a different way.

□ 1330

I tried working with the gentleman from Tennessee (Mr. WAMP) last night, and the gentleman from Massachusetts (Mr. MARKEY) to try to come up with a compromise. We were not able to work it out in that short period of time but we will continue to work with them to try to block objectionable material in the future, but let us not mess with the V-chip or the current system we have.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition to this amendment. I think all of us are trying to strike a balance. We are trying to strike a balance between protecting our children and at the same time protecting our first amendment and protecting the Constitution.

I oppose this amendment because I do not think we have achieved that balance that is going to allow us to achieve both objectives.

I come to this conclusion because what we are trying to do is something that I think is almost impossible, by asking people who are manufacturing records and motion pictures or video games to come together and try to identify one standard that can determine what is something that is very nebulous in terms of what is too violent for our children, what age should children be able to view this material without suffering any undue harm; and it even goes beyond that in infringing upon our constitutional rights because it will inevitably result in the Federal Government setting that standard, which I fear can be characterized as nothing other than censorship.

We need to indeed try to protect our children from violent depictions, but I also think that we have to come to grips, as I think I have with my own family, that that is a responsibility of myself and my wife. I have two daughters who are now in high school, a senior and a sophomore. I admit that they probably have seen violent depictions, but it did not encourage them to go out and murder people or commit acts of violence because they had been embedded with the values which are important to my family and to our community and knew how to respond to that.

I do not think that we need to have our Congress putting in place crutches that are not as important as our families becoming stronger and spending the time with their children to ensure that they embrace the valves of all of us.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Chairman, there was a time when it seemed that the TV and the radio were guests in our homes. Now sometimes I think they are intruders, bringing in messages that sometimes undermine the values that we want to impart to our kids. So I fully understand the frustration of my good friends from Tennessee and Michigan that really was the origin, I think, of this well-intentioned amendment.

However, I am afraid that it is going to be counterproductive to our effort to really give parents the tools to get control of these electronics in their home. There was lots of work, compromise, many hours put in to bringing the V-chip legislation to a reality. Now, in just two weeks V-chip televisions are going to be available on the market for parents so they can get control in their

own homes. For that reason, I encourage my colleagues to give this legislation, the V-chip legislation and these TVs, a chance to work and to allow parents to have those tools in their homes.

For that reason, I reluctantly oppose this amendment but understand my good friends' frustrations and hope that we can bring their frustrations and this other work together to give parents more tools. This is just the wrong way to do it.

Mr. WAMP. Mr. Chairman, I reserve the right to close.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has the right to close as a member of the committee defending the committee position.

The gentleman from Tennessee (Mr. WAMP) has 3½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 3 minutes remaining.

Mr. WAMP. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Tennessee (Mr. WAMP) for yielding me this time.

I would like to bring up two points. We offered an amendment to take care of the V-chip technology, the bogus argument that is being made. Our amendment said it would be absolutely clear that there can be no interoperability requirement with the V-chip requirement. In other words, we want to work with the V-chip and by standardizing the label it will be easier. We offered the amendment. They objected because it is the only ground they could object on the value of our amendment and what we are doing here today.

This is not a rating argument. So then the other argument they brought up is, well, it is a first amendment right. The courts have constantly ruled, and we checked with CRS, although not binding they certainly give us legal guidance and they said there is a compelling State interest to protect the welfare of children.

Government has that right to protect children when there is a compelling state interest. Much like tobacco, much like alcohol, it extends to commercial media products. That is why this is not unconstitutional. That is why it is not in violation of the first amendment. It will not violate the V-chip. Those are bogus arguments. We had the amendments to correct those concerns. They refused to allow us to offer it.

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

Mr. Chairman, there are some labels. Most of them are stickers. They come right off on the label. They are not on the product itself. When one takes the package off, they are gone. Some do; some do not. We just ask for a uniform labeling system.

I find it extraordinary that most of the people that are opposing this today are from the State of California or they have some vested interest in legislation that might compete with this.

I do not think so. We have made that clear. But I am not going to defend the entertainment industry because I do think, as Ted Turner said 2 weeks ago, there is a responsibility in the mass media to decrease the amount of violence and this is a common-sense approach to that problem.

One of my predecessors in this House, Estes Kefauver, in 1954, he held hearings in the Senate on whether or not comic books contributed to juvenile delinquency. Today, the comic books of the nineties are video games, folks, and the juvenile delinquents of the 1990s can oftentimes be found behind the barrel of a gun.

These products should be labeled, uniform labeling. It makes common sense. They are going to say free speech.

These are products. This is not art and expression. These video games are a product of market research. Open up one of those PC magazines and see how someone can download the blood splattering. It is gross. It is awful.

Our kids are being filled in the head with poison. We label the food that is bad for them but we are not going to label the poison that goes in their head with a common-sense labeling? This does not violate first amendment rights. Good gracious. It just says, be responsible as an industry. Children are killing children.

I have had enough of it. I am going to side with parents today. I am going to side with children today; not some big special interest with a bunch of money that has been working all week to kill good common-sense legislation.

The family groups have come out today in support of this amendment. Responsible people would support this common-sense approach. I ask my colleagues not to vote with the big fat cats and the special interests. Vote with parents that need to make informed decisions, need to just be able to look. It is the same thing we do with food. It is the same thing we do with cigarettes. Some of the people that have opposed us today wanted the labeling on cigarettes, but what about brutal violence that clearly contributes to the rise in youth violence and killing in America today? It is unequivocal. Nearly a thousand studies document it.

Is the House going to respond or is the House going to sweep this under the rug? I urge support for the Wamp-Stupak amendment.

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

Mr. Chairman, I only wish that my friend the gentleman from Michigan (Mr. STUPAK) had brought this to the House Committee on the Judiciary where we could have had the kind of discussion that probably would have been more helpful. I hope that we do. This deserves a hearing. The subject is not going away, regardless of the outcome and disposition of the measure today.

I must say, I am looking at a series of Supreme Court decisions that make two things clear. One, mandatory labeling will be viewed by the Court to constitute a system of unconstitutional prior restraints, the very type most disfavored under the first amendment, and I have three cases to cite.

Secondly, the prior restraints, like mandatory labeling, are viewed as censorship and, as such, and a couple more Supreme Court cases, it will not work.

I wish I could say something different. So I want to make sure that we appreciate the constitutional question and the impracticability of an amendment that would cost billions of dollars for the Federal Government to administer and would probably be pretty difficult to enforce.

This proposal will create a fairly large size bureaucracy and enforce a labeling system for all audio and visual media products. It would create an agency that would be tasked with reviewing over 600 motion pictures every year, at least 500 videos and digital video disks that come into the marketplace, and thousands of sound recordings released each year.

Believe me, this is not a subject matter that can be legislated from the floor of the House of Representatives in a committee setting. We need to refer this to the Committee on the Judiciary and any other appropriate committee, and then bring it forward. I would be delighted and I continue my commitment to work on a workable and effective resolution of the labeling problem in the entertainment industry.

Unfortunately, this solution I cannot support.

Mr. MORAN of Virginia. Mr. Chairman, I rise to oppose this amendment.

Let me first say that I applaud the intentions of my colleagues in offering this amendment. I share their concern about excess violent programming and the effect it has on our children. I also agree with them that parents should have more information and not be confused about the meaning of various rating systems between TV, movies, video games and music.

However, as a strong proponent of the V-chip, I am opposed to this amendment.

This amendment could easily destroy the rating sytem that the entertainment industry negotiated with parents groups to work with the V-chip. The V-chip allows parents to control the programming viewed by their children. It works with the TV Parental guidelines developed by the television industry and child advocacy groups.

If the TV ratings system is changed, parents will find that they can no longer block violent programming on their TV sets.

Because of the very problems that the authors of this legislation are concerned about, Congress passed the V-chip law in 1996. This law requires TV manufactures to meet a deadline of incorporating the V-chip into 50 percent of TV's sold in America in the next two weeks. They are on track to not only do this but to also comply with the 100 percent V-chip deadline of January 1, 2000.

If the government steps in to mandate a new rating system after these various industries have begun labeling their products on a voluntary basis, all the progress that has been made to date would be erased.

The historic V-chip rating system agreement was reached between the National PTA, the American Academy of Pediatricians, the Center for Media Education, the American Psychological Association, the National Association of Elementary School Principals and the Motion Picture Association, the National Cable Television Association and the National Association of Broadcasters.

When we passed the V-chip, we agreed to forbear further legislation in this area until it was given time to work. This amendment would undo all of this progress. I urge my colleagues to oppose it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. WAMP).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. This is a 17-minute vote and will be followed by one 5-minute vote on amendment No. 34 offered by the gentleman from Massachusetts (Mr. MARKEY).

The vote was taken by electronic device, and there were—ayes 161, noes 266, not voting 7, as follows:

[Roll No. 224]

AYES—161

Aderholt
Bachus
Barcia
Bartlett
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Brady (TX)
Bryant
Burr
Callahan
Cannon
Cardin
Castle
Chambliss
Chenoweth
Coburn
Collins
Combest
Cook
Costello
Crane
Cubin
Danner
Deal
DeFazio
DeLay
DeMint
Dickey
Doyle
Duncan
Ehlers
Emerson
Etheridge
Everett
Ewing
Fletcher
Forbes
Franks (NJ)
Frelinghuysen
Gekas
Gilchrest
Goode
Goodling
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Holden
Holt
Horn
Hunter
Hyde
Jenkins
Jones (NC)
Kaptur
Kelly
King (NY)
Kleczka
LaHood
Largent
LaTourette
Leach
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Mascara
McCarthy (NY)
McHugh
McIntosh
McIntyre
Mica
Miller, Gary
Minge
Myrick
Norwood
Nussle
Obey
Ortiz
Pascrell
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Regula
Riley
Rodriguez
Roemer
Rogers
Rothman
Roukema
Ryun (KS)
Salmon
Saxton
Sessions
Shadegg
Shays
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stenholm
Stupak
Talent
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thornberry
Tiahrt
Traficant
Turner
Visclosky
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wicker
Wilson
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

NOES—266

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Bliley
Blumenauer
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Calvert
Camp
Campbell
Canady
Capps
Capuano
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Filner
Foley
Ford
Fossella
Fowler
Frank (MA)
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Green (TX)
Gutierrez
Hastings (FL)
Hastings (WA)
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Oberstar
Olver
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Petri
Phelps
Pickett
Pombo
Portman
Quinn
Rangel
Reyes
Reynolds
Rivers
Rogan
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Sherwood
Simpson
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Walden
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Whitfield
Wu
Wynn

NOT VOTING—7

Brown (CA)
Carson
Houghton
Mollohan
Rahall
Smith (NJ)
Thomas

□ 1404

Messrs. JENKINS, ETHERIDGE, COOK, WISE, COSTELLO, BOEHLERT, FORBES, and HAYWORTH changed their vote from ''no'' to ''aye.''

Mr. Herger and Mr. Gutierrez changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on subsequent amendments on which the Chair has postponed further proceedings.

AMENDMENT NO. 34 OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 9, not voting 8, as follows:

[Roll No. 225]

AYES—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)

Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—9

Barr
Berkley
Bonilla
Goode
Hulshof
Paul
Peterson (MN)
Shadegg
Stump

NOT VOTING—8

Brown (CA)
Carson
Houghton
Mollohan
Nussle
Rahall
Smith (NJ)
Thomas

□ 1413

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 36 printed in Part A of House Report 106–186.

AMENDMENT NO. 36 OFFERED BY MR. GOODLING

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 36 offered by Mr. GOODLING:

Page 1, after line 2, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Juvenile Justice Reform Act of 1999''.

Page 1, strike line 3 and insert the following:

TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS

SEC. 101. SHORT TITLE.

Page 1, line 4, strike ''Act'' and insert ''title''.

Page 2, line 1, redesignate section 2 as section 102.

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

SEC. 200. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Juvenile Crime Control and Delinquency Prevention Act of 1999''.

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

TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

Sec. 200. Short title; table of contents.
SUBTITLE A—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974
Sec. 201. Findings.
Sec. 202. Purpose.
Sec. 203. Definitions.
Sec. 204. Name of office.
Sec. 205. Concentration of Federal effort.
Sec. 206. Coordinating Council on Juvenile Justice and Delinquency Prevention.
Sec. 207. Annual report.
Sec. 208. Allocation.
Sec. 209. State plans.
Sec. 210. Juvenile delinquency prevention block grant program.
Sec. 211. Research; evaluation; technical assistance; training.
Sec. 212. Demonstration projects.
Sec. 213. Authorization of appropriations.
Sec. 214. Administrative authority.
Sec. 215. Use of funds.
Sec. 216. Limitation on use of funds.
Sec. 217. Rule of construction.
Sec. 218. Leasing surplus Federal property.
Sec. 219. Issuance of Rules.
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SUBTITLE B—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT
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Sec. 261. Study of school violence.
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Sec. 263. Evaluation by General Accounting Office.
Sec. 264. General Accounting Office Report.
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SUBTITLE F—GENERAL PROVISIONS
Sec. 271. Effective date; application of amendments.

Subtitle A—Amendments to Juvenile Justice and Delinquency Prevention Act of 1974

SEC. 201. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

''FINDINGS

''SEC. 101. (a) The Congress finds the following:

''(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅕ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

''(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

''(A) quality prevention programs that—

''(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

''(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

''(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

''(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.''.

SEC. 202. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

''PURPOSES

''SEC. 102. The purposes of this title and title II are—

''(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

''(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

''(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.''.

SEC. 203. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking ''to help prevent juvenile delinquency'' and inserting ''designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior'',

(2) in paragraph (4) by inserting ''title I of'' before ''the Omnibus'' each place it appears,

(3) in paragraph (7) by striking ''the Trust Territory of the Pacific Islands,'',

(4) in paragraph (9) by striking ''justice'' and inserting ''crime control'',

(5) in paragraph (12)(B) by striking '', of any nonoffender,'',

(6) in paragraph (13)(B) by striking '', any non-offender,'',

(7) in paragraph (14) by inserting ''drug trafficking,'' after ''assault,'',

(8) in paragraph (16)—

(A) in subparagraph (A) by adding ''and'' at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking ''and'' at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

''(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

''(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

''(B) regular, remedial, special, and vocational education; and

''(C) counseling and treatment for substance abuse and other health and mental health problems;

''(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

''(25) the term 'violent crime' means—

''(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

''(B) aggravated assault committed with the use of a firearm;

''(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

''(27) the term 'related complex of buildings' means 2 or more buildings that share—

''(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

''(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.''.

SEC. 204. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

''PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION'',

(2) in section 201(a) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention'', and

(3) in subsections section 299A(c)(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention''.

SEC. 205. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking ''and of the prospective'' and all that follows through ''administered'',

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking ''and reports'' and all that follows through ''this part'', and inserting ''as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency'',

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

SEC. 206. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

SEC. 207. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting ''and'' after ''priorities,'', and

(B) by striking '', and recommendations of the Council'',

(2) by striking paragraphs (4) and (5), and inserting the following:

''(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.'', and

(3) by redesignating such section as section 206.

SEC. 208. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''amount, up to $400,000,'' and inserting ''amount up to $400,000'',

(II) by inserting a comma after ''1992'' the 1st place it appears,

(III) by striking ''the Trust Territory of the Pacific Islands,'', and

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'',

(ii) in subparagraph (B)—

(I) by striking ''(other than part D)'',

(II) by striking ''or such greater amount, up to $600,000'' and all that follows through ''section 299(a) (1) and (3)'',

(III) by striking ''the Trust Territory of the Pacific Islands,'',

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'', and

(V) by inserting a comma after ''1992'',

(B) in paragraph (3) by striking ''allot'' and inserting ''allocate'', and

(2) in subsection (b) by striking ''the Trust Territory of the Pacific Islands,''.

SEC. 209. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking ''challenge'' and all that follows through ''part E'', and inserting '', projects, and activities'',

(B) in paragraph (3)—

(i) by striking '', which—'' and inserting ''that—'',

(ii) in subparagraph (A)—

(I) by striking ''not less'' and all that follows through ''33'', and inserting ''the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and'',

(II) by inserting '', in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws'' after ''State'',

(III) in clause (i) by striking ''or the administration of juvenile justice'' and inserting '', the administration of juvenile justice, or the reduction of juvenile delinquency'',

(IV) in clause (ii) by striking ''include—'' and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

''represent a multidisciplinary approach to addressing juvenile delinquency and may include—

''(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

''(II) such other individuals as the chief executive officer considers to be appropriate; and'', and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking ''justice'' and inserting ''crime control'',

(iv) in subparagraph (D)—

(I) in clause (i) by inserting ''and'' at the end,

(II) in clause (ii) by striking ''paragraphs'' and all that follows through ''part E'', and inserting ''paragraphs (11), (12), and (13)'', and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking ''title—'' and all that follows through ''(ii)'' and inserting ''title,'',

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking '', other than'' and inserting ''reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding'' after ''section 222'', and

''(ii) in subparagraph (C) by striking ''paragraphs (12)(A), (13), and (14)'' and inserting ''paragraphs (11), (12), and (13)'',

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting '', including in rural areas'' before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking ''for (i)'' and all that follows through ''relevant jurisdiction'', and inserting ''for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State'',

(II) by striking ''justice'' the second place it appears and inserting ''crime control'', and

(III) by striking ''of the jurisdiction; (ii)'' and all that follows through the semicolon at the end, and inserting ''of the State; and'',

(ii) by amending subparagraph (B) to read as follows:

''(B) contain—

''(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in the such system who are in greatest need of such services services;'', and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

''(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;'',

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking '', specifically'' and inserting ''including'',

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) in subparagraph (C) by striking ''juvenile justice'' and inserting ''juvenile crime control'',

(iv) by amending subparagraph (D) to read as follows:

''(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;'',

(iv) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking ''juveniles, provided'' and all that follows through ''provides; and'', and inserting the following:

''juveniles—

''(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

''(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and'',

(v) by amending subparagraph (F) to read as follows:

''(F) expanding the use of probation officers—

''(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(ii) to ensure that juveniles follow the terms of their probation;'',

(vi) by amending subparagraph (G) to read as follows:

''(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;'',

(vii) in subparagraph (H) by striking ''handicapped youth'' and inserting ''juveniles with disabilities'',

(viii) by amending subparagraph (K) to read as follows:

''(K) boot camps for juvenile offenders;'',

(ix) by amending subparagraph (L) to read as follows:

''(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;'',

(x) by amending subparagraph (N) to read as follows:

''(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;'',

(xi) in subparagraph (O)—

(I) in striking ''cultural'' and inserting ''other'', and

(II) by striking the period at the end and inserting a semicolon, and

(xii) by adding at the end the following:

''(P) programs designed to prevent and to reduce hate crimes committed by juveniles; and

''(Q) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities.'',

(I) by amending paragraph (12) to read as follows:

''(12) shall, in accordance with rules issued by the Administrator, provide that—

''(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

''(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

''(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

''(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

''(B) juveniles—

''(i) who are not charged with any offense; and

''(ii) who are—

''(I) aliens; or

''(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;'',

(J) by amending paragraph (13) to read as follows:

''(13) provide that—

''(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

''(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co±located facilities have been trained and certified to work with juveniles;'',

(K) by amending paragraph (14) to read as follows:

''(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

''(A) juveniles who are accused of non-status offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

''(i) for processing or release;

''(ii) while awaiting transfer to a juvenile facility; or

''(iii) in which period such juveniles make a court appearance;

''(B) juveniles who are accused of non-status offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

''(i) in which—

''(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

''(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

''(ii) that—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

''(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

''(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

''(C) juveniles who are accused of non-status offenses and who are detained in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

''(i) such jail or lockup—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

''(II) has no existing acceptable alternative placement available;

''(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved, in consultation with the counsel representing the juvenile, consents to detaining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

''(iii) the juvenile has counsel, and the counsel representing such juvenile—

''(I) consults with the parents of the juvenile to determine the appropriate placement of the juvenile; and

''(II) has an opportunity to present the juvenile's position regarding the detention involved to the court before the court approves such detention;;

''(iv) the court has an opportunity to hear from the juvenile before court approval of such placement; and

''(v) detaining such juvenile in accordance with this subparagraph is—

''(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

''(II) required to be reviewed periodically and in the presence of the juvenile, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention; and

''(III) for a period preceding the sentencing (if any) of such juvenile, but not to exceed a 20-day period;'',

(L) in paragraph (15)—

(i) by striking ''paragraph (12)(A), paragraph (13), and paragraph (14)'' and inserting ''paragraphs (11), (12), and (13)'', and

(ii) by striking ''paragraph (12)(A) and paragraph (13)'' and inserting ''paragraphs (11) and (12)'',

(M) in paragraph (16) by striking ''mentally, emotionally, or physically handicapping conditions'' and inserting ''disability'',

(N) by amending paragraph (19) to read as follows:

''(19) provide assurances that—

''(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

''(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

''(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;'',

(O) in paragraph (22) by inserting before the semicolon, the following:

''; and that the State will not expend funds to carry out a program referred to in subparagraph (A), (B), or (C) of paragraph (5) if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted such recipient to the State agency'',

(P) by amending paragraph (23) to read as follows:

''(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;'',

(Q) by amending paragraph (24) to read as follows:

''(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

''(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

''(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

''(C) not later than 48 hours during which such juvenile is so held—

''(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

''(ii) such court shall conduct a hearing to determine—

''(I) whether there is reasonable cause to believe that such juvenile violated such order; and

''(II) the appropriate placement of such juvenile pending disposition of the violation alleged;'',

(R) in paragraph (25) by striking the period at the end and inserting a semicolon,

(S) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(T) by adding at the end the following:

''(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

''(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.'', and

(2) by amending subsection (c) to read as follows:

''(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (23) of subsection (a) in any fiscal year beginning after September 30, 1999, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

''(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

''(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.'', and

(3) in subsection (d)—

(A) by striking ''allotment'' and inserting ''allocation'', and

(B) by striking ''subsection (a) (12)(A), (13), (14) and (23)'' each place it appears and inserting ''paragraphs (11), (12), (13), and (23) of subsection (a)''.

SEC. 210. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

''PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

''SEC. 241. AUTHORITY TO MAKE GRANTS.

''The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

''(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

''(2) educational projects or supportive services for delinquent or other juveniles—

''(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

''(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

''(C) to assist in identifying learning difficulties (including learning disabilities);

''(D) to prevent unwarranted and arbitrary suspensions and expulsions;

''(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

''(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

''(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

''(H) to provide services to juvenile with serious mental and emotional disturbances (SED) in need of mental health services;

''(3) projects which expand the use of probation officers—

''(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(B) to ensure that juveniles follow the terms of their probation;

''(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

''(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

''(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

''(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

''(8) projects which provide for an initial intake screening of each juvenile taken into custody—

''(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

''(B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;

''(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

''(10) comprehensive juvenile justice and delinquency prevention projects that meet

the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, private nonprofit agencies, and public recreation agencies offering services to juveniles;

''(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

''(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

''(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

''(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

''(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

''(16) projects which provide for—

''(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

''(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

''(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

''(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

''(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

''(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

''(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals, school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations; and

''(20) other activities that are likely to prevent juvenile delinquency.

''SEC. 242. ALLOCATION.

''Funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

''SEC. 243. ELIGIBILITY OF STATES.

''(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

''(1) An assurance that the State will use—

''(A) not more than 5 percent of such grant, in the aggregate, for—

''(i) the costs incurred by the State to carry out this part; and

''(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

''(B) the remainder of such grant to make grants under section 244.

''(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

''(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

''(4) An assurance that each eligible entity described in section 244 that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

''(5) Such other information and assurances as the Administrator may reasonably require by rule.

''(b) APPROVAL OF APPLICATIONS.—

''(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

''(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

''(A)(i) the State submitted a plan under section 223 for such fiscal year; and

''(ii) such plan is approved by the Administrator for such fiscal year; or

''(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

''SEC. 244. GRANTS FOR LOCAL PROJECTS.

''(a) GRANTS BY STATES.—Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State to carry out projects and activities described in section 241.

''(b) SPECIAL CONSIDERATION.—For purposes of making grants under subsection (a), the State shall give special consideration to eligible entities that—

''(1) propose to carry out such projects in geographical areas in which there is—

''(A) a disproportionately high level of serious crime committed by juveniles; or

''(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

''(2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or

''(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

''(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

''SEC. 245. ELIGIBILITY OF ENTITIES.

''(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant under section 244, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:

''(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

''(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

''(3) A statement identifying the research (if any) such entity relied on in preparing such application.

''(b) LIMITATION.—If an eligible entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.''.

SEC. 211. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

''PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

''SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

''(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

''(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

''(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

''(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

''(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

''(iv) successful efforts to prevent recidivism;

''(v) the juvenile justice system;

''(vi) juvenile violence;

''(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;

''(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups; and

''(ix) other purposes consistent with the purposes of this title and title I.

''(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

''(b) STATISTICAL ANALYSES..—The Administrator may—

''(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

''(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

''(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

''(e) INFORMATION DISSEMINATION.—The Administrator may—

''(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

''(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

''(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

''SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

''(a) TRAINING.—The Administrator may—

''(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

''(b) TECHNICAL ASSISTANCE.—The Administrator may—

''(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.

''(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.''.

SEC. 212. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

''PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

''SEC. 261. GRANTS AND PROJECTS.

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

''(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

''SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

''The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

''SEC. 263. ELIGIBILITY.

''To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

''SEC. 264. REPORTS.

''Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.''.

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2000, 2001, 2002, and 2003.

''(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

''(A) not more than 5 percent shall be available to carry out part A;

''(B) not less than 80 percent shall be available to carry out part B; and

''(C) not more than 15 percent shall be available to carry out part D.

''(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

''(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.''.

SEC. 214. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking ''as are consistent with the purpose of this Act'' and inserting ''only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance'', and

(2) by adding at the end the following:

''(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.''.

SEC. 215. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking ''may be used for'',

(B) in paragraph (1) by inserting ''may be used for'' after ''(1)'', and

(C) by amending paragraph (2) to read as follows:

''(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.'',

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

SEC. 216. LIMITATION ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210, is amended adding at the end the following:

"SEC. 299F. LIMITATION ON USE OF FUNDS.

''None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.''.

SEC. 217. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by section 216, is amended adding at the end the following:

"SEC. 299G. RULES OF CONSTRUCTION.

''Nothing in this title or title I shall be construed—

''(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

''(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.''.

SEC. 218. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216 and 217, is amended adding at the end the following:

"SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

''The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.''.

SEC. 219. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, and 218, is amended adding at the end the following:

"SEC. 299I. ISSUANCE OF RULES.

''The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.''.

SEC. 220. CONTENT OF MATERIALS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, 218, and 219, is amended by adding at the end the following:

"SEC. 299J. CONTENT OF MATERIALS.

''Materials produced, procured, or distributed using funds appropriated to carry out this Act, for the purpose of preventing hate crimes should be respectful of the diversity of deeply held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance.''.

SEC. 221. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking ''prescribed for GS–18 of the General Schedule by section 5332'' and inserting ''payable under section 5376'',

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93–415 (88 Stat. 1132–1143).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(2) Section 4351(b) of title 18 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(B) in section 214A(c)(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(C) in sections 217 and 222 by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention'', and

(D) in section 223(c) by striking ''section 262, 293, and 296'' and inserting ''sections 262, 299B, and 299E''.

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention'', and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking ''section 313'' and inserting ''section 331''.

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking ''sections 262, 293, and 296 of subpart II of title II'' and inserting ''sections 299B and 299E'', and

(B) in section 223(c) by striking ''section 262, 293, and 296 of title II'' and inserting ''sections 299B and 299E''.

SEC. 222. REFERENCES.

In any Federal law (excluding this title and the Acts amended by this title), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

Subtitle B—Amendments to the Runaway and Homeless Youth Act

SEC. 231. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking ''accurate reporting of the problem nationally and to develop'' and inserting ''an accurate national reporting system to report the problem, and to assist in the development of''; and

(2) by striking paragraph (8) and inserting the following:

''(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;''.

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GRANTS FOR CENTERS AND SERVICES.—

''(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

''(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

''(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

''(B) shall include—

''(i) safe and appropriate shelter; and

''(ii) individual, family, and group counseling, as appropriate; and

''(C) may include—

''(i) street-based services;

''(ii) home-based services for families with youth at risk of separation from the family; and

''(iii) drug abuse education and prevention services.'';

(2) in subsection (b)(2), by striking ''the Trust Territory of the Pacific Islands,''; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking ''paragraph (6)'' and inserting ''paragraph (7)'';

(B) in paragraph (10), by striking ''and'' at the end;

(C) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

''(A) information regarding the activities carried out under this part;

''(B) the achievements of the project under this part carried out by the applicant; and

''(C) statistical summaries describing—

''(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

''(ii) the services provided to such youth by the project.''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

''(2) provide backup personnel for on-street staff;

''(3) provide initial and periodic training of staff who provide such services; and

''(4) conduct outreach activities for runaway and homeless youth, and street youth.

''(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

''(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

''(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

''(4) provide initial and periodic training of staff who provide home-based services; and

''(5) ensure that—

''(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

''(B) staff providing such services will receive qualified supervision.

''(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

''(1) a description of—

''(A) the types of such services that the applicant proposes to provide;

''(B) the objectives of such services; and

''(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

''(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.''.

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

''SEC. 313. APPROVAL OF APPLICATIONS.

''(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

''(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

''(2) which areas of such State have the greatest need for such services.

''(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

''(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

''(2) eligible applicants that request grants of less than $200,000.''.

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking ''PURPOSE AND'';

(2) in subsection (a), by striking ''(a)''; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting '', and the services provided to such youth by such project,'' after ''such project''.

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

''SEC. 341. COORDINATION.

''With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

''(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

''(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.''.

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting ''EVALUATION,'' after ''RESEARCH,'';

(2) in subsection (a), by inserting ''evaluation,'' after ''research,''; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) STUDY.—Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5731 et seq.) is amended by adding after section 344 the following:

''SEC. 345. STUDY

''The Secretary shall conduct a study of a representative sample of runaways to determine the percent who leave home because of sexual abuse. The report on the study shall include—

''(1) in the case of sexual abuse , the relationship of the assaulter to the runaway; and

''(2) recommendations on how Federal laws may be changed to reduce sexual assaults on children.

The study shall be completed to enable the Secretary to make a report to the committees of Congress with jurisdiction over this Act, and to make such report available to the public, within one year of the date of the enactment of this section.''

(j) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(k) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

''SEC. 381. REPORTS.

''(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

''(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

''(A) alleviating the problems of runaway and homeless youth;

''(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

''(C) strengthening family relationships and encouraging stable living conditions for such youth; and

''(D) assisting such youth to decide upon a future course of action; and

''(2) in the case of projects funded under part B—

''(A) the number and characteristics of homeless youth served by such projects;

''(B) the types of activities carried out by such projects;

''(C) the effectiveness of such projects in alleviating the problems of homeless youth;

''(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

''(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

''(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

''(G) activities and programs planned by such projects for the following fiscal year.

''(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

''(1) the evaluations performed by the Secretary under section 386; and

''(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.''.

(l) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

''SEC. 386. EVALUATION AND INFORMATION.

''(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

''(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

''(2) collecting additional information for the report required by section 384; and

''(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

''(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.''.

(m) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

''SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

''(2) ALLOCATION.—

''(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

''(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

''(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

''(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.''.

(n) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

''PART E—SEXUAL ABUSE PREVENTION PROGRAM

''SEC. 351. AUTHORITY TO MAKE GRANTS.

''(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

''(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (m) of this section, is amended by adding at the end the following:

''(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.''.

(o) CONSOLIDATED REVIEW OF APPLICATIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 383 the following:

''SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.

''With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

''(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

''(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.''.

(p) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (*l*) of this section, the following:

''SEC. 387. DEFINITIONS.

''In this title:

''(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

''(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

''(B) may include—

''(i) individual, family, group, and peer counseling;

''(ii) drop-in services;

''(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

''(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

''(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

''(2) HOME-BASED SERVICES.—The term 'home-based services'—

''(A) means services provided to youth and their families for the purpose of—

''(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

''(ii) assisting runaway youth to return to their families; and

''(B) includes services that are provided in the residences of families (to the extent practicable), including—

''(i) intensive individual and family counseling; and

''(ii) training relating to life skills and parenting.

''(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

''(A) who is—

''(i) not more than 21 years of age; and

''(ii) for the purposes of part B, not less than 16 years of age;

''(B) for whom it is not possible to live in a safe environment with a relative; and

''(C) who has no other safe alternative living arrangement.

''(4) STREET-BASED SERVICES.—The term 'street-based services'—

''(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

''(B) may include—

''(i) identification of and outreach to runaway and homeless youth, and street youth;

''(ii) crisis intervention and counseling;

''(iii) information and referral for housing;

''(iv) information and referral for transitional living and health care services;

''(v) advocacy, education, and prevention services related to—

''(I) alcohol and drug abuse;

''(II) sexual exploitation;

''(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

''(IV) physical and sexual assault.

''(5) STREET YOUTH.—The term 'street youth' means an individual who—

''(A) is—

''(i) a runaway youth; or

''(ii) indefinitely or intermittently a homeless youth; and

''(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

''(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

''(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

''(A) who is less than 18 years of age; and

''(B)(i) who has a history of running away from the family of such individual;

''(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

''(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.''.

(q) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 380, 381, 382, 383, and 384, respectively.

(r) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''; and

(2) in section 344(a)(1), by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''.

Subtitle C—Repeal of Title V Relating to Incentive Grants for Local Delinquency Prevention Programs

SEC. 241. REPEALER.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102–586, is repealed.

Subtitle D—Amendments to the Missing Children's Assistance Act

SEC. 251. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(9) for 14 years, the National Center for Missing and Exploited Children has—

''(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

''(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

''(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

''(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

''(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

''(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

''(14) from its inception in 1984 through March 31, 1998, the Center has—

''(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

''(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

''(C) disseminated 15,491,344 free publications to citizens and professionals; and

''(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

''(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

''(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from

50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

''(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

''(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

''(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

''(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

''(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.''.

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the term 'Center' means the National Center for Missing and Exploited Children.''.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

''(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

''(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

''(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

''(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

''(B) operate the official national resource center and information clearinghouse for missing and exploited children;

''(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

''(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

''(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

''(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

''(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

''(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

''(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

''(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

''(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

''(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.''.

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting ''the Center and with'' before ''public agencies''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking ''1997 through 2001'' and inserting ''2000 through 2003''.

Subtitle E—Studies and Evaluations

SEC. 261. STUDY OF SCHOOL VIOLENCE.

(a) CONTRACT FOR STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall enter into a contract with the National Academy of Sciences for the purposes of conducting a study regarding the antecedents of school violence in urban, suburban, and rural schools, including the incidents of school violence that occurred in Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado; and Conyers, Georgia. Under the terms of such contract, the National Academy of Sciences shall appoint a panel that will—

(1) review the relevant research about adolescent violence in general and school violence in particular, including the existing longitudinal and cross-sectional studies on youth that are relevant to examining violent behavior,

(2) relate what can be learned from past and current research and surveys to specific incidents of school shootings,

(3) interview relevant individuals, if possible, such as the perpetrators of such incidents, their families, their friends, their teachers, mental health providers, and others, and

(4) give particular attention to such issues as—

(A) the perpetrators' early development, the relationship with their families, community and school experiences, and utilization of mental health services,

(B) the relationship between perpetrators and their victims,

(C) how the perpetrators gained access to firearms,

(D) the impact of cultural influences and exposure to the media, video games, and the Internet, and

(E) such other issues as the panel deems important or relevant to the purpose of the study.

The National Academy of Sciences shall utilize professionals with expertise in such issues, including psychiatrists, social workers, behavioral and social scientists, practitioners, epidemiologists, statisticians, and methodologists.

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) APPROPRIATION.—Of the funds made available under Public Law 105-277 for the Department of Education, $2.1 million shall be made available to carry out this section.

SEC. 262. STUDY OF THE MENTAL HEALTH NEEDS OF JUVENILES IN SECURE OR NONSECURE PLACEMENTS IN THE JUVENILE JUSTICE SYSTEM.

(a) STUDY.—The Administrator of the Office of Juvenile Crime Control and Delinquency Prevention, in collaboration with the National Institute of Mental Health, shall conduct a study that includes, but is not limited to, all of the following:

(1) Identification of the scope and nature of the mental health problems or disorders of—

(A) juveniles who are alleged to be or adjudicated delinquent and who, as a result of such status, have been placed in secure detention or confinement or in nonsecure residential placements, and

(B) juveniles on probation after having been adjudicated delinquent and having received a disposition as delinquent.

(2) A comprehensive survey of the types of mental health services that are currently being provided to such juveniles by States and units of local government.

(3) Identification of governmental entities that have developed or implemented model or promising screening, assessment, or treatment programs or innovative mental health delivery or coordination systems, that address and meet the mental health needs of such juveniles.

(4) A review of the literature that analyzes the mental health problems and needs of juveniles in the juvenile justice system and that documents innovative and promising models and programs that address such needs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Congress, and broadly disseminate to individuals and entities engaged in fields that provide services for the benefit of juveniles or that make policy relating to juveniles, a report containing the results of the study conducted

under subsection (a) and documentation identifying promising or innovative models or programs referred to in such subsection.

SEC. 263. EVALUATION BY GENERAL ACCOUNTING OFFICE.

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

(1) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Pub. Law 103-62; 107 Stat. 285).

(2) The outcome and results of the programs carried out by the Office of Juvenile Justice and Delinquency Prevention and those administered –through grants by Office of Juvenile Justice and Delinquency Prevention.

(3) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(4) Whether less restrictive or alternative methods exists to carry out the functions of the agency. Whether present functions or operations are impeded or enhanced by existing, statutes, rules, and procedures.

(5) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(6) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(7) The number and types of beneficiaries or persons served by programs carried out under the Act.

(8) The extent to which any trends, developments, or emerging conditions that are likely to affect the future nature and the extent of the problems or needs the programs carried out by the Act are intended to address.

(9) The manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency.

(10) Whether the agency has worked to enact changes in the law intended to benefit the public as a whole rather than the specific businesses, institutions, or individuals the agency regulates or funds.

(11) The extent to which the agency grants have encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(12) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(13) The impact of any regulatory, privacy, and paperwork concerns resulting from the programs carried out by the agency.

(14) The extent to which the agency has coordinated with state and local governments in performing the functions of the agency.

(15) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(16) Whether greater oversight is needed of programs developed with grants made by the Office of Juvenile Justice and Delinquency Prevention.

(b) REPORT.—The report required by subsection (a) shall—

(1) include recommendations for legislative changes, as appropriate, based on the evaluation conducted under subsection (a), to be made to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), and

(2) shall be submitted, together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and made available to the public .

SEC. 264. GENERAL ACCOUNTING OFFICE REPORT.

Not later than 1 year after the date of the enactment of this Act, the General Accounting Office shall transmit to Congress a report containing the following:

(1) For each State, a description of the types of after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, and athletic and other programs operated by public schools and other State and local agencies.

(2) For 15 communities selected to represent a variety of regional, population, and demographic profiles, a detailed analysis of all of the after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, mentoring programs, athletic programs, and programs operated by public schools, churches, day care centers, parks, recreation centers, family day care, community organizations, law enforcement agencies, service providers, and for-profit and nonprofit organizations.

(3) For each State, a description of significant areas of unmet need in the quality and availability of after-school programs.

(4) For each State, a description of barriers which prevent or deter the participation of children in after-school programs.

(5) For each State, a description of barriers to improving the quality and availability of after-school programs.

(6) A list of activities, other than after-school programs, in which students in kindergarten through grade 12 participate when not in school, including jobs, volunteer opportunities, and other non-school affiliated programs.

(7) An analysis of the value of the activities listed pursuant to paragraph (6) to the well-being and educational development of students in kindergarten through grade 12.

SEC. 265. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

Subtitle F—General Provisions

SEC. 271. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to fiscal years beginning after September 30, 1999.

Amend the title so as to read: ''A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Pennsylvania (Mr. GOODLING) and a Member opposed each will control 45 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

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

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

Mr. GOODLING. Mr. Chairman, the Committee on Education and the Workforce has the responsibility in this legislative process to provide the rehabilitative and the preventive efforts in relationship to juvenile delinquency, juvenile crime. The amendment I am offering today complements and completes H.R. 1501, the Consequences for Juvenile Offenders Act of 1999. The amendment provides a prevention component of a sound two-prong approach to addressing juvenile crime, accountability and prevention. The success of one depends on the success of the other.

The amendment was based on legislation introduced by the gentleman from Pennsylvania (Mr. GREENWOOD), the Juvenile Crime Control and Delinquency Prevention Act. This legislation was reported by the Subcommittee on Early Childhood, Youth and Families on April 22, 1999.

□ 1415

Mr. Chairman, the gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Early Childhood, Youth and Families, the gentleman from Pennsylvania (Mr. GREENWOOD), ranking minority member, the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. KILDEE) and the gentleman from Virginia (Mr. SCOTT) deserve a great deal of credit for all the time they spent in crafting a thoughtful bill to address a very difficult problem.

I would also be remiss if I did not thank the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Colorado (Mr. SCHAFFER), the gentleman from Colorado (Mr. TANCREDO), the gentleman from Indiana (Mr. SOUDER), the gentleman from Tennessee (Mr. FORD) and the gentleman from California (Mr. MILLER) for their efforts to work with us in putting together a bipartisan bill.

Last, but not least, I would like to thank the gentleman from California (Mr. MARTINEZ), who helped craft the original version of H.R. 1818, which passed the House last Congress. And, of course, I would be remiss if I did not thank the staff on both sides for the hours of work that they put into this.

As I have noted, several Members have played a key role in the development of this legislation. For example, the amendment allowed the use of funds in both the formula grant program and the prevention block grant program for after-school programs. There is also a study on after-school programs.

The gentleman from Delaware (Mr. CASTLE), who is a strong supporter of after-school programs, crafted these provisions. Funds may be used for programs directed at preventing school violence. In addition, the Prevention Block Grant includes language allowing local grantees to use funds for a toll-free school violence hotline. The gentleman from Colorado (Mr. TANCREDO), who represents Littleton, Colorado, is the author of that provision.

The amendment I am offering today also includes several provisions dealing with the delivery of mental health services to youth in the juvenile justice system. These provisions include allowing the use of funds in the formula in the block grant programs for mental health services, training and technical assistance for service providers, and a study on the provision of mental health services to juveniles.

The gentlewoman from New Jersey (Mrs. ROUKEMA) is responsible for that legislation, along with the gentleman from California (Mr. GEORGE MILLER).

During the 105th Congress, as I indicated before, we passed this legislation. In fact, we passed legislation twice. At the present time, the major purpose of our amendment is to prevent juvenile crime in the home, in our communities, and in our schools.

The amendment offered today would streamline the current Juvenile Justice and Delinquency Prevention Act, provide greater flexibility to States and local communities in meeting the four core requirements, and consolidate existing discretionary grant programs into a flexible prevention block grant to the States, demanding quality in return for that effort.

Mr. Speaker, throughout the United States, communities are struggling to develop programs to address juvenile delinquency. But no two communities are alike, and solutions must be tailored to fit the needs of local communities. And that is what we have done in this legislation.

Finally, the amendment would provide for the authorization of programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act.

I want to emphasize the fact that there is language here that deals with those who would get overzealous when they are writing curriculum, and it makes very, very clear that when they do that, they do not interfere with one's religious beliefs.

That language says, ''Materials produced, procured, or distributed using funds appropriated to carry out this act for the purpose of preventing hate crimes should be respectful of the diversity of deeply-held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance.''

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Missouri (Mr. CLAY) seek to control the time in opposition?

Mr. CLAY. Mr. Chairman, I would like to control the time, and I ask unanimous consent to turn the control of the time over to the gentleman from Michigan (Mr. KILDEE) after I yield myself 5 minutes.

The CHAIRMAN. The gentleman from Missouri (Mr. CLAY) will control 45 minutes.

Without objection, the gentleman may yield to the gentleman from Michigan (Mr. KILDEE) to control the remainder of the time.

There was no objection.

Mr. CLAY. Mr. Chairman, I rise in support of the Goodling amendment.

This amendment reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974. In reauthorization of this 25-year-old act, the amendment retains the four core protections, including the fundamental tenet of the juvenile justice system, that juvenile delinquents shall not be jailed with adult criminals.

In addition to retaining the core requirements, the amendment contains a new juvenile delinquency prevention block grant program. It provides funds to be used for mentoring, for family strengthening programs, for training and employment programs, for mental health services, and other initiatives designed to prevent juvenile delinquency.

The amendment also strengthens the mandate requiring States to reduce the disproportionate number of minorities confined in jails and other secure facilities. States are required to reduce minority overrepresentation by addressing both the lack of prevention programs in minority communities and by addressing racial bias within the juvenile system.

I would like to thank the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their many hours of negotiations and their determination to place substance over politics and produce fair and effective juvenile prevention legislation.

Unfortunately, the Republican leadership has short-circuited the legislative process and are shortchanging the American people.

This is a good amendment, Mr. Chairman. It could have been better. Instead, to appease the right-wing family groups, the Republican leadership has insisted on weakening programs under the act aimed at preventing hate crimes. Politics again rears its ugly head when the Republican leadership prevents meaningful provisions dealing with juvenile gun possession.

Mr. Chairman, despite the shortcomings, this amendment includes thoughtful, effective crime prevention measures that will give juveniles real alternatives. We cannot afford to toss our troubled juveniles into jail and throw away the key. We must intervene first with the strong and flexible prevention measures that this amendment provides.

I support this amendment, and I encourage my colleagues to vote ''yes'' on the amendment

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

Mr. GOODLING. Mr. Chairman, I yield 3½ minutes to the gentleman from Delaware (Mr. CASTLE), the subcommittee chair.

Mr. CASTLE. Mr. Chairman, I thank the chairman of the Committee on Education and the Workforce very much for yielding me the time.

Mr. Chairman, I also thank all those who worked on this legislation, particularly the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) who did so much good work on it.

Just a few months ago, reports of school violence dominated the national media and focused our attention on the small suburban communities of Springfield, Paducah, Edinboro, Littleton and Jonesboro.

In the wake of these tragedies, men, women, and children across the country joined together and called upon their elected officials to help stem the tide of violence in their schools and their communities.

What followed was a rush of legislation, from guns and video games to parental involvement and school prayer. Everything was on the table. After much discussion, we came to understand that no one approach would have prevented the episodic violence in these schools.

Eventually, cooler heads prevailed, and we realized that a balanced approach, one that incorporated the best ideas of each of these proposals, was our greatest hope to ensure that our schools would never again be a place of death and violence.

As part of this effort, I am pleased to rise in strong support of the juvenile crime prevention amendment offered by the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

This amendment is a product of extensive negotiations between Members on both sides of the aisle, and I am pleased that it comes to the floor with bipartisan support, thanks in large part, as I already mentioned, to the efforts of the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT).

This amendment acknowledges that most successful solutions to juvenile crime are developed at the State and local levels by people who understand the unique qualities of the youth in their neighborhood. I believe it goes a long way toward providing State and localities the necessary flexibility to address the problems associated with juvenile crime in their communities.

This amendment also acknowledges that intervention and prevention, such as educational assistance, job training, and employment services programs, are effective tools in reducing and preventing juvenile crime.

In this era of dual-income families, roughly 5 million kids return to an empty house when the school day ends. It is not surprising, then, that juvenile crime increases by 300 percent after 3 p.m. Those that are not engaged in delinquent behavior are sitting, in many cases, in front of the television, the baby-sitter of choice for millions of latchkey kids.

Recent studies have confirmed what we have intuitively known about after-school programs. These programs, such as the athletic or mentoring programs offered by the YMCA and Boys' and Girls' Clubs of America, give our most at-risk children a positive alternative to television, drugs, alcohol, sexual activity and crime.

There is no doubt about the importance of these programs. But our after-school providers and participants need better access to information about the current range of programs and industry ''best practices.''

For this reason, I am especially pleased that the Goodling amendment incorporates my language to require the GAO to undertake a study to help us better understand the values of after-school programs and the barriers to providing these important services.

In addition, the Goodling amendment underscores the importance of these programs by allowing the States to use prevention funds to extend the reach of our after-school programs. As we all know, even children who enjoy the advantages of caring parents and good schools can just as easily go astray as those that who are disadvantaged.

For all of those reasons, I urge all of us in this House to support this amendment for the benefit of all the children in our country.

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

Mr. Chairman, the Goodling amendment has been the product of over 4 years of work between the gentleman from Missouri (Mr. CLAY), the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Virginia (Mr. SCOTT), the gentleman from California (Mr. MARTINEZ), the gentleman from Delaware (Mr. CASTLE), the gentleman from Pennsylvania (Mr. GREENWOOD) and myself. It is a product of very extensive negotiation and will gain my support today.

Mr. Chairman, this amendment will provide a much-needed focus on both protection of juveniles in the system and prevention aimed at reducing juvenile delinquency.

The amendment strengthens the important protections provided by the four core mandates in the act. It maintains the protections of sight and sound separation, the reduction of disproportionate minority confinement, and the special consideration of status offenders and adult jail removal, while at the same time deals with the real-life difficulties of dealing with juvenile offenders.

The other critical aspect of this bill is the creation of the Prevention Block Grant, the contribution of the gentleman from Virginia (Mr. SCOTT). The Prevention Block Grant in this legislation sends a strong message that program funds should be used for primary prevention, prevention efforts for those who have yet to encounter the justice system.

This type of focus can save so many of our young people from falling prey to the temptations of violence and destructive activity and is a much-needed component in our efforts to combat juvenile crime.

In closing, I want to recognize the leadership of both the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) on this legislation. I believe that their efforts have taken last Congress's bipartisan reauthorization bill and improved what was already a good product. I personally thank them for their hard work and their close cooperation.

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

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Chairman, I am pleased to rise today in support of the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of our Committee on Education and the Workforce. I want to commend he and members of his committee for working diligently on this proposal.

While H.R. 1501, the Consequences for Juvenile Offenders Act of 1999, addresses some of the factors that contribute to juvenile crime, this bill does not address ways in which we can work together to create solutions to this growing problem.

Almost everyone agrees that the majority of juvenile crime occurs daily between the hours of 3 to 7 p.m., when schools let out and children are left unsupervised while parents are still at work. Just to make ends meet, most parents have to have two or three jobs. These families need our help, and this amendment does just that.

This bill mirrors my own legislation, H.R. 1430, the Caring for America's Children Act, which provides our Nation's children with substantial after-school programs designed to help our children make a successful transition from child to adult life and keep at-risk children from choosing violent acts over unsupervised activities.

□ 1430

Empty hands too often lead to crime, but give children something to do with those hands and the number of crimes dramatically drop when an afterschool program is in place, such as sports, the arts, delinquency prevention, tutoring and academic enrichment, literacy, counseling, drug and alcohol abuse prevention, parenting skills, all keys to preventing juvenile crime. If parents are unable to supervise their children, schools and local youth groups that provide care for children during non-school hours are the next best thing.

This amendment also provides funding for the establishment and maintenance of a school youth violence hotline which will provide children with a way in which to anonymously inform officials of violent crimes that may be committed. Many students are aware of criminal acts before they happen but too often are afraid to come forward for fear of being the victim of an attack.

Accordingly, I am pleased to strongly support passage of this amendment as it is one of the few amendments that actually focuses on true juvenile crime prevention. Accordingly, I urge my colleagues to support the Goodling amendment.

Mr. KILDEE. Mr. Chairman, I yield 7 minutes to the gentleman from Virginia (Mr. SCOTT) who has made an enormous contribution to this bill.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding time. As many of my colleagues are well aware, I have been actively involved in this issue of juvenile crime on both the Committee on Education and the Workforce and the Committee on the Judiciary. From the outset of this discussion I have said that Congress has a decision to make in combating youth violence, that is, we can play politics or we can reduce juvenile crime. As someone who has spent many hours in this effort along with the gentleman from Pennsylvania (Mr. GREENWOOD), I am proud to say that the Goodling amendment reflects a fair and effective legislation rather than a desire to play politics by codifying soundbites. This legislation reflects the commitment to reducing crime by funding proven crime prevention programs.

I am also proud to say that this legislation is sound policy, because it is the result of a deliberate and intelligent process in which we carefully considered the evidence in search of real solutions to juvenile crime. Unfortunately, with other amendments that we have already adopted, it seems that we are back to playing politics. What began as a bipartisan effort in both the Committee on the Judiciary and the Committee on Education and the Workforce has turned into a spectacle. We started with an intelligent, deliberate consideration of the issues and now we have degenerated into a situation where we are slinging soundbites at each other. This is particularly disappointing because we know what works to reduce crime.

We can say, however, that in this amendment, we have the opportunity to reduce crime. We know that prevention works. We also know it saves more money than it costs. For example, early childhood education programs like Head Start not only reduce future crime but also save future money by reducing remedial education requirements, welfare dependency and crime. Job Corps programs reduce future crime and also save more money by increasing employment, reducing welfare and reducing crime. Drug rehabilitation programs reduce crime and save almost $7 to $10 for every dollar spent by reducing crime and health care expenses. So we know what works. We know it works and we know it also saves money. This amendment encourages communities to review the research and develop a community crime prevention plan and to fund those prevention plans, plans that will help communities fight crime and those that are cost effective.

In addition to the emphasis on prevention, this legislation keeps intact several key principles of juvenile justice. Since 1974, there has been a concerted effort to provide fundamental protections for youth who come into contact with the juvenile justice system. Prior to 1974, it was common practice to lock up youth who had committed status offenses, those are noncriminal acts like running away or curfew violations or being truant, acts which are offenses only because of the defendant's status as a juvenile. These children who had not committed a crime were often in need of services and not punishment. In fact, frequently it was their families who needed services and not the juvenile. Nevertheless, these children were being locked up, often in adult jails. As a result, they were increasingly at risk of assault or committing suicide.

The Juvenile Justice and Delinquency Prevention Act of 1974 provided protections for these children. First, the Act required States to divert status offenders from the juvenile criminal justice system and place them in community-based alternatives. As a result, we have seen the suicide rate plummet. Second, this legislation basically continues the underlying principle that juveniles should not be housed with adults. Third, the Act focuses efforts to reduce, without establishing quotas or numerical standards, the disproportionate number of juvenile members of minority groups who come in contact with the juvenile justice system. This provision is important because it requires that States look at why minority youth are overrepresented in secure facilities or receive tougher sentences or are more likely to be jailed for the same kinds of offenses than majority youth. Efforts to reduce the disproportion might include prevention programs, less reliance on racial profiling in law enforcement, or sensitivity training for juvenile justice personnel to ensure equal treatment. In sum, the Goodling amendment maintains the core protections for children and a preventive and forward-thinking approach to juvenile crime.

Finally, I want to thank the gentleman from Pennsylvania (Mr. GOODLING) for his leadership in the development of a bill which is serious about reducing juvenile crime. I also want to thank the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. KILDEE), the gentleman from Delaware (Mr. CASTLE) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their contributions. Also, I would like to thank the staff for their hard work, Alex Nock and Cheryl Johnson, Denise Forte, Ly Nguyen, and also Vic Klatt, Sally Lovejoy and Lynn Selmer for their hard work without which this bill would not have been possible.

Mr. Chairman, while I would have preferred this amendment to be a separate bill, detached from the partisan spectacle being conducted with the rest of the bill, I would urge my colleagues to support the amendment. This is a vote for prevention and a vote to put research and analysis back in the debate on crime.

Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question as to whether or not it is the legislative intent of the bill for the ''sight and sound'' provision to provide some flexibility but still limit supervised contact between adult and juvenile offenders.

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

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

Mr. GREENWOOD. Yes, Mr. Chairman, in general there should be no contact, physical or otherwise, between juvenile and adult offenders. However, this provision establishes law for the rare occasion where a juvenile would be in physical proximity to an adult offender. We expect these occasions to be accidental and unforeseeable in nature. In these situations, the juvenile must be supervised by a corrections official. We would also expect that States and localities which exceed this authority by allowing these occasions to happen on a regular basis to be found out of compliance by the Office of Juvenile Crime Control and Delinquency Prevention.

Mr. SCOTT. Mr. Chairman, this is a good amendment. I would hope that it be adopted.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GREENWOOD), and I also ask unanimous consent that he control the time on this side. He is the other member of the Greenwood-Scott team that we have heard about quite often this morning.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce for yielding control of the time to me and for his kind words as well.

Yes, the gentleman from Virginia (Mr. SCOTT) and I are a team and as you will see, our words are very similar.

Mr. Chairman, the issue before the House and the title of the amendment for which I speak is the Juvenile Crime Control and Delinquency Prevention

Act. The purpose of this legislation is to reauthorize and to reform the 25-year-old law which was designed to ensure that juveniles, children under the law who are accused of breaking the law, are treated firmly and fairly. Its purpose is to ensure that to the best of society's ability, these young people are redeemed from lives of crime and instead provided with opportunities to turn their lives around and to become good and productive citizens.

To understand why Congress wrote this law 25 years ago, one needs to become familiar with the problems Congress was trying to solve back then. Prior to 1974, in many States, children were frequently imprisoned right alongside adults. The unfortunate ones were physically and often sexually abused. The more fortunate children were simply tutored by their cellmates into the ways of crime and converted into hardened criminals at a very tender age. What was worse was that a large percentage of the incarcerated children had not even committed acts that would have been considered criminal had they been adults. Children were routinely locked up for running away from home, for truancy or for simply being deemed incorrigible. Before anyone is tempted to believe that those were the good old days when young people were held accountable for their irresponsible conduct, it needs to be noted that many of these kids were running away from terribly dysfunctional homes where they were being abused in the worst of ways. In the old days before the Juvenile Justice Act, alcoholic abusers could molest their daughters and their stepdaughters and then have them arrested for running away until they agreed to go back home to be subjected to more abuse. The sins of the parents were visited upon their children and then the children were punished all over again.

So in 1974, the Congress enacted the Juvenile Justice Act and offered to States financial carrots to reform their ways of dealing with the troubled children of their States. The law establishes core requirements for State juvenile justice systems that States must adopt to qualify for Federal delinquency prevention funds. And since others have specified those core requirements, I will not repeat them.

Most of yesterday's debate centered on the Committee on the Judiciary's piece of juvenile justice law, the so-called sanctions part. The amendment before the House now is the work of the Committee on Education and the Workforce. It is the prevention and the protection part. This year I have had the honor of serving as the prime sponsor of the delinquency prevention legislation. For many months, I have worked with my Republican and my Democratic colleagues to modernize and reform this statute so that we could reauthorize it for another 4 years.

My primary counterpart on the other side of the aisle has been the gentleman from Virginia (Mr. SCOTT). He is a good man. He is a committed advocate for his point of view and for the point of view of his party but he has always been available to my point of view and to the point of view of my party. He has consistently put the welfare of children and the safety of society above partisan advantage, and he has never once succumbed to ideological rigidity.

I also wish to commend the ranking member of the subcommittee the gentleman from Michigan (Mr. KILDEE) for his constant spirit of collegiality and bipartisanship and I want to thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Delaware (Mr. CASTLE) and the gentleman from Missouri (Mr. CLAY) for working consistently in good faith to achieve a bipartisan bill.

Our bipartisan work product encapsulated in this amendment recognizes that prevention is the key to reducing juvenile crime. It streamlines current law, provides appropriate flexibility for the States and replaces overly prescriptive Federal requirements with prevention block grants. The amendment also reauthorizes the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, making them more effective in locating missing children and reuniting them with their families.

Mr. Chairman, in the wake of the tragic shootings at high schools in places like Littleton, Colorado; Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania and elsewhere, the Congress has chosen the Juvenile Crime and Delinquency Prevention Act to serve as the legislative vehicle to debate and to enact an extraordinarily wide range of proposals aimed at preventing youth violence and keeping our children safe. From gun control measures to new prohibitions on selling violent entertainment to children to establishing the right of children to pray in school, it is all in the mix, Mr. Chairman. We will, in the herky jerky ways of democracy, sort our way through it all. But I hope it is not lost upon us all that in the midst of this emotionally and politically charged environment, Republicans and Democrats on the Committee on Education and the Workforce worked through our differences and crafted this bipartisan legislation that we offer in the form of this amendment, convinced that within its 103 pages lies reliable and tested wisdom about how best to steer America's troubled children away from crime and how to reclaim these young people who go off on the wrong track.

As we speak in this Chamber, we need to remember that in every community in America, employees and volunteers in juvenile probation programs and in detention facilities are busy at the hard work of reaching into the hearts and minds of children hardened by abuse, neglect and disappointment and they are giving them hope and the esteem, the skills and the confidence to turn their lives around and to go straight.

That is what this amendment is about. We think it is among the most important work that we will do in these 2 days of debate. We commend it to the House for its support.

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

□ 1445

Mr. KILDEE. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE).

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

Mr. PAYNE. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Pennsylvania (Mr. GOODLING) to H.R. 1150.

This is the first opportunity I have had to talk about the then Juvenile Justice Delinquency and Prevention Act of 1973, as it was being conceived by Senator Birch Bayh and was then made into law in 1974. At that time I was president of the YMCAs of the USA, and at that time young people were in trouble, they were on the roads, they were confused. At that time young people were incarcerated with adult offenders.

We have seen many changes come since that time. But I am a bit disappointed that partisanship has once again raised its ugly head, and that out of over 70 Democratic amendments, only 11 of these amendments were adopted by the Committee on Rules. It is more than apparent that politics as usual has prevailed again. Of course, I commend the gentleman from Pennsylvania (Mr. GOODLING) for moving forward with this legislation, but in the Committee on Rules we saw the partisanship come out over and over again.

Let me take this opportunity to bring to my colleagues' attention my primary prevention amendment, which was not adopted by the Committee on Rules. I called for 50 percent of the funds in the prevention block grant to go towards primary prevention programs. As my colleagues know, prevention works. It works because it avoids young people from becoming involved in the criminal justice system. We have seen surveys continually which have proven that prevention works. As a matter of fact, old folks used to say a stitch in time saves nine. An ounce of prevention is worth a pound of cure. It is better to build boys than to mend men; that idle hands are the devil's playground.

But in spite of all of this, we were unable to get the funds put into prevention, and we are using the Republicans' method of intervention. Of course, if it was up to me, I would designate more than 50 percent of the funds for prevention, as I feel that attacking crime prior to when it happens is the only true solution. Nevertheless, we were

willing to compromise to meet the majority party halfway, but it was abundantly clear that they have no intentions of doing the same.

Even the Democratic substitute that I and several of my colleagues submitted with the hope of including language about school counselors was not adopted. This, after the horrible tragedy of Columbine. Elementary schools need counseling as well as our middle schools and high schools. Youngsters are crying out for help, but in many instances there is no one there to help them. As a matter of fact, in a typical inner-city high school, we have more full-time military recruiters for the senior class than we have high school counselors.

Our goal is to cut down on juvenile crime; thus, we must ensure our young people the ability to seek services that they need to help them cope with their problems so that they can be out of harm's way of the escalation of violence and tragedy. The increase of funding and actual number of school counselors is a measure that must be taken. I must say, I am utterly baffled as to say why the Republican Party is so hesitant to actually adopt legislation that would actually produce results to help our young people in this country with counseling and other preventive means.

Mr. Chairman, allow me to conclude by calling upon all of the Members of this House to support the Goodling amendment to H.R. 1150. It is my hope that in the future, our political parties could work more closely together, though, in favor of the children.

Mr. GREENWOOD. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I certainly rise in strong support of the Goodling amendment. I especially want to note the leadership of the gentleman from Pennsylvania (Mr. GREENWOOD) on this notable reform.

It goes without saying that we have all become aware of the particular growth of juvenile crime and violence, and Littleton and Conyers, Georgia, and other recent developments have certainly burned those lessons into our minds, and into the conscience of the Congress. I believe, we must respond very appropriately today.

This amendment is a needed response, and I want to stress that it is prevention. If we had understood and applied the intention of this legislation, it is very possible that Littleton would not have happened. Indeed, I was working on the mental health components of this bill before Littleton the massacre did occur. In fact, as we learned later, that Harris and Klebold had been released from parole with glowing reports from the probation officer just 11 weeks before the massacre at Littleton, while at the very time that they were plotting and constructing bombs. Littleton became exhibit A of what we are trying to do in this bill, and particularly the mental health component of it.

In fact, the statistics became real at that point in time. According to the Department of Justice, 73 percent of the youth in the juvenile justice system have reported severe mental health problems.

So it is obvious that this amendment that I was able to get into the bill is essential. It is a screening assessment, a mental health screening assessment and treatment that makes mental health treatment and assessment an allowable use of funds in the Prevention Block Grant.

Mr. Chairman, I will not go into all of the details of the amendment, but I will submit for the RECORD the applicable legislation at this point, particularly as it applies to the projects which would be permitted under the mental health needs.

"PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

"SEC. 241. AUTHORITY TO MAKE GRANTS.

''The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

''(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

''(2) educational projects or supportive services for delinquent or other juveniles—

''(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

''(B) to provide services to assist juveniles in making transition to the world of work and self-sufficiency;

''(C) to assist in identifying learning difficulties (including learning disabilities);

''(D) to prevent unwarranted and arbitrary suspensions and expulsions;

''(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

''(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

''(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

''(H) to provide services to juvenile with serious mental and emotional disturbances (SED) in need of mental health services;

''(3) projects which expand the use of probation officers—

''(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(B) to ensure that juveniles follow the terms of their probation;

''(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

''(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

''(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

''(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

''(16) projects which provide for—

''(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

''(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

''(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

''(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

''(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

''(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placement.''.

SEC. 212. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) APPROPRIATION.—Of the funds made available under Public Law 105–277 for the Department of Education, $2.1 million shall be made available to carry out this section.

SEC. 262. STUDY OF THE MENTAL HEALTH NEEDS OF JUVENILES IN SECURE OR NONSECURE PLACEMENTS IN THE JUVENILE JUSTICE SYSTEM.

(a) STUDY.—The Administrator of the Office of Juvenile Crime Control and Delinquency Prevention, in collaboration with the National Institute of Mental Health, shall conduct a study that includes, but is not limited to, all of the following:

(1) Identification of the scope and nature of the mental health problems or disorders of—

(A) juveniles who are alleged to be or adjudicated delinquent and who, as a result of such status, have been placed in secure detention or confinement or in nonsecure residential placements, and

(B) juveniles on probation after having been adjudicated delinquent and having received a disposition as delinquent.

(2) A comprehensive survey of the types of mental health services that are currently being provided to such juveniles by States and units of local government.

(3) Identification of governmental entities that have developed or implemented model or promising screening, assessment, or treatment programs or innovative mental health delivery or coordination systems, that address and meet the mental health needs of such juveniles.

(4) A review of the literature that analyzes the mental health problems and needs of juveniles in the juvenile justice system and that documents innovative and promising models and programs that address such needs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Congress, and broadly disseminate to individuals and entities engaged in fields that provide services for the benefit of juveniles or that make policy relating to juveniles, a report containing the results of the study conducted under subsection (a) and documentation identifying promising or innovative models or programs referred to in such subsection.

SEC. 263. EVALUATION BY GENERAL ACCOUNTING OFFICE

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

Mrs. ROUKEMA. For example, an assessment by a qualified mental health professional. Had this been applied when Harris and Klebold were in the probation system, perhaps it would not have occurred, and people would have diagnosed them with their problems earlier.

I must say that the reforms are long overdue, and they are consistent with everything we know about corrective treatment. Above all, I want to say that these reforms will bring greater security to our schools, greater safety to our communities, and a brighter future for all America's families, and perhaps will save the lives of countless victims who are at risk.

I would also like to point out that in addition to the block grant provision, we have a mental health assessment and a study that I was happy to work with the gentleman from Pennsylvania (Mr. GREENWOOD) on, and that study should give us a great deal of information for the next round of reforms.

Let us all pray, that our efforts here will be the first meaningful step on the way to a complete overhaul of our culture of violence—guns, videos, entertainment and a system that ignores the mental health and educational instruction reforms needed for our estranged and violent prone youth. Remember, ''an ounce of prevention is worth a pound of cure.''

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking minority member of the committee.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time. I want to thank the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) for all of their hard work in pulling this legislation together. I want to thank them for accepting the language that the gentlewoman from New Jersey (Mrs. ROUKEMA) and I have offered on mental health services and the screening programs within this legislation.

I think that this legislation is key, as the gentleman from Pennsylvania (Mr. GREENWOOD) pointed out in his remarks, to really dealing with the long-term problems within our society and with dealing with chronic delinquency and our best efforts at trying to prevent that behavior. We are here today reacting because of what 6 or 8, 10 kids have done across this country, killing dozens of young schoolchildren, but the fact is, 20 million children went to school last year, or this year, day in and day out and caused relatively little problem.

We do now know from a great deal of study and research that a relatively small group of people contribute rather dramatically to the crime figures among young people in this country. But that same research and those same studies tell us that many of these children come as a confluence of a series of events in their lives, sometimes very early on, because of the status of the mother during pregnancy, because of neurological and biological factors during birth, low verbal ability, neighborhood characterized by social disorganization and violence, parental criminality, substance abuse, inconsistent and harsh parental practices. All of these combined, and the researchers tell us this is a very lethal combination of events in a young child's life. And when they come together, these children who now, in many instances, we are able to diagnose and to look at, and the question is will we be willing to treat them and be able to prevent the kind of horrible activity that they later engage in.

This is a complicated problem and a complicated issue. There is not a silver bullet amendment that will answer this. We can attack Hollywood, we can attack Marilyn Manson, we can attack video games such as Mortal Kombat. What we really know is those are really insignificant if a child has had strong bonding and strong guidance and strong counseling from their parents, and they have a healthy relationship with their parents. But if they do not have that, and they do not have these resources to call upon, and then they engage in that kind of, or are subject to that kind of bombardment from media and from entertainment, they are candidates for serious problems.

So this legislation that the Education and Labor Committee struggled with long and hard, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) especially, I think gives our country one of the best hopes we have in dealing with juvenile delinquency and hopefully preventing juvenile delinquency, because that is really our goal. It is not to be here next year reacting to the next set of violent activities by young people, but it is to give our communities, our schools, and our juvenile justice system the tools to try and treat these children and to prevent this activity from taking place.

Mr. Chairman, I want to commend our committee for working in such a bipartisan fashion to come to this conclusion.

Mr. GREENWOOD. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I want to rise to strongly support this bipartisan amendment. I think it is a very solid piece of work out of the Committee on Education and the Workforce.

A lot of folks do not understand how this juvenile justice legislation works in the House, but we have the jurisdiction in the Committee on the Judiciary on juvenile crime matters, which are the base bill of H.R. 1501 here today, and all of the concerns that I have presented in the last few hours of yesterday and some of today over how we need to put consequences back into the law for juveniles and how we need to repair our broken juvenile justice systems around the States.

But an equally important companion part of that, which is what the Committee on Education and the Workforce does and is doing here today, to deal with those programs that are prevention programs, and the Office of Juvenile Justice and Delinquency Prevention, and today we are seeing some major steps in the right direction. The formation of a block grant program instead of having it broken into many pieces; the idea of taking the mandates that are the requirements on the States in order to get this grant program, there are four of them that have

been around, core mandates, while protecting and preserving their basic principles, modifying them so that they can become more flexible and manageable and workable in ways that have been criticized in meetings that I have been to all around the country, a major step in improving them in this bill today.

I want to commend the gentlewoman from New Jersey (Mrs. ROUKEMA) for the mental health provisions in here. I worked long and hard with her to try to help encourage the change of the law so that we are able to see juveniles who have mental health problems properly attended in that regard. That is a major part of the causes of the juvenile crime, the violent crime that we are addressing here today.

So I strongly support this amendment, and I am very pleased to be here today supporting it.

Mr. KILDEE. Mr. Chairman, I yield 5½ minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding me this time.

This legislation, which has been offered by the Chair of the House Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. GOODLING), is a reconstruction, redraft of the Juvenile Crime Control Delinquency Prevention Act of 1974.

□ 1500

It is a comprehensive document, 100 pages of great effort on the part of both sides, the majority and the minority, in the Committee on Education and the Workforce.

I want to concur with all the statements that have been made thus far, and compliment the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) for their tireless efforts in putting together a bipartisan product.

It is not often, particularly from our committee, where the two sides can come together and have such a substantial agreement on an important piece of legislation dealing with our young people and dealing specifically with the issue of prevention of delinquency.

This is not a matter that has come up since Littleton and school violence, this is a matter that has been under the jurisdiction of this committee for 25 years. These two gentlemen, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) have been laboring for years to put together a piece of legislation that will adapt from the previous enactment and try to comprehend the current circumstances that our young people are living under, the kinds of pressures that they must endure, and the need for a preventative system to be incorporated into our laws.

It is regrettable, Mr. Chairman, that this magnificent piece of work was snatched away from the Committee on Education and the WorkForce and pulled away from the bill that is under consideration for the last 24 hours, child safety and protection. There is no way that this Congress or this Nation can view the matter of child safety and protection only from the punitive aspects. It has to be dealt with from the preventative aspects, of how do we deal with problems before the child has to come into the justice system.

That is what this amendment does that the gentleman from Pennsylvania (Mr. GOODLING) has offered for our consideration. I am here today to rise in very strong support, and urge this House to add this very, very important title II to the bill that is under consideration.

If we fail to enact this title II and agree to the Goodling amendment, we will have left out a significant portion of what this country expects this Congress to do in dealing with child safety and protection. That is, what can we do as a society to prevent our children from coming into harm's way, and how to deal with potential juvenile crime issues.

The Goodling amendment represents responsible, bipartisan legislation that has been carefully worked out by our committee. It passed the subcommittee unanimously. It was about to be reported out to the floor when now we are faced with these circumstances of asking that this entire 100 pages be added to the pending legislation, because without it, we do not have substantial preventative measures.

The goal of this amendment is to reduce crime, but primarily it is the prevention elements of this legislation that are so important. It contains a block grant program that allows States to carry out projects designed to prevent juvenile delinquency, including educational projects, mentoring projects, community-based projects, and many other strong prevention programs.

It maintains the core focus of the Juvenile Justice and Delinquency Prevention Act of 1974, prevention over punishment. We do not need punishment if we can prevent the crime in the first place, and prevent our young people from coming into the system.

If we want to address the real problems of juvenile offenders, we need to put serious efforts into our prevention programs.

I wanted to offer an amendment and went to the Committee on Rules, but I was not given that privilege, to talk about the importance of school counselors. But I am pleased today that this main amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) will help in this direction.

The Goodling amendment is an excellent start. It focuses on early intervention, helping our youth before they get into trouble. The Goodling amendment creates a juvenile delinquency prevention block grant program which will allow monies to be allocated for projects in mental health, as we heard our colleague, the gentlewoman from New Jersey (Mrs. ROUKEMA) explain, and the gentleman from California (Mr. MILLER) concur.

It has educational projects, mentoring projects, literacy social service programs, substance abuse, substance abuse, educational scholarships, job training, after-school programs, and a whole other group of programs which the States can pick from in order to deal with their own individualized programs.

I call upon this House to give unanimous consent to the Goodling amendment, because without it the Child Safety and Protection Act of 1999 will not address the significant ways in which this Congress and this country must deal with juvenile crime, and that is to have substantial prevention programs.

Mr. GREENWOOD. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. UPTON), a very active member of the Committee on Education and the Workforce.

Mr. UPTON. Mr. Chairman, I rise in very strong support for this amendment and sharing a commitment to finding a comprehensive solution to the problem. Education, parental involvement, youth activities, and accountability are just a few of the very important elements of this challenging issue.

The rate of juvenile crime, particularly violent crime, is of growing concern throughout the country. This amendment, a bipartisan amendment, introduced by my colleague and friend, the gentleman from Pennsylvania, acknowledges that prevention is the key to preventing juvenile crime for most of our youth.

This amendment streamlines current law. It reduces burdensome State requirements, and it provides States and local providers with greater flexibility in addressing juvenile crime. The amendment acknowledges that most successful solutions to juvenile crime are developed at the State and local level of government by those individuals who understand the very characteristics of youth in that area.

I know in my district, particularly in Kalamazoo, Michigan, a coalition of local law enforcement officials are working together to beef up enforcement of the State's curfew laws, to identify peak juvenile crime hours, and fight truancy from school.

By working with existing groups such as the Kalamazoo public schools, the Ys, the boys and girls clubs, these groups hope to establish meaningful programming that in fact provide constructive alternatives to street activity.

I know that the YMCA Lincoln Program Center in Kalamazoo in the North Side gives hundreds of kids, and I have visited there, ranging from ages 6 to 16 a safe and positive alternative to life on the streets. More than just a drop-in center, this program instills

the values of care, honesty, respect, and responsibility into virtually every single activity.

The prevention components of this amendment would go a long way towards supporting similar delinquency programs and activities across the country.

In closing, Mr. Chairman, in the long run, our work today will have far-reaching effects on the quality of life for our neighborhoods and their children for years to come. I am looking forward to continuing to be involved and motivated in this effort.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), a hard-working and knowledgeable member of the committee.

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) for introducing the Goodling amendment and bringing it here today, which is a true bipartisan effort.

No matter where Members stand on guns, no matter where they stand on the First Amendment, they must, they must stand for activities that prevent youth from committing crimes. If Members do, they will vote for the Goodling amendment.

The Goodling amendment provides funds for the States to enact a comprehensive system of juvenile delinquency prevention. These funds can be used for a variety of prevention activities, such as after school programs, counseling services, anti-gun activity, mentoring, and tutoring. All of these programs are needed and wanted by our youth.

Mr. Chairman, one of the biggest problems we have in this country is that we have too little time for our youth. We are not taking care of them, and we are not listening to them. If a child is lucky enough to have two parents, probably both of those parents are in the work force. They not only work an 8-hour day, they probably commute at least 2 hours beyond that every single day, which results in not nearly enough time for our children and our families.

When youth are ignored, Mr. Chairman, that neglect turns into frustration, which turns into anger, which oftentimes results in violence. This bipartisan amendment expands our community's resources to correct this problem, to work with our youth, to provide needed programs and support for them. It helps juveniles before they get into trouble. It uses Federal funds to prevent juvenile crime, rather than spending money to punish juvenile offenders.

The Goodling amendment invests in our children, and that is the soundest investment this country can make. Stand for our children and vote for this bipartisan amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO). (Mr. TANCREDO asked and was given permission to revise and extend his remarks.)

Mr. TANCREDO. Mr. Chairman, I rise in support of the amendment. I want to also say that, although there have been times when I have disagreed with my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), his commitment to address the problems of youth, the youth in our country, is extremely commendable. I just want to tell him that I sincerely appreciate his efforts on this amendment.

Mr. Chairman, I wish to specifically support that provision of the amendment which deals with giving the ability to schools to use funds for the establishment of safe school hotlines.

It was shortly after the incident in Colorado, after a brief discussion with a colleague of mine, the gentleman from Georgia (Mr. ISAKSON) was telling me about the safe school hotline program that was operating in Georgia. He was telling me of the success of the program. I endeavored to replicate it in Colorado, and was able to do so with the help and participation of a number of organizations, including the State Department of Education and the CBI and AT&T.

I want to speak about the specific issue that I know to be a very positive step in prevention. This is one thing that in fact does give us some ability to control the environment. It gives children the ability to control their own environment and to go back into schools. They are so afraid, and I get many, many calls from parents who talk about the fact that their kids were afraid to go back into schools after this event. This gives children and parents some degree of control over that environment. For that, I say it is the best possible thing that we can do.

I heard many references to Colorado and to specifically Columbine during the debate on this bill. I must say that although I sincerely hope and pray that anything we do in this bill would work to prevent a replication of that incident, that it is also my sincere belief that, frankly, what these two gentlemen were talking about in Colorado, it was not necessarily more counseling they needed, as they had plenty of that, it was an exorcist.

Mr. Chairman, I want to say that I sincerely support the amendment.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I enthusiastically rise to support this legislation, and I thank the gentleman, I thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Missouri (Mr. CLAY), the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Virginia (Mr. SCOTT), for the very fine work that has been done.

If this has been said already, let me just simply repeat it: Prevention, prevention, prevention. That is really what we should be discussing today and over the period of time. That is what this unfortunate crisis of school violence and troubled children should have gotten us to do, and that is to emphasize the need for doing something on behalf of our children.

I am delighted to have joined my colleague, the gentleman from New Jersey, as a member of the Committee on the Judiciary to add the language that talks about mental health resources and risk assessment for our children, so that we are not always looking to lock them up, but we are intervening and trying to provide school counselors, social workers, guidance counselors, school nurses, to ensure that troubled children have somewhere to go; that someone is listening. When I visit my schools, that is what they emphasize, can someone simply listen to us?

The urban scouting program in many of our cities, as I am a member of the Boy Scout Board in our community, they go into inner cities and develop scouting programs there as well, youngsters going into scouting as opposed to going into gangs. The Fifth Ward in Richmond program that takes inner city boys, it takes them and tells them there is more to do in life, they can be what they want to be. The PAL program, boys and girls clubs, these are the emphasis we should have. We should be fighting against gun violence, but attempt giving our children something to do.

In my own school and community, in my own county, these particularly core values are going to be very important, and removing juveniles from jails with adults, because when you put them there, they become murderers, rapists, other things we want our children not to be.

Lastly, let me say that we have a terrible problem in this country. That is the overrepresentation of minorities in the juvenile justice system. It happens every day in Harris County, Texas, that the largest numbers of those going through the juvenile system and being incarcerated are from the minority community.

It is a shame that our juvenile judges in that community only have that to do. With this legislation, we will be able to give them alternatives, preventative programs, programs that give children an opportunity. That is all parents are asking, hard-working parents that work every day that are really trying to monitor their children's behavior, but they have responsibilities that sometimes overwhelm them.

□ 1515

We in the community do not have to take over the parenting but we can certainly emphasize the preventive measures that so many great organizations

are doing in our community, and they simply need the incentive in the juvenile justice system and in the educational system to be able to offer alternatives.

I am hoping that Harris County juvenile justice system and the judges in particular in my community will stop locking up our juveniles, stop locking up minorities in an over-percentage as they do, and take advantage of the legislation that has been so wonderfully drafted and provide prevention, prevention, prevention.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT), a member of the Committee on Education and the Workforce.

Mr. DEMINT. Mr. Chairman, I thank the gentleman for this opportunity to rise and speak in favor of keeping the youth of America safe and secure and out of the juvenile justice system. I know the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Virginia (Mr. SCOTT), many Republicans and Democrats have worked many long hours for many years to put this good legislation together.

The Goodling amendment contains important core principles, such as maintaining the separation of juveniles and adult criminals when they are held at the same facility. But the most essential thing of this amendment addresses how to keep youth out of the juvenile justice system.

How does this amendment do this? We enable schools and community organizations to identify the needs of at-risk youth and to give these organizations the resources they need to craft solutions which best address these specific needs.

This requires communities to work together on behalf of their children. Parents, teachers, schools, community leaders, businesses can band together to address the unique challenges presented to their teams. We should not live in a society in which schools are separated from the communities around them. The most important prevention programs, whether in schools, community centers or other locations, should take into consideration the needs of the youth in the communities.

We already know the best deterrent to youth violence: family involvement. The National Longitudinal Study on Adolescent Health has some amazing but predictable findings. One of the most stabilizing factors in a youth's development is strong family involvement. It keeps them from getting into troublesome activities such as drugs, alcohol, sex or violent behavior.

Some of the programs that communities can put into place as a result of the Goodling amendment encourages family involvement and provides a positive role model as well as positive activities for youth in our Nation. I support and trust parents, school officials, and local community leaders to craft strong juvenile delinquency prevention programs and, as I stated earlier, the primary goal of this amendment is to keep teens out of the juvenile justice system.

Again, I support the adoption of the Goodling amendment, which returns dollars and decisions to communities.

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

Mr. Chairman, let me say at this time we have before us an excellent bipartisan bill, and our special gratitude should go out to the gentleman from Pennsylvania (Mr. GREENWOOD) and to the gentleman from Virginia (Mr. SCOTT). Both of them have brought not only their expertise to this bill but their deep concern.

That is extremely important, and I deeply appreciate it myself. I know this House appreciates it.

Mr. GREENWOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD), another member of the Committee on Education and the Workforce.

Mr. NORWOOD. Mr. Chairman, my thanks go to the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) and the gentleman from Michigan (Mr. KILDEE) and the gentleman from Pennsylvania (Mr. GOODLING) for offering this amendment, which is much like a past bill we have debated many times. I am delighted we are going to have the opportunity to vote on it today.

The fact is much of what we really have been hearing in the last couple of days, in my opinion, is a lot of political posturing. Many of the bills being offered are offered in order to secure political points, not to really deal with the problem of juvenile violence and violence in our schools.

Well, this amendment actually does. This amendment actually deals with some of the problems and the causes of youth violence and offers, I think, some real help toward solutions of these problems.

Mr. Chairman, this amendment attempts to encourage prevention activities. I think we all recognize that prevention programs can be very helpful with juvenile crime. I do not, for example, for one moment, believe that prevention programs are the solution within themselves. That is not the whole answer. We do need very strong disciplinary actions and we have done so in other parts of this bill, but prevention programs are a part of the mix, a vital part of the mix, especially if we allow our States and cities and localities the time and space in their life to implement those most successful solutions that occur at home.

Mr. Chairman, I believe we do just that with the Goodling amendment, and I want to urge all of our Members to support this.

I would like to remind our Members that on July 15, 1997, most of my colleagues voted for H.R. 1818. That was legislation that is very, very similar to this amendment today, and those that have been around for awhile, I will remind them that the vote was 413 to 14. So they have every good reason to continue their good work from 1997 and vote for this amendment today.

I urge all of our Members to support the Goodling amendment, and again I thank my friends on both sides over here for making this opportunity possible.

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

Mr. Chairman, we have spent much of yesterday and today trying rather desperately to devise a wide range of responses to the school shootings. Some of those we have supported; some of those we have rejected. One other component of the amendment that is before us, that I would like to mention, is the effort of the committee to actually try to understand precisely what happened in each of these terrible school shooting tragedies.

This language before us contains funding, a nominal amount of funding, to get to the National Academy of Sciences, which will put together a group of the country's greatest experts on child development and on the impact of media on the development of children; other specialities in the social services. They will travel to each of the towns where these terrible school shootings have taken place, and they will interview, where possible, the shooters.

They will interview their siblings, their parents, their teachers, their friends, their neighbors. They will pay particular attention to trying to understand the perpetrators' early development, the relationships with their families, community and school experience; the relationship between the perpetrators and their victims; how the perpetrators gained access to firearms; the impact of cultural influences and exposure to the media, video games and the Internet; and other issues that the panel deems important.

What we hope, Mr. Chairman, is that at the conclusion of that study we will have a report that will be useful not only to our committee and to the Congress but to every community and school in the country, as every community tries to grapple with those issues that trouble our youth and to make sure that our children are safe and well nurtured.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, for the last 2 days we have heard from many of our colleagues talking about what Washington can do to combat crime on our streets. The amendment that I rise in support of goes a long way to achieving this very goal. However, it accomplishes it in a way that combats the crime but leaves Washington out of the combat.

I support this amendment because instead of a Washington-knows-best approach, States and local leadership are

given the resources they need to design solutions best suited to combat violence in their streets.

It accomplishes this by streamlining current law, reducing burdensome State regulations and providing States and local communities greater flexibility in addressing juvenile crime.

The Goodling amendment begins with a basic acknowledgment that prevention is the key to stopping juvenile crime for most youth. It also puts teeth into this statement by combining current discretionary programs into a prevention block grant to States and local authorities allowing them broad discretion in how they use these funds.

Mr. Chairman, this amendment is based on a bipartisan bill, H.R. 1150, that I am a proud cosponsor of. This legislation and now this amendment will provide States and local governments the ability to be flexible in their approach while still maintaining a strong preventive record against juvenile crime. I urge my colleagues to support this amendment, and I thank the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their leadership and for bringing this amendment to the floor.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT), in yet another demonstration of the bipartisan nature of this work.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding the time, and I apologize for being late to get into the debate.

Mr. Chairman, this amendment I am sure is going to pass almost unanimously, and I intend to vote for it. I think it is a good idea, but I did want to point out that this approach is just absolutely inconsistent with what we did yesterday under the McCollum amendment, when we federalized juvenile crime on the punishment side, and I rose on the floor yesterday to say, look, these are issues that are better dealt with at the local level.

We should not be federalizing juvenile justice. We ought to be localizing juvenile justice. It is ironic that a number of the same people who will be voting for this amendment, which is a good amendment, and recognizing the fact that juvenile justice and prevention is best done at the local level, many of those same people were the folks who voted for the McCollum amendment yesterday, which essentially substantially federalized juvenile justice on the penalty side.

I think that amendment was shortsighted and counterproductive and I think this amendment is a good amendment and is worthy of support. I just wish that more of my colleagues had had this same kind of States' rights spirit and local initiative spirit yesterday when we were debating the McCollum amendment, which should have failed and should have failed by the same margin that this amendment deserves to pass by.

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

Mr. Chairman, let me add one word of personal thanks. Members on both sides of the aisle have congratulated our staff on both sides of the aisle on the committee and personal staff, and I would like to take that opportunity as well. Judy Borger, my legislative director, has worked day and night on this issue for many months, not only this year but last year.

So often the American public has negative thoughts about what happens here in Washington, and I only wish they had a fuller understanding of the gargantuan and Herculean efforts that our staff make when they devote their long evenings, well past midnight and often their weekends, and Judy Borger on my staff has been as instrumental as anyone in the process of perfecting this legislation, and I want to personally thank her.

Mr. Chairman, not only have we provided a bipartisan product but we have done it in less than the time allotted to the debate.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

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

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

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) will be postponed.

It is now in order to consider amendment No. 37 printed in part A of House Report 106–186.

AMENDMENT NO. 37 OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 37 offered by Mr. ROEMER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) in subparagraph (N) by striking ''and'' at the end,

(2) in subparagraph (O) by striking the period at the end and inserting ''; and'', and

(3) by adding at the end the following:

''(P) programs that provide for improved security at schools and on school grounds, including the placement and use of metal detectors and other deterrent measures.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. ROEMER), and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER).

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

□ 1530

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

Mr. Chairman, first of all, I want to thank our leaders, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Virginia (Mr. SCOTT) and also acknowledge the very important work of the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Pennsylvania (Mr. GREENWOOD).

I want to thank the Committee on Rules for allowing this amendment to be considered on the House floor. I want to thank the gentleman from New Jersey (Mr. ROTHMAN), my cosponsor, who is continually and constantly concerned about school safety and children's issues. I want to thank him for his help and his dedication in helping put together this amendment.

Mr. Chairman, this is a very easy amendment. I am going to ask, hopefully, that both sides accept it. The language in this amendment simply states that, under the bill's juvenile delinquency prevention block grants, that they permit as an allowable use certain school security improvement projects, including the placement and use of metal detectors.

I say this for three or four reasons, Mr. Chairman. First of all, I think all of us agree that the local community and the local school is the best place to decide how to use, in hopefully preventive, in proactive ways, these monies. That is what this amendment says. Let us give the flexibility to the local school to decide if the placement and use of metal detectors is helpful and appropriate.

Secondly, metal detectors have been an effective deterrent in schools. They have worked for the most part effectively in airports. A lot of schools want to use them. Let us have that be an allowable expense.

Thirdly, we have seen from Littleton to Jonesboro, Springfield, Paducah, Pearl, and Conyers, Georgia, that many parents are saying in national polls and in our town meetings they do not feel like our schools are safe enough. This amendment helps provide some of that safety and maintains the local use, the local flexibility to determine that.

Lastly, although this is not scientific, I recently received a letter from 30 of my students back home in South Bend, Indiana. Every single one of those students advocated that we have the option to use metal detectors. So I would hope that, in a bipartisan way, with bipartisan spirit, that this body would accept the Roemer-Rothman amendment.

Mr. Chairman, I yield the remaining time to the gentleman from New Jersey (Mr. ROTHMAN), the cosponsor of the amendment.

Mr. ROTHMAN. Mr. Chairman, I thank the gentleman from Indiana (Mr. ROEMER) for yielding me this time. It has been a great privilege and pleasure to have worked with the gentleman from Indiana on this amendment. He has been a leader on so many issues of concern to parents and schoolchildren, and his expertise and his dedication to the area of education is unparalleled in this House, and it has been an honor to work with him. I thank the gentleman from Indiana for allowing me to join with him as a cosponsor of this amendment. I thank the Committee on Rules for allowing our amendments to be joined together.

Mr. Chairman, I rise in support of the Roemer-Rothman amendment. It is very straightforward. This amendment would allow a State or a local government to use this Federal grant money to purchase or lease metal detectors for their public elementary or secondary schools if they so choose.

It is a terrible reality today that our schools are not as safe as they once were. Many children are afraid to go to school because they are afraid they are going to be shot. Tragically, these fears are not unfounded. The school shootings in Conyers, Littleton, Jonesboro, Springfield, Paducah, and Pearl have taught us that children are bringing guns to school. Worse, they are using them to shoot and kill other children.

The schools in America are trying their best to deal with this problem in a variety of ways, but I believe that the only way to ensure that guns are kept out of schools is to install metal detectors.

But as the gentleman from Indiana (Mr. ROEMER) said, not every school will wish to exercise this option, and that is their right and their judgment as a local school district making this kind of local decision. But other school districts may feel that metal detectors are the way to go and are necessary for their districts.

One thing we have learned is that metal detectors work. They have worked in the airports for the last 25 years. When the Federal Aviation Administration, in response to a horrific wave of terrorism that terrorized our Nation, decided to install metal detectors in our airports, they have worked. The amount of guns and terrorism brought on our airplanes has declined dramatically. We can and should have the same result for our schools and schoolchildren.

Did they eliminate terrorism? No. Did they address the root causes of airplane hijackings? No. And so metal detectors in schools will not on their own address all the problems of gun violence or eliminate the root causes of juvenile crime. They will not even force parents or compel parents to spend more time with their children or to take more of an interest in their children's lives, or even to find ways to keep guns out of the hands of their children in the first place. But what metal detectors will do is keep guns out of our schools.

We have, as a body, and as a Democratic Party, tried to address the whole host of reasons for gun violence and juvenile crime. But this amendment deals with keeping guns out of schools.

I will just tell my colleagues a little bit about Elizabeth, New Jersey, my State, where 4 years ago they decided to install metal detectors in the middle schools and the high school. There has not been one single gun brought into those schools since metal detectors were installed.

Why has every school in America that has wished to install metal detectors not done so? Because it is expensive. Walk-through metal detectors can cost up to $8,000 apiece. Hand-held metal detectors can cost several hundred dollars.

Now, as the gentleman from Indiana (Mr. ROEMER) says, this is not a Federal mandate. It is an option for local school districts to make the choice whether to use this Federal grant money for metal detectors or some other safety devices in their own judgment for their own school need.

Some schools will not apply for metal detectors, but those who will should know that they will then have the ability to get some of this Federal grant money for metal detectors which will be effective in keeping guns out of their schools.

Metal detectors are one effective way to make our schools safer, and local school districts should have this choice. I urge the adoption of this amendment.

Mr. GREENWOOD. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for a Member in opposition.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania (Mr. GREENWOOD) is recognized for 10 minutes.

There was no objection.

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

Mr. Chairman, I simply rise to support the amendment of the two gentlemen. It is consistent with the flexible provisions and with the other provisions that encourage cooperation between communities and schools. We support it heartily and look forward to its passage.

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

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

Mr. Chairman, I just would conclude by thanking again the gentleman from Pennsylvania (Mr. GREENWOOD) for his helpful suggestions during the course of the last couple of weeks when our bill made its way to the floor. I again thank the Committee on Rules and the gentleman from New Jersey (Mr. ROTHMAN) for his hard work on this issue.

I encourage the body to show their bipartisan support for this amendment. It is not going to be a panacea for school violence everywhere. Our families are going to do that. Parental involvement in schools are going to help with that. Some preventive school safety measures in this bill might help. Some measures forward on video violence might help. But this is a step in the right direction. I would appeal to both sides to support this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 38 printed in part A of House Report 106–186.

AMENDMENT NO. 38 OFFERED BY MRS. WILSON

Mrs. WILSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 38 offered by Mrs. WILSON:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) in subparagraph (N) by striking ''and'' at the end,

(2) in subparagraph (O) by striking the period at the end and inserting ''; and'', and

(3) by adding at the end the following:

''(P)(i) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained; or

''(ii) programs to promote or develop partnerships with established mentoring programs, including programs operated by nonprofit, faith-based, business, or community organizations to provide positive adult role models and meaningful activities for juveniles offenders, including violent juvenile offenders.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from New Mexico (Mrs. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. WILSON).

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

Mr. Chairman, I have listened to the debate over the last 2 days, and we have read the underlying bills and the amendments. They do a lot of the things that government does well. We have enhanced sanctions and built prisons. We have authorized States to use this $1.5 billion in block grant money to hire judges, more probation and parole officers and prosecutors, and buy metal detectors and buy computers and computer systems and all of the things that government is pretty good at.

But for all the talk about litigation and gun control, there is one very simple thing that I think we overlooked; and that is the essence of this amendment.

The amendment that I am proposing authorizes States and local communities to use monies for mentorship in partnership with organizations that have established programs for mentorship, whether they be nonprofits or business organizations or faith-based communities, to reach out to kids who are in trouble with the law.

It is not a very glamorous thing, mentorship. It takes a lot of time and a lot of commitment. But it is really the only thing that helps a child turn their life around.

I used to be the cabinet secretary of the State of New Mexico responsible for the juvenile justice system. I want to share with my colleagues some things about the kids that I met there.

Most juvenile delinquents have lives that are outside of our experience. I know a boy who was 14 years old. We used to have a program, and we still do in New Mexico, where kids who are about to be paroled go to dinner with a business person from the community just before they get paroled. They usually go to a steak house or someplace nice for dinner, and the business person buys their dinner, and dinner usually for a boy. Ninety percent of our juvenile delinquents are boys.

A friend of mine went to this dinner and was with a 14-year-old boy from eastern New Mexico. He watched him struggle with a steak. Most of our kids have never had steak before, and he had not. But the thing he was struggling with was how to use a knife and a fork.

I was at the New Mexico Boys School in Springer in one of my many visits there and was being toured around by one of the boys, as I often did. He was a member of a gang, and I asked him about it at the end. He had a 2-year-old son.

I said, ''When you leave here, are you going back to the gang?'' He said, yes, he was. He explained that his father had been in the gang, and he was in the gang, and it was part of his life. I said, ''What about your son?'' He said, ''No, it has to stop somewhere.''

But the father is the role model for the son. Seventy percent of the kids who are incarcerated in this country have little or no contact with their fathers. We would all hope that the parent is the positive role model that they need, that one caring adult in their lives. But so many of these kids do not have that, and it is up to us to find those positive adult role models who can teach a child how to use a knife and a fork, how to become a good man, even if maybe they were not such a good boy.

That is what this amendment is about, Mr. Chairman, is authorizing those kind of programs that bond a community with young people so that they do not throw their lives away and send all of us the bill.

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

Mr. SCOTT. Mr. Chairman, I support the amendment, and I ask unanimous consent to claim the time in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, I thank the gentlewoman from New Mexico (Mrs. WILSON) for this excellent amendment. Because of her extensive background in juvenile justice, she knows what works and what does not work. We know that education works. Giving young people constructive things to do with their time also works, but also the adult interaction that is embodied in this amendment.

□ 1545

Mr. Chairman, this amendment is perfectly consistent with the amendment that we just adopted and could probably be funded under one of those provisions. But I think it is important to highlight the successes and what the studies have shown about these particular kinds of programs, and for that reason I want to thank the gentlewoman from New Mexico for this excellent amendment and urge the Members of Congress and Members of the House to approve it.

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

Mrs. WILSON. Mr. Chairman, I yield myself such time as I may consume, and conclude by saying that I believe we will turn the corner on juvenile crime in this country when organizations like Methodist Youth, or the Baptist Choir, or the Boy Scouts of America start growing exponentially in the neighborhoods where my colleagues and I are afraid to go at night. We will turn this country around one kid at a time, and that is what this amendment offers.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment was agreed to.

AMENDMENT NO. 36 OFFERED BY MR. GOODLING

The CHAIRMAN. Pursuant to House Resolution 209, proceedings will now resume on the Goodling amendment, No. 36, on which further proceedings were postponed.

The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 2, not voting 8, as follows:

[Roll No. 226]

AYES—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica

Millender-McDonald	Reyes	Stenholm
Miller (FL)	Reynolds	Strickland
Miller, George	Riley	Stump
Minge	Rivers	Stupak
Mink	Rodriguez	Sununu
Moakley	Roemer	Sweeney
Mollohan	Rogan	Talent
Moore	Rogers	Tancredo
Moran (KS)	Rohrabacher	Tanner
Moran (VA)	Ros-Lehtinen	Tauscher
Morella	Rothman	Tauzin
Murtha	Roukema	Taylor (MS)
Myrick	Roybal-Allard	Taylor (NC)
Nadler	Royce	Terry
Napolitano	Rush	Thompson (CA)
Neal	Ryan (WI)	Thompson (MS)
Nethercutt	Ryun (KS)	Thornberry
Ney	Sabo	Thune
Northup	Salmon	Thurman
Norwood	Sanchez	Tiahrt
Nussle	Sanders	Tierney
Oberstar	Sandlin	Toomey
Obey	Sanford	Towns
Olver	Sawyer	Traficant
Ortiz	Saxton	Turner
Ose	Scarborough	Udall (CO)
Owens	Schaffer	Udall (NM)
Oxley	Schakowsky	Upton
Packard	Scott	Velazquez
Pallone	Sensenbrenner	Vento
Pascrell	Serrano	Visclosky
Pastor	Sessions	Vitter
Payne	Shadegg	Walden
Pease	Shaw	Walsh
Pelosi	Sherman	Wamp
Peterson (MN)	Sherwood	Waters
Peterson (PA)	Shimkus	Watkins
Petri	Shows	Watt (NC)
Phelps	Shuster	Watts (OK)
Pickering	Simpson	Weiner
Pickett	Sisisky	Weldon (FL)
Pitts	Skeen	Weldon (PA)
Pombo	Skelton	Weller
Pomeroy	Slaughter	Wexler
Porter	Smith (MI)	Weygand
Portman	Smith (NJ)	Whitfield
Price (NC)	Smith (TX)	Wicker
Pryce (OH)	Smith (WA)	Wilson
Quinn	Snyder	Wise
Radanovich	Souder	Wolf
Rahall	Spence	Woolsey
Ramstad	Spratt	Wu
Rangel	Stabenow	Wynn
Regula	Stark	Young (AK)
	Stearns	Young (FL)

NOES—2

Bereuter	Paul

NOT VOTING—8

Brown (CA)	Houghton	Thomas
Carson	Miller, Gary	Waxman
Evans	Shays	

□ 1609

Messrs. JACKSON of Illinois, UDALL of New Mexico, and GUTIERREZ changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BEREUTER. Mr. Chairman, on rollcall No. 226, the Goodling amendment, I inadvertently pushed the ''no'' button on the voting box; it was my intention to vote ''aye'' and I want the RECORD to reflect my intent.

The CHAIRMAN. It is now in order to consider Amendment No. 39 printed in Part A of House Report 106–186.

AMENDMENT NO. 39 OFFERED BY MR. NORWOOD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 39 offered by Mr. NORWOOD:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. ___. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following:

''(10) DISCIPLINE WITH REGARD TO WEAPONS.—

''(A) AUTHORITY OF SCHOOL PERSONNEL.—Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a weapon to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability. Such personnel may modify the disciplinary action on a case-by-case basis.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under subparagraph (A) from asserting a defense that the carrying or possession of the weapon was unintentional or innocent.

''(C) FREE APPROPRIATE PUBLIC EDUCATION.—

''(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continue educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

''(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

''(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

''(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

''(D) RELATIONSHIP TO OTHER REQUIREMENTS.—

''(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

''(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.''.

(b) CONFORMING AMENDMENTS.—(1) Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking ''Whenever'' and inserting the following: ''Except as provided in section 615(k)(10), whenever''.

(2) Section 615(k)(1)(A)(ii) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)) is amended by striking ''but for not more than 45 days if—'' and all that follows through ''(II) the child knowingly possesses or uses illegal drugs'' and inserting ''but for not more than 45 days if the child knowingly possesses or uses illegal drugs''.

Mr. CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Georgia (Mr. NORWOOD) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, to the chagrin of some of my colleagues, I yield myself as much time as I may consume.

Mr. Chairman, I say that because I have had so much help in support of this amendment from the gentleman from Missouri (Mr. TALENT) the gentleman from Georgia (Mr. BARR) the gentleman from Wisconsin (Mr. PETRI) the gentleman from Montana (Mr. HILL) the gentleman from Arizona (Mr. SHADEGG) the gentleman from Iowa (Mr. NUSSLE) the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Tennessee (Mr. BRYANT) and the list goes on. I thank them greatly for their support and help in bringing this to the floor.

Mr. Chairman, I rise today to begin the debate on a very important reform that will help ensure safety in our school classrooms. When I talk to teachers and principals and superintendents at home, and I talk to them a lot, just like many of my colleagues do, I find that school safety is one of the greatest topics of concern. They are very, very concerned for the safety of themselves and the students, and they are very specific with me about one of the ways we can help them improve school safety at home.

Schools must be allowed to have a consistent policy for disciplining children who bring weapons to school. As it stands now, Federal law requires schools to have two different discipline policies for those who do bring a weapon into the classroom, one policy for disabled students and another policy for non-disabled students.

Current Federal law requires the student who brings a gun to school be suspended from school for a year. We rightly and should have a zero-tolerance policy for guns at school. However, for disabled children, that rule simply does not apply. Schools are not allowed to have the same discipline rule for disabled students.

A disabled student receives preferential treatment when it comes to being punished for bringing weapons to school. For all practical purposes, a disabled student would be suspended for no longer than 55 days and even then must be provided educational services.

My amendment begins the change. It allows schools to have a consistent discipline policy for students who bring weapons into the classroom. It allows students with disabilities who bring a weapon to school to be disciplined under the same policy as a non-disabled student in the exact same situation. It ends the two-tiered discipline policy that is in current law. It sends a message that weapons at school will not be tolerated.

Additionally, this amendment clarifies that school personnel may modify

any disciplinary action on a case-by-case basis.

□ 1615

Let me repeat that. This amendment clarifies that school personnel may modify any disciplinary action on a case-by-case basis. I doubt that there can be a more important job in America today than teaching our children. This is especially true for special education teachers. Education for those with disabilities allow all of our children to have the opportunity to learn and succeed. We are for that. We all are for that. But at the same time, Mr. Chairman, we need to make sure that our teachers and students are protected. We need to be sure they are safe in schools. We need to ensure that our children, disabled and nondisabled alike, have a safe learning environment in their school. Learning itself will soon become a casualty if we do not do this. Make no mistake, a vote for the Norwood-Talent amendment is a vote for school safety. A vote against the Norwood-Talent amendment is a vote against school safety.

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

Mr. SCOTT. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 30 minutes.

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

Mr. Chairman, I rise in strong opposition to this amendment. This amendment guts an historic bipartisan legislative act which was signed into law just 2 years ago. When this very issue was considered after months of deliberation, it was rejected by a majority of witnesses at legislative hearings and rejected by Congress. The current policy of providing educational services to suspended and expelled disabled students prevailed as part of that historic bicameral, bipartisan legislation when we reauthorized the Individuals with Disabilities Education Act, known as IDEA. And so under current law, a child with a disability who is suspended or expelled from the regular classroom for any reason is still entitled to continued educational services. Now, those services may be provided at home, in an alternative school or even in prison. But, Mr. Chairman, I know of no public policy benefit which can be achieved by sending these children into the street without any educational services even if they are being involved with weapons.

I would point out in this amendment, the definition of ''weapon'' is so vague and unworkable and overbroad that it would include a baseball bat, bringing a baseball bat to school. But that being aside, in fact, I see no public benefit of depriving any child of an education, whether they have a disability or not. It is difficult for any student who is expelled to ever catch up and graduate from school. We learned during hearings on youth crime that the link between crime and dropping out of school is very strong. For example, studies report that 82 percent of State and local prisoners are high school dropouts. For children with disability, the correlation is even stronger. Research shows that children with disabilities who are put out of school without educational services are much less likely than other children to ever catch up, much less likely to graduate from high school, less likely to be employed, and substantially more likely to be involved in crime.

Some support cessation of services because they think it has a deterrent effect. But those who put any thought into that issue know that threatening a child with a 1-year vacation from school will not serve as a deterrent from misconduct. In fact we have heard from several law enforcement organizations who oppose the policy embodied in this amendment because they recognize that it will not make our communities safer.

For example, a national coalition of police chiefs, prosecutors and crime victims wrote us a letter which said, in part, ''giving a gun-toting kid an extended vacation from school and from all responsibility is soft on offenders and dangerous for everyone else. Please don't give those kids who need adult supervision the unsupervised time to rob, become addicted to drugs and get their hands on other guns to threaten students when the school bell rings.''

Mr. Chairman, some have suggested that students with disabilities who are disciplined for involvement in weapons should be treated just like other students involved in weapons. In fact, they can be treated like anybody else with weapons. They can be removed from the classroom. But you must continue their education. The IDEA program is premised on the recognition that children with disabilities need more support than other students in order to maintain an education. There is nothing to suggest that less support is needed when they have disciplinary problems, even if there are serious disciplinary problems.

Mr. Chairman, there is no reason to make matters worse by passing the problem on to other agencies. An alternative education is certainly cheaper than jail or prison and the phenomenal success of some States in preventing serious discipline problems from developing in the first place suggests that there are much better approaches to school safety and discipline than expulsions without educational services. Yet despite these successes and overwhelming evidence that interventions can reduce disciplinary problems, it is difficult to understand the rationale behind this amendment because it strips away some of the very provisions in IDEA that most experts would agree are the prudent things to do in order to prevent future disciplinary problems, provisions such as implementing an intervention plan in order to address the behavior that got the student in trouble in the first place.

Even more disturbing about this amendment is the fact that it would cease educational services to students even when the behavior is directly related to the child's disability. This amendment would prevent vital educational services to be taken away from profoundly disabled students who did not even know what they were doing was wrong.

Now, over the course of several years in which we have extensively debated the discipline provisions in IDEA, no one has ever suggested taking away services from children with disabilities where the behavior was determined to be related to the child's disability. In fact, the original Republican IDEA bills from the 104th and 105th Congress did not propose such an extreme provision. It has never been discussed in any of the hearings that we have had in IDEA.

Mr. Chairman, for these reasons, I strongly urge my colleagues to reject this amendment.

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

Mr. NORWOOD. Mr. Chairman, I yield myself 30 seconds. All of us up here know that anybody is an expert that agrees with you. There are experts on both sides of this issue. I want to just point out this business about the definition that they are complaining about, the definition of a weapon. Members really should have voted against that in 1997 if they did not like that definition. The current definition, they have already voted for at least once, in 1997, when that definition passed through the IDEA bill by 420–3. Now is a little late to be concerned about that. We have things in our bill that take care of that.

Mr. Chairman, it is a great pleasure and also a great honor for me to yield 4 minutes to the gentleman from Missouri (Mr. TALENT), a good friend of mine who has worked very diligently on this.

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding me this time. I want to say to the gentleman from Virginia (Mr. SCOTT), I know we have worked a long time on this issue. I am on the committee, too. It is a hard issue. I worked on that compromise we passed 2 years ago. We have had some events since that compromise passed 2 years ago. We have had some tragedies.

When I talk to my teachers back home, my superintendents, my principals, my experts, the ones on the ground who are doing the teaching, and I talked to a group of them a couple of weeks ago, I said, ''What are you doing in response to these problems?'' They said, ''The same thing we have been doing. We network with the kids, we have security, we try and stop this violence before it occurs.'' I said, ''What do you need from the Federal Government?'' They did not mention a lot of the things that we have been working on the last 2 days and some of which I voted for. What they said is what they

have been telling me year after year after year, ''Look, give us the authority to get violent kids out of the classroom.'' They do not have that authority now where the child is considered to be disabled under the IDEA program.

That is what this amendment is designed to do. It is not an extreme amendment. Seventy-four members of the Senate voted for a very similar amendment. That covered guns, this covers all weapons. That is the only difference between them. Now, the reason we need to do this is first and foremost for the direct safety of the children involved and not just the other kids in the classroom but the child who is threatening them with a weapon or has a weapon and could threaten them. They are in danger, too. We need to get them out of that environment. This amendment allows the schools to do that as long as they treat that child the same way they would treat a child who is not disabled under the IDEA program.

The other reason why it is so important and it may be even more important, because we have to promote a respect in the schools for the basic rules that allow all of us to live together. We have to send a consistent message to the students that this is the priority of the adult world, protecting the kids against violence, adhering to a basic, rudimentary standard that is the guarantor of all safety and order, particularly in the schools.

We cannot have one group of kids, and one of 12 kids in the country are in this group. We cannot say to them, look, for whatever reason, maybe it is a good reason, but for whatever reasons, you can do these things, you can bring a knife to school, you can bring a gun to school and we really cannot do anything about it and you will be back in the classroom in a maximum of 45 days. We cannot say that anymore.

I have examples coming from the State of Missouri. Everybody else here does. A child who brought a knife on a school bus and threatened the other kids, 45 days later she was back in the classroom and back on that school bus. What would you do if you were a parent of one of the other children after what has happened in Columbine? You know what you would do.

Mr. Chairman, to close, what we have done with this amendment is what the Senate did except instead of applying it just to firearms, it applies to weapons. The gentleman from Georgia talked about what that is. It is knives, it is bombs, it is things that we would ordinarily and commonly understand as a weapon. The safeguard for the IDEA child is they have to be treated the same as everybody else. You cannot single them out. Other than that, we adopted the Senate amendment which got 74 votes.

I urge the House to approve this. We are going to have the K through 12 reauthorization bill coming up later in the year. We will be able to address other aspects of it then, but in the meantime, let us give our superintendents and our principals and our teachers what they have been telling us all for years that they really need and they really have to have, and which the parents in our districts as a matter of common sense expect to have. Give the schools the opportunity to deal with weapons and violence in the classrooms.

Mr. SCOTT. Mr. Chairman, I yield myself 30 seconds.

I will just read the definition that has been cross-referenced. The term ''dangerous weapon'' means a weapon, device, instrument, material or substance, animate or inanimate, that is used for or readily capable of causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2½ inches in length.

That would include a baseball bat, Mr. Chairman, and Members know it.

Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Norwood amendment. I have come to have a great deal of affection for the gentleman from Georgia because of his rough and tumble style and his straightforwardness, but on this amendment I must disagree with him.

I guess I have been here a long time. I was here long enough to write the education for all handicapped children's act along with other Members of Congress. I wrote the language that said that these children were entitled to a free and appropriate education and they were entitled to an education in a least restrictive environment. Many years later, I also wrote the first Federal gun-free school legislation that was passed several years ago which said if you bring a gun to school, you are out for a year, because I thought we needed very clear and bright lines. Then when we rewrote the education for handicapped children, what is now known as IDEA, the Individuals with Disabilities Education Act, we pondered and discussed this problem and had hearings and went around and around in our committee and this bill passed, I think he said, 400 something to 3, or unanimously in both Houses.

□ 1630

And we recognized that there were two distinct populations. There were children with disabilities, and there were children who we call normal, if you will, and those children with disabilities, children with Down's Syndrome, retarded children, children who have cerebral palsy, with conduct disorders, with multiple sclerosis, with attention deficit disorder, those children were different, and yes, there is a different policy. But if either of those children bring a weapon to school, they can both be immediately suspended from school or expelled from school. If you are a child with disabilities, you can be suspended for 10 days, and then we have to sit down and figure out why did you bring this weapon to school. Was it because of your disability? Is this something you understood or you did not understand?

One can be out for 45 days. There is no requirement that one go back to that school, one go back to that classroom. One can be put in an alternative setting. And in that alternative setting, those schools in Florida and Iowa, and those districts, California and others, in Iowa, after adopting a program to deal with children who act out in class, who present a threat, not with guns and knives, but because of their own behavior, because of their disability, these are children who are trapped with a disability. They have cerebral palsy, they act out, they flail around. They have multiple sclerosis, they have Down's Syndrome, they bump into other kids, they threaten and they say things. You do not think they would give up that disability in a minute, in a minute? But they cannot, they cannot.

But in Iowa, after adopting model management programs, they took the suspensions of disabled children from 220 a year to zero, to zero. We can work with these children, we can help these children.

But what does this amendment do? It says, if you bring a weapon to school, you go out on the streets, and that is why the gentleman from Virginia (Mr. SCOTT) told us, police chiefs and prosecutors and victims of crime have said do not do this. Work with these children.

What do we know about how we can do this? We can do this because we understand the disabilities, and we sit down with the parents and we work out a plan to deal with this violence. This is not some kid who knows what he is doing and cavalierly, recklessly walks in with a gun in school or a knife in school: You are out. That is a law I wrote. We should have zero tolerance. But with a child where that may be as a result of their disability, we ought to know that before we have them pay that kind of price. Because again, as the gentleman from Virginia (Mr. SCOTT) pointed out, when we throw these children out of school, they do much worse, and as the police chiefs have pointed out to us, they engage in one heck of a lot of activity. Some have suggested when we throw them out, give them back a gun and a mask, because they certainly show up in the crime statistics after they are out of here.

But we should not be doing this. We should not be doing this to these young kids.

Mr. Chairman, there is two distinct populations. Let me just say, 20 million children went to school day in and day

out this school year, and a dozen of those children, for what reasons we have not yet to fathom, engaged in violence against their schoolmates and killed and injured their schoolmates. Not one of those children was an IDEA child.

This is the equivalent of hitting the Chinese Embassy. This is the equivalent of bombing the Chinese Embassy. We are trying to deal with those children who are shooting other children, who are engaging in that kind of violence against other children in schools, and now we have chosen to target in some ways the most vulnerable population in those schools, those children with disabilities, those children with disabilities.

If we want consistency, let us not take the child that has a disability and have them pay a greater price, although I think we can deal with them in the same way in terms of suspension and expulsion, as long as they have some educational services. Here we have children that are targeted. The kid in Oregon that shot his schoolmates was suspended with no services, no education, no nothing; came back to school later and shot them. We now have kids who are crying for them, and your answer is to throw them out of school with no requirement to engage them in a plan. That does not sound to me very encouraging for parents who are worried about school safety, and it certainly does not deal with these children as we know we must under the laws of this land. We must deal with them with respect to their civil rights and make sure that we are not discriminating against them. Mr. NORWOOD said these children have preferences. I want to meet the child with Down's Syndrome who has a preference or cerebral palsy that has a preference, or a child with serious attention disorder, that has a preference? No, they have a disability.

Mr. Chairman, because they have the courage and their parents have the courage and school districts have the courage, they have an opportunity to possibly get a decent education and become productive members of this society, and this Norwood amendment would throw this all out. It should be rejected out of hand.

Mr. NORWOOD. Mr. Chairman, I would need probably an hour and a half to respond to that diatribe, but I will take 30 seconds, if I could.

Let me just simply point out, we are not throwing anybody out in the streets, and the gentleman from California (Mr. MILLER) knows that. We are saying that you have to be treated equally, and that the paramount issue in schools is the safety for 99 percent of the children. We are saying they are treated equally. They are suspended for 10 days, that is true, and then another 45 days, but the reality of the fact is that many of them are getting back in school.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank my friend and colleague from the great State of Georgia for yielding me this time.

As the gentleman on the other side just said, there are two distinct populations. Well, he was right. There are, indeed, two distinct populations that bring us to this point, that this legislation offered by the gentleman from Georgia (Mr. NORWOOD) and myself and others today bring us. There is the population of students who do not bring guns to school, and there is the population of those students that do bring guns to school. That is the essence of the problem here, equipping our teachers, our school administrators, and our parents with the tools to remove that second population: students that bring weapons to schools for whatever reason, for whatever reason.

One has to question, of course, if a parent would send a child with cerebral palsy to a school with a weapon to wave around. Very frankly, it would make me perhaps even somewhat more concerned if we started seeing that sort of thing in our schools. It does not really matter to those parents who have children who have been shot, wounded and killed with weapons that the bringing of that weapon to the school might have been a manifestation of anger or a manifestation of a disability. Their son or their daughter is just as injured, is just as dead as if the weapon that did that damage were brought to school by a child without a disability.

This is fair; this is common sense.

By the way, Mr. Chairman, why are we not hearing those two terms, fairness and common sense, from the other side today? All day yesterday, all day the day before, all morning today we hear about common-sense approaches to gun control. We hear about fairness.

Well, there is something that the American public perceives as very fair, and that is treating all students who pose a danger to their sons and daughters and their teachers by bringing a weapon to school, treating them the same. There is something that strikes the American public, although not the folks on the other side, as common sense, and that is any student who brings a weapon, a gun, to a school poses a danger to the other students and ought to be, if, in the judgment of the local school officials, which is what the Norwood-Barr amendment does, if they believe that the student poses a danger, they may, they may, not they shall, but they may expel that student, remove that student for whatever length of time they believe is necessary to ensure the safety of the other students.

This amendment to the IDEA legislation is the most fair, the most common-sense approach imaginable, because it simply tells our parents that when they send their sons and daughters to schools, that if there is another student who brings a weapon and thereby endangers their sons and daughters, they will be treated the same as other students.

Mr. Chairman, I urge the adoption of the Norwood-Barr amendment.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, these children have disabilities. These children are the kind of children that years ago we used to put in institutions and take the key and throw it away. These are the kinds of children that parents would come to the school districts and cry and plead, do something for us. These children are treated unequally, and we have tried to treat them equally by providing services for them.

I do not know where we are going with this. We do not want violence in our schools. We do not want to have children in classes intimidated by those with weapons. But we are talking about disabled children.

The gentleman from California (Mr. MILLER) made it clear. This is not something that has been going on for years. We have only been able to deal with Down's Syndrome, the child with cerebral palsy, the child that is mentally disabled; only in recent years have we given them opportunity for education. We need to come to the floor of the House; no matter what the Senate rushed to do, let us be deliberative.

I would just ask my good friend from Georgia (Mr. NORWOOD), listening to the gentleman from California (Mr. MILLER), would the gentleman from Georgia accept a friendly amendment that says that what we will do with these children is to provide them with the alternative services that they need, such as other types of educational facilities; that the gentleman amend his amendment to provide for not the, if you will, the expulsion for a year, but to provide and refer them to services that they might need? Would the gentleman take a friendly amendment right now?

Mr. NORWOOD. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I would have considered it 3 days ago, but I will not consider it right now on the House floor. I will tell the gentlewoman, though, that one can offer services. Nothing in this bill says that the schools back home cannot offer services.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman. I was hoping that the gentleman would come in a bipartisan way and recognize that expelling a mentally or physically disabled child does nothing for the parent or the child but create havoc. I wish the gentleman had accepted that friendly amendment.

Yes, they can have services after they are expelled, and maybe the services will not last long. We are talking about children whose civil rights will

be denied. That is why we have the IDEA, because we knew that these children are different. They are different, they are in need. Their parents are frustrated, their parents are crying.

The question is on the record today: What will we do for America's children? Will we throw them to the wolves and let them be at your door with a gun because they are physically challenged or mentally challenged, or will we say that whatever the Senate rushed to do, we know that they are different, not because they desire to be different, but because God made them different, and if God made them different, then why do we not do something to help them with their disability as opposed to destroying them and not letting them be contributing adults?

I think this is an incredulous amendment. I wish I could come here and have accepted the willingness of the gentleman from Georgia (Mr. NORWOOD) to say we will forget about expulsion and we will make sure that they are expelled, if you will, to a yearlong set of services where they can be taken care of. That is not the case. The gentleman is telling me that they are expelled.

I would just simply thank the gentleman from Virginia (Mr. SCOTT) and the Committee on Education and the Workforce for having the wisdom to provide for our disabled children in America. Vote this amendment down, because it discriminates against people who cannot do for themselves.

Mr. NORWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT)

Mr. BRYANT. Mr. Chairman, I rise in strong support of this amendment. With all due respect to my good friends and colleagues who oppose this amendment, this is not the end of the world.

Let us think about this a minute. We have a school somewhere in America where in most instances there is a zero tolerance policy if one brings a gun or weapon to school. That means one gets kicked out of school, because people have looked at this and weighed the interest of public education or an education versus the physical safety of other students. If one student brings a gun to school, that student forfeits that right to an education for that year, in the interest of the other students' safety there. That is good policy.

Now, we are not talking about every student that might, could have been sent to an institution at one time. Right now, the statistics show that anywhere from 11 to 12 percent of our student population in America right now would be covered by this bill. They have some sort of disability. Very many of them are marginal, and very many of them know the extent that they can push these laws that they cannot be sent out of school. And primarily, it is to those that we are talking about, although there is an equal application.

So if one has two students in that school that has a zero tolerance policy, and one of those students is part of the 88 percent who are not covered by this act and gets caught with a gun, this student gets kicked out for a year. But if we have another student, his friend, who is part of that 12 percent that is covered by the disabilities act, he gets caught with another gun, he does not suffer that same type of punishment.

Now, in Washington and in society and in courts and in our system of justice, very often we have to deal with competing, competing good values. The IDEA bill is a good bill. We ought to ensure people with special disabilities have an education. But there is that competing value of safety for our other children, and I urge my colleagues to stand up and support this amendment for all of the students, and equal treatment for all of the students.

□ 1645

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MARTINEZ).

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

Here we go again, make a deal and break it. They want us to work in a bipartisan way. We did work in a bipartisan way on IDEA. IDEA had this debate. We had this debate fully in the last Congress. We came to a resolution on it. There are protections in the bill that provide for the principals and teachers and everybody else to take care of situations as the gentleman is trying to take care of here, but in a very deleterious way.

The fact is the gentleman from Tennessee (Mr. TANNER) says treat them like everybody else. They were not treated like everybody else until the law was passed to force the local school districts to treat them like everyone else and give them an equitable education. But they have not been.

Let me tell the Members, if they really believe these children are a threat to the rest of our children by guns and knives, these particular kinds of children, then I have some oceanfront property in Arizona I will sell to the Members. That is the biggest baloney I have ever heard.

What we are trying to do here is circumvent a program we all voted on, and it passed overwhelmingly in the House and Senate and was signed into law by the President. We all went to the White House, both Republicans and Democrats, to see this consensus bill signed into law. Now here in the next session of Congress we are trying to break the agreements that we made in that Congress. I find that very unlikable.

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

Mr. MARTINEZ. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I did not make any agreement in the last Congress never to come back and try to make this better.

Mr. MARTINEZ. I take back my time, Mr. Chairman. The gentleman was part of the Committee on Education and the Workforce that passed that out. The gentleman was also part of this Congress that voted on it. I do not know how the gentleman voted because I did not look up the record, but the gentleman was part of that Congress.

That Congress agreed that we would take care of these situations in a very definite way. Most of the States have already figured out that kids with special disabilities who get into this kind of a problem need some kind of alternative schooling, not being kicked out of school, not being denied education.

We held a hearing before that markup of that bill. In that hearing some very conservative people testified that it was the most stupid idea in the world not to continue these children's education.

Mr. NORWOOD. Mr. Chairman, it is a great pleasure to yield 2 minutes to the gentleman from Montana (Mr. HILL), who has been so very helpful in helping us put this together.

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, one of the overriding concerns that has been debated through many amendments on this floor over the last 2 days is that we want to have zero tolerance of violence in our schools. That is an admirable goal. I think everybody that has come here has been working to try to achieve this.

A parent who is sending their child to school this morning wants to know one thing: that there are not going to be any guns at school when their child gets there. This amendment is probably the most commonsense way to help achieve that.

Under current Federal law, local schools do not have the authority to establish a single universal standard for disciplining kids who would bring a gun to school. But beyond that, schools can be required to incur incredible costs, legal fees, extraordinary education costs, special placement costs for kids who would bring a gun to school and threaten their fellow students or their teachers.

Mr. Chairman, this is a very confusing, complicated, and difficult problem. But what this amendment simply says is that schools can hold all the students in that school to the same standard. If students bring a gun to school, there is going to be a consequence. That consequence is going to apply to everybody. It does not dictate what those local school standards ought to be. It leaves that up to the local school board. It is narrowly drafted. It applies only to weapons.

We need to make clear, this amendment does not prohibit schools from providing special services to those children who have special needs. This Congress has gone on record time and

again, repeatedly stating that it supports greater flexibility, more empowerment for local decision-makers, reducing red tape, cutting unnecessary and wasteful regulations. This amendment continues that effort.

Finally, Mr. Chairman, I want to point out that this amendment is endorsed by my Montana School Board Association, the National School Board Association. I urge my colleagues to vote for this amendment.

Mr. SCOTT. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Chairman, I am very surprised and disappointed that this amendment is being introduced today. What this action represents is a kind of back-door ambush of children with disabilities. It is a violation of a covenant of the community of people with disabilities, because we had a lengthy dialogue with them. We had hearings, we had long discussions when we were considering the refunding of IDEA.

At that time we took it through the process of conference committees with the Senate and House together. We voted on the floor. We all came to the conclusion finally that we did not want this provision in the legislation.

So here we are today, unprepared. The community of people with disabilities certainly did not know this ambush was going to take place. The majority party, which always appears or wants to appear to be in harmony with the goals of the community with disabilities, comes through the back door with this kind of amendment.

The call that I have heard from the other side to get violent children out of schools implies that children with disabilities are violent. Where does that information come from? Generally children with disabilities are not violent and do not deserve to be labeled as being violent. The equation of this being a move to make schools safer by getting violent children out, when the amendment is addressed, it is getting out children with disabilities.

The evidence is that the violence is originating from those who are not disabled. All of the most dramatic incidents that have taken place recently do not involve children who have been identified as being children with disabilities. Some might have disabilities, but they were not identified as such. They would not have come under the purview of this amendment, anyhow.

Why have a special rule for children with disabilities, I have heard the question asked. That is what the legislation was all about that we developed years ago. We said they need special attention, that they are vulnerable. All children are vulnerable, but children with disabilities are more vulnerable, and because of the way they have been treated in this country, we had to have a Federal law to make sure that they were getting equal treatment.

Equal treatment required they had to have some kind of special attention. This is accepted generally when children have physical disabilities. It is accepted you are not going to require a child with a physical disability to go to the same physical education classes. It is accepted that they can use certain kinds of procedures in entering and exiting schools.

A lot of things are accepted. The problem is that there is a great prejudice against children who do not have physical disabilities being put in the category of children with disabilities. That is what this is really all about. The mentally retarded, the mentally ill, they look physically normal. Somebody has just described them on the other side as being marginal. That is the source of the great controversy. There is a great pressure from school boards and pressure from people who appropriate money at every level to get rid of all of these children who have non-physical disabilities which are obvious, get them out of the situation where they require extra funding.

If that were not so, then the solution to this would be that if Members are really fearful of children with disabilities in the regular classroom setting, and we remove them from the classroom setting for some reason, then we provide an alternative.

But no, this amendment will not accept or mandate that there be an alternative. We agreed in the committee that all right, if you have to do this, you must provide alternative education for children with disabilities. But that does not solve the problem they are really after. They want to cut costs, the costs of providing alternatives, which would be even greater than leaving the child in the classroom, so they do not have the cleansing operation for the so-called mentally retarded and the mentally ill and those who are marginal. We are always questioning whether they really belong there or not.

We have said children with disabilities are vulnerable. All children are vulnerable. We have special rules and we make special rules at the Federal level and other levels for children for that reason. These are the most vulnerable children, and these are children who should be treated with great care.

The mission and thrust of the Federal law is to deal with the special situations. The fact that so much of it happens to be mental and not physical is something we are going to have to live with and be able to pay the cost for.

Fairness and common sense was mentioned a few minutes ago. Fairness and common sense demand that we have more evidence that there is really a problem. I have not heard the evidence that our schools are under siege by children with disabilities bringing weapons to school. Where is the evidence? I have heard the statement made, but there is no evidence. We do not have a problem. This amendment is fixing a problem that does not exist.

Mr. NORWOOD. Mr. Chairman, I yield myself 30 seconds.

Let me just say that special needs children are treated differently. Everybody who is sponsoring this amendment totally agrees in that, that they deserve special attention. But when it comes to weapons and when it comes to guns, everybody in school must be treated the same, so that we can protect the 99 percent of the other students.

Mr. Chairman, I yield 2½ minutes to my good friend, the gentleman from Arizona (Mr. SHADEGG).

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

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

Mr. Chairman, I rise today in strong support of the Norwood amendment. I do so with personal experience in my own life, and with now 5 years service in this Congress, where I have talked to teachers, I have talked to principals, I have talked to school administrators, and I have talked to State legislators about this issue.

I want to make it very clear, IDEA is a well-intended law. Indeed, it does a great deal of good. No one on this side of this issue would argue that there are not disabled children who deserve protection, that there are not seriously disabled children who need the protection of this law, children with Downs syndrome, children with cerebral palsy, children with other severe disabilities.

My friend, the gentleman from California (Mr. MILLER) is right to say we need to fight to protect those children, and fight to protect the parents of those children who are trying to take care of those children.

But the sad truth is that there are other children who are misusing the law, who are perverting IDEA to protect their disruptive conduct. These are not Downs syndrome children, these are not cerebral palsy children. These children are not severely disabled.

They do understand the rules of conduct. Their disability does not prevent them from complying with the rules of conduct. They understand those rules and they can conform. But my colleagues, the sad fact is, some of these children are gaming the system. They game the system by saying, I am disabled, and getting a psychiatrist or psychologist to say they are disabled, to protect their disruptive behavior in class.

If my colleagues on the other side do not recognize that there are people in our system today, kids, aided by their parents, using IDEA to shield them from their discipline misconduct, which allows them to disrupt the classroom, prevent schools from having appropriate learning atmospheres, and destroy the education of other children, if they do not understand that that is occurring, if Members do not understand that there are children and

parents perverting the system, and that they are disrupting the education of every child, then Members are not talking to the teachers in their district, they are not talking to the principals in their district, and they are not talking to parents in their district, or the administrators in their district.

Mr. Chairman, I urge the Members, this is a commonsense amendment, but we need to go much further than this. This is closing the barn door after the horse is out. We need to give parents, teachers, and principals the ability to control schools when children pervert a good law to use it to their benefit.

I urge my colleagues to support the Norwood amendment.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, in response to the gentleman who has just spoken, I would like to say that I would be happy to join the gentleman in perfecting an amendment similar to one that I offered in the committee, which was not accepted, which would deal with the problem of mislabeled children. If that is what the gentleman wants to deal with, that children are labeled as being disabled who are not disabled, do not have disabilities, that is another kind of problem which is a serious problem.

Why do we not address that problem, instead of addressing the problem through the back door this way, saying that those who do have disabilities, that is what this amendment says; those who do have disabilities, bona fide disabilities, those who have been through a certification process and, there is no question. You are saying that they should be kicked out.

If the gentleman wants to raise questions after the incident occurs, if there is a weapon and a student has been charged with not being really a disabled student, let us have a process by which they are again reviewed and there is another recertification process. Those are things we need. We need to wade into that. I would be happy to join the gentleman in an amendment for that effect.

□ 1700

Mr. NORWOOD. Mr. Chairman, I yield 15 seconds to the gentleman from Arizona (Mr. SHADEGG), to respond to that question.

Mr. SHADEGG. Mr. Chairman, one, I am happy to join with the gentleman on his amendment in ESEA reform which is coming later this year.

Number two, I offered such an amendment in the Committee on Rules and it was rejected but, number three, I think the flaw in the gentleman's logic is the flaw in the logic of the gentleman from California (Mr. MILLER) when he argued the language says ''may discipline,'' not ''must kick out.'' May discipline; not, must kick out. It does not say they must be kicked out. It says they may be disciplined.

Mr. NORWOOD. Mr. Chairman, may I inquire how much time is remaining on each side?

The CHAIRMAN. The gentleman from Georgia (Mr. NORWOOD) has 10¾ minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 6½ minutes remaining.

Mr. SCOTT. I am the last speaker and we have the right to close, I believe.

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

Mr. NORWOOD. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I thank the gentleman from Georgia (Mr. NORWOOD) and congratulate him on a very measured and reasonable amendment, which I certainly support.

Let me tell a story that actually happened in my home State. Four students were caught passing a gun among themselves at a school-sponsored event. Three of these students were expelled. The student who actually brought the gun to the school-sponsored event was not expelled. Why was he not expelled? Because he was identified as a special needs child under the IDEA program and was only put in an alternative program.

This actually happened and is happening across the United States of America. Unfair, unequal justice and I think we should all agree, Mr. Chairman, that even juvenile justice should be equal and consistent.

When I go back home to my district and talk about education, it is not just the parents who want safety in schools. Talk to the teachers, talk to the administrators and they tell me, Congressman, if you want to do something about education, to help us at the local level, give us the flexibility and authority to impose fair discipline and equal discipline in our schools.

Actually, Mr. Chairman, they wish we would go farther and extend this not only to weapons but to other forms of school safety.

Yesterday I voted against an amendment that sounded good. It sounded like we would have zero tolerance on drugs in our schools, but it imposed a new Federal mandate on local government and local school districts. This Norwood amendment takes a different approach. It gives school districts and local governments more flexibility. It provides more flexibility to educators and allows local school boards and administrators to impose fair, equal and consistent discipline across the board.

Mr. NORWOOD. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. ISAKSON), our newest Member from Georgia.

Mr. ISAKSON. Mr. Chairman, I appreciate the time yielded from my colleague, the gentleman from Georgia (Mr. NORWOOD), and I appreciate the opportunity to speak.

Mr. Chairman, I would like to say a couple of things to my colleagues on the other side.

I am married to a wonderful lady for 31 years, a special speech and hearing, special child teacher. I was in the State legislature and helped to implement 42–194, which Mr. Miller coauthored in this House in the 1970s, and I am pleased the last 2 years to chair the Georgia Board of Education, where 1,368,000 kids are in school, taught by 87,000 teachers.

I want to make one thing real clear. There have been some misstatements, not intentionally I am sure, but I want to clarify. Number one, I would say to my dear friend, the gentleman from Georgia (Mr. NORWOOD), it is not 1 in 100. It is 13 in 100. It is a number of students who fall in this category.

Number two, this bill does not have the word ''shall'' in it. This bill has the word ''may'' in it.

Number three, with regard to the civil rights, I am committed to the civil rights of every child in the classrooms of America. They are God's gift to us, regardless of their special need or their gift.

I would submit that there may be an occasion, may, where a special needs child may threaten the life in a self-contained environment of another special needs child, or in a mainstream environment, which Mr. Miller passed and I support, where we ensure that those that may have an infirmity or disability or a special need are mainstreamed with our most gifted.

This does not say they will not get an education. It does not say they must be suspended. It does not stigmatize them. Nor does it violate their rights, but it says that every child, every gift of God to us, has the right to expect that if the need is there, that we can apply the discipline to ensure a safe environment in our schools.

I know of no educator cavalier enough or no one brazen enough to take advantage of a disadvantaged child all because the word says ''may.''

If the time were available, I could quote case after case where had the school system had the flexibility at the time, they could have treated the civil rights of every child equally and maybe turned around the life of a special needs child rather than otherwise having to have their discipline governed by an external act not close to the situation.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. WHITFIELD), a good friend who has been so helpful on this.

Mr. WHITFIELD. Mr. Chairman, I would like to congratulate the gentleman from Georgia (Mr. NORWOOD) for taking this important amendment forward. This is not a mandate. It is discretionary with local school boards. There is not any issue in education today that is more controversial than the IDEA program. Every time I go to the district, school teachers, principals, board of education members are complaining about this program and the fact that individual students are treated differently. I think that this

amendment will be a vital step in trying to restore some order into our schools.

I would like to read a statement from one of the principals. I could bring forth many statements like this, but it simply says that students under the IDEA umbrella cannot be disciplined like other students. Students who have discipline problems in school know their limits and generally push until they have gone beyond the limits. This is where the problem starts.

What do schools do with the ever-increasing number of students who have exceeded their disciplinary limits and know that the school can do nothing about it?

We can only wait until the school is totally overwhelmed and then the lawmakers will be forced to act. So I support the Norwood amendment.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I want to join with my colleagues here in encouraging the efforts of the gentleman from Georgia (Mr. NORWOOD) in dealing with this question. It does give school districts, school boards, school administrators the flexibility they do not have right now. As the gentleman from Kentucky (Mr. WHITFIELD) just said, when we talk to people in schools, whether they are teachers, whether they are administrators, whether they are school board members and say, what is the single biggest problem with the Federal Government, we really do not even need to ask that question.

I now ask what their second biggest problem is with the Federal Government because they all have the same single biggest problem. It relates to this topic. It makes evenhanded, fair discipline at school impossible. It creates an atmosphere that leads to all kinds of situations. It needs to be part of this legislation. It is an important addition to this legislation.

I urge my colleagues to vote for it.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, I thank the gentleman from Georgia (Mr. NORWOOD) for yielding me this time.

Mr. Chairman, I join with my co-authors to this amendment in thanking them for their support on behalf of so many school districts, school board members, principals, superintendents back in Iowa, teachers and even parents, that are concerned that for some reason people out here in Washington, as soon as they cross the Beltway, think that they know how to do everything with regard to discipline back home in schools.

First of all, we think one size fits all, that every child and every situation deserves the exact same approach and so we mandate down to the local levels exactly how discipline ought to be taken care of. We should not really do that.

I happen to be the parent of a child with a special need. Let me just invite my colleagues to be concerned. Let me invite my colleagues to advocate on behalf of her needs. Let me invite my colleagues to worry about her education. But please, let her mom and me, let her teachers, let her school board members and her community leaders and their principals and superintendents worry about how to make sure she gets the best education possible and make sure she behaves while she is there and make sure that it is appropriate when she misbehaves.

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

Mr. Chairman, this amendment, the Norwood, the Talent, the Barr, the Petri, the Hill, the Shadegg, the Nussle, the Hutchinson, the Bryant amendment is about safety and security in the classroom for all the students, special needs and not special needs.

It is about allowing these individuals charged with the awesome responsibility of providing for the education of our youngsters, the authority to take the necessary steps, absent bureaucratic barriers from Washington, D.C., to secure that classroom for all students.

Having special needs can mean many things. It can mean emotionally or mentally disturbed. It can mean blindness or deafness. It can mean many other types of behavioral problems, even a learning disability like a poor reader or language skills. Too often the fact that someone has some type of problem that might lead them to bring weapons to school in the first place becomes the very license to get them back in the school room, despite the fact that they brought a weapon into the room.

I cannot, to save me, understand that. The very problem that they have allows them to come back into the classroom 8 months later with a weapon. That is wrong, Mr. Chairman. If a child has a special need that causes him to bring a gun to school, that child should not be in the classroom. It does not mean the child should not be educated, if at all possible, but not in a situation that endangers the lives of the other children in the classroom, including the other special needs children.

Our primary concern, Mr. Chairman, has to be for the safety, for the safety, of the 99 percent of our children in the classroom; 85 percent without special needs, 14 percent with special needs.

Now, the effect of this amendment is that all children are treated equally when it comes to weapons and safety in the classroom. Special needs children are not treated the same. They are given special privileges, but when it comes to guns, all are treated equally. The 14th amendment recognizes that there should be equality under the law and equal application of the law, and we do not do that now.

This amendment expresses the sense of Congress that all students, disabled, nondisabled, special needs, nonspecial needs, are entitled to a free and appropriate public education. My goodness, who can disagree with that?

The word ''appropriate'' must mean safety first, and there must be a zero tolerance for guns in our schools. Appropriate, being alive is more important than appropriate learning. We have lost 27 people over the last few years, students and teachers, in school rooms. We must say to the world, no one may, under any circumstances, bring a gun or a weapon to our classrooms in the United States of America; period, the end.

This amendment is supported by the National Association of Secondary School Principals. I submit that for the record. It is supported by the American Association of School Administrators, and I submit that for the record.

It is supported by the 95,000 local school board members. Vote for this amendment, for goodness sakes.

Mr. Chairman, I include the following letters for the Record:

THE NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS,
Reston, VA, June 16, 1999.

Hon. CHARLES NORWOOD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: The National Association of Secondary School Principals (NASSP)—the nation's largest school administrator organization—thanks you for introduction of an amendment to the Violent and Repeat Juvenile Offender, Accountability and Rehabilitation Act of 1999 (H.R. 1501) which amends the Individuals with Disabilities Education Act (IDEA). For several years, principals have vocalized the tremendous difficulties created by a ''dual discipline'' system that requires certain students be disciplined differently than others. This legislation will finally allow schools to discipline all students equally in relation to possession of a weapon.

While we support the amendment, we are very concerned about language in the measure relating to cessation of educational services for suspended or expelled youth. As advocates for students, NASSP believes that all children should have alternative education options available to them if the general education classroom is not the most appropriate setting for learning. If we do not address the educational needs of those children who are most vulnerable by providing a ''safety net'' of services for rehabilitation purposes, the costs to society will be greater in the future—both monetarily and in humanistic terms. We encourage Congress to provide additional funding for alternative education options to address these needs.

Thank you for recognizing the inequities related to discipline which are created under differing sets of laws, and for taking action to remove these legislative and regulatory barriers. We also thank you for taking under consideration the need for alternative educational services and the financial resources needed to accommodate this goal.

Sincerely,

GERALD TIROZZI, Ph.D.,
Executive Director.

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS,
Arlington, VA, June 15, 1999.

Hon. CHARLES NORWOOD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: The American Association of School Administrators would like to thank you for your effort to address the issue of school safety and contradictions in current law. All children should be safe at school. Teachers cannot teach, and students cannot learn in an atmosphere of fear and disruption. Yet Congress and the federal regulations have tied the hands of teachers and administrators to fulfill this responsibility to all children. Your amendment to H.R. 1501 responsibly addresses these issues in a consistent manner.

Although well intended, provisions of the Individuals with Disabilities Education Act (IDEA) mandate a double standard for violent and disruptive behavior in our schools. We know what works to improve school safety and discipline; clear discipline codes that are fairly and consistently enforced. IDEA, as currently written, makes that impossible.

Schools should be able to adopt a simple, fair system of discipline. Your amendment would allow them to do just that. Students committing identical infractions should not be treated differently depending on whether or not they are identified as disabled. As schools and parents work to include special education students to the general curriculum, the disparate treatment of students misbehaving in the same way in the same classroom aggravates this problem.

The top priority of public school parents regarding public schools is students' safety and classroom discipline. This was made abundantly clear by the tragic incidents of the last school year. Parents are genuinely frightened for the safety of their children and are demanding, appropriately, that schools respond by ensuring a safe learning environment. We are in danger of losing the public's trust, if we do not address the issues of discipline, including disciplining students with disabilities.

Effective education for citizenship and achievement is not possible when students either feel that they are exempt from punishment or that the punishments are unfair. The objective must be to treat students the same and to keep them all safe. The challenge is to reach that objective, fairly, and efficiently. The prohibition against total cessation of services should be maintained and states should be required to develop alternative settings for students who commit infractions that merit expulsion or long term suspensions.

When students are punished, it is AASA's position that every state should implement a system of alternative schooling for dangerous students administered by juvenile authorities that are experienced in serving such students. In this setting, students would continue their education, but other students would not be imperiled. This system should be administered by an agency skilled at working with incarcerated and dangerous youth, where dangerous students can be schooled until they are able to rejoin their peers in a regular public school or complete their education in safety. The public concern for safety and the issue of fairness calls for action now.

Some may say that the states cannot afford a system of alternative schools. That is simply wrong. The states are awash with surpluses from the strong economy. Even if state coffers were not overflowing, the number of dangerous students is so small (about 6,000) that the cost would be negligible when spread across 50 states. For example, 6000 students could receive an education funded at the national per pupil average of $6,700 for only $40 million, a tiny fraction of current state surpluses. Moreover, this amount represents a diminutive portion of the funds states receive from the federal government through the crime bill, the juvenile justice bill and the safe and drug free schools act.

Thank you again for your leadership on this important issue.

Sincerely,

BRUCE HUNTER,
Director of Public Affairs.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, June 16, 1999.

Re support for the IDEA safety amendment to the juvenile justice bill.

Hon. CHARLIE NORWOOD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NORWOOD: On behalf of the nation's 95,000 local school board members, the National School Boards Association wishes to express its full support for your school safety amendment to the Consequences for Juvenile Offenders Act of 1999 (H.R. 1501). Your amendment would allow school officials to treat students receiving special education services in the same manner as other students when guns or weapons are involved. This amendment will help local schools and communities better address the serious safety issues involved when a student brings a gun to school.

By giving school officials a broader range of options, your amendment will better enable them, on a case-by-case basis, to balance the needs of a particular child with the goal to keep schools safer and more conductive to learning for all. Further, your amendment sends an important message to all students that carrying or possessing firearms on school grounds will not be tolerated. That message is not clear under the dual system, currently created by the Individuals with Disabilities Education Act (IDEA).

At the same time, your amendment carries three important protections relating to the rights of children with disabilities. First, the amendment only authorizes disciplinary action if it is provided in the same manner as the discipline for other children who bring weapons to schools. Second, students would be able to assert the defense that their actions were unintentional or innocent. Third, during their suspension or expulsion, students served by IDEA can only be denied services if state law permits the denial of education services to other students during their suspension or expulsion. Additionally, local school officials could, if they chose, provide services.

Under current practice, school systems across the United States (consistent with the federal Gun-Free Schools Act) maintain policies authorizing the removal of students who bring firearms to school. Federal law very substantially limits that option if a child is served under the IDEA. Currently school officials may only assign students to an alternative placement for up to 45 days. In practice, this may not result in the removal of an unsafe student.

In sum, your amendment creates a very narrow exception—with appropriate protections—to the IDEA discipline system in order to cover a very important safety issue. School officials needs this case-by-case discretion to ensure that America's schoolchildren and school employees are not subject to unnecessary risks or occurrences of students bringing firearms to schools.

If you have any questions, please call Michael A. Resnick, associate executive director.

Sincerely,

ANNE L. BRYANT,
Executive Director.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I would like to congratulate the gentleman from Georgia (Mr. NORWOOD) for making a great speech.

Mr. NORWOOD. Say it again.

Mr. SCOTT. I will say again, I would like to congratulate the gentleman from Georgia (Mr. NORWOOD) for making a great speech.

Unfortunately, when we consider measures like this we ought to focus on deliberation, not great speeches at the last minute.

The fact is that we considered this very proposal for over a year in the deliberations in the reauthorization of the Individuals With Disabilities Education Act. We had numerous hearings. Teachers, educators, police officers, everybody had their say; advocates; every view was considered. We considered this proposal for over a year. In fact, it was one of the major provisions.

□ 1715

It was a provision that, in fact, got most of the attention in the reauthorization.

This proposal was rejected after that deliberative process. Now without deliberation, we are subjected to great speeches, and we are trying to change the law on the floor of the House. This did not even go through committee. Here it is on the floor.

Now, we heard a lot of talk about may and shall, what happens if they may, and what happens if they shall. Let us go back to where the Individuals with Disabilities Act was passed in the first place. When it was passed, disabled students got no education. Millions of students were given no educational services, and now they get educational services because the law makes them provide it.

Now, they talk about a big problem. There is a big problem, Mr. Chairman, and that is because school systems want to stop serving disabled children. They want to kick them out of the classroom and fail to provide any services at all. So of course it is a big problem. They do not want to provide. They do not want to abide by the law. They want to stop serving children.

Now, let us get a couple of facts on the table. First of all, the schools can remove the students for public safety. They can take them right out of the classroom just like everybody else, same penalty as everybody else, get them out of the classroom. But they must continue educational services, which may be provided in an alternative school, may be provided at home, might even be provided in prison. They can get the student out of the regular classroom for safety, but they have to continue educational services.

Now, everybody knows that stopping the services to children is a bad idea, that the crime rate will go up if we just suspend people without any services. Now, if we are interested in equality, what we ought to be doing is continuing services for everybody else in addition to those under IDEA.

Let me remind my colleagues what I said in my opening remarks, a letter from ''Fight Crime/Invest in Kids,'' the National Coalition of Police Chiefs, Prosecutors and Crime Victims said, ''Giving a gun-toting kid an extended vacation from school, and from all responsibility, is soft on offenders and dangerous for everyone else. Please don't give those kids, who most need adult supervision, the unsupervised time to rob, become addicted to drugs, and get their hands on other guns to threaten students when the school bell rings.''

But if we insist on a bad policy for some, please do not change the law to inflict that bad policy on disabled children. The fact is that the children will not disappear when they are suspended from school without services. They remain in the community without support and are more likely to endanger the public. Then what happens after the end of the year, when they come back a year later, further behind than they left? Obviously the schools will not be any safer in that situation.

But, finally, Mr. Chairman, this is a juvenile crime bill. We ought to get serious. If this amendment is adopted, the crime rate will go up.

Mr. TALENT. Mr. Chairman, I rise today in strong support, as one of the cosponsors of the Norwood, Barr, Talent IDEA amendment which will allow schools to enforce a uniform discipline policy for all students who bring weapons into the schools.

Mr. Chairman, after the tragic incidence at Columbine High School I met privately with superintendents from around my district. I was interested in finding out what they were doing to combat violence in their schools, and what the federal government could do to help. They are already quite active in trying to stop this violence before it starts, chiefly by keeping in close touch with students. They had one, concrete, urgent request. They wanted the authority to discipline violent students, even students classified as disabled, under the Individuals with Disabilities Act (IDEA). In fact, their request was consistent with what I have been hearing from parents, teachers, principals, school boards and superintendents from across the state of Missouri for years.

Currently, schools are forced to administer two separate and conflicting discipline codes for dealing with dangerous or violent behavior in schools—one for non-disabled students and one for disabled students. Nationwide, of the 45.6 million students—5.8 million students were covered by IDEA in 1996–1997. In other words 12%—or 1 in 8 students nationwide and 1 in 7 in Missouri are subject to more permissive discipline rules under IDEA.

The parents, teachers, principals, school boards and superintendents in my district are telling me that the federal government is sending a mixed message to students on the issue of weapons in the schools. An IDEA student who possesses a weapon in school is subject to an entirely different discipline standard than other students simply because of his disability.

For example in a school in Missouri a non-disability student gave a weapon to an IDEA student. The IDEA student was caught in possession of the weapon. The IDEA student was removed from the classroom and placed for 45 days in an alternative education setting. On the other hand, the non-disability student, who gave the IDEA student the weapon, but was not actually caught in possession of the weapon—received a one year suspension and no alternative education services.

One school district in Missouri had 9 incidents of weapons in the middle and high school this school year—2 cases involving explosives and 7 cases involving knives. Of these 9 cases 6 were IDEA students and as such the schools could only remove these students from the classroom for up to 45 days. In addition, the school district was required to provide alternative service to these students at either their suspension school off campus or through personal instruction at home. On the other hand, the 3 general education students were either expelled or suspended for the year and the school district was not required to provide alternative services to these students. What sort of message does this send to the students of this district?

In Southwest Missouri an IDEA student brought a knife on the school bus and threatened to kill specific students. The school district's hands were tied—all that could be done was remove the student from the classroom and place in an alternative education setting for 45 days. Pending the outcome of a manifestation determination review, and due to IDEA's stay put provision, this violent student returned to the classroom after only 45 days. The parents of the other students were very upset about the school's inability to keep this dangerous student out of the classroom and threatened to pull their children out of school.

This amendment is very simple, Mr. Speaker—it gives school authorities at the local level the ability to remove from the classroom any student who brings a weapon—regardless of whether or not they are a disability student. This amendment will allow school personnel to discipline, including expel or suspend a student with a disability who intentionally carries or possesses a weapon at school—just as they would for a regular student. School districts would then have the discretion to decide whether or not to provide alternative services to the IDEA student removed from the classroom, provided that they treated that student the same as other students in similar circumstances.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 300, noes 128, not voting 6, as follows:

[Roll No 227]

AYES—300

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Upton
Vento
Visclosky
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—128

Abercrombie
Ackerman
Baldwin
Barrett (WI)
Becerra
Berman
Blagojevich
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clyburn

Conyers	Jones (OH)	Pelosi
Coyne	Kennedy	Rahall
Crowley	Kilpatrick	Rangel
Cummings	Knollenberg	Reyes
Davis (FL)	Lampson	Rivers
Davis (IL)	Lantos	Rodriguez
DeFazio	Lee	Ros-Lehtinen
DeGette	Lewis (GA)	Roybal-Allard
Delahunt	Lowey	Rush
DeLauro	Luther	Sanchez
Deutsch	Maloney (NY)	Sanders
Diaz-Balart	Markey	Sandlin
Dixon	Martinez	Sawyer
Doggett	Matsui	Schakowsky
Engel	McCarthy (MO)	Scott
Eshoo	McCarthy (NY)	Serrano
Evans	McDermott	Sessions
Farr	McGovern	Slaughter
Fattah	McKinney	Souder
Filner	McNulty	Stabenow
Ford	Meehan	Stark
Frank (MA)	Meek (FL)	Strickland
Frelinghuysen	Meeks (NY)	Stupak
Gejdenson	Millender-McDonald	Thompson (CA)
Gephardt	Miller, George	Thompson (MS)
Gilman	Mink	Tierney
Gonzalez	Moakley	Towns
Goodling	Morella	Udall (NM)
Green (TX)	Murtha	Velazquez
Gutierrez	Nadler	Walsh
Hastings (FL)	Napolitano	Waters
Hilliard	Neal	Watt (NC)
Hinchey	Olver	Waxman
Hinojosa	Owens	Weiner
Hoeffel	Pallone	Wexler
Hoyer	Pascrell	Weygand
Jackson (IL)	Pastor	Woolsey
Jackson-Lee (TX)	Payne	

NOT VOTING—6

Brown (CA)	Houghton	Shays
Carson	Salmon	Thomas

□ 1740

Mr. DIAZ-BALART and Mr. BLAGOJEVICH changed their vote from ''aye'' to ''no.''

Mr. VENTO and Mr. WYNN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider amendment No. 40 printed in part A of House Report 106–186.

AMENDMENT NO. 40 OFFERED BY MR. FLETCHER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 40 offered by Mr. FLETCHER:

Page 4, line 18, strike, ''and''.

Page 4, line 21, strike the period and insert a semicolon.

Page 4, after line 21, insert the following:

''(14) establishing partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness; and

''(15) implementing other activities that foster strong character development in at-risk juveniles and juveniles in the juvenile justice system.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Kentucky (Mr. FLETCHER) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. FLETCHER).

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

Mr. Chairman, today we are addressing a growing problem that has stemmed from a cultural change that has robbed some of our youth of their moral pinnings. We have often failed to give our children the guidance necessary to understand the difference between right and wrong and the real-life consequences of violent behavior. While we can and should hold our youth more accountable for their behavior, I believe we should foster families, schools and communities that engender character.

The recent rash of school violence stuns us all and raises the question, ''Where have we gone wrong?'' Noted criminologist James Q. Wilson says his studies have all led to the same conclusion: Crime begins when children are not given adequate moral training and when they do not develop internal restraints on impulsive behavior. Forensic psychologist Shawn Johnson says the killings reflect ''A deterioration of moral teaching'' and of the social structure that traditionally imparted that teaching. Chuck Colson said, ''We're experiencing the death of conscience in this generation of young Americans.''

There is no question that loving, caring parents are primary in building our children's character, but with latchkey kids, the prevalence of violence and obscenity in popular culture, and the deterioration of the family, teachers are assuming a role of growing importance.

□ 1745

Children spend the majority of their day in the classroom, and too often many lessons taught fail to emphasize the importance of citizenship and respect in our shared community.

The Founding Fathers believed that education serves a dual purpose, to prepare children academically as students and ethically as citizens. They acknowledge the importance of individuality without ignoring the fact that the freedom to exercise their rights as an individual is a privilege afforded to responsible members of a democratic society.

Thomas Jefferson said, ''The government is best which governs least because its people discipline themselves.''

Personal liberties are the product of personal responsibility. In the event that individuals do not keep up their part of the social contract, we have the judicial system, which is rooted in a system of absolutes where people are deemed law-abiding or law-breaking.

To some, the idea of moral absolutes is outdated, and some believe it is too controversial to teach. It is no wonder that we have seen an increase in juvenile crime, especially crime based on prejudice, hatred, and anger.

Former Secretary of Education William Bennett had this to offer: ''We should not use the fact that there are indeed many difficult and controversial moral questions as an argument against basic instruction in this subject. We do not argue against teaching biology or chemistry because gene splicing and cloning are complex and controversial.''

Especially in light of the recent school tragedies, I believe that the time has come to emphasize character education in our schools. We need to encourage the work that is already being done in some States. For example, my own State, Kentucky, has developed a character education curriculum which is being used in many schools, and many school districts across the country are using the Character Counts program successfully. This grant from this amendment would be available for such programs.

That is why I am offering an amendment to the Consequences of Juvenile Offenders Act of 1999 that will allow local education agencies to form partnerships designed to implement character education programs that reflect the values of parents, teachers, and local communities and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness. Surely no one could oppose these.

I urge my colleagues on both sides of the aisle to support this amendment.

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

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to claim the time in opposition although I may be supporting the amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Virginia?

There was no objection.

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

Mr. Chairman, I would like to ask the sponsor of the amendment a question. Several people have asked a question as to whether or not it is the intent of the sponsor and the legislative intent to read the amendment in light of the Supreme Court cases interpreting the establishment of free exercise clauses of the Constitution. The question is whether or not they are trying to overturn those cases or whether this should be read in light of the existing law.

Mr. Chairman, I yield to the gentleman from Kentucky.

Mr. FLETCHER. Mr. Chairman, I say to the gentleman from Virginia (Mr. SCOTT), there is nothing in this amendment that would impose anything against the Constitution and that amendment. It clearly supports the local character education curriculum, which is already being conducted. It will provide grants for the instruction, as well as activities. And these are things that have withstood constitutional muster so far.

Mr. SCOTT. Mr. Chairman, reclaiming my time, I would like to thank the

gentleman for that answer, because if it is to be read in light of the Supreme Court cases, then it is obviously the kind of amendment that is perfectly consistent with the underlying bill. In fact, I think it probably could be funded under some of the provisions of 1150 that we have already adopted. But it is the kind of partnership and kind of education that can help our young people stay out of trouble in the first place.

With that answer, Mr. Chairman, I would heartily endorse the amendment.

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

Mr. FLETCHER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I am pleased to join my friend and colleague the gentleman from Kentucky (Mr. FLETCHER) in co-sponsoring this amendment. I appreciate the remarks of the gentleman from Virginia (Mr. SCOTT).

Our amendment will allow local schools to go to work with their communities to develop character-based education programs that will complement their current coursework. I believe that we need to give local schools the resources to teach character-based education and deal honestly with forces in our culture that are diminishing the family.

I visited two elementary schools in the 8th District of North Carolina over the Memorial Day work period. At East Washington Street Elementary School in Rockingham, the principal specifically asked me to speak to the students about the importance of character and citizenship.

The second school I am especially proud of. Shiloh Elementary in Monroe was recognized as a Blue Ribbon School by the Department of Education. In fact, Shiloh Elementary has also been nominated for an award by the Department of Education for its character education programs. I will insert their efforts at the end of my remarks.

The school's administration has incorporated parent and local community groups to help instill the values of honesty and good citizenship into the everyday lives of their students. They, too, asked me to speak about character and citizenship, and I was glad to do that for them.

''Shiloh Elementary School is where it all comes together,'' states the Department of Education Blue Ribbon School Report. This simple statement speaks volumes about Shiloh's vision, caring adults who lead by example to share what stewardship for our world is about.

Students come here and meet parents who only want the best for their children. The local Kiwanis Club in Monroe sponsors the Terrific Kids awards program, which puts emphasis on character education not only in school, but throughout the community. Great satisfaction comes from cooperation among all the stakeholders in the community.

Volunteers frequent the halls of Shiloh, adding extra support where needed. Administrators and teachers search for creative means of enabling the school to fulfill its vision. This kind of commitment makes Shiloh stand out. Through this team effort, the result is predictable: Students who practice caring and sharing and kindness.

Shiloh, unfortunately, is the exception to the rule. Most schools do not have a successful character education program.

This amendment provides the resources for schools across the country to develop a local character and value based program, like Shiloh Elementary, without having to divert the resources for their other essential needs, like books, teacher pay, and supplies.

Parents today are faced with incredible challenges in raising children. We need to give our schools leadership, resources, and flexibility to help parents meet these challenges. We need to empower our local teachers and families to work with their communities to incorporate the timeless aspects of character, honesty, integrity, citizenship, courage, respect, personal responsibility and trustworthiness. Let's send a strong message home that we want to help our students blossom into responsible citizens and are willing to do whatever it takes to help them accomplish their goals.

SPECIAL EMPHASIS AREA

CHARACTER EDUCATION

Strolling through the halls of Shiloh Elementary School is a delight—much care has been taken to create a nurturing learning environment and emphasize the importance of character education in the life of the school and the children. In effective ways, the Bullseye Class of the Month is spotlighted (complete with the class' picture), keywords (e.g., honesty, loyalty, and respect) are displayed in many innovative ways: Incorporated into the gymnasium red, white and blue theme, in classrooms hanging from the ceiling, and on TV monitors in the cafeteria. Blaze the Bulldog (the school's mascot) displays the Bullseye words for each month. It was interesting that March's word (honesty) was also posted in Spanish. In the interview with students (individually and as a group) they were very proud of wearing a badge for being one of Shiloh's Best Behaving Bulldogs—a program which awards badges to wear on Monday for displaying excellent behavior. (The site visitor toured the building on Monday, and it was rewarding to see so many buttons!)

An effective recognition initiative tied very closely to the schoolwide emphasis on character education is the Terrific Kids Program sponsored by the local Kiwanis Club. Students from each classroom are honored monthly for displaying good citizenship, improved behavior, and/or improved academics by posting their pictures and celebrating this recognition in a breakfast (provided by the PTA) with parents invited as well. (Again, on the site visit it was heartening to so proud parents of Terrific Kids enjoy the before-school celebration with their Terrific Kids. In summary, this overall category focusing on Character Education came alive through reading Cathy Frailey's newspaper article about the success of the Bullseye class published in the local newspaper, The Enquirer Journal, and, above all, the respect demonstrated by the students and teachers. When students open the door for adults (like the site visitor) and respect school and classroom rules, these are evidence that character education is an integral part of the total school program, and decisionmaking is based on the core values necessary to create a caring and democratic community.

(1) Shiloh Elementary School clearly puts into practice restitution (along with using consequences) for violations. For example, when students do not complete homework, the principle of restitution comes to the forefront by assigning homework hall according to school guidelines. For students who do not demonstrate appropriate behavior (and these are absolutely minimal), schoolwide discipline policy takes over with described restitution (e.g., fulfilling a cafeteria responsibility if that was the violation site). Respect and responsibility go hand-in-hand at Shiloh.

(2) Developing an intrinsic commitment to values begins the first day students begin school. Pride, honesty, and loyalty are instilled in children in the early grades as verified by an entire school building (halls, classrooms, common areas like the cafeteria, gymnasium, and restrooms) and grounds which are immaculate and cared for as a result of students' making responsible decisions. Children in this school community follow school rules because it is the right thing to do—without any fanfare or rewards involved. When new students enter Shiloh, present students, as well as the entire staff, model respectful behavior which serves as intrinsic teaching tools. Keywords reflecting the basis of character education are discussed in the classroom, for example, through literature and are on display throughout the building in creative ways (e.g., TV monitors in the cafeteria)—all of which develop an intrinsic commitment to values.

Mr. SCOTT. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina (Mr. ETHERIDGE).

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

Mr. Chairman, I rise to support this amendment to help put character education in our Nation's schools.

As the former superintendent of my State's schools, I know firsthand that character education can make a difference to teach our children values and make our students well-rounded and prepare them for good citizenship. We installed character education in the schools of North Carolina in the 1992–1993 school year.

Across my congressional district today, school leaders have developed character education initiatives that are making a difference for stronger schools and better communities.

Wake County, our capital county, has become a leader through its innovative effort called ''Uniting for Character.'' In Johnston County, the principal of Selma Elementary School directly attributes 59 fewer suspensions between the 1995–1996 school year to their character education program. And CBS News in the last couple of weeks has profiled the successful character education program on their national program in the Nash-Rocky Mount school system.

Mr. Chairman, character education works because it teaches our children to see the world through a moral lens.

Children learn that their actions have consequences. Teachers work with parents and the entire community to instill the spirit of shared responsibility.

Character education emphasizes values such as courage, good judgment, integrity, kindness, perseverance, respect, and self-discipline.

As the father of two public school teachers, my heart aches for the victims of the recent violence in our public schools. Character education will help build solid citizens and safe schools.

This amendment will allow State and local educational agencies to form partnerships designed to implement character education. These programs will reflect the values of parents, teachers, and local communities. They will incorporate elements of good character, as I have said, which include honesty, citizenship, courage, respect, personal responsibility, and trustworthiness.

Mr. FLETCHER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, character counts. At least, it should count. Children are not born with good character. It is learned through direct teaching and through observation.

I, consequently, rise in very strong support of the Fletcher-Hayes amendment to allow State and local educational agencies to work together to develop character education programs.

Children make up about 27 percent of the population, but they are 100 percent of our future. We must help them develop habits of good character that are essential to the well-being of America.

I want to point out that I am very proud that within my congressional district, the city of Gaithersburg, Maryland, is a ''character counts'' city. Gaithersburg first embraced this ethics education program in 1996, and it does work. A commitment was made to bring the program to every child in the city, and it even incorporated ''character counts'' into the mission statement and vision of the city.

The city is guided by six pillars of ethics. They are responsibility, respect, caring, fairness, trustworthiness, and citizenship.

The city tries to set a model example for other cities to follow by addressing citizen needs with a caring attitude, promoting a spirit of fairness, trustworthiness, and respect among city officials.

The city advocates good citizenship and feels it has a responsibility to its citizens to strive for excellence in all of their endeavors. As a matter of fact, it has the school, the business communities, the religious organizations, the social organizations all using the same motto and the same six pillars of character.

The Fletcher-Hayes amendment will help other communities implement character education programs that reflect the standards of their citizens. The amendment will encourage community leaders, school systems, nonprofit organizations, business groups, youth groups, and individuals to join together to take a stand for values in American society.

I urge a ''yes'' vote on the Fletcher-Hayes amendment.

Mr. FLETCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. PORTMAN).

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

Mr. PORTMAN. Mr. Chairman, I thank my friend from Kentucky (Mr. FLETCHER) for yielding me the time.

Mr. Chairman, I like this amendment because I think it will empower and encourage parents. There is discussion going on all around this country following the tragic Columbine shootings. The discussions we have had on the House floor over the last 2 days is only one place that is happening. It is happening in school board meetings. It is happening, very importantly, around kitchen tables. It is happening in State legislatures.

I think the one thing that all of us need to focus on is that despite a lot of ideas that have been put forward that are meant to address the problem of youth violence and what happened in Columbine, none are going to work unless we focus on character and I think unless we focus on family and parents.

We might feel better having passed some of the legislation we are going to pass here in the next day, but I really do not believe it is going to change the root causes of youth violence. That is why I like this amendment, because it gets parents engaged, it empowers them to get involved.

If we are going to solve the problems in our society of youth violence, substance abuse, all the data shows, as James T. Wilson says, and I am glad the gentleman from Kentucky (Mr. FLETCHER) quoted him earlier, we have got to get our family back engaged with our children.

As a parent, a father of three young children, I know that, and I think most of my constituents know that. And I think they believe that anything we can do here in the U.S. Congress to encourage our families to go stay together, to encourage families to provide guidance, to encourage families to give children a sense of right and wrong, that that will make the most fundamental difference in terms of avoiding future tragedies like the one that occurred in Columbine.

So again, Mr. Chairman, I am delighted to support this amendment, and I urge its passage.

The tragic shootings at Columbine High School have started a national discussion on what we can do to prevent such violent acts in the future. The debate we had here in the House of Representatives over the past 2 days has taken place across the country in state legislatures, town halls—and, more importantly, in school board meeting rooms, at the workplace and around the kitchen table.

There's been a lot of soul-searching—and some of the ideas that have been put forward—including those aimed at cleaning up our popular culture—are helpful and should be adopted. Other proposals may make us feel as though we're doing something, but I don't believe they will change the root causes of youth violence.

Throughout this national dialogue, I hope we do not overlook what I view, as a legislator—but, more importantly, as a father of three young children—as the most important factor in preventing these shocking and senseless acts of violence. There is no more powerful influence on a young person's life than a family, particularly an engaged, concerned and caring parent—and, where there is not a parent in the home, then a caregiver, a role model, who takes on the solemn responsibilities of parenthood.

I've seen it firsthand in my work on the problem of reducing teenage substance abuse and have read it in many studies on drug abuse and reshaping adolescent behavior. In fact, based on sound surveys, researchers believe we could reduce teenage drug use by as much as 50 percent if parents would simply engage and talk to their kids about the dangers of drugs. That's a remarkable statistic, and a true testament to the power of family, and to the dangers of disengagement and apathy.

Unfortunately, we've seen too many examples of problems that arise when parents aren't actively involved in their children's lives. A recent Letter to the Editor in one of my local papers—the Cincinnati Post—put it well, ''Parents are so involved in their own activities and life that they have forgotten . . . how much the children look to them as the example.''

Children look to us—their parents—as role models, and they also look to us for guidance. I hope the Columbine tragedy and the dialogue it has spawned leads us; as parents, to do a better job of setting boundaries for our kids.

I thought Cincinnati Enquirer columnist Laura Pulfer described our challenge as parents in a recent column she wrote: ''Right and wrong. Good and bad. Yes and no. We can say these words, especially to our children. In fact, it is our duty.''

Mr. Speaker, let's keep our eye on the ball. The best way to get at the root cause of youth violence is for all of us to take a more active role in the lives of our young people. America's future depends on it.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of this amendment. So much of the debate today has been either/or, either we do gun control or we do character programs, or we put more religion in the schools and so on. For the most part, all of the above is the right answer. We ought not suggest that doing one thing enables us to exclude the other. Values do matter. Character counts. And schools are increasingly the one place where we can really get kids' attention. It is a captive audience. Unfortunately, as we have more and more families both of whose parents are in the work force,

schools may present the best opportunity to instill an appreciation and respect for the values that, in fact, have made this country great, and enable us to live within a civil society.

□ 1800

I have seen this Character Counts program. I was impressed with it. I did not think I would be as impressed as I was. It works, the amendment is a good idea, let us include it.

Mr. FLETCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in support of the Fletcher-Hayes character education amendment. Our children spend at least 7 hours a day, 5 days a week in their schools. It is a large part of their day away from their parents. When parents entrust their sons and daughters to our Nation's schools, they hope that their children will continue to be taught things like honesty, citizenship, courage, respect, personal responsibility and trustworthiness. That is what this amendment attempts to ensure, by giving local communities the freedom to develop a character education program consistent with local values.

I have with me an example of the type of character education that could be taught to our children. This is a lesson on attentiveness. The goal is to teach children to look at people when they speak to them, ask questions if they do not understand, sit or stand up straight, not draw attention to themselves, keep their eyes, ears, hands, feet and mouth from distractions. These sound like good lessons for all of us.

In April of this year, the Florida legislature passed a law requiring character development in elementary schools. One of the supporters of that law said, ''This is Florida's answer to the tragedy in Littleton, Colorado.''

While I do not believe that character education will solve all the problems of our Nation's youth, I do believe that the character of our Nation's youth is worth investing in. I urge support for the amendment

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

Mr. FLETCHER. Mr. Chairman, I yield myself such time as I may consume. I really appreciate the gentleman from Virginia (Mr. SCOTT) and the others that have spoken in bipartisan support for this bill. I think it is just crucial as we look at what has happened recently with these tragedies in the schools that we have a national focus on character education. What this amendment does is provide for grants that can be used for character education curriculum and for other activities. For those students also that are identified as having problems, troubled students, that they can provide activities that build character for them, also.

I think with this national attention, and let me make the point this is not a mandate and this is not a national curriculum. This gives the flexibility and the resources and the encouragement of local communities, schools, with parents and teachers and a partnership that they can implement character education, have the resources to implement that program to certainly encourage the character of our youths.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Kentucky (Mr. FLETCHER).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Kentucky (Mr. FLETCHER) will be postponed.

It is now in order to consider amendment No. 41 printed in part A of House Report 106–186.

AMENDMENT NO. 41 OFFERED BY MR. FRANKS OF NEW JERSEY

Mr. FRANKS of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. FRANKS of New Jersey:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

TITLE ___—CHILDREN'S INTERNET PROTECTION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Children's Internet Protection Act''.

SEC. ___02. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING TECHNOLOGY FOR COMPUTERS WITH INTERNET ACCESS.

(a) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end thereof the following:

''(l) IMPLEMENTATION OF AN INTERNET FILTERING OR BLOCKING TECHNOLOGY.—

''(1) IN GENERAL.—An elementary school, secondary school, or library that fails to provide the certification required by paragraph (2) or (3), respectively, is not eligible to receive or retain universal service assistance provided under subsection (h)(1)(B).

''(2) CERTIFICATION FOR SCHOOLS.—To be eligible to receive universal service assistance under subsection (h)(1)(B), an elementary or secondary school shall certify to the Commission that it has—

''(A) selected a technology for computers with Internet access to filter or block—

''(i) child pornographic materials, which shall have the meaning of that term as used in sections 2252, 2252A, 2256 of title 18, United States Code;

''(ii) obscene materials, which shall have the meaning of that term as used in section 1460 of title 18, United States Code; and

''(iii) materials deemed to be harmful to minors, which shall have the meaning of that term as used in section 231 of the Communications Act of 1934 (47 U.S.C. 231); and

''(B) installed, or will install, and uses or will use, as soon as it obtains computers with Internet access, a technology to filter or block such material.

''(3) CERTIFICATION FOR LIBRARIES.—To be eligible to receive universal service assistance under subsection (h)(1)(B),a library shall certify to the Commission that it has—

''(A) selected a technology for computers with Internet access to filter or block—

''(i) child pornographic materials, which shall have the meaning of that term as used in sections 2252, 2252A, 2256 of title 18, United States Code;

''(ii) obscene materials, which shall have the meaning of that term as used in section 1460 of title 18, United States Code; and

''(iii) materials deemed to be harmful to minors, which shall have the meaning of that term as used in section 231 of the Communications Act of 1934 (47 U.S.C. 231); and

''(B) installed, or will install, and uses or will use, as soon as it obtains computers with Internet access, a technology to filter or block such material.

''(4) TIME FOR CERTIFICATION.—The certification required by paragraph (2) or (3) shall be made within 30 days of the date that rules are promulgated by the Federal Communications Commission, or, if later, within 10 days of the date on which any computer with access to the Internet is first made available in the school or library for its intended use.

''(5) NOTIFICATION OF CESSATION; ADDITIONAL INTERNET-ACCESSING COMPUTER.—

''(A) CESSATION.—A school or library that has filed the certification required by paragraph (3)(A) shall notify the Commission within 10 days after the date on which it ceases to use the filtering or blocking technology to which the certification related.

''(B) ADDITIONAL INTERNET-ACCESSING COMPUTER.—A school or library that has filed the certification required by paragraph (3)(B) that adds another computer with Internet access intended for use by the public (including minors) shall make the certification required by paragraph (3)(A) within 10 days after that computer is made available for use by the public.

''(6) POSTING OF NOTICE.—A school or library that has filed a certification under paragraph (2) or (3) shall post within view of the computers which are the subject of that certification a notice that contains—

''(A) a copy of the filter or block certification;

''(B) a statement of such school's or library's filtering or block policy; and

''(C) information on the specific block technology in use.

''(7) PENALTY FOR FAILURE TO COMPLY.—A school or library that fails to meet the requirements of this subsection is liable to repay immediately the full amount of all universal service assistance the school or library received under subsection (h)(1)(B) after the date the failure began.

''(8) LOCAL DETERMINATION OF MATERIAL TO BE FILTERED.—For purposes of paragraphs (2) and (3), the determination of what material is to be deemed harmful to minors shall be made by the school, school board, library or other authority responsible for making the required certification. No agency or instrumentality of the United States Government may—

''(A) establish criteria for making that determination;

''(B) review the determination made by the certifying school, school board, library, or other authority; or

''(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).

''(9) NO PREEMTION OR OTHER EFFECT.—Nothing in this subsection shall be construed—

''(A) to preempt, supersede, or limit any requirements that imposed by a school or library, or by a political authority for a school or library, that are more stringent than the requirements of this subsection; or

''(B) to supersede or limit otherwise applicable Federal or State child pornography or obscenity laws.''.

(b) CONFORMING CHANGE.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by striking ''All telecommunications'' and inserting ''Except as provided by subsection (l), all telecommunications''.

SEC. ___3. FCC TO ADOPT RULES WITHIN 4 MONTHS.

The Federal Communications Commission shall adopt rules implementing section 254(l) of the Communications Act of 1934 (as added by this Act) within 120 days after the date of enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Virginia (Mr. SCOTT) each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

MODIFICATION TO AMENDMENT NO. 41 OFFERED BY MR. FRANKS OF NEW JERSEY

Mr. FRANKS of New Jersey. Mr. Chairman, I ask unanimous consent that the amendment be modified by the modification placed at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 41 offered by Mr. FRANKS of New Jersey:

On page 2 of the amendment on line 18 before the word ''materials'' insert ''during use by minors,'' and on page 3 of the amendment on line 17 before the word ''materials'' insert ''during use by minors,''.

The CHAIRMAN pro tempore. Without objection, the amendment is modified.

There was no objection.

Mr. FRANKS of New Jersey. Mr. Chairman, I yield myself such time as I may consume. The Internet has opened up an exciting world of discovery for our children. Today across America an estimated 15 million kids have access to the Internet. According to the Department of Education, more than half the classrooms in the Nation are now wired to the net. Within seconds, our children can find up-to-date information on every conceivable topic that they are studying in school.

But this extraordinarily powerful learning tool can also have a dark and threatening side. Pedophiles and other criminals are using the Internet to contact our children in those places where we want to believe they are most secure, in our homes, our schools and our libraries. The reality is that materials breeding hate, violence, child pornography and even personal danger can be waiting only a few clicks away.

The group Cyber Angels, a computer savvy affiliate of the Guardian Angels, has documented more than 17,000 Internet sites devoted to child pornography and pedophilia. Moreover, the FBI reports that pornography sites are now the most frequently accessed sites on the Internet.

And our children do not have to be actively looking for pornographic web sites to be exposed to adult-only material. For example, a child researching the presidency of the United States for a school report would probably turn to the White House web site, whitehouse.gov, but if they mistakenly typed in whitehouse.com, they would find themselves exposed to hard-core pornography. In fact, a recent study conducted by the Internet monitoring group Cyvelliance found that operators of pornographic sites frequently use brand names that are popular with kids in an effort to draw unsuspecting children to their web sites. The most popular names invoked by the pornography industry relate to Disney, Nintendo and Barbie.

Yet in spite of all these potential dangers, I believe every child in America should have access to these amazing learning tools, provided we take special precautions to protect our youngest, most vulnerable citizens.

The amendment that I am offering would require schools and libraries to use filtering technology if they accept Federal subsidies to connect to the Internet. Filtering technology, which many parents have already installed on their home computers, would keep materials designed for adults only out of the reach of our children.

I recognize that some in the educational community, including some in the American Library Association, believe that all Americans, regardless of age, should have unlimited, unfettered access to all the material on the Internet. But the concept of placing restrictions on the kind of information available to our children is nothing new. For generations, schools and libraries have routinely decided what books are appropriate for our children to read.

This amendment would merely require that these institutions use that same standard of care when it comes to the latest advances of the Information Age.

Lastly, it is important to note that while this amendment requires schools and libraries to use blocking technology, it leaves it up to the local school district and library board to determine the type of filtering technology to use. It is important that parents and educators in our local communities set their own standards. In light of the Federal Government's important continuing role in supporting Internet access to schools and libraries, this amendment is prudent and necessary. It will ensure that our children can take advantage of this revolutionary learning tool without being assaulted by materials that are not only inappropriate but dangerous for our children.

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

Mr. SCOTT. Mr. Chairman, I yield 2–3/4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, we all want to protect children and provide them with safe communities in which to grow. To achieve this worthy goal, we must work with local governments, schools and libraries. The amendment before us is not helpful. A new mandate would set regulations that would be nearly impossible to meet and would deprive schools of sorely needed funds.

The most important action Congress has taken to promote both the goal of quality education and connections to the broader world through the Internet is to be found in the Telecommunications Act of 1996. This special education rate, known as the E-rate, was part of the Federal Universal Service Fund providing important discounts of 20 to 90 percent on telecommunications services, Internet access and internal communications for public schools, public and private, as well as our library systems. It enjoys broad bipartisan support.

No one advocates allowing children access to pornographic materials, but this amendment is simply too draconian. Assuring that the children's Internet activity is safe is most appropriately made at the local level, not one by a new Federal mandate. There is no need for the amendment. We should recognize that students accessing the Internet from their local library or schools typically are receiving as much or more supervision than what occurs commonly in some homes.

This amendment imposes extraordinary financial and administrative burdens on schools and libraries as well as the risk of liability for the technical and constitutional shortcomings of filtering technology. The purchasing, installing and maintenance of this software is expensive and administratively burdensome at a time when most schools and libraries are struggling just to connect to the Internet. It allows only 30 days for districts and libraries to comply with the law after the FCC has promulgated the rules. With every State setting different procurement laws, there is no possible way schools and libraries all across the country could come up to speed, write an RFP, wait the allotted time for incoming bids, choose a provider, install the software, and provide the training, all within 30 days.

After giving us an impossible deadline, the amendment requires schools that fail to meet the requirements repay the full amount of universal service assistance back to the date the failure began. Retroactive repayment of universal service support for noncompliance is unrealistic.

Across the Nation, communities are already working to assure that children's Internet access is properly guided. They are utilizing all the options available to them and choosing those that best meet the needs of those local communities. We ought to trust our local library boards and school boards. Imposing a Federal mandate is inappropriate and unnecessary.

Mr. FRANKS of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. PICKERING), my original cosponsor.

Mr. PICKERING. Mr. Chairman, I am proud and pleased to rise in support of the amendment as an original cosponsor with the gentleman from New Jersey.

I would like to take a second to address some of the issues raised by the gentleman from Oregon. In 1996, the Telecommunications Act was passed that set up the E-rate that is now providing $1.6 billion in subsidies to link our schools and libraries to the Internet. Now, this opens up educational and discovery opportunities and learning opportunities as a tool for our teachers. It is a zone of discovery but it is also a danger zone.

The gentleman from Oregon said that this is costly and difficult to do. What is the cost of not protecting our children? Let me share one example that I have learned of today. An 11-year-old boy went to a public library and began viewing a pornographic site. He returned to his neighborhood where there was a 5-year-old little girl next door and he molested her, acting out the scenes he saw at the public library. He was arrested. Pornography destroys families, as it destroyed the youth and the innocence of this little girl. The gentleman from Oregon mentioned cost, most of these filtering products are $25 to $50. Is that too high of a cost to protect our children from pornography? Each school district has the opportunity to decide which technology is best. It is flexible, it is workable, it is the right thing to do to protect our children. It is constructed in a constitutionally sound way. The Littleton violence that we saw, the young, violent offenders of Littleton were looking at Internet sites to see how to construct a bomb, hate-filled sites.

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With these commonsense filters, we can protect our children from access to violent, hate-filled sites, to pornographic sites, to obscene sites, which then lead them to act out very destructive behaviors.

Mr. Chairman, I ask the Members of this body to support this amendment, to protect our children, and to do what is right.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I rise today against the Franks-Pickering amendment. The Franks-Pickering amendment would terminate the E-rate benefits for schools and libraries that fail to implement filtering technology for computers with Internet servers and Internet access. While I agree with this premise, I feel that this amendment goes much too far.

The amendment would require schools and libraries to return their E-rate funds within 30 days if the schools do not comply with FCC rules. This requirement will financially and administratively burden schools and libraries that have to purchase and install this filtering software.

Most schools that receive E-rate funding are located in inner-city and rural areas. These schools are struggling to connect with the Internet, and this amendment would be an imposition that would set them back even more so.

Mr. Chairman, let us not widen the digital divide that already exists among our children. I urge my colleagues to vote against this amendment.

Mr. FRANKS of New Jersey. Mr. Chairman, could I inquire of the Chair how much time remains on each side?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from New Jersey (Mr. FRANKS) has 3½ minutes remaining; and the gentleman from Virginia (Mr. SCOTT) has 6¼ minutes remaining.

Mr. FRANKS of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

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

Mr. TAUZIN. Mr. Chairman, if my colleagues were given a choice today as to whether or not to pass a bill that would provide Federal funds for the installation of Internet services and connections to our schools and libraries in a fashion that allowed the spending of that money without filters so that children could, in fact, access pornographic sites in those schools and libraries, if my colleagues had a choice of doing that, or they had a choice of passing a bill that provided Federal funds to schools and libraries which included filtering devices to make sure that the kids in those schools and libraries use the Internet for good reasons and not to access these sites, which would my colleagues choose?

Is there any doubt they would choose the latter? Is there any doubt that my colleagues would tell the FCC in this case, which is spending this money, that give to the schools only on condition that they put these filters in.

These filters are inexpensive, they are easy to install. The government is putting up the money anyhow, and if Federal dollars collected by the FCC are being spent to install these systems, is it so draconian to say that we ought to spend 50 of those dollars to make sure that that computer system has such a filtering device?

If the filters were not available, if the technology was not readily and cheaply available on the marketplace, my colleagues might have an argument. But this technology is abundantly available, it is inexpensive, and it is inexcusable for our Federal Government to be spending money, putting in Internet systems into schools and libraries without it.

What the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. PICKERING) are saying is that when this money is spent by the Federal Government to assist our schools and libraries in connecting our children to the Internet, we have this simple little requirement that they include in their plan a filtering device, cheap, inexpensive, easily installed. Not to pass this would be a crime.

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

Mr. Chairman, this is unfortunate that we are coming here without any hearings. We do not know how much these things cost, whether they are effective or not. We do know that there have been complaints that the filters filter out some stuff that we might not want filtered, like AIDS education; or even the Society of Friends, the Quakers, or the Heritage Foundations have had their sites blocked by this kind of filter. Many pornographic sites are not blocked because they fail to use the magic words.

Mr. Chairman, we have not had any hearings, so we cannot get coherent answers to these questions. But we know that the measure is opposed by the National Education Association, the Education and Library Networks Coalition, the United States Catholic Conference, and the American Library Association, and the International Society for Technology in Education.

But if we are going to be serious about crime, we ought to use a deliberate process, enact those measures that will actually work to reduce crime, and stop coming up at the last minute with amendments for which we have had no hearings.

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

Mr. FRANKS of New Jersey. Mr. Chairman, I yield the remainder of our time to the gentleman from Ohio (Mr. OXLEY).

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

Mr. OXLEY. Mr. Chairman, I rise in support of the amendment.

I want to commend my friends from Mississippi and New Jersey for their foresight. Many of us who worked on the Child On-Line Protection Act and voted for it, which means virtually everybody within the sound of my voice who has a vote in this Chamber, as well as those on the floor who have worked on this issue understand the issue.

Let me just tell my colleagues what is at stake. The ACLU is sending out information trying to get Members to vote against this legislation, just the same kind of thing they did when they opposed the Child On-Line Protection Act, which passed unanimously in this body just less than a year ago.

Let me tell my colleagues about the ACLU and what they are telling us about children's exposure to graphic content. This is from a Communications Daily article where ACLU attorney Ann Beson is arguing against our Child On-Line Protection Act and is quoted as saying that there is, quote, ''no real harm,'' end quote, to children

in viewing sexually graphic material, and that it will not, quote, ''turn kids into sexual deviants.'' Since repression turns kids into deviants, that is the kind of opposition we are getting from common-sense legislation and amendments that are put forward by our friends from New Jersey and Mississippi, and why I was proud to join these two gentlemen as a cosponsor. That is the real crux of the issue. Is it too much to ask that those filtering processes be there? I think not. Let us support this amendment.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise today to express my strong opposition to the amendment of the gentleman from New Jersey. As a father of two children attending public school systems in New York, and with another child on the way, I am for finding sensible approaches to address what our children are exposed to without infringing on any individual's constitutional rights.

Assuring that children's Internet activity is safe is a goal that we all strive to achieve. However, this amendment is not about addressing child safety at all. What it really is about is an attempt by those Members who fundamentally disagree with the E-rate program and want to eliminate it. This amendment imposes extraordinary financial and administrative burdens on schools and libraries as well as the risk of liability for the technical and constitutional shortcomings of filtering technology.

Before this body looks to find ways to eliminate the E-rate program, let us examine how this program benefits communities across this country, and in schools and libraries in low-income and urban and rural areas. They qualify for the highest discounts to assure that every American, regardless of age, income or location, has access to essential tools of the information age.

In the first year of the E-rate program, 47 percent of the dollars requested of the E-rate program were for schools and libraries serving economically disadvantaged students and library patrons. In addition, discount requests were received from all 50 States and several special jurisdictions, including the District of Columbia, Puerto Rico, the American Samoa, and the Virgin Islands.

This program benefits everyone: children, adults, lifelong learners, everyone. Communities across this country are already working to ensure that children's Internet access is properly guided. They are utilizing every available option and choosing those that conform to local needs and standards.

This amendment is unnecessary. What this technology does, it levels the playing field for the first time in the history of this country.

Mr. SCOTT. Mr. Chairman, I yield the balance of our time to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. PICKERING). The amendment would eliminate E-rate benefits for schools and libraries that fail to implement filtering or blocking technology for computers with Internet access.

Let me be clear. I do not advocate allowing schoolchildren access to pornographic materials, but the scope of this amendment is too broad and undefined. For example, it would require repayment of E-rate funds within 30 days if the school district is unable to comply with FCC rules. Procurement rules for individual school districts make it highly unlikely that schools will be able to comply, even though many are already seeking to do so.

Mr. Chairman, the strange thing about all of this is this: The Congressional Black Caucus went over to the FCC when the vote was taken for E-rate. The only people who voted against it were Republicans, despite the fact we made a lot of pleas with our colleagues about the digital divide, between the haves and the have-nots, and some of the same ones who spoke on this floor today who are against E-rate for poor children, for children who do not have access, are now here trying to set up another roadblock.

The E-rate program is instrumental in closing the digital divide that exists between the haves and the have-nots. The reality is that only 27 percent of America's classrooms are linked to the Internet. In poor and minority communities, only 13 percent of the classrooms are linked to the Internet. Schools in high-minority enrollment areas are almost three times less likely to have Internet access in the classrooms than predominantly white schools. While 78 percent of schools have at least one Internet connection, that connection is often only in the administrative office.

It is for these reasons, among others, that I have been an ardent supporter of the E-rate program. I am among the 74 percent of Americans who recognize that computers improve the quality of education. Let us not sacrifice the access to technology that our children in poor districts need so badly by succumbing to the rhetoric of this poorly drafted amendment. I urge a vote of no.

Let me just say this: For all of those Members who forever talk about how families should raise their children, let me just tell them something. I have a grandson who is a whiz, loves the computer, knows it backwards and forwards. I said to my daughter, do not block anything. You tell your son, my grandchild, what he is to do and what he is not to do, and you discipline him if, in fact, he violates the rules of your house.

For those people who want the government to take over the rearing of their children by dictating, by censuring, where is their ability to raise their children? Where is their will to discipline? Where is their desire to have some faith in their ability to instruct, to rear, and provide the kind of parenting that we all need to see in America, rather than thinking somebody else is going to do it for us?

My grandson will not be censured, and guess what? He is going to do what his mama tells him and what his grandmother tells him, and that is what is going to be the order of the day in their house.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from New Jersey (Mr. FRANKS).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 42 printed in part A of House Report 106–186.

AMENDMENT NO. 42 OFFERED BY MR. MCINTOSH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 42 offered by Mr. MCINTOSH:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

TITLE ____—TEACHER LIABILITY PROTECTION

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Teacher Liability Protection Act of 1999''.

SEC. ____02. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain

order, discipline and an appropriate educational environment.

SEC. ___03. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. ___04. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (d).

SEC. ___05. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. ___06. DEFINITIONS.

For purposes of this title:

(1) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term ''harm'' includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term ''noneconomic losses'' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) SCHOOL.—The term ''school'' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term ''teacher'' means a teacher, instructor, principal, administrator, or other educational professional that works in a school, a local school board and any member of such board, and a local educational agency and any employee of such agency.

SEC. ___07. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. MCINTOSH) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I yield myself 3 minutes.

I rise today in strong support of this important school safety amendment, and I am pleased to be joined in by my colleagues, the gentleman from Tennessee (Mr. BRYANT) and the gentleman from Texas (Mr. BRADY) in this effort.

Mr. Chairman, it is apparent from the debate over the last 2 days that many different lessons are being drawn from the recent school shooting tragedies that have staggered our Nation. However, I think there is one lesson that is clear to each and every one of us in this body. America's teachers must be freed up to use and to keep discipline in the classroom.

□ 1830

It is about time that Congress plays its part in protecting our teachers. I have traveled across Indiana and talked to teachers from all parts of that State. They tell me over and over again, they do their job but they do it in fear. They fear physical harm in the classroom from unruly students who may be violent, and educators equally fear lawsuits being brought against them by overzealous trial lawyers, lawsuits filed because a teacher breaks up a fight or because a teacher hugs a child who has fallen on the playground.

In Texas we have a report of a lawsuit of that type. What happened here was a student was throwing fruit in the classroom and being extremely disruptive. The teacher went over to this

young student and repeatedly asked him to stop. That is inappropriate behavior. The student began yelling obscenities, including the F word at the teacher, and continued his behavior.

So the teacher took the student, took him out of the room, took him down to the principal's office for appropriate discipline. Later the student and his family sued that teacher, saying that they had acted inappropriately. This case fortunately was dismissed, but it sent a pall throughout the classrooms in America when teachers can be subject to that type of lawsuit.

Frankly, it is just plain wrong to put our teachers in this predicament. We need to take lawsuits out of the classroom. Teachers should not fear losing their jobs, their livelihood, and their life savings as a result of those types of frivolous lawsuits.

That is why I have joined today with my colleagues to introduce this amendment, which takes an important first step toward protecting our teachers from unfair lawsuits. This amendment provides limited immunity from civil liability for teachers who are attempting to maintain order, control, or discipline in the classroom or in the school. It allows principals and administrators to take charge and provide leadership. It allows them to do so without fear of being subject to a lawsuit because some lawyer sees an opportunity to make a fast buck.

In fact, I want to share with the Members a letter from Bobby Fields, who is a teacher and assistant principal from LaPel High School, in my district. Mr. Fields wrote to me telling me of this real problem. I will quote from his letter:

''In recent years the threat of lawsuits have really hampered my ability to enforce adequate discipline in the classroom.'' We have no discipline in the classroom, and when that happens, there is no learning going on. Perhaps the most important benefit of this amendment is that teachers will be able to teach, not only the subject of the class, but a more general lesson, that there are limits, certain behavior is unacceptable, and that there are consequences when children do something that is wrong.

These more subtle yet very profound lessons will do more to ensure that our young people grow up with the values they need to be responsible. Frankly, I think it will help to ensure that we do not see a future Columbine or Springfield, Oregon, or Paducah, Kentucky.

Let me state emphatically what this amendment does not do. It does not provide protection if the professionals act inappropriately, act illegally, use drugs or are on alcohol. Second, it does not override State laws that provide for greater relief or immunity.

I would also like to remind my colleagues that the Senate passed a nearly identical amendment by voice vote when they addressed this view. So I ask my colleagues today to join me to free teachers from the threat of unnecessary lawsuits. Our teachers need and deserve our help. We can think of many of them who have influenced our lives. Let us give something back to them. Let us give them the freedom to teach again.

I urge my colleagues to vote for this amendment, and am pleased to be here with my colleagues, the gentleman from Tennessee (Mr. BRYANT) and the gentleman from Texas (Mr. BRADY) as cosponsors.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). Is the gentleman from Virginia (Mr. SCOTT) opposed to the amendment?

Mr. SCOTT. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for the time in opposition.

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

Mr. Chairman, this amendment provides that a teacher acting within the scope of his or her employment, acting within conformity with local, State, and Federal laws, rules, and regulations would have immunity. But it seems to me, Mr. Chairman, that they would not need immunity because they would not be liable in that situation.

To the extent that that provision gives comfort and aid to teachers, it would be appropriate. Unfortunately, Mr. Chairman, it does not just provide immunity, it changes the laws on joint and several liability, and provides new standards for punitive damages which are well established in State law.

We ought not be trying to change State law. States have the capability of doing their own laws in liability cases, and we should not be changing them. The joint and several liability and punitive damage issues have been before us on other bills. It just seems to me that this is a matter for States to decide. They have been doing this for hundreds of years, and they can continue.

For that reason, I think the bill is either unnecessary or goes into areas it should not be going into.

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

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

Mr. MCINTOSH. Mr. Chairman, I would like to make the gentleman aware of section B, that gives the States an opt out provision for the entire bill. If they want to pass a different law, they can. So what we are doing really by this amendment is filling in the blanks when the States have not acted to provide that type of relief.

Mr. SCOTT. Reclaiming my time, Mr. Chairman, the States also have the option of passing whatever law they want. They should not have to act because we tell them to act, they ought to be able to act and do what they want to do.

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

Mr. MCINTOSH. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Tennessee (Mr. BRYANT), who is also a cosponsor of this amendment.

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

Mr. BRYANT. Mr. Chairman, I thank my colleague, the gentleman from Indiana, for yielding time to me. I thank my other colleague, the gentleman from Texas (Mr. BRADY) for joining in this amendment.

Mr. Chairman, as I sat here and listened to the debate about what is going on, I hope those that are viewing this debate from the audience can understand that we are about constructing a bill that would be effective in combatting what we see and read about every day in the newspaper and hear about on the radio and television, this culture of violence that we have come into in this country, particularly among our youth.

We are trying to do this as a reaction to an action that we believe has carried this country too far one way. We are reacting bit by bit, piece by piece today, in trying to build a very solid constitutional measure that will give parents and society, schoolteachers, administrators, some ability to react.

We are doing this in a way that we have done because we are listening to the people out there. We are going into the schools and talking to the principals and teachers. That is why we had an amendment just a couple of amendments ago that said we do not want guns in schools, no matter who brings those guns to school. We just had an amendment before this where we said, we do not want all sorts of trash and terrible information coming through the Internet into the schools that we would not let into our own homes.

I was certainly persuaded by the argument of one of my colleagues on the other side from California about how she is a good grandparent and how her daughter is a good parent. It sounds like that is a great situation. I admire that. It is not her grandchild, it is not necessarily my children or anyone else's children here or children of good parents that we worry about, it is those children out there who do not have these positive influences around them, and that yet are subject to these negative influences through the Internet or through whatever source of influence they are subject to.

In the instance of this amendment, it is children who come to school and misbehave in a terrible way, that create an environment in our classroom where nobody can learn; that the teacher feels unsafe, and that the fellow students feel unsafe. When some action is taken, the next thing we know, the people in charge are drug into court to defend themselves over that.

All this bill simply does is establish some parameters, some limited liability for teachers, to give them some confidence, some security that they

need to properly enforce the discipline and keep the order in the classroom which, in the end, everybody wins. So it is for that reason and on that basis and with that logic that I submit that this is good legislation, an amendment that I urge my colleagues to support.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I rise reluctantly in opposition to this amendment offered by my good friend, the gentleman from Indiana (Mr. MCINTOSH).

I have one question I would like to ask the gentleman: Where in the Constitution does the Federal government have the authority to interfere, to govern, to establish rules of civil liability in areas involving local school districts, especially in light of the gentleman's philosophy, which is the same as mine, that the Federal government should stay as far away from local education as possible?

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

Mr. MANZULLO. I yield to the gentleman from Indiana.

Mr. MCINTOSH. Mr. Chairman, I thank the gentleman for yielding. I will give the gentleman a short answer. Essentially I think it comes as an ancillary of our spending programs in the area of education, which this body has decided repeatedly to continue and to amplify. It is not possible for that spending to be wisely spent if we do not have order in the classroom.

As I mentioned, we have been very mindful of the Federalism concern. We have allowed States to opt out if they disagree. We have not preempted when the States had additional protections for the teachers.

Mr. MANZULLO. Reclaiming my time, Mr. Chairman, the fact that the Federal government gives about 6 percent of the total school budget allows the Federal government the authority under the Constitution to establish State rules of tort liability?

The gentleman has not answered my question because there is no answer to it. What we have here is the Federal government, and I think this is a very dangerous piece of legislation, though it is well-intended. If I were a member of the State legislature, I would vote for it. But what this is saying is that Congress knows best; that Congress is here with a great idea on tort liability.

The problem here is every State, including my State of Illinois, has a tort immunity act involving teachers, people working. Every State in this Nation has its own body of laws dealing with State and local governments. What we are doing here is attempting to have a one-size-fits-all plan, though it looks good on its face, imposed upon the States. That sets a very dangerous trend. It is the same trend that we set for voluntary organizations.

I was one of five members, I believe, of this House that voted against that law that imposed a Federal standard on voluntary organizations. This is a usurping of the power of the States to concern and to regulate their own tort laws. I would suggest to my good friend, the gentleman from Indiana, that this is not a conservative measure, this is not an anti-Federalist measure, which goes along with our conservative opinions, but this goes way beyond what our Constitution envisions is the proper role for the Federal government with regard to local State claims.

Mr. MCINTOSH. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I appreciate the comments of the gentleman from Illinois (Mr. MANZULLO). We disagree. I think we have the constitutional power to enact this as a Federal standard, particularly with the safeguards for allowing the States to choose to do otherwise as they see fit.

But I appreciate the gentleman's dedication to that Federalism principle, and reluctantly reach a different conclusion from him. I wanted to say, although we disagree on this, I do appreciate the concern. We have thought a great deal about it.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), my colleague and the other cosponsor of this bill.

Mr. BRADY of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it happens every school day, every afternoon. A mom waits at home, watches nervously for the school bus. Another mom at work keeps looking at the phone, awaiting a phone call. One is hoping her child returns home safely that day. The other breathes a silent sigh of relief when the phone rings and a small voice utters three very magic words, ''I'm home, mom.''

Schools are becoming more and more dangerous. Teachers tell me they do not feel safe in their schools. Too many tell me that they are afraid to discipline unruly students, and for good reason: They may face an expensive and a career-ending frivolous lawsuit by overzealous lawyers.

Worse yet, they stand a good chance of being humiliated again when they are not backed up in their decision for discipline in their school. They are not backed up by principals in school districts who try their best but are intimidated with constant threats of expensive and very unfair litigation.

It is time to take the lawyers out of our classrooms. It is time to shield responsible educators from frivolous lawsuits so our children have a safe school we can learn in. Responsible teachers should not be afraid of violent bullies with intimidating attorneys.

I will tell the Members what, when we maintain order in the classroom, the first call a teacher makes should not be to her attorney, it ought to be the parents that of that unruly student. School boards should not have to choose between doing what is right for their kids or risking their local tax dollars to fight an empty, frivolous lawsuit where even if they win, the children lose.

□ 1845

This measure shields educators when they do the right thing to maintain order. Some States have recognized the role discipline plays. They have passed some laws, but most have not. We need to shield, and what this does is it ensures that each State can adopt this law, opt out or choose whatever version they feel safe with, but we are going to shield our educators.

So who opposes restoring order and discipline to our schools? The same people who believe that when a burglar breaks into someone's home, slips and falls, he ought to be able to sue; the same person who says a Good Samaritan who races to the aid of a stranger and things do not turn out perfectly, he ought to have a right to take everything they possess.

It is those who place the rights of the destructive student who does not want to learn over the rights of the good kids who do want to learn. The teacher liability protection amendment by the gentleman from Indiana (Mr. MCINTOSH) and the gentleman from Tennessee (Mr. BRYANT) offers a clear choice: good kids, responsible teachers and safe schools versus violent bullies and their reckless attorneys.

I choose the children.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, the solution that is being proposed here in this amendment is far-reaching. I do not think any parent in America would like to give immunity to all of the school personnel and send their kids off to school with personnel that may or may not go beyond their duties in disciplining.

Now, if there is a student that is acting out in the ways that have been described, no teacher should have the responsibility of disciplining a violent student. That teacher should be able to call the appropriate persons and have that student removed. Do not put the teacher in the position of limiting liability, or eliminating liability, so that they are responsible for handling or taking care of a violent student. They should not have to do that under any circumstances.

So as my colleagues reach into the States to dictate to the States and to the school districts how they should handle violent students, they really are doing violence to the Constitution of the United States of America, and that should not be done.

As a matter of fact, it is safer for the students and the families to have the liability responsibilities, and it is safer for the teachers not to have to confront it. I would ask that my colleagues vote no on this amendment.

In closing, let me just say, if anyone knows of a teacher who was acting

within their framework for doing their job and they have been sued and they have to pay out of their own pockets, tell them to see me. I am not a lawyer and I will get their money back for them.

Mr. MCINTOSH. Mr. Chairman, may I inquire how much time is remaining in the debate?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Indiana (Mr. MCINTOSH) has 4½ minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 8½ minutes remaining.

Mr. MCINTOSH. Mr. Chairman, I yield 2½ minutes to my colleague, the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in full support of the McIntosh amendment. The value and overwhelming good that will amount from this amendment certainly justifies its approval here now.

I have met with teachers in my Congressional district in Florida and have listened carefully to what problems they have in their classrooms. In fact, my mother was a teacher, so I am very aware of how important this amendment is for teachers and other educational professionals.

They must be empowered to assume full leadership in the classroom, without the anxiety of facing frivolous lawsuits.

The McIntosh amendment protects our teachers from just that: excessive and frivolous lawsuits. There is absolutely no reason why our public school teachers should walk into their classrooms day after day and fear lawsuits, all because they are exercising their right, in fact their duty, to maintain order and discipline in their classrooms.

The idea that teachers in my district are even restrained from exercising authority over students, better yet unruly and disruptive students, is an outrage. Our teachers should be empowered to maintain control of the classroom, without fearing the backlash of liability lawsuits.

This amendment will help protect the majority of students and it will enhance the learning environment. The McIntosh amendment is carefully crafted to protect our teachers from lawsuits when they are taking steps to maintain order in the classroom. It creates a standard for education professionals by giving them limited immunity from civil liability.

Now we are not talking about protecting teachers when they are part of a criminal activity or violations of State or Federal civil rights laws. I am talking about when a teacher is unable to take necessary disciplinary action against an unruly student just because they are nervous or fearful about a potential lawsuit from parents or overzealous attorneys.

Mr. Chairman, we need to pass this amendment, and I want to conclude by pointing out that this amendment does not preempt State laws when those State laws provide the teachers with greater liability protections than the language in this amendment. It sets a minimum standard, and I believe this is an appropriate action for us. I encourage its approval.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I would like to ask the gentleman from Indiana (Mr. MCINTOSH) what percentage of teachers have been sued under the conditions that he has described in the last 5 years?

Mr. MCINTOSH. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Indiana.

Mr. MCINTOSH. There have not been a large percentage of teachers who have been sued, but what we have seen——

Ms. WATERS. Reclaiming my time.

Mr. MCINTOSH. Well, the gentlewoman only let me answer half of the question.

Ms. WATERS. Reclaiming my time, the gentleman said he does not know, and there has not been a large percentage. I am sorry, that is precisely what I needed to know.

Secondly, what teachers does the gentleman know that have been sued that have not had their defense paid for by the school district or the State in which the suit took place?

Mr. MCINTOSH. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Indiana.

Mr. MCINTOSH. By the way, there has been a 200 percent increase in lawsuits involving teachers in the last decade, which is to me phenomenal.

Ms. WATERS. Does that mean that there are 4 instead of 2?

Mr. MCINTOSH. Those teachers who are sued are the ones that ultimately risk having to defend themselves because the State is not required in every circumstance to defend them. Plus, there are memos going out to teachers that say do not touch the children; do not hug them if they fall down on the playground because they might get sued and the school might have to take taxpayer money to defend them.

Ms. WATERS. Reclaiming my time, the gentleman has just admitted that, number one, they do not have any data. They do not have any information that shows that there is a rash or increase in lawsuits. There is not that information available; he is absolutely correct. It is minuscule. That is number one.

Number two, the gentleman is not able to represent that anybody that may have been sued, and the few that may have taken place, have not been protected by their school districts or their States. They do not know of anybody who are out-of-pocket because they have been sued, they have been ruined because they have been sued.

This is a fallacious argument. It is one that does not deserve the attention of this floor. I would ask my colleagues to disregard it and vote no.

Mr. MCINTOSH. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), who I understand will give a real-life circumstance in which these lawsuits are wreaking devastating havoc upon the school system in his State.

Mr. CUNNINGHAM. Mr. Chairman, I would appeal to my good friend, the gentleman from Virginia (Mr. SCOTT), who has always been fair, and say that in San Diego our new superintendent is Alan Bersin. He was a Clinton appointee, prior on the border. I have met with him many times and his number one problem is the IDEA program. The lawyers are suing the teachers, and most of this was happening before Secretary Riley, who is a good friend, put out the guidelines for IDEA.

It is not just that they are getting sued. We are losing good teachers. All they had to do is help special education children, but yet because of the cottage organizations and the lawsuits and them having to go before the courts, we are losing good teachers.

This is an area where my friend and I and the committee should work together to protect those teachers, because they are going through tremendous harassment. It is a difficult environment in the first place and when they are subjected to those kinds of ridicule and abuse by lawyers in the field, I would give the gentleman Alan Bersin's phone number and let him talk to the gentleman.

Mr. MCINTOSH. Mr. Chairman, am I correct that I have 1 remaining minute?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. MCINTOSH. Mr. Chairman, I yield myself the remaining 1 minute.

Mr. Chairman, let me close on our side and say simply, I would ask my colleagues to think about in their own lives, the 2 or 3 people, other than their family members, who have influenced them the most. I will bet in almost every case they will think of a teacher.

Now, think about that teacher who is subject to a chilling effect of being threatened with a lawsuit and had to hold back and could not motivate them, could not challenge them to do the best in school, could not have inspired them to go on and be successful and be men and women who represent the United States in this body of Congress. That is what we have to put an end to, that chilling effect that these lawsuits are causing, that does not allow the teachers to inspire our children to be the next generation of leaders, of Congressmen and Congresswomen.

I urge all of my colleagues to vote yes on this amendment so we may free up the teachers to be a great influence in the next generation of Americans.

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

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

Mr. Chairman, the problem with this amendment is we have not had any

hearings. This has profound educational implications; no hearings in the Committee on Education and the Workforce. Profound litigation implications; no hearings in the Committee on the Judiciary. So it sounds good. It might be a good idea; it might not. We do not know because we have not had any hearings. We do not have any concrete evidence of the experience across the country with hundreds of thousands of teachers.

How many have been sued? What were the conditions? Who had to pay? We do not know.

We have constitutional implications, and whether or not we have the authority to impose this situation on the States, we have not had an opportunity to consider that. There are significant and profound changes in the law in terms of punitive damages, and the burden of proof, joint and several liability. The preponderance of the evidence, the burden of proof that is needed. We have not had the opportunity to propose amendments to clarify which might be good ideas and which may not. We do not know.

Mr. Chairman, with all the unanswered questions, I think we would be ill-advised to adopt this amendment. We should vote no and have hearings, and if it is a good idea it will survive the normal legislative process.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH) will be postponed.

It is now in order to consider amendment 43 printed in part A of House Report 106–186.

AMENDMENT NO. 43 OFFERED BY MR. SCHAFFER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 43 offered by Mr. SCHAFFER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. EVALUATION BY GENERAL ACCOUNTING OFFICE.

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

(1) The outcome and results of the programs carried out by the Office of Juvenile Justice and Delinquency Prevention and those administered –through grants by Office of Juvenile Justice and Delinquency Prevention.

(2) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Pub. Law 103-62; 107 Stat. 285).

(3) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(4) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(5) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(6) Whether less restrictive or alternative methods exists to carry out the functions of the agency. Whether present functions or operations are impeded or enhanced by existing, statutes, rules, and procedures.

(7) The number and types of beneficiaries or persons served by programs carried out under the Act.

(8) The extent to which any trends or emerging conditions that are likely to affect the future nature and the extent of the problems or needs the programs carried out by the Act are intended to address.

(9) The manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency.

(10) Whether the agency has worked to enact changes in the law intended to benefit the public as a whole rather than the specific businesses, institutions, or individuals the agency regulates or funds.

(11) The extent to which the agency grants have encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(12) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(13) The impact of any regulatory, privacy, and paperwork concerns resulting from the programs carried out by the agency.

(14) The extent to which the agency has coordinated with state and local governments in performing the functions of the agency.

(15) Whether greater oversight is needed of programs developed with grants made by the Office of Juvenile Justice and Delinquency Prevention.

(16) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(b) REPORT.—The report required by subsection (a) shall—

(1) include recommendations for legislative changes, as appropriate, based on the evaluation conducted under subsection (a), to be made to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), and

(2) shall be submitted, together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and made available to the public, not later than October 1, 2003.

SEC. 4. CONTINGENT WIND-DOWN AND REPEAL OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

If funds are not authorized before October 1, 2004, to be appropriated to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611–5676) for fiscal year 2005, then—

(1) effective October 1, 2004—

(A) sections 205, 206, and 299, and

(B) parts B, C, D, E, F, G, H, and I,

of the Juvenile Justice and Delinquency Prevention Act of 1974 are repealed, and

(2) effective October 1, 2005—

(A) the 1st section, and

(B) titles I and II,

of the Juvenile Justice and Delinquency Prevention Act of 1974 are repealed.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Colorado (Mr. SCHAFFER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. SCHAFFER).

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

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

Mr. Chairman, I am truly moved by Members here who have participated in the debate over the last couple of days on youth violence and juvenile crime prevention. I am persuaded by the arguments by all individuals who have come to the floor that we all care deeply about youth violence and wish to sincerely see a resolution to the crisis that confronts the country, and warrants our attention.

□ 1900

We focused a lot on all of the amendments, amendments of all sorts. But I am here to remind the Members that there is an underlying bill that compels us to come here on the floor in the first place, and that is a reauthorization process in which we are scheduled to consider in ordinary fashion the continuation of existing programs that are already on the book.

The purpose of my amendment, Mr. Chairman, is to ask Members to consider the $4.5 billion that is spent on various juvenile justice programs and youth crime prevention programs presently under current law and ask the question, the most fundamental question, I believe, in all of this debate, is the money we are already spending being spent in a way that yields real results?

Just a month or so ago, the Justice Department appeared before one of the education subcommittees and offered in the course of their testimony this report, this report published by the Center for the Study and Prevention of Violence. The report, when I took a look at it, has some pretty scathing comments that suggests that the amendment I offer here today is something we ought to adopt.

I am quoting from the report, ''To date, most of the resources committed

to the prevention and control of youth violence, at both the national and local levels, has been invested in untested programs based on questionable assumptions and delivered with little consistency or quality control. Further, the vast majority of these programs are not being evaluated. This means we will never know which (if any) of them have had some significant deterrent effect; we will learn nothing from our investment in these programs to improve our understanding of the causes of violence or to guide our future efforts to deter violence; and there will be no real accountability for the expenditures of scarce community resources. Worse yet, some of the most popular programs have actually been demonstrated in careful scientific studies to be ineffective, and yet we continue to invest huge sums of money in them for largely political reasons.''

The amendment I offer, Mr. Chairman, is one that proposes a comprehensive review by the Government Accounting Office, asking several specific questions about the performance of the programs we adopt today by amendment and those we renew by reauthorization in the underlying bills.

Finally, it sets up a mechanism whereby this Congress must act affirmatively in its next reauthorization process in order for these programs to be continued; and that decision would, of course, be made based on the results of the report that is rendered and submitted to Congress.

That, Mr. Chairman, is the amendment, and I urge its adoption.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). Does the gentleman from Virginia (Mr. SCOTT) claim the time in opposition to the amendment?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

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

Mr. Chairman, I want to commend the gentleman from Colorado (Mr. SCHAFFER) for offering studies. We do not have enough studies. We end up doing a lot of things that we ought not do because we do not know what we are talking about. We think things on the fly, like we have been taking a lot of these amendments. So more study, we cannot be hurt by more studies.

The problem with this amendment, however, Mr. Chairman, is the sunset provision, because not only would it sunset some funding, it would sunset some protection for juveniles if we are late in reauthorizing the bill 4 years from now. We are always late in reauthorizing it.

Therefore, Mr. Chairman, we ought not have the sunset provision in there. For that reason, I oppose the amendment.

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

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

Mr. Chairman, the sunset provision is an essential part. I am persuaded by the abundance of compassion and concern for youth violence exhibited on the floor here today that, in 2004, when it is time for Congress to reauthorize these programs again under the mechanism and vision in this amendment, that those programs which truly result in beneficial outcomes for our Nation's youth will, in fact, be reauthorized and renewed.

So I am banking on the success of the programs proposed and believe this Congress will act responsibly at that point in time.

To fail to enact that portion of the amendment would simply allow the current mechanism that allows these programs to run on and on and on without any accountability or without any real challenge as to the efficiency of the dollars spent. Four and a half billion is a lot of money. I think we ought to make sure that these dollars actually work.

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

Mr. SCOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I appreciate the amendment that the gentleman from Colorado (Mr. SCHAFFER) is offering. I would hope that it would not be necessary, and maybe he can withdraw it.

I say it for this reason. The study that he cites from the Center on the Prevention of Violence, and I think it is actually in Denver, Colorado, has gone through a number of these programs that we have authorized and appropriated money for over the last several years.

I think the study draws the right conclusions. We are spending a lot of money on a lot of programs that have not been properly tested, that politically are quite popular.

The DARE program, every politician, every police department loves it, it just does not happen to do much good. In fact, I think the Center for the Study of Violence found that it was probably, in many cases, at the lower grades counterproductive. Either it kind of made icons out of some drug dealers, or the kids could not assimilate the information.

Because of the Center study, DARE is now being reformulated and, apparently with some success, being offered in the middle school as opposed to with very young children.

I do not think we need the GAO. I think what we need is, when the appropriations bill comes to this floor later this year, we ought to ask whether or not there is any proof of efficacy of some of the programs.

Now, a lot of our colleagues are going to get upset about that, but we should forget the GAO, do not pay for the GAO, take that study the gentleman from Colorado has in his hand, and what he will find out is, when he is talking about youth violence and he is really talking about the problems of serious delinquency and chronic delinquency, there is probably about four or five programs in the Nation that are really doing this in a comprehensive fashion.

Most of them are things that politicians do not want to hear about. They are dealing with very young children in a very comprehensive fashion who have very serious problems. But in some cases, it is 7, 8, 10 percent of the kids who are 61 percent of the crimes; in other words, 20 percent of the kids are 70 percent of the crimes.

So we are able to identify many of these kids, but when we do, it requires the kind of help that most politicians do not want to deliver. They would rather cut a ribbon. They would rather have a grant. They would rather lean on our appropriators to fund these programs.

But as the Center properly points out, in most cases, these are not terribly effective programs. For this kind of money, the taxpayers ought to get a bigger bang for the buck.

I would hope that the gentleman from Colorado (Mr. SCHAFFER) would withdraw his amendment, but I think he raises a very important point. I am concerned about the sunset, because the unintended consequences of Congress, as the gentleman knows, can be rather dramatic.

I think that we ought to make sure, and I know that the gentleman knows we did this with some of the education programs, we want nationally tested, effective programs, and that is what we ought to be funding and not every pilot program that walks through the door that politically sounds great because it involves the police department or involves somebody else, but has no effect in terms of the outcomes of violence.

So I would oppose the amendment if the gentleman continues, but I would hope that, instead of spending money on a GAO study, we take the work of the National Center and put it up against the appropriations process and then ask our colleagues, is this what they really want to spend money on? I think they would have trouble answering, in light of that study and other studies that the Center has sponsored, answering in the affirmative if they really want to deal with the problems of youth violence.

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

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

Mr. Chairman, let me read one more passage from the report that we have been talking about today. ''When rigorous evaluations have been conducted, they often reveal that such programs are ineffective and can even make matters worse.''

That is the underlying motivation for this amendment. It gives the Congress in the year 2000 substantial leverage to do a better job of evaluating these programs and making sure that the $2.4 billion spread across 117 different programs and 15 different agencies actually help children.

This is, in my opinion, the most important and the best thing we can do in this whole entire debate, to make sure the money we are spending actually works.

Mr. Chairman, I include for the RECORD the summary of the Center for the Study and Prevention of Violence, as follows:

EDITOR'S INTRODUCTION

INTRODUCTION

The demand for effective violence and crime prevention programs has never been greater. As our communities struggle to deal with the violence epidemic of the 1990s in which we have seen the juvenile homicide rate double and arrests for serious violent crimes increase 50 percent between 1984 and 1994,[1] the search for some effective ways to prevent this carnage and self-destructiveness has become a top national priority. To date, most of the resources committed to the prevention and control of youth violence, at both the national and local levels, has been invested in untested programs based on questionable assumptions and delivered with little consistency or quality control. Further, the vast majority of these programs are not being evaluated. This means we will never know which (if any) of them have had some significant deterrent effect; we will learn nothing from our investment in these programs to improve our understanding of the causes of violence or to guide our future efforts to deter violence; and there will be no real accountability for the expenditures of scarce community resources. Worse yet, some of the most popular programs have actually been demonstrated in careful scientific studies to be ineffective, and yet we continue to invest huge sums of money in them for largely political reasons.

There are several reasons for this situation. First, there is little political or even program support for evaluation. Federal and state violence prevention initiatives rarely allocate additional evaluation dollars for the programs they fund. Given that the investment in such programs is relatively low, it is argued that every dollar available should go to the delivery of program services, i.e., to helping youth avoid involvement in violent or criminal behavior. Further, the cost of conducting a careful outcome evaluation is prohibitive for most individual programs, exceeding their entire annual budget in many cases. Finally, many program developers believe they know intuitively that their programs work, and thus they do not think a rigorous evaluation is required to demonstrate this.

Unfortunately, this view and policy is very shortsighted. When rigorous evaluations have been conducted, they often reveal that such programs are ineffective and can even make matters worse.[2] Indeed, many programs fail to even address the underlying causes of violence, involve simplistic ''silver bullet'' assumptions (e.g., I once had a counselor tell me there wasn't a single delinquent youth he couldn't ''turn around'' with an hour of individual counseling), and allocate investments of time and resources that are far too small to counter the years of exposure to negative influences of the family, neighborhood, peer group, and the media. Violent behavior is a complex behavior pattern which involves both individual dispositions and social contexts in which violence is normative and rewarded. Most violence prevention programs focus only on the individual dispositions and fail to address the reinforcements for violence in the social contexts where youth live, with the result that positive changes in the individual's behavior achieved in the treatment setting are quickly lost when the youth returns home to his or her family, neighborhood, and old friends.

Progress in our ability to effectively prevent and control violence requires evaluation. A responsible accounting to the taxpayers, private foundations, or businesses funding these programs requires that we justify these expenditures with tangible results. No respectable business or corporation would invest millions of dollars in an enterprise without checking to see if it is profitable. Our failure to provide this type of evidence has seriously undermined the public confidence in prevention efforts generally, and is at least partly responsible for the current public support for building more prisons and incapacitating youth—the public knows they are receiving some protection for this expenditure, even if it is temporary.

The prospects for effective prevention programs and a national prevention initiative have improved greatly during the past decade. We now have a substantial body of research on the causes and correlates of crime and violence. There is general consensus within the research community about the specific individual dispositions, contextual (family, school, neighborhood, and peer group) conditions, and interaction dynamics which lead to involvement in violent behavior. These characteristics, which have been linked to the onset, continuity, and termination of violence, are commonly referred to as ''risk'' and ''protective'' factors for violence. Risk factors are those personal attributes and contextual conditions which increase the likelihood of violence. Protective factors are those which reduce the likelihood of violence, either directly or by virtue of buffering the individual from the negative effects of risk factors.[3] Programs which can alter these conditions, reducing or eliminating risk factors and facilitating protective factors, offer the most promise as violence prevention programs.

While our evaluation of these programs is quite limited, we have succeeded in demonstrating that some of these programs are effective in deterring crime and violence. This breakthrough in prevention programming has yet to be reflected in national or state funding decisions, and is admittedly but a beginning point for developing the comprehensive set of prevention programs necessary for developing a national prevention initiative.

Each of these proven programs is described in this series of Blueprints for Violence Prevention. To date, we have identified ten such programs. These Blueprints (which will be described later in this Editor's Introduction) are designed to be practical documents which will allow interested persons, agencies, and communities to make an informed judgment about a program's appropriateness for their local situation, needs, and available resources.

BACKGROUND

The violence epidemic of the 1990s produced a dramatic shift in the public's perception of the seriousness of violence. In 1982, only three percent of adults identified crime and violence as the most important problem facing this country; by August of 1994, more than half thought crime and violence was the nation's most important problem. Throughout the '90s violence has been indicated as a more serious problem than the high cost of living, unemployment, poverty and homelessness, and health care. Again, in 1994, violence (together with a lack of discipline) was identified as the ''biggest problem'' facing the nation's public schools.[4] Among America's high school seniors, violence is the problem these young people worry about most frequently—more than drug abuse, economic problems, poverty, race relations, or nuclear war.[5]

The critical question is, ''How will we as a society deal with this violence problem?'' Government policies at all levels reflect a punitive, legalistic approach, an approach which does have broad public support. At both the national and state levels, there have been four major policy and program initiatives introduced as violence prevention or control strategies in the 1990s: (1) the use of judicial waivers, transferring violent juvenile offenders as young as age ten into the adult justice system for trial, sentencing, and adult prison terms; (2) legislating new gun control policies (e.g., the Brady Handgun Violence Prevention Act, 1993); (3) the creation of ''boot camps'' or shock incarceration programs for young offenders, in order to instill discipline and respect for authority; and (4) community policing initiatives to create police-community partnerships aimed at more efficient community problem solving in dealing with crime, violence, and drug abuse.

Two of these initiatives are purely reactive: they involve ways of responding to violent acts after they occur; two are more preventive in nature, attempting to prevent the initial occurrence of violent behavior. The primary justification for judicial waivers and boot camps is a ''just desserts'' philosophy, wherein youthful offenders need to be punished more severely for serious violent offenses. But there is no research evidence to suggest either strategy has any increased deterrent effect over processing these juveniles in the juvenile justice system or in traditional correctional settings. In fact, although the evidence is limited, it suggests the use of waivers and adult prisons results in longer processing time and longer pretrial detention, racial bias in the decision about which youth to transfer into the adult system, a lower probability of treatment or remediation while in custody, and an increased risk of repeated offending when released.[6] The research evidence on the effectiveness of community policing and gun control legislation is very limited and inconclusive. We have yet to determine if these strategies are effective in preventing violent behavior.

There are some genuine prevention efforts sponsored by federal and state governments, by private foundations, and by private businesses. At the federal level, the major initiative involves the Safe and Drug-Free Schools and Communities Act (1994). This act provided $630 million in federal grants during 1995 to the states to implement violence (and drug) prevention programs in and around schools. State Departments of Education and local school districts are currently developing guidelines and searching for violence prevention programs demonstrated to be effective. But there is no readily available compendium of effective programs described in sufficient detail to allow for an informed judgment about their relevance and cost for a specific local application. Under pressure to do something, schools have implemented whatever programs were readily available. As a result, most of the violence prevention programs currently being employed in the schools, e.g., conflict resolution, peer mediation, individual counseling, metal detectors, and locker searchers and sweeps have either not been evaluated or the evaluations

Footnotes at end of article.

have failed to establish any significant, sustained deterrent effects.[7]

Nationally, we are investing far more resources in building and maintaining prisons than in primary prevention programs.[8] We have put more emphasis on reacting to violent offenders after the fact and investing in prisons to remove them from our communities, than on preventing our children from becoming violent offenders in the first place and retaining them in our communities as responsible, productive citizens. Of course, if we have no effective prevention strategies or programs, there is no choice.

This is the central issue facing the nation in 1997: Can we prevent the onset of serious violent behavior? If we cannot, then we have no choice but to build, fill, and maintain more prisons. Yet if we know how to prevent the onset of violence, can we mount an efficient and effective prevention initiative? There is, in fact, considerable public support for violence prevention programming for our children and adolescents.[9] How can we develop, promote, and sustain a violence prevention initiative in this country?

VIOLENCE PREVENTION PROGRAMS—WHAT WORKS?

Fortunately, we are past the ''nothing has been demonstrated to work'' era of program evaluation.[10] During the past five years more than a dozen scholarly reviews of delinquency, drug, and violence prevention programs have been published, all of which identify programs they claim have been successful in deterring crime and violence.[11]

However, a careful review of these reports suggests some caution and a danger of overstating the claim that research has demonstrated the effectiveness of many different violence or delinquency prevention programs. First, very few of these recommended programs involve reductions in violent behavior as the outcome criteria. For the most part, reductions in delinquent behavior or drug use in general or arrests/revocations for any offense have been used as the outcome criteria. This is probably not a serious threat to the claim that we have identified effective violence prevention programs, as research has established that delinquent acts, violence, and substance use are interrelated and involvement in any one is associated with involvement in the others. Further, they have a common set of causes, and serious forms of violence typically occur later in the developmental progression, suggesting that a program that is effective in reducing earlier forms of delinquency or drug use should be effective in deterring serious violent offending.[12] Still, some caution is required, given that very few studies have actually demonstrated a deterrent or marginal deterrent effect for serious violent behavior.

Second, the methodological standards vary greatly across these reviews. A few actually score each program evaluation reviewed on its methodological rigor,[13] but for most the standards are variable and seldom made explicit. If the judgment on effectiveness were restricted to individual program evaluations employing true experimental designs and demonstrating statistically significant deterrent (or marginal deterrent) effects, the number of recommended programs would be cut by two-thirds or more. An experimental (or good quasi-experimental) design and statistically significant results should be minimum criteria for recommending program effectiveness. Further, very few of the programs recommended have been replicated at multiple sites or demonstrated that their deterrent effect has been sustained for some period of time after leaving the program, two additional criteria that are important. In a word, the standard for the claims of program effectiveness in these reviews is very low. Building a national violence prevention initiative on this collective set of recommended programs would be very risky indeed.

BLUEPRINTS FOR VIOLENCE PREVENTION

In 1996, the Center for the Study and Prevention of Violence at the University of Colorado at Boulder, working with William Woodward, Director of the Colorado Division of Criminal Justice (CDCJ), who played the primary role in securing funding from the Colorado Division of Criminal Justice, the Centers of Disease Control and Prevention, and the Pennsylvania Council on Crime and Delinquency, initiated a project to identify ten violence prevention programs that met a very high scientific standard of program effectiveness—programs that could provide an initial nucleus for a national violence prevention initiative. Our objective was to identify truly outstanding programs, and to describe these interventions in a series of ''Blueprints.'' Each Blueprint describes the theoretical rationale for the intervention, the core components of the program as implemented, the evaluation designs and findings, and the practical experiences the program staff encountered while implementing the program at multiple sites. The Blueprints are designed to be very practical descriptions of effective programs which allow states, communities, and individual agencies to: (1) determine the appropriateness of each intervention for their state, community, or agency; (2) provide a realistic cost estimate for each intervention; (3) provide an assessment of the organizational capacity required to ensure its successful start-up and operation over time; and (4) give some indication of the potential barriers and obstacles that might be encountered when attempting to implement each type of intervention. In 1997, additional funding was obtained from the Division of Criminal Justice, allowing for the development of the ten Blueprint programs.

BLUEPRINT PROGRAM SELECTION CRITERIA

In consultation with a distinguished Advisory Board,[14] we established the following set of evaluation standards for the selection of Blueprint programs: (1) an experimental design, (2) evidence of a statistically significant deterrent (or marginal deterrent) effect, (3) replication at multiple sites with demonstrated effects, and (4) evidence that the deterrent effect was sustained for at least one year post-treatment. This set of selection criteria establishes a very high standard; one that proved difficult to meet. But it reflects the level of confidence necessary if we are going to recommend that communities replicate these programs with reasonable assurances that they will prevent violence. Given the high standards set for program selection, the burden for communities mounting an expensive outcome evaluation to demonstrate their effectiveness is removed; this claim can be made as long as the program is implemented well. Demonstrating in a process evaluation that a program is implemented well is relatively inexpensive, but critical to the claim that a program known to be effective is having some deterrent effect.

Each of the four evaluation standards is described in more detail as follows:

1. Strong Research Design

Experimental designs with random assignment provide the greatest level of confidence in evaluation findings, and this is the type of design required to fully meet this Blueprint standard. Two other design elements are also considered essential for the judgment that the evaluation employed a strong research design: low rates of participant attrition and adequate measurement. Attrition may be indicative of problems in program implementation; it can compromise the integrity of the randomization process and the claim of experimental-control group equivalence. Measurement issues include the reliability and validity of study measures, including the outcome measure, and the quality, consistency, and timing of their administration to program participants.

2. Evidence of Significant Deterrence Effects

This is an obvious minimal criterion for claiming program effectiveness. As noted, relatively few programs have demonstrated effectiveness in reducing the onset, prevalence, or individual offend-ing rates of violent behavior. We have accepted evidence of deterrent effects for delinquency (including childhood aggression and conduct disorder), drug use, and/or violence as evidence of program effectiveness. We also accepted program evaluations using arrests as the outcome measure. Evidence for a deterrent effect on violent behavior is certainly preferable, and programs demonstrating this effect were given preference in selection, all other criteria being equal.

Both primary and secondary prevention effects, i.e., reductions in the onset of violence, delinquency, or drug use compared to control groups and pre-post reductions in these offending rates, could meet this criterion. Demonstrated changes in the targeted risk and protective factors, in the absence of any evidence of changes in delinquency, drug use, or violence, was not considered adequate to meet this criterion.

3. Sustained Effects

Many programs have demonstrated initial success in deterring delinquency, drug use, and violence during the course of treatment or over the period during which the intervention was being delivered and reinforcements controlled. This selection criterion requires that these short-term effects be sustained beyond treatment or participation in the designed intervention. For example, if a preschool program designed to offset the effects of poverty on school performance (which in turn effects school bonding, present and future opportunities, and later peer group choice/selection, which in turn predicts delinquency) demonstrates its effectiveness when children start school, but these effects are quickly lost during the first two to three years of school, there is little reason to expect this program will prevent the onset of violence during the junior or senior high school years when the risk of onset is at its peak. Unfortunately, there is clear evidence that the deterrent effects of most prevention programs deteriorate quickly once youth leave the program and return to their original neighborhoods, families, and peer groups (e.g., gangs).

4. Multiple Site Replication

Replication is an important element in establishing program effectiveness. It establishes the robustness of the program and its prevention effects; it exportability to new sites. This criterion is particularly relevant for selecting Blueprint programs for a national prevention initiative where it is no longer possible for a single program designer to maintain personal control over the implementation of his or her program. Adequate procedures for monitoring the quality of implementation must be in place, and this can be established only through actual experience with replications.

Other Criteria

In the selection of model programs, we considered several additional factors. We looked for evidence that change in the targeted risk or protective factor(s) mediated the change in violent behavior. This evidence clearly strengthens the claim that participation in the program was responsible for

the change in violent behavior, and it contributes to our theoretical understanding of the casual processes involved. We were surprised to discover that many programs reporting significant deterrent effects (main effects) had not collected the necessary data to do this analysis or, if they had the necessary data, had not reported on this analysis.

We also looked for cost data for each program as this is a critical element in any decision to replicate one of these Blueprint programs, and we wanted to include this information in each Blueprint. Evaluation reports, particularly those found in the professional journals, rarely report program costs. Even when asked to provide this information, many programs are unable (or unwilling) to provide the data. In many cases program costs are difficult to separate from research and evaluation costs. Further, when these data are available, they typically involve conditions or circumstances unique to a particular site and are difficult to generalize. There are no standardized cost criteria and it is very difficult to compare costs across programs. It is even more difficult to obtain reliable cost-benefit estimates. A few programs did report both program costs and cost-benefit estimates.

Finally, we considered each program's willingness to work with the Center in developing a Blue-print for national dissemination and the program's organizational capacity to provide technical assistance and monitoring of program implementation on the scale that would be required if the program was selected as a Blueprint program and became part of a national violence prevention initiative.

Programs must be willing to work with the Center in the development of the Blueprint. This involves a rigorous review of program evaluations with questions about details not covered in the available publications; the preparation of a draft Blueprint document following a standardized outline; attending a conference with program staff, staff from replication sites, and Center staff to review the draft document; and making revisions to the document as requested by Center staff. Each Blueprint is further reviewed at a second conference in which potential users—community development groups, prevention program staffs, agency heads, legislators, and private foundations—''field test'' the document. They read each Blueprint document carefully and report on any difficulties in understanding what the program requires, and on what additional information they would like to have if they were making a decision to replicate the program. Based on this second conference, final revisions are made to the Blueprint document and it is sent back to the Program designer for final approval.

In addition, the Center will be offering technical assistance to sites interested in replicating a Blueprint program and will be monitoring the quality of program implementation at these sites (see the ''Technical Assistance and Monitoring of Blueprint Replications'' section below). This requires that each selected program work with the Center in screening potential replication sites, certifying persons qualified to deliver technical assistance for their program, delivering high quality technical assistance, and cooperating with the Center's monitoring and evaluation of the technical assistance delivered and the quality of implementation achieved at each replication site. Some programs are already organized and equipped to do this, with formal written guidelines for implementation, training manuals, instruments for monitoring implementation quality, and a staff trained to provide technical assistance; others have few or none of these resources or capabilities. Participation in the Blueprint project clearly involves a substantial demand on the programs. To date, all ten programs selected have agreed to participate as a Blueprint program.

BLUEPRINT PROGRAMS: AN OVERVIEW

We began our search for Blueprint programs by examining the set of programs recommended in scholarly reviews. We have since expanded our search to a much broader set of programs and continue to look for programs that meet the selection standards set forth previously. To date, we have reviewed more than 400 delinquency, drug, and violence prevention programs. As noted, ten programs have been selected thus far, based upon a review and recommendation of the Advisory Board. These programs are identified in Table A.

The standard we have set for program selection is very high. Not all of the ten programs selected meet all of the four individual standards, but as a group they come the closest to meeting these standards

TABLE A.—BLUEPRINT PROGRAMS

PROJECT	TARGET POPULATION	EVID. OF EFFECT	MULTISITE	COST/BENEFIT	SUSTAINED EFFECT	GENERALIZABLE	TYPE OF PROGRAM
Nurse Home Visitation (Dr. David Olds).	Pregnant women at risk of preterm delivery and low birth weight infant.	X	Current replication in Denver and Memphis.	X	Through age 15	X	Prenatal and postpartum nurse home visitation.
Bullying Prevention Program (Dr. Dan Olueus).	Primary and secondary school children (universal intervention).	X	England and Canada; South Carolina.		2 years post-treatment.	Generality to US unknown; initial S.C. results positive.	School anti-bullying program to reduce victim/bully problems.
Promoting Alternative Thinking Strategies (Dr. Mark Greenberg).	Primary school children (universal intervention).	X	X		2 years post-treatment.	X	School-based program designed to promote emotional competence.
Big Brothers Big Sisters of America (Ms. Dagmar McGill).	Youth 6 to 18 years of age from single parent homes.	X	Multisite Single Design, 8 sites.			X	Mentoring program.
Quanturn Opportunities (Mr. Ben Latimore).	At-risk, disadvantaged, high school students.	X	Multisite Single Design, 5 sites; current replication by Dept. of Labor.	X	Age 20		Educational incentives.
Multisystemic Therapy (Dr. Scott Henggeler).	Serious, violent, or substance abusing juvenile offenders and their families.	X	X	X	4 years post-treatment.	X	Family ecological systems approach.
Functional Family Therapy (Dr. Jim Alexander).	At-risk, disadvantaged, adjudicated youth.	X	X	X	30 months post-treatment.	Status and hard-core delinquents.	Behavioral systems family therapy.

TABLE A.—BLUEPRINT PROGRAMS—Continued

PROJECT	TARGET POPULATION	EVID. OF EFFECT	MULTISITE	COST/BENEFIT	SUSTAINED EFFECT	GENERALIZABLE	TYPE OF PROGRAM
Midwestern Prevention Project (Dr. Mary Ann Pentz).	Middle/junior school (6th/7th grade).	X	X	.....	Through high school.	X	Drug use prevention (social resistance skills training) w/sequential components that involve parents, media, and community.
Life Skills Training (Dr. Gilbert Botvin).	Middle/junior school (6th/7th grade).	X	X	.....	Through high school.	X	Drug use prevention (social skills and general life skills training).
Treatment Foster Care (Dr. Patrica Chamberlain).	Adjudicated serious and chronic delinquents.	X	X	Some info. Avail.	1 year post-treatment.	.....	Temporary foster care with treatment.

that we could find. As indicated in Table A, with one exception they have all demonstrated significant deterrent effects with experimental designs using random assignment to experimental and control groups (the Bullying Prevention Program involved a quasi-experimental design). All involve multiple sites and thus have information on replications and implementation quality, but not all replication sites have been evaluated as independent sites (e.g., the Big Brothers Big Sisters mentoring program was implemented at eight sites, but the evaluation was a single evaluation involving all eight sites in a single aggregated analysis). Again, with one exception (Big Brothers Big Sisters), all the selected programs have demonstrated sustained effects for at least one year post-treatment.

It is anticipated that the first two Blueprints will be published and disseminated in the fall of 1997: the Big Brothers Big Sisters Program and the Midwestern Prevention Project. The other Blueprints will be published during 1998—two in the winter, two in the spring, two in the summer, and the final two in the fall.

TECHNICAL ASSISTANCE AND MONITORING OF BLUEPRINT REPLICATIONS [15]

The Blueprint project includes plans for a technical assistance and monitoring component to assist interested communities, agencies and organizations in their efforts to implement one or more of the Blueprint programs. Communities should not attempt to replicate a Blueprint without technical assistance from the program designers. If funded, technical assistance for replication will be available through the Center for the Study and Prevention of Violence at a very modest cost. Technical assistance can also be obtained directly from the Blueprint programs with costs for consulting fees, travel, and manuals negotiated directly with each program.

There are three common problems encountered by communities when attempting to develop and implement violence prevention interventions. First, there is a need to identify the specific risk and protective factors to be addressed by the intervention and the most appropriate points of intervention to address these conditions. In some instances, communities have already completed a risk assessment and know their communities' major risk factors and in which context to best initiate an intervention. In other cases this has not been done and the community may require some assistance in completing this task. We anticipate working with communities and agencies to help them evaluate their needs and resources in order to select an appropriate Blueprint program to implement. This may involve some initial on-site work assisting the community in completing some type of risk assessment as a preparatory step to selecting a specific Blueprint program for implementation.

Second, assuming the community has identified the risk and protective factors they want to address a critical problem is in locating prevention interventions which are appropriate to address these risk factors and making an informed decision about which one(s) to implement. Communities often become lost in the maze of programs claiming they are effective in changing identified risk factors and deterring violence. More often, they are faced with particular groups pushing their own programs or an individual on their advisory board recommending a pet project, without no factual information or evidence available to provide some rational comparison of available options. Communities often need assistance in making an informed selection of programs to implement.

Third, there are increasingly strong pressures from funders, whether the U.S. Congress, state legislatures, federal or state agencies, or private foundations and businesses, for accountability. The current trend is toward requiring all programs to be monitored and evaluated. This places a tremendous burden on most programs which do not have the financial resources or expertise to conduct a meaningful evaluation. A rigorous outcome evaluation typically would cost more than the annual operating budget of most prevention programs; the cumulative evaluations of our Blueprint programs, for example, average more than a million dollar each. The selection of a Blueprint program eliminates the need for an outcome evaluation, at least for an initial four or five years.[16] Because these programs have already been rigorously evaluated, the critical issue for a Blueprint program is the quality of the implementation; if the program is implemented well, we can assume it is effective. To ensure a quality implementation, technical assistance and monitoring of the implementation (a process evaluation) are essential.

LIMITATIONS

Blueprint program are presented as complete programs as it is the program that has been evaluated and demonstrated to work. Ideally, we would like to be able to present specific intervention components, e.g., academic tutoring, mentoring of at-risk youth, conflict resolution training, work experience, parent effectiveness training, etc., as proven intervention strategies based upon evaluations of many different programs using these components. We do not yet have the research evidence to support a claim that specific components are effective for specific populations under some specific set of conditions. Most of the Blueprint program (and prevention programs generally) involve multiple components. and their evaluations do not establish the independent effects of each separate component, but only the combination of comparison as a single ''package.'' It is the ''package'' which has been demonstrated to work for specific populations under given conditions. The claim that one is using an intervention that has been demonstrated to work applies only if the entire Blueprint program, as designed, implemented, and evaluated, it being replicated; this claim is not warranted if only some specific subcomponent is being implemented or if a similar intervention strategy is being used, but with different staff training, or different populations of at-risk youth, or some different combination of components. It is for this reason that we recommend that communities desiring to replicate one of the Blueprint programs contact this program or the Center for the Study and Prevention of Violence for technical assistance.

Our knowledge about these programs and the specific conditions under which they are effective will certainly change over time. Already there are extensions and modifications to these programs which are being implemented and carefully evaluated. Over the next three to five years it may be necessary to revise our Blueprint of a selected program. Those modifications currently underway typically involve new at-risk populations, changes in the delivery systems, changes in staff selection criteria and training, and in the quantity or intensity of the intervention delivered. Many of these changes are designed to reduce costs and increase the inclusiveness and generality of the program. It is possible that additional evaluation may undermine the claim that a particular Blueprint program is effective, however it is far more likely they will improve our understanding of the range of conditions and circumstances under which these programs are effective. In any event, we will continue to monitor the evaluation of these programs and make necessary revisions to their Blueprints. Most of these evaluations are funded at the federal level and they will provide ongoing evidence of the effectiveness of Blueprint programs, supporting (or not) the continued use of these programs without the need for local outcome evaluations.

The cost-benefit data presented in the Blueprints are those estimated by the respective programs. We have not undertaken an independent validation of these estimates and are not certifying their accuracy. Because they involve different comparison groups, different cost assumptions, and considerable local variation in costs for specific

services, it is difficult to compare this aspect of one Blueprint program with another. Potential users should evaluate these claims carefully. We believe these cost-benefit estimates are useful, but they are not the most important consideration in selecting a violence prevention program or intervention.

It is important to note that the size of the deterrent effects of these Blueprint programs is modest. There are no ''silver bullets,'' no programs that prevent the onset of violence for all youth participating in the intervention. Good prevention programs reduce the rates of violence by 20–25 percent.[17] We have included a section in each Blueprint presenting the evaluation results so that potential users can have some idea of how strong the program effect is likely to be and can prepare their communities for a realistic set of expectations. It is important that we not oversell violence prevention programs; it is also the case that programs with a 20 percent reduction in violence can have a fairly dramatic effect if sustained over a long period of time.

Finally, we are not recommending that communities invest all of their available resources in Blueprint programs. We need to develop and evaluate new programs to expand our knowledge of what works and to build an extensive repertoire of programs that work if we are ever to mount a comprehensive prevention initiative in this country. At the same time, given the costs of evaluating programs, it makes sense for communities to build their portfolio of programs around interventions that have been demonstrated to work, and to limit their investment in new programs to those they can evaluate carefully. Our Blueprint series is designed to help communities adopt this strategy.

SUMMARY

As we approach the 21st Century, the nation is at a critical crossroad: Will we continue to react to youth violence after the fact, becoming increasingly punitive and locking more and more of our children in adult prisons? Or will we bring a more healthy balance to our justice system by designing and implementing an effective violence prevention initiative as a part of our overall approach to the violence problem? We do have a choice.

To mount an effective national violence prevention initiative in this country, we need to find and/or create effective violence prevention programs and implement them with integrity so that significant reductions in violent offending can be realized. We have identified a core set of programs that meet very high scientific standards for being effective prevention programs. These programs could constitute a core set of programs in a national violence prevention initiative. What remains is to ensure that communities know about these programs and, should they desire to replicate them, have assistance in implementing them as designed. That is our objective in presenting this series of Blueprints for Violence Prevention. They constitute a complete package of both programs and technical assistance made available to states, communities, schools, and local agencies attempting to address the problems of violence, crime, and substance abuse in their communities.

DELBERT S. ELLIOTT,
Series Editor.

ENDNOTES

1. Cook and Laub, 1997; Fox, 1996; and Snyder and Sickmund, 1995 for an analysis of trends in juvenile arrests for violent crimes.
2. Lipsey, 1992, 1997; Sherman et al., 1997; and Tolan and Guerra, 1994.
3. The technical definition of a protective factor is an attribute or condition that buffers one from the expected effect of one or more risk factors, but many use the term more generally to refer to anything that reduces the likelihood of violence, whether that effect is direct or indirect.
4. Maguire and Pastore, 1996.
5. Johnson et al., 1996.
6. Fagan, 1996; Frazier, Bishop and Lanza-Kaduce, 1997; Lipsey, 1997; MacKenzie et al., 1992; Podkopaz and Feld, 1996; and Shaw and McKenzie, 1992.
7. Gottfredson, 1997; Lipsey, 1992. Sherman et al., 1997; Tolan and Guerra, 1994; and Webster, 1993.
8. Gottfredson, 1997.
9. Gallop, 1994.
10. Lipton, Martinson, and Wilks, 1975; Martinson, 1974; Sechrest et al., 1979; and Wright and Dixon, 1977.
11. Davis and Tolan, 1993; Dusenbury and Falco, 1995; Farrington, 1994; Greenwood et al., 1996; Hawkins, Catalano and Miller, 1992; Howell, 1995; Howell et al., 1995; Krisberg and Onek, 1994; Lipsey and Wilson, 1997; Loeber and Farrington, 1997; McGuire, 1995; National Research Council, 1993; Office of Juvenile Justice and Delinquency Prevention, 1995; Powell and Hawkins, 1996; Sherman et al., 1997; and Tolan and Guerra, 1994.
12. Elliott, 1993, 1994; Jessor and Jessor, 1977; Kandel et al., 1986; Osgood et al., 1988, and White et al., 1985.
13. Gottfredson, 1997; Lipsey, 1992; Osgood et al., 1988; and Sherman et al., 1997.
14. Advisory Board members included: Denise Gottfredson, University of Maryland; Mark Lipsey, Vanderbilt University; Hope Hill, Howard University; Peter Greenwood, the Rand Corporation; and Patrick Tolan, University of Illinois.
15. The Center has submitted a proposal to the Office of Juvenile, Justice and Delinquency Prevention to fund this component of the Blueprint project.
16. At some point it will be necessary to reassess each Blueprint program to ensure that it continues to demonstrate deterrent effects and to test its generalizabity to other populations.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 40 offered by the gentleman from Kentucky (Mr. FLETCHER);

Amendment No. 42 offered by the gentleman from Indiana (Mr. MCINTOSH); and

Amendment No. 43 offered by the gentleman from Colorado (Mr. SCHAFFER).

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

AMENDMENT NO. 40 OFFERED BY MR. FLETCHER

The CHAIRMAN pro tempore. The pending business is a demand for a recorded vote on the amendment offered by the gentleman from Kentucky (Mr. FLETCHER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 422, noes 1, not voting 11, as follows:

[Roll No, 228]

AYES—422

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica

Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—1

Capuano

NOT VOTING—11

Barcia
Brown (CA)
Carson
Houghton
Johnson, Sam
Minge
Northup
Radanovich
Salmon
Shays
Thomas

□ 1933

Messrs. CONYERS, STARK, KLINK and Ms. HOOLEY of Oregon changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. MCINTOSH

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 300, noes 126, not voting 8, as follows:

[Roll No. 229]

AYES—300

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Dickey
Dicks
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—126

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Berkley
Berman
Biggert
Blagojevich
Bonior
Bono
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Clay
Clayton
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Doolittle
Ehrlich
Eshoo
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Gejdenson
Gilman
Gonzalez
Gutierrez
Hastings (FL)
Hoeffel
Holt
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy
Kilpatrick
Kleczka
Kucinich
LaFalce
LaHood
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
Markey
McCrery
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Morella
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pickett
Porter
Rangel
Rivers
Rothman
Roybal-Allard
Rush
Sanders
Scarborough
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stark
Strickland
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Velazquez
Vento
Vitter
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey

NOT VOTING—8

Brown (CA)
Carson
Houghton
Johnson, Sam
Minge
Salmon
Shays
Thomas

□ 1942

Mr, HOEFFEL and Mr. SCARBOROUGH changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SCHAFFER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 364, noes 60, not voting 10, as follows:

[Roll No. 230]

AYES—364

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—60

Ackerman
Allen
Becerra
Berman
Boehlert
Castle
Clay
Conyers
Coyne
Cummings
Davis (IL)
Deutsch
Dingell
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gilman
Gonzalez
Greenwood
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kennedy
Kilpatrick
Klink
Kucinich
Lee
Levin
Lewis (GA)
Lowey
Maloney (CT)
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Morella
Nadler
Olver
Owens
Pallone
Payne
Pelosi
Porter
Roybal-Allard
Rush
Sanchez
Scott
Stabenow
Stark
Towns
Waters
Watt (NC)
Waxman
Weiner
Wexler

NOT VOTING—10

Brown (CA)
Carson
Houghton
Johnson, Sam
Lucas (OK)
Menendez
Minge
Salmon
Shays
Thomas

□ 1952

The CHAIRMAN (during the voting). The Chair is aware that one of the display panels is not functioning properly. The tally clerk advises the Chair that those Members are being recorded. However, of course, any Member can check that their vote is recorded by checking with their card in another machine.

Messrs. HASTINGS of Florida, DEUTSCH, TOWNS, Ms. ROYBAL-ALLARD and Mr. ALLEN changed their vote from ''aye'' to ''no.''

Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia and Ms. DANNER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 44 printed in the RECORD. The Chair's understanding is that the gentleman from Michigan (Mr. CONYERS) does not choose to offer amendment No. 44.

Mr. CONYERS. Mr. Chairman, it is our decision not to offer the substitute amendment in order to complete business in a more expeditious manner. I am going to offer a motion to recommit instead.

I ask unanimous consent that the motion to recommit be permitted to allow 10 minutes on each side in lieu of the substitute.

The CHAIRMAN. The gentleman's request will have to be made in the House.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of Congresswoman EMERSON's amendment that simply states our entertainment industry does not act responsibly towards our children. I support this amendment because it is true. By the time a child has reached their majority, they have seen 200,000 acts of violence on television and 16,000 of these acts are murders. It appears the industry believes that sex and violence sells, and they abandoned all restraint. Even, in light of current events, the entertainment industry refuses to accept they might have some responsibility towards the communities they serve in America.

As a society we recognize that children are susceptible to their environment and that they learn from what they are exposed to. This is true in Hollywood and on Chicago's West Side. Children learn what they see as they grow up. Now we have video games where the sole purpose is to murder and kill other people. We have movies that depict only violence. We have music that vividly describes crime and murder. Our children are being exposed to this from an early age. I believe the entertainment industry has been derelict in its duty to provide more enriching entertainment. I believe we, as Members of Congress, must raise this issue with the entertainment industry and challenge them to do better! Today I rise to challenge the entertainment industry to produce a better product, a better movie, a better record. A product that enables us, as parents, to navigate the difficult task of raising our children more effectively. I am not laying the blame for our nation's problems at the feet of the entertainment industry, but I challenge them to do better.

Mr. SHOWS. Mr. Chairman, Congress debated throughout the night a bill that further punishes those who commit crimes against our young. Congress also passed amendments that would stiffen criminal penalties against juveniles that commit violent crimes. The House also passed amendments that would grant assistance to states to combat youth violence and close the revolving doors at our penitentiaries. Today, the House will debate gun control legislation.

I stand here today to call for more mental health professionals in our schools. It has been said that an ounce of prevention is worth a pound of cure. Those kids in Littleton, Springfield, Jonesboro, and Pearl were not members of street gangs and, to my knowledge, they did not have violent criminal records. They were emotionally disturbed kids suffering from depression and alienation.

Rather than passing more gun laws, we must focus on getting more mental health professionals into our schools. Background checks at gun shows won't prevent a kid from thinking he has nothing to lose from shooting himself or his classmates. But mental healthcare professionals in the schools can.

Imagine if more schools had a mental health care professional for every metal detector. Mr.

Chairman, we need to focus on our children before they commit crimes. We need mental health professionals to catch them before they fall into the hands of the criminal justice system.

Mr. CHAMBLISS. Mr. Chairman, I am gravely concerned about today's youth and the challenges they face growing up in contemporary society. If we do not restore values, morals, and principles to our schools and communities for our children, our great nation will continue to sink further into the cultural state of emergency we are mired in today. We should vote to empower parents so that they may in turn protect their children, our future leaders.

I recognize that many children face terrific difficulties as they grow up—deteriorating schools, broken homes, and crumbling neighborhoods. A culture of gratuitous violence, sexual irresponsibility, and illegal drug abuse. erodes the fundamental values that keep our families and our country strong.

In the wake of several tragedies involving school violence, it is appropriate that we focus on addressing youth violence and the problems which face our kids.

First let me say that we should not undermine our Bill of Rights, the cornerstone of our freedom which spells out the underlying principles of our nation. More laws that target and restrict the freedoms of law-abiding citizens are not the answer to addressing cultural problems that face our nation.

We must strengthen and enforce our current laws, we must effectively prosecute, and we must punish criminals who violate the law. But we must also restore sensible community values to our schools and communities. A common set of shared values is the fabric that has held American society together for over two centuries. Unfortunately, this fabric is fraying at the edges before our very eyes. I believe public figures should show strong leadership by setting good examples. I believe that through restoring prayer and religious values to the classroom, teaching character based education, and shielding our children from pornography and violent and sexually explicit material, our children and families can flourish in safer more secure communities.

Additionally, I am encouraged that many existing youth organizations and recreation clubs are right now promoting leadership, teamwork, and confidence in our younger generations. Groups like the Boys and Girls Clubs, Pop Warner Football, the National Council of Youth Sports, the Georgia Parks and Recreation Association, and the Sporting Goods Manufacturers Association are working hard to make a positive difference in our children's lives.

There are many steps that we can take to reach out to our children to guide them in the right direction. I believe that the actions Congress will take today to hold criminals accountable for their own behavior, to improve the enforcement of our current laws, to bolster support for programs that combat juvenile crime, and to prohibit the sale of explicitly violent or sexual material to children will go a long way in addressing some of the difficult issues which confront children in today's world.

Ms. KILPATRICK. Mr. Chairman, I rise in vehement and stringent opposition to H.R. 1501, the Republican Juvenile Justice Act. This bill will not solve the perplexing problem of juveniles and crime; it is an absurd waste of taxpayers' dollars and the precious time of this august body. It is a shame that while the Senate was able to forge a bipartisan juvenile justice bill, the House has been unable to do so. This is a bipartisan problem that needs, deserves and requires a bipartisan solution.

My initial objection to H.R. 1501 is that it was not considered in the House Judiciary Committee. No hearings were held, no testimony was received and there is no CONGRESSIONAL RECORD on this bill. As an elected Members in the great State of Michigan and the U.S. House of Representatives for almost a quarter century, I respect the due process that the State Constitution of Michigan and the Constitution of the United States establishes for the legislative process. We have all taken an oath to protect and defend our Constitution, and I abhor the lack of due process that this important issue deserves.

I also oppose this bill because this bill is a waste of taxpayers dollars. The Wall Street Journal (March 21, 1996) points out that high risk youths who are kept out of trouble through intervention programs could save society as much as $2 million per youth over a lifetime. This bill puts more money into police and prisons, mandatory minimum sentences, and other tactics that simply do not work without adequate prevention programs. As a matter of fact, only six percent of juvenile arrests in 1992 were for violent crimes. With one exception, the level of juvenile crime has declined over the past 20 years. There are only 197 juveniles currently serving Federal sentences. Juvenile crime is almost exclusively a State and local issue. This bill is just posturing for political points, not an effective means for public safety. The acknowledged experts in this field—the police chiefs of our nation—believe that prevention programs are the most effective crime reduction strategy versus hiring additional police officers. This bill spares not one thin dime for before- or after-school prevention programs—programs that have been proven to work.

Let me illustrate a program that does work. Renaissance High School, a public school in Detroit, Michigan, will send all of its graduates—183 students—to college. According to an article in the June 17, 1999 edition of the Detroit News, Renaissance High School's principal, Irma Hamilton, says that ''Renaissance's success is dependent upon three different levels: students, parents and staff. It takes those three areas working together to provide a network of support for our students.'' It is only by working together that Renaissance High School achieved a 100 percent college acceptance rate. I challenge any of my colleagues to the superb work that is epitomized by Renaissance High School. Not only that, Renaissance High School's teamwork is an example that is sorely lacking in the debate on the juvenile justice bill.

My colleagues, we do have a chance to make this right. It is in the amendment, offered as a motion to recommit, by my fellow Detroit colleague, Congressman JOHN CONYERS, Jr. This amendment is a balanced, fair and comprehensive package that addresses both prevention and punishment. This bill provides grants to ensure increased accountability for juvenile offenders; provides funding for prevention programs; places 20,000 crisis prevention counselors in our nation's schools; ensures that there are more police officers on the beat; prevents juvenile delinquents from being jailed with adults; and requires states to address the issue of minority confinement. While minority children are one-third of the youth population, they are two-thirds of the children in long-term detention facilities. Studies indicate that minorities not only receive tougher sentences, but are more likely to be put in jail than non-minority youth for the same offenses. This is patently unfair and, I would add, criminal.

As a member of the House Appropriations Committee, I am one of the guardians of the purse of America. I abhor the wanton waste of the people's money, and my fellow appropriators and I have to make tough decisions with the few funds we have available. We need to put our scarce resources into programs and projects that work. The taxpayers of America demand that we do so. The Democratic alternative to H.R. 1501 gives us that chance. It is a balanced approach to fighting juvenile crime that includes enforcement, intervention and prevention. Anything less is an injustice to our youth, their parents, and all taxpaying citizens.

Mr. TOWNS. Mr. Chairman, as we consider prevention measures during this debate, we must acknowledge that our schools face a serious problem in their ability to provide prevention services.

Let me make it clear from the onset that I support bringing young people who commit crimes to justice; they must recognize the consequences of their actions. Yet, at the same time, we cannot be content with only punishment, we must endeavor to take all the necessary steps to prevent youth at-risk from entering the juvenile justice system. If we fail to do so, the current situation of gun-toting youths will only get worse. Our correctional facilities, which are already operating at full capacity, will not be able to handle housing scores of more juveniles. And once they are released, they will be no better off than when they entered. Therefore, prevention is a preferable path to follow.

That is why I am supporting the school anti-violence provision contained in the Democratic substitute, which would significantly bolster prevention efforts by mandating that some of our appropriations are directed towards mental health services for our young people.

Counseling is one of several resources that could prove valuable if only we used it, rather than neglect it. What I mean by this statement is that for counselors to be effective, we have to ensure that they are working in a proper environment.

A counselor's duties may vary by jurisdiction, but in general one would have some of the following responsibilities: conflict resolution, career guidance, administrative duties, and school activities coordinator.

It is rather reckless on our part to expect that counselors can be really effective in counseling and guiding students when they are saddled with an absurdly high student-to-counselor ratio and are also tagged with doing administrative chores.

Here are some statistics that indicate how thinly stretched our school counselors are. The recommended student-to-counselor ratio, as indicated by the American Counseling Association and other professional groups, is 250 to 1. The average national caseload is a little over 500 students per counselor, with some of the more extreme cases being in California, with a ratio of nearly 1,000 to 1, and Minnesota, at 925 to 1.

Counselors also should not have to juggle scheduling and other administrative work in

tandem with their counseling duties because this detracts from their primary duties. They are a necessary part of our prevention strategy, and there is no way that they can accomplish their goals when they are doing everything but counseling.

It seems that the only time there are calls for more counselors is after tragedies, such as the one at Columbine High School. Yet there is no reason that we respond with counselors only after a tragic event occurs. They should be there in the first place, and this bill provides the funds to do so.

Counselors can benefit us by helping us to identify those children who are potentially at risk, and by doing so, would aid us in devising a solution to intervene and potentially get to the root of the youth's problems. Yet there is no way that this can work if one has to monitor 1,000 students. Students will fall through the cracks since the resources which were designed to help them were not available when they were needed. The investment that we make now will pay off in the future with reductions in chronic problem behaviors and potentially improved results in the areas of attendance, test scores, and conflict management.

It is vital that we act now. The school population is projected to increase over the next few years, and if we are to have any chance of reducing the student to counselor ratio so that qualified mental health professionals can be of use to our students, we should pass this substitute. Prevention is the key, and improving mental health services is a big step towards strengthening our prevention efforts.

Mr. UNDERWOOD. Mr. Chairman, I rise today to tell the American people that the Conyers-Scott amendment in the nature of a substitute is the true bipartisan approach to address the problems of violence and crime that face our children. The school shootings in Oregon, Colorado and most recently in Georgia and the daily violence that our children are subject to while playing and living in our communities is evidence that society has placed our country under fire and the victims are our kids.

I agree that commonsense approaches need to be considered in helping to strengthen our juvenile justice system and I am disappointed in the manner form which H.R. 1501 reached the floor of the House.

However, the Conyers-Scott proposal is what we should be supporting because it's what the American people want. It incorporates the bipartisan agreements reached in the Senate addressing media violence, reauthorizes the ''Cops on the Beat'' program and authorizes the ''School Anti-Violence Empowerment Act.'' Most importantly, it includes the bipartisan agreements on the juvenile justice bill and the reauthorization of the Office of Juvenile Justice and Delinquency Prevention programs.

In our attempt to enhance our justice programs, however, I need to point out that there are discrepancies as to how U.S. Territories are considered in the administration of this juvenile justice program and express hope that we can resolve these discrepancies if this legislation goes to conference.

Though Guam and the other territories are defined as ''States'' in H.R. 1501 and the Conyers-Scott amendment, there is a discrepancy in the equal distribution of these funds. For no apparent reason Guam shares its state share with American Samoa and the Commonwealth of the Northern Mariana Islands. The U.S. Virgin Islands, the District of Columbia, and Puerto Rico all receive full state shares.

There is no rational justification for three U.S. territories in the Pacific to split while other territories be treated as states. I believe such a decision was arbitrary and unfair. There was never any consultation with my office or any other Territorial office to my knowledge.

Mr. Chair, the children in the Territories are also subject to the influences of the mass media and school violence and we must be fair in our treatment that programs meant to help saving childrens lives are distributed equally to them as well. I am hopeful that considerations can be made in the conference of juvenile justice legislation to clarify and correct the full funding allocation to all the territories.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in support of the Conyers/Scott/Waters Democratic substitute to H.R. 1501 and in opposition of the Republican sponsored juvenile justice bill which has let down children and American families by putting the interest of opponents of jug safety legislation above the safety and well-being of all children.

I want to draw your attention, Mr. Chairman and my colleagues, to the importance of time. In the time that I have been allotted to make this statement another child would have been shot or killed and another child would have been incarcerated in an adult facility which will do them more harm than good. As we sit here in this plush secure environment, it is easy to lose sight of how many children's lies could be saved through the enactment of sound gun control measures.

Mr. Chairman, we should enact the Democratic substitute which includes: the bipartisan House Judiciary Committee juvenile justice bill; the bipartisan House Education and Workforce Committee bill to reauthorize the Office of Juvenile Justice and Delinquency Prevention Programs; two Senate-passed media violence provisions; the extension of the ''Cops on the Beat'' program with an emphasis on cooperative school-police partnerships to place safety officers in school; and a School Anti-violence Empowerment (SAVE) initiative that provides funding for crisis prevention counselors and crisis prevention programs in schools.

Any effective juvenile legislation must include measures that are in the best interest of our children. Extremely important in this regard, is the protection of our children from abuse in adult facilities. We must assure that the health and welfare of our children are not being jeopardized in an adult prison. Although serious crimes are being committed by young adults, emphasis must be placed on prevention and corrective measures and not solely on adult conviction of very young offenders. Where we must put juveniles in adult prisons, they should be placed out of sight and sound of adult inmates. Prevention is the only key element in the proactive approach to teen violence. All other legislation approaches should complement prevention methods, just as the juvenile delinquency prevention block grant has aided in the reduction of juvenile crime.

Mr. Chairman, I was very disappointed that the amendment of my colleague, the gentleman from Wisconsin, Mr. OBEY, which would have authorized an initiative to attempt to prevent tragic incidents of school violence by improving mental health and education services to troubled children and youth who are at risk of committing violent acts was not made in order by the Rules Committee. The Obey amendment would have authorized the National Academy of Sciences to conduct a study to identify barriers that prevent school-aged children and youth in need of mental health or substance abuse treatment services from receiving appropriate counseling and treatment services financed through Medicaid, the State Children's Health Insurance Program, and other public health and mental programs.

It is a shame that this body is willing to send a 13- or 14-year-old to an adult prison but isn't willing to authorize a program which could have prevented the kid from committing the crime in the first place.

I urge my colleagues to support the Democratic substitute to H.R. 1501 and reject the destructive Republican juvenile bill which would no nothing other than prosecute children as adults, house juveniles with adult felons where they are more likely to be abused by adult prisoners, and impose numerous mandatory sentencing measures—which have been shown to exacerbate long-term crime problems.

Mr. DAVIS of Illinois. Mr. Chairman, in Chicago during 1996, 789 homicides were committed, 597 with firearms, in 1997, 759 homicides, 570 with firearms. Firearms were overwhelmingly the weapon of choice for murderers. Almost half of the known offenders in 1997 were under 21 years of age and about a third were between 21 and 30. The percentage of murders in which firearms were used was 75 percent in 1997, approximately the same percent as in the previous four years. More than 85 percent of firearm murders were handgun murders in both 1996 and 1997. In almost two out of every three 1997 murders in which the relationship could be determined, the offender and the victim knew each other.

In many cases, just imagine, no gun, no murder, no gun, no murder.

Let's make guns harder for murderers to get. Support the McCarthy amendment.

There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, pursuant to House Resolution 209, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. COBURN. Mr. Speaker, I demand a separate vote on the so-called Emerson amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on

which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

Add at the end the following:

SEC. ___. SENSE OF THE CONGRESS WITH REGARD TO VIOLENCE AND THE ENTERTAINMENT INDUSTRY.

(a) FINDINGS.—Congress makes the following findings:

(1) Incidents of tragic school violence have risen over the past few years.

(2) Our children are being desensitized by the increase of gun violence shown on television, movies, and video games.

(3) According to the American Medical Association, by the time an average child reaches age 18, he or she has witnessed more than 200,000 acts of violence on television, including 16,000 murders.

(4) Children who listen to explicit music lyrics, play video ''killing'' games, or go to violent action movies get further brainwashed into thinking that violence is socially acceptable and without consequence.

(5) No industry does more to glorify gun violence than some elements of the motion picture industry.

(6) Children are particularly susceptible to the influence of violent subject matter.

(7) The entertainment industry uses wanton violence in its advertising campaigns directed at young people.

(8) Alternatives should be developed and considered to discourage the exposure of children to violent subject matter.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the entertainment industry—

(1) has been irresponsible in the development of its products and the marketing of those products to America's youth;

(2) must recognize the power and influence it has over the behavior of our Nation's youth; and

(3) must do everything in its power to stop these portrayals of pointless acts of brutality by immediately eliminating gratuitous violence in movies, television, music, and video games.

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

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

Mr. COBURN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 355, nays 68, not voting 11, as follows:

[Roll No. 231]

YEAS—355

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Fletcher
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hunter
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—68

Baldwin
Becerra
Berkley
Berman
Blumenauer
Bono
Capuano
Cardin
Clay
Clyburn
Conyers
Cummings
Delahunt
Dingell
Dixon
Dooley
Eshoo
Farr
Fattah
Filner
Foley
Frank (MA)
Frost
Gephardt
Hastings (FL)
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kennedy
Kilpatrick
Klink
Kucinich
Lee
Lewis (CA)
Lewis (GA)
Martinez
McCarthy (MO)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Napolitano
Olver
Ose
Owens
Paul
Payne
Pelosi
Rangel
Rogan
Roybal-Allard
Rush
Schakowsky
Scott
Serrano
Sherman
Stupak
Thompson (CA)
Thompson (MS)
Towns
Waters
Watt (NC)
Waxman
Wynn

NOT VOTING—11

Brown (CA)
Carson
Chenoweth
Cox
Houghton
Hutchinson
Minge
Salmon
Shays
Spence
Thomas

□ 2013

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

Mr. GOODLATTE and Ms. STABENOW changed their vote from ''nay'' to ''yea.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. CONYERS. Yes, I am.

The CHAIRMAN. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill H.R. 1501 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

TITLE I—GRANTS TO ENSURE INCREASED ACCOUNTABILITY FOR JUVENILE OFFENDERS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Consequences for Juvenile Offenders Act of 1999''.

SEC. 102. GRANT PROGRAM.

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

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''SEC. 1801. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

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

''(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

''(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

''(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

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

''(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

''(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

''(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

''(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

''(9) establishing and maintaining a system of juvenile records designed to promote public safety;

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

''(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;

''(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders; and

''(13) establishing and maintaining accountability-based programs that are designed to enhance school safety.

''SEC. 1802. GRANT ELIGIBILITY.

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

''(b) LOCAL ELIGIBILITY.—

''(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

''(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 1803(e), except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

''(c) GRADUATED SANCTIONS.—A system of graduated sanctions, which may be discretionary as provided in subsection (d), shall ensure, at a minimum, that—

''(1) sanctions are imposed on juvenile offenders for each delinquent offense;

''(2) sanctions escalate in intensity with each subsequent, more serious delinquent offense;

''(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

''(4) appropriate consideration is given to public safety and victims of crime.

''(d) DISCRETIONARY USE OF SANCTIONS.—

''(1) VOLUNTARY PARTICIPATION.—A State or unit of local government may be eligible to receive a grant under this part if—

''(A) its system of graduated sanctions is discretionary; and

''(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

''(2) REPORTING REQUIREMENT IF GRADUATED SANCTIONS NOT USED.—

''(A) JUVENILE COURTS.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

''(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

''(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in 1 or more specific cases, to submit an annual report that explains why such court did not impose graduated sanctions in each such case.

''(B) UNITS OF LOCAL GOVERNMENT.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

''(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'discretionary' means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

''(2) The term 'sanctions' means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

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

''(a) STATE ALLOCATION.—

''(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate—

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

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

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

''(3) INCREASE FOR STATE RESERVE.—

''(A) IN GENERAL.—Subject to subparagraph (B), if a State demonstrates and certifies to the Attorney General that the State's law enforcement expenditures in the fiscal year preceding the date in which an application is submitted under this part is more than 25 percent of the aggregate amount of law enforcement expenditures by the State and its eligible units of local government, the percentage referred to in paragraph (1)(A) shall equal the percentage determined by dividing the State's law enforcement expenditures by such aggregate.

''(B) LAW ENFORCEMENT EXPENDITURES OVER 50 PERCENT.—If the law enforcement expenditures of a State exceed 50 percent of the aggregate amount described in subparagraph (A), the Attorney General shall consult with as many units of local government in such State as practicable regarding the State's proposed uses of funds.

''(b) LOCAL DISTRIBUTION.—

''(1) IN GENERAL.—Except as provided in subsection (a)(3), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

''(A) the sum of—

''(i) the product of—

''(I) three-quarters; multiplied by

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

''(ii) the product of—

''(I) one-quarter; multiplied by

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

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

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

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

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

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

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

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

''(e) DIRECT GRANTS TO SPECIALLY QUALIFIED UNITS.—

''(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

''(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.

''SEC. 1804. REGULATIONS.

''(a) IN GENERAL.—The Attorney General shall issue regulations establishing procedures under which a State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

''(b) ADVISORY BOARD.—The regulations referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to review the proposed uses of such funds. The board shall include representation from, if appropriate—

''(1) the State or local police department;

''(2) the local sheriff's department;

''(3) the State or local prosecutor's office;

''(4) the State or local juvenile court;

''(5) the State or local probation officer;

''(6) the State or local educational agency;

''(7) a State or local social service agency; and

''(8) a nonprofit, religious, or community group.

''SEC. 1805. PAYMENT REQUIREMENTS.

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

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

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

whichever is later.

''(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, or a unit of local government shall repay to the State by not later than 27 months after receipt of funds from the Attorney General, any amount that is not expended by the State within 2 years after receipt of such funds from the Attorney General.

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

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

''(c) ADMINISTRATIVE COSTS.—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

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

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

''SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

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

''SEC. 1807. ADMINISTRATIVE PROVISIONS.

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

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

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

''(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

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

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

''SEC. 1808. DEFINITIONS.

''For purposes of this part:

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

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

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

''(2) The term 'specially qualified unit' means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

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

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

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

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

''SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

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

''(1) $500,000,000 for fiscal year 2000;

''(2) $500,000,000 for fiscal year 2001; and

''(3) $500,000,000 for fiscal year 2002.

''(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 2000 through 2002 shall be available to the Attorney General for evaluation and research regarding the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

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

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

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

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

TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

SEC. 200. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Juvenile Crime Control and Delinquency Prevention Act of 1999''.

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

TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

Sec. 200. Short title; table of contents.

SUBTITLE A—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Sec. 201. Findings.
Sec. 202. Purpose.
Sec. 203. Definitions.
Sec. 204. Name of office.
Sec. 205. Concentration of Federal effort.
Sec. 206. Coordinating Council on Juvenile Justice and Delinquency Prevention.

Sec. 207. Annual report.
Sec. 208. Allocation.
Sec. 209. State plans.
Sec. 210. Juvenile delinquency prevention block grant program.
Sec. 211. Research; evaluation; technical assistance; training.
Sec. 212. Demonstration projects.
Sec. 213. Authorization of appropriations.
Sec. 214. Administrative authority.
Sec. 215. Use of funds.
Sec. 216. Limitation on use of funds.
Sec. 217. Rule of construction.
Sec. 218. Leasing surplus Federal property.
Sec. 219. Issuance of Rules.
Sec. 220. Content of materials.
Sec. 221. Technical and conforming amendments.
Sec. 222. References.

SUBTITLE B—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

Sec. 231. Runaway and homeless youth.

SUBTITLE C—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 241. Repealer.

SUBTITLE D—AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT

Sec. 251. National center for missing and exploited children.

SUBTITLE E—STUDIES AND EVALUATIONS

Sec. 261. Study of school violence.
Sec. 262. Study of mental health needs of juveniles in secure and nonsecure placements in the juvenile justice system.
Sec. 263. Evaluation by General Accounting Office.
Sec. 264. General Accounting Office Report.
Sec. 265. Behavioral and social science research on youth violence.

SUBTITLE F—GENERAL PROVISIONS

Sec. 271. Effective date; application of amendments.

Subtitle A—Amendments to Juvenile Justice and Delinquency Prevention Act of 1974

SEC. 201. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

''FINDINGS

''SEC. 101. (a) The Congress finds the following:

''(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅕ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

''(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

''(A) quality prevention programs that—

''(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

''(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

''(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

''(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.''.

SEC. 202. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

''PURPOSES

''SEC. 102. The purposes of this title and title II are—

''(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

''(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

''(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.''.

SEC. 203. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking ''to help prevent juvenile delinquency'' and inserting ''designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior'',

(2) in paragraph (4) by inserting ''title I of'' before ''the Omnibus'' each place it appears,

(3) in paragraph (7) by striking ''the Trust Territory of the Pacific Islands,'',

(4) in paragraph (9) by striking ''justice'' and inserting ''crime control'',

(5) in paragraph (12)(B) by striking '', of any nonoffender,'',

(6) in paragraph (13)(B) by striking '', any non-offender,'',

(7) in paragraph (14) by inserting ''drug trafficking,'' after ''assault,'',

(8) in paragraph (16)—

(A) in subparagraph (A) by adding ''and'' at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking ''and'' at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

''(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

''(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

''(B) regular, remedial, special, and vocational education; and

''(C) counseling and treatment for substance abuse and other health and mental health problems;

''(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

''(25) the term 'violent crime' means—

''(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

''(B) aggravated assault committed with the use of a firearm;

''(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

''(27) the term 'related complex of buildings' means 2 or more buildings that share—

''(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

''(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.''.

SEC. 204. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

''PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION'',

(2) in section 201(a) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention'', and

(3) in subsections section 299A(c)(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention''.

SEC. 205. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking ''and of the prospective'' and all that follows through ''administered'',

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking ''and reports'' and all that follows through ''this part'', and inserting ''as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency'',

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

SEC. 206. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

SEC. 207. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting ''and'' after ''priorities,'', and

(B) by striking '', and recommendations of the Council'',

(2) by striking paragraphs (4) and (5), and inserting the following:

''(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.'', and

(3) by redesignating such section as section 206.

SEC. 208. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''amount, up to $400,000,'' and inserting ''amount up to $400,000'',

(II) by inserting a comma after ''1992'' the 1st place it appears,

(III) by striking ''the Trust Territory of the Pacific Islands,'', and

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'',

(ii) in subparagraph (B)—

(I) by striking ''(other than part D)'',

(II) by striking ''or such greater amount, up to $600,000'' and all that follows through ''section 299(a) (1) and (3)'',

(III) by striking ''the Trust Territory of the Pacific Islands,'',

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'', and

(V) by inserting a comma after ''1992'',

(B) in paragraph (3) by striking ''allot'' and inserting ''allocate'', and

(2) in subsection (b) by striking ''the Trust Territory of the Pacific Islands,''.

SEC. 209. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking ''challenge'' and all that follows through ''part E'', and inserting '', projects, and activities'',

(B) in paragraph (3)—

(i) by striking '', which—'' and inserting ''that—'',

(ii) in subparagraph (A)—

(I) by striking ''not less'' and all that follows through ''33'', and inserting ''the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and'',

(II) by inserting '', in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws'' after ''State'',

(III) in clause (i) by striking ''or the administration of juvenile justice'' and inserting '', the administration of juvenile justice, or the reduction of juvenile delinquency'',

(IV) in clause (ii) by striking ''include—'' and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

''represent a multidisciplinary approach to addressing juvenile delinquency and may include—

''(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

''(II) such other individuals as the chief executive officer considers to be appropriate; and'', and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking ''justice'' and inserting ''crime control'',

(iv) in subparagraph (D)—

(I) in clause (i) by inserting ''and'' at the end,

(II) in clause (ii) by striking ''paragraphs'' and all that follows through ''part E'', and inserting ''paragraphs (11), (12), and (13)'', and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking ''title—'' and all that follows through ''(ii)'' and inserting ''title,'',

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking '', other than'' and inserting ''reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding'' after ''section 222'', and

''(ii) in subparagraph (C) by striking ''paragraphs (12)(A), (13), and (14)'' and inserting ''paragraphs (11), (12), and (13)'',

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting '', including in rural areas'' before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking ''for (i)'' and all that follows through ''relevant jurisdiction'', and inserting ''for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State'',

(II) by striking ''justice'' the second place it appears and inserting ''crime control'', and

(III) by striking ''of the jurisdiction; (ii)'' and all that follows through the semicolon at the end, and inserting ''of the State; and'',

(ii) by amending subparagraph (B) to read as follows:

''(B) contain—

''(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in the such system who are in greatest need of such services services;'', and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

''(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;'',

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking '', specifically'' and inserting ''including'',

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) in subparagraph (C) by striking ''juvenile justice'' and inserting ''juvenile crime control'',

(iv) by amending subparagraph (D) to read as follows:

''(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;'',

(iv) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking ''juveniles, provided'' and all that follows through ''provides; and'', and inserting the following:

''juveniles—

''(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

''(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and'',

(v) by amending subparagraph (F) to read as follows:

''(F) expanding the use of probation officers—

''(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(ii) to ensure that juveniles follow the terms of their probation;'',

(vi) by amending subparagraph (G) to read as follows:

''(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;'',

(vii) in subparagraph (H) by striking ''handicapped youth'' and inserting ''juveniles with disabilities'',

(viii) by amending subparagraph (K) to read as follows:

''(K) boot camps for juvenile offenders;'',

(ix) by amending subparagraph (L) to read as follows:

''(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;'',

(x) by amending subparagraph (N) to read as follows:

''(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;'',

(xi) in subparagraph (O)—

(I) in striking ''cultural'' and inserting ''other'', and

(II) by striking the period at the end and inserting a semicolon, and

(xii) by adding at the end the following:

''(P) programs designed to prevent and to reduce hate crimes committed by juveniles; and

''(Q) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities.'',

(I) by amending paragraph (12) to read as follows:

''(12) shall, in accordance with rules issued by the Administrator, provide that—

''(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

''(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

''(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

''(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

''(B) juveniles—

''(i) who are not charged with any offense; and

''(ii) who are—

''(I) aliens; or

''(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;'',

(J) by amending paragraph (13) to read as follows:

''(13) provide that—

''(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

''(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co±located facilities have been trained and certified to work with juveniles;'',

(K) by amending paragraph (14) to read as follows:

''(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

''(A) juveniles who are accused of non-status offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

''(i) for processing or release;

''(ii) while awaiting transfer to a juvenile facility; or

''(iii) in which period such juveniles make a court appearance;

''(B) juveniles who are accused of non-status offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

''(i) in which—

''(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

''(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

''(ii) that—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

''(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

''(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

''(C) juveniles who are accused of non-status offenses and who are detained in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

''(i) such jail or lockup—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

''(II) has no existing acceptable alternative placement available;

''(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved, in consultation with the counsel representing the juvenile, consents to detaining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

''(iii) the juvenile has counsel, and the counsel representing such juvenile—

''(I) consults with the parents of the juvenile to determine the appropriate placement of the juvenile; and

''(II) has an opportunity to present the juvenile's position regarding the detention involved to the court before the court approves such detention;;

''(iv) the court has an opportunity to hear from the juvenile before court approval of such placement; and

''(v) detaining such juvenile in accordance with this subparagraph is—

''(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

''(II) required to be reviewed periodically and in the presence of the juvenile, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention; and

''(III) for a period preceding the sentencing (if any) of such juvenile, but not to exceed a 20-day period;'',

(L) in paragraph (15)—

(i) by striking ''paragraph (12)(A), paragraph (13), and paragraph (14)'' and inserting ''paragraphs (11), (12), and (13)'', and

(ii) by striking ''paragraph (12)(A) and paragraph (13)'' and inserting ''paragraphs (11) and (12)'',

(M) in paragraph (16) by striking ''mentally, emotionally, or physically handicapping conditions'' and inserting ''disability'',

(N) by amending paragraph (19) to read as follows:

''(19) provide assurances that—

''(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

''(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

''(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;'',

(O) in paragraph (22) by inserting before the semicolon, the following:

''; and that the State will not expend funds to carry out a program referred to in subparagraph (A), (B), or (C) of paragraph (5) if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted such recipient to the State agency'',

(P) by amending paragraph (23) to read as follows:

''(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;'',

(Q) by amending paragraph (24) to read as follows:

''(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

''(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

''(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

''(C) not later than 48 hours during which such juvenile is so held—

''(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

''(ii) such court shall conduct a hearing to determine—

''(I) whether there is reasonable cause to believe that such juvenile violated such order; and

''(II) the appropriate placement of such juvenile pending disposition of the violation alleged;'',

(R) in paragraph (25) by striking the period at the end and inserting a semicolon,

(S) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(T) by adding at the end the following:

''(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

''(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.'', and

(2) by amending subsection (c) to read as follows:

''(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (23) of subsection (a) in any fiscal year beginning after September 30, 1999, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

''(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

''(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.'', and

(3) in subsection (d)—

(A) by striking ''allotment'' and inserting ''allocation'', and

(B) by striking ''subsection (a) (12)(A), (13), (14) and (23)'' each place it appears and inserting ''paragraphs (11), (12), (13), and (23) of subsection (a)''.

SEC. 210. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

''PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

''SEC. 241. AUTHORITY TO MAKE GRANTS.

''The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to

carry out projects designed to prevent juvenile delinquency, including—

''(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

''(2) educational projects or supportive services for delinquent or other juveniles—

''(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

''(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

''(C) to assist in identifying learning difficulties (including learning disabilities);

''(D) to prevent unwarranted and arbitrary suspensions and expulsions;

''(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

''(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

''(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

''(H) to provide services to juvenile with serious mental and emotional disturbances (SED) in need of mental health services;

''(3) projects which expand the use of probation officers—

''(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(B) to ensure that juveniles follow the terms of their probation;

''(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

''(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

''(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

''(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

''(8) projects which provide for an initial intake screening of each juvenile taken into custody—

''(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

''(B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;

''(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

''(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, private nonprofit agencies, and public recreation agencies offering services to juveniles;

''(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

''(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

''(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

''(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

''(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

''(16) projects which provide for—

''(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

''(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

''(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

''(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

''(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

''(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

''(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals, school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations; and

''(20) other activities that are likely to prevent juvenile delinquency.

''SEC. 242. ALLOCATION.

''Funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

''SEC. 243. ELIGIBILITY OF STATES.

''(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

''(1) An assurance that the State will use—

''(A) not more than 5 percent of such grant, in the aggregate, for—

''(i) the costs incurred by the State to carry out this part; and

''(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

''(B) the remainder of such grant to make grants under section 244.

''(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

''(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

''(4) An assurance that each eligible entity described in section 244 that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

''(5) Such other information and assurances as the Administrator may reasonably require by rule.

''(b) APPROVAL OF APPLICATIONS.—

''(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

''(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

''(A)(i) the State submitted a plan under section 223 for such fiscal year; and

''(ii) such plan is approved by the Administrator for such fiscal year; or

''(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

''SEC. 244. GRANTS FOR LOCAL PROJECTS.

''(a) GRANTS BY STATES.—Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State to carry out projects and activities described in section 241.

''(b) SPECIAL CONSIDERATION.—For purposes of making grants under subsection (a), the

State shall give special consideration to eligible entities that—

''(1) propose to carry out such projects in geographical areas in which there is—

''(A) a disproportionately high level of serious crime committed by juveniles; or

''(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

''(2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or

''(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

''(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

''SEC. 245. ELIGIBILITY OF ENTITIES.

''(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant under section 244, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:

''(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

''(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

''(3) A statement identifying the research (if any) such entity relied on in preparing such application.

''(b) LIMITATION.—If an eligible entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.''.

SEC. 211. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

''PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

''SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

''(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

''(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

''(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

''(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

''(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

''(iv) successful efforts to prevent recidivism;

''(v) the juvenile justice system;

''(vi) juvenile violence;

''(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;

''(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups; and

''(ix) other purposes consistent with the purposes of this title and title I.

''(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

''(b) STATISTICAL ANALYSES..—The Administrator may—

''(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

''(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

''(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

''(e) INFORMATION DISSEMINATION.—The Administrator may—

''(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

''(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

''(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

''SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

''(a) TRAINING.—The Administrator may—

''(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

''(b) TECHNICAL ASSISTANCE.—The Administrator may—

''(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.

''(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.''.

SEC. 212. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

''PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

''SEC. 261. GRANTS AND PROJECTS.

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such

grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

''(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

''SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

''The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

''SEC. 263. ELIGIBILITY.

''To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

''SEC. 264. REPORTS.

''Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.''.

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2000, 2001, 2002, and 2003.

''(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

''(A) not more than 5 percent shall be available to carry out part A;

''(B) not less than 80 percent shall be available to carry out part B; and

''(C) not more than 15 percent shall be available to carry out part D.

''(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

''(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.''.

SEC. 214. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking ''as are consistent with the purpose of this Act'' and inserting ''only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance'', and

(2) by adding at the end the following:

''(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.''.

SEC. 215. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking ''may be used for'',

(B) in paragraph (1) by inserting ''may be used for'' after ''(1)'', and

(C) by amending paragraph (2) to read as follows:

''(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.'',

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

SEC. 216. LIMITATION ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210, is amended adding at the end the following:

''SEC. 299F. LIMITATION ON USE OF FUNDS.

''None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.''.

SEC. 217. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by section 216, is amended adding at the end the following:

''SEC. 299G. RULES OF CONSTRUCTION.

''Nothing in this title or title I shall be construed—

''(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

''(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.''.

SEC. 218. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216 and 217, is amended adding at the end the following:

''SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

''The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.''.

SEC. 219. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, and 218, is amended adding at the end the following:

''SEC. 299I. ISSUANCE OF RULES.

''The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.''.

SEC. 220. CONTENT OF MATERIALS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, 218, and 219, is amended by adding at the end the following:

''SEC. 299J. CONTENT OF MATERIALS.

''Materials produced, procured, or distributed using funds appropriated to carry out this Act, for the purpose of preventing hate crimes should be respectful of the diversity of deeply held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance.''.

SEC. 221. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking ''prescribed for GS–18 of the General Schedule by section 5332'' and inserting ''payable under section 5376'',

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93–415 (88 Stat. 1132–1143).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(2) Section 4351(b) of title 18 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(B) in section 214A(c)(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(C) in sections 217 and 222 by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention'', and

(D) in section 223(c) by striking ''section 262, 293, and 296'' and inserting ''sections 262, 299B, and 299E''.

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention'', and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking ''section 313'' and inserting ''section 331''.

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking ''sections 262, 293, and 296 of subpart II of title II'' and inserting ''sections 299B and 299E'', and

(B) in section 223(c) by striking ''section 262, 293, and 296 of title II'' and inserting ''sections 299B and 299E''.

SEC. 222. REFERENCES.

In any Federal law (excluding this title and the Acts amended by this title), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

Subtitle B—Amendments to the Runaway and Homeless Youth Act

SEC. 231. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking ''accurate reporting of the problem nationally and to develop'' and inserting ''an accurate national reporting system to report the problem, and to assist in the development of''; and

(2) by striking paragraph (8) and inserting the following:

''(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;''.

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GRANTS FOR CENTERS AND SERVICES.—

''(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

''(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

''(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

''(B) shall include—

''(i) safe and appropriate shelter; and

''(ii) individual, family, and group counseling, as appropriate; and

''(C) may include—

''(i) street-based services;

''(ii) home-based services for families with youth at risk of separation from the family; and

''(iii) drug abuse education and prevention services.'';

(2) in subsection (b)(2), by striking ''the Trust Territory of the Pacific Islands,''; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking ''paragraph (6)'' and inserting ''paragraph (7)'';

(B) in paragraph (10), by striking ''and'' at the end;

(C) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

''(A) information regarding the activities carried out under this part;

''(B) the achievements of the project under this part carried out by the applicant; and

''(C) statistical summaries describing—

''(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

''(ii) the services provided to such youth by the project.''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

''(2) provide backup personnel for on-street staff;

''(3) provide initial and periodic training of staff who provide such services; and

''(4) conduct outreach activities for runaway and homeless youth, and street youth.

''(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

''(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

''(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

''(4) provide initial and periodic training of staff who provide home-based services; and

''(5) ensure that—

''(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

''(B) staff providing such services will receive qualified supervision.

''(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

''(1) a description of—

''(A) the types of such services that the applicant proposes to provide;

''(B) the objectives of such services; and

''(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

''(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.''.

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

''SEC. 313. APPROVAL OF APPLICATIONS.

''(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

''(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

''(2) which areas of such State have the greatest need for such services.

''(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

''(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

''(2) eligible applicants that request grants of less than $200,000.''.

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking ''PURPOSE AND'';

(2) in subsection (a), by striking ''(a)''; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting '', and the services provided to such youth by such project,'' after ''such project''.

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

''SEC. 341. COORDINATION.

''With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

''(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

''(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.''.

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting ''EVALUATION,'' after ''RESEARCH,'';

(2) in subsection (a), by inserting ''evaluation,'' after ''research,''; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) STUDY.—Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5731 et seq.) is amended by adding after section 344 the following:

''SEC. 345. STUDY

''The Secretary shall conduct a study of a representative sample of runaways to determine the percent who leave home because of sexual abuse. The report on the study shall include—

''(1) in the case of sexual abuse , the relationship of the assaulter to the runaway; and

''(2) recommendations on how Federal laws may be changed to reduce sexual assaults on children.

The study shall be completed to enable the Secretary to make a report to the committees of Congress with jurisdiction over this Act, and to make such report available to the public, within one year of the date of the enactment of this section.''

(j) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(k) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

''SEC. 381. REPORTS.

''(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary

shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

''(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

''(A) alleviating the problems of runaway and homeless youth;

''(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

''(C) strengthening family relationships and encouraging stable living conditions for such youth; and

''(D) assisting such youth to decide upon a future course of action; and

''(2) in the case of projects funded under part B—

''(A) the number and characteristics of homeless youth served by such projects;

''(B) the types of activities carried out by such projects;

''(C) the effectiveness of such projects in alleviating the problems of homeless youth;

''(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

''(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

''(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

''(G) activities and programs planned by such projects for the following fiscal year.

''(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

''(1) the evaluations performed by the Secretary under section 386; and

''(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.''.

(l) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

''SEC. 386. EVALUATION AND INFORMATION.

''(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

''(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

''(2) collecting additional information for the report required by section 384; and

''(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

''(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.''.

(m) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

''SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

''(2) ALLOCATION.—

''(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

''(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

''(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

''(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.''.

(n) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

''PART E—SEXUAL ABUSE PREVENTION PROGRAM

''SEC. 351. AUTHORITY TO MAKE GRANTS.

''(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

''(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (m) of this section, is amended by adding at the end the following:

''(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.''.

(o) CONSOLIDATED REVIEW OF APPLICATIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 383 the following:

''SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.

''With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

''(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

''(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.''.

(p) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (*l*) of this section, the following:

''SEC. 387. DEFINITIONS.

''In this title:

''(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

''(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

''(B) may include—

''(i) individual, family, group, and peer counseling;

''(ii) drop-in services;

''(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

''(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

''(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

''(2) HOME-BASED SERVICES.—The term 'home-based services'—

''(A) means services provided to youth and their families for the purpose of—

''(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

''(ii) assisting runaway youth to return to their families; and

''(B) includes services that are provided in the residences of families (to the extent practicable), including—

''(i) intensive individual and family counseling; and

''(ii) training relating to life skills and parenting.

''(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

''(A) who is—

''(i) not more than 21 years of age; and

''(ii) for the purposes of part B, not less than 16 years of age;

''(B) for whom it is not possible to live in a safe environment with a relative; and

''(C) who has no other safe alternative living arrangement.

''(4) STREET-BASED SERVICES.—The term 'street-based services'—

''(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

''(B) may include—

''(i) identification of and outreach to runaway and homeless youth, and street youth;

''(ii) crisis intervention and counseling;

''(iii) information and referral for housing;

''(iv) information and referral for transitional living and health care services;

''(v) advocacy, education, and prevention services related to—

''(I) alcohol and drug abuse;

''(II) sexual exploitation;

''(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

''(IV) physical and sexual assault.

''(5) STREET YOUTH.—The term 'street youth' means an individual who—

''(A) is—

''(i) a runaway youth; or

''(ii) indefinitely or intermittently a homeless youth; and

''(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

''(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

''(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

''(A) who is less than 18 years of age; and

''(B)(i) who has a history of running away from the family of such individual;

''(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

''(iii) who is at risk of entering the child welfare system or juvenile justice system as

a result of the lack of services available to the family to meet such needs.''.

(q) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 380, 381, 382, 383, and 384, respectively.

(r) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''; and

(2) in section 344(a)(1), by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''.

Subtitle C—Repeal of Title V Relating to Incentive Grants for Local Delinquency Prevention Programs

SEC. 241. REPEALER.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102–586, is repealed.

Subtitle D—Amendments to the Missing Children's Assistance Act

SEC. 251. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(9) for 14 years, the National Center for Missing and Exploited Children has—

''(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

''(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

''(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

''(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

''(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

''(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

''(14) from its inception in 1984 through March 31, 1998, the Center has—

''(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

''(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

''(C) disseminated 15,491,344 free publications to citizens and professionals; and

''(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

''(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

''(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

''(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

''(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

''(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

''(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

''(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.''.

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the term 'Center' means the National Center for Missing and Exploited Children.''.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

''(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

''(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

''(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

''(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

''(B) operate the official national resource center and information clearinghouse for missing and exploited children;

''(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

''(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

''(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

''(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

''(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

''(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

''(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

''(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

''(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

''(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.''.

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting ''the Center and with'' before ''public agencies''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking ''1997 through 2001'' and inserting ''2000 through 2003''.

Subtitle E—Studies and Evaluations

SEC. 261. STUDY OF SCHOOL VIOLENCE.

(a) CONTRACT FOR STUDY.—Not later than 60 days after the date of the enactment of

this Act, the Secretary of Education shall enter into a contract with the National Academy of Sciences for the purposes of conducting a study regarding the antecedents of school violence in urban, suburban, and rural schools, including the incidents of school violence that occurred in Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado; and Conyers, Georgia. Under the terms of such contract, the National Academy of Sciences shall appoint a panel that will—

(1) review the relevant research about adolescent violence in general and school violence in particular, including the existing longitudinal and cross-sectional studies on youth that are relevant to examining violent behavior,

(2) relate what can be learned from past and current research and surveys to specific incidents of school shootings,

(3) interview relevant individuals, if possible, such as the perpetrators of such incidents, their families, their friends, their teachers, mental health providers, and others, and

(4) give particular attention to such issues as—

(A) the perpetrators' early development, the relationship with their families, community and school experiences, and utilization of mental health services,

(B) the relationship between perpetrators and their victims,

(C) how the perpetrators gained access to firearms,

(D) the impact of cultural influences and exposure to the media, video games, and the Internet, and

(E) such other issues as the panel deems important or relevant to the purpose of the study.

The National Academy of Sciences shall utilize professionals with expertise in such issues, including psychiatrists, social workers, behavioral and social scientists, practitioners, epidemiologists, statisticians, and methodologists.

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) APPROPRIATION.—Of the funds made available under Public Law 105-277 for the Department of Education, $2.1 million shall be made available to carry out this section.

SEC. 262. STUDY OF THE MENTAL HEALTH NEEDS OF JUVENILES IN SECURE OR NONSECURE PLACEMENTS IN THE JUVENILE JUSTICE SYSTEM.

(a) STUDY.—The Administrator of the Office of Juvenile Crime Control and Delinquency Prevention, in collaboration with the National Institute of Mental Health, shall conduct a study that includes, but is not limited to, all of the following:

(1) Identification of the scope and nature of the mental health problems or disorders of—

(A) juveniles who are alleged to be or adjudicated delinquent and who, as a result of such status, have been placed in secure detention or confinement or in nonsecure residential placements, and

(B) juveniles on probation after having been adjudicated delinquent and having received a disposition as delinquent.

(2) A comprehensive survey of the types of mental health services that are currently being provided to such juveniles by States and units of local government.

(3) Identification of governmental entities that have developed or implemented model or promising screening, assessment, or treatment programs or innovative mental health delivery or coordination systems, that address and meet the mental health needs of such juveniles.

(4) A review of the literature that analyzes the mental health problems and needs of juveniles in the juvenile justice system and that documents innovative and promising models and programs that address such needs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Congress, and broadly disseminate to individuals and entities engaged in fields that provide services for the benefit of juveniles or that make policy relating to juveniles, a report containing the results of the study conducted under subsection (a) and documentation identifying promising or innovative models or programs referred to in such subsection.

SEC. 263. EVALUATION BY GENERAL ACCOUNTING OFFICE.

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

(1) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Pub. Law 103-62; 107 Stat. 285).

(2) The outcome and results of the programs carried out by the Office of Juvenile Justice and Delinquency Prevention and those administered –through grants by Office of Juvenile Justice and Delinquency Prevention.

(3) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(4) Whether less restrictive or alternative methods exists to carry out the functions of the agency. Whether present functions or operations are impeded or enhanced by existing, statutes, rules, and procedures.

(5) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(6) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(7) The number and types of beneficiaries or persons served by programs carried out under the Act.

(8) The extent to which any trends, developments, or emerging conditions that are likely to affect the future nature and the extent of the problems or needs the programs carried out by the Act are intended to address.

(9) The manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency.

(10) Whether the agency has worked to enact changes in the law intended to benefit the public as a whole rather than the specific businesses, institutions, or individuals the agency regulates or funds.

(11) The extent to which the agency grants have encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(12) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(13) The impact of any regulatory, privacy, and paperwork concerns resulting from the programs carried out by the agency.

(14) The extent to which the agency has coordinated with state and local governments in performing the functions of the agency.

(15) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(16) Whether greater oversight is needed of programs developed with grants made by the Office of Juvenile Justice and Delinquency Prevention.

(b) REPORT.—The report required by subsection (a) shall—

(1) include recommendations for legislative changes, as appropriate, based on the evaluation conducted under subsection (a), to be made to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), and

(2) shall be submitted, together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and made available to the public .

SEC. 264. GENERAL ACCOUNTING OFFICE REPORT.

Not later than 1 year after the date of the enactment of this Act, the General Accounting Office shall transmit to Congress a report containing the following:

(1) For each State, a description of the types of after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, and athletic and other programs operated by public schools and other State and local agencies.

(2) For 15 communities selected to represent a variety of regional, population, and demographic profiles, a detailed analysis of all of the after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, mentoring programs, athletic programs, and programs operated by public schools, churches, day care centers, parks, recreation centers, family day care, community organizations, law enforcement agencies, service providers, and for-profit and nonprofit organizations.

(3) For each State, a description of significant areas of unmet need in the quality and availability of after-school programs.

(4) For each State, a description of barriers which prevent or deter the participation of children in after-school programs.

(5) For each State, a description of barriers to improving the quality and availability of after-school programs.

(6) A list of activities, other than after-school programs, in which students in kindergarten through grade 12 participate when not in school, including jobs, volunteer opportunities, and other non-school affiliated programs.

(7) An analysis of the value of the activities listed pursuant to paragraph (6) to the well-being and educational development of students in kindergarten through grade 12.

SEC. 265. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

Subtitle F—General Provisions

SEC. 271. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to fiscal years beginning after September 30, 1999.

Amend the title so as to read: ''A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes.''.

TITLE III—REAUTHORIZATION OF COPS PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the ''Public Safety and Community Policing Grants Reauthorization Act of 1999''.

SEC. 302. REAUTHORIZATION OF PUBLIC SAFETY AND COMMUNITY POLICING (COPS ON THE BEAT) GRANTS.

Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in clause (vi) by striking ''268,000,000 for fiscal year 2000'' and inserting ''500,000,000 each of fiscal years 2000 through 2005.''.

SEC. 303. RENEWAL OF GRANTS.

Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by amended subsection (b) to read as follows—

''(b) GRANTS FOR HIRING.—

''(1) IN GENERAL.—Grants made for hiring or rehiring additional career law enforcement officers or to promote redeployment of officers by hiring civilians may be renewed for an additional 3 year period beginning the fiscal year after the last fiscal year during which a recipient receives its initial grant. The Attorney General may use, at her discretion, a portion of the funding for cooperative partnerships between schools and State and local police departments to provide for the use of police officers in schools.

''(2) INITIAL PERIOD EXPIRED.—In a case in which a recipient's initial grant has expired prior to the date of the enactment of the Public Safety and Community Policing Grants Reauthorization Act of 1999, grants made for hiring or rehiring additional career law enforcement officers may be renewed for an additional 3 year period beginning the fiscal year after the date of the enactment of such Act.

''(3) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection. In a case in which a recipient receives a grant for an additional 3 year period, the amount for any additional years shall be increased by 3 percent to reflect a cost of living adjustment.''.

SEC. 304. MATCHING FUNDS.

Section 1701(i) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by striking ''up to 5 years'' and inserting ''each 3 year grant period''.

SEC. 305. HIRING COSTS.

Section 1704 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3) is amended by repealing subsection (c).

TITLE IV—SCHOOL ANTI-VIOLENCE EMPOWERMENT ACT

SEC. 401. SHORT TITLE.

This title may be cited as the ''School Anti-Violence Empowerment Act''.

Subtitle A—School Safety Programs

SEC. 411. PROGRAM AUTHORIZED.

The Secretary of Education is authorized to provide grants to local educational agencies to establish or enhance crisis intervention programs, including the hiring of school counselors and to enhance school safety programs for students, staff, and school facilities.

SEC. 412. GRANT AWARDS.

(a) LOCAL AWARDS.—The Secretary shall award grants to local educational agencies on a competitive basis.

(b) GRANT PROGRAMS.—From the amounts appropriated under section 416, the Secretary shall reserve—

(1) 50 percent of such amount to award grants to local educational agencies to hire school counselors; and

(2) 50 percent of such amount to award grants to local educational agencies to enhance school safety programs for students, staff, and school facilities.

(c) PRIORITY.—Such awards shall be based on one or more of the following factors:

(1) Quality of existing or proposed violence prevention program.

(2) Greatest need for crisis intervention counseling services.

(3) Documented financial need based on number of students served under part A of title I of the Elementary and Secondary Education Act of 1965.

(d) EQUITABLE DISTRIBUTION.—In awarding grants under this subtitle, the Secretary shall ensure, to the extent practicable, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

(e) ADMINISTRATIVE COSTS.—The Secretary may reserve not more than 1 percent from amounts appropriated under section 416 for administrative costs.

(f) ELIGIBILITY.—A local educational agency that meets the requirements of this subtitle shall be eligible to receive a grant to hire school counselors and a grant to enhance school safety programs for students, staff, and school facilities.

SEC. 413. APPLICATIONS.

(a) IN GENERAL.—Each local educational agency desiring a grant under this subtitle shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—Such application shall include a plan that contains the following:

(1) In the case of a local educational agency applying for a grant to enhance school safety programs—

(A) a description of any existing violence prevention, safety, and crisis intervention programs;

(B) proposed changes to any such programs and a description of any new programs; and

(C) documentation regarding financial need.

(2) In the case of a local educational agency applying for a grant to hire school counselors—

(A) a description of the need for a crisis intervention counseling program; and

(B) documentation regarding financial need.

SEC. 414. REPORTING.

Each local educational agency that receives a grant under this subtitle shall provide an annual report to the Secretary. In the case of a local educational agency that receives a grant to enhance school safety programs, such report shall describe how such agency used funds provided under this subtitle and include a description of new school safety measures and changes implemented to existing violence prevention, safety, and crisis intervention programs. In the

case of a local educational agency that receives a grant to hire school counselors, such report shall describe how such agency used funds provided under this subtitle and include the number of school counselors hired with such funds.

SEC. 415. DEFINITIONS.

For purposes of this subtitle:

(1) The terms ''elementary school'', ''local educational agency'', and ''secondary school'' have the same meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) The term ''school counselor'' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

(A) possesses State licensure or certification granted by an independent professional regulatory authority;

(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent.

(3) The term ''Secretary'' means the Secretary of Education.

(4) the term ''school safety'' means the safety of students, faculty, and school facilities from acts of violence.

SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this SUBtitle $700,000,000 for each of fiscal years 2000 through 2004.

Subtitle B—21st Century Learning

SEC. 421. AFTER-SCHOOL AND LIFE SKILLS PROGRAMS FOR AT-RISK YOUTH.

Section 10907 of part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8247) is amended by striking ''appropriated'' and all that follows before the period and inserting the following: ''appropriated to carry out this part—

''(1) such sums as may be necessary for fiscal year 1999; and

''(2) $250,000,000 for each of fiscal years 2000 through 2004''.

Subtitle C—Model Program And Clearinghouse

SEC. 431. MODEL PROGRAM.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Education, in consultation with the Attorney General, shall develop a model violence prevention program to be made available to local educational agencies.

SEC. 432. CLEARINGHOUSE.

The Secretary of Education shall establish and maintain a national clearinghouse to provide technical assistance regarding the establishment and operation of alternative violence prevention programs. The national clearinghouse shall make information regarding alternative violence prevention programs available to local educational agencies.

TITLE V—CHILDREN'S DEFENSE ACT OF 1999

SEC. 501. SHORT TITLE.

This title may be cited as the ''Children's Defense Act of 1999''.

SEC. 502. STUDY OF EFFECTS OF ENTERTAINMENT ON CHILDREN.

(a) REQUIREMENT.—The National Institutes of Health shall conduct a study of the effects of video games and music on child development and youth violence.

(b) ELEMENTS.—The study under subsection (a) shall address—

(1) whether, and to what extent, video games and music affect the emotional and psychological development of juveniles; and

(2) whether violence in video games and music contributes to juvenile delinquency and youth violence.

SEC. 503. TEMPORARY ANTITRUST IMMUNITY TO PERMIT THE ENTERTAINMENT INDUSTRY TO SET GUIDELINES TO HELP PROTECT CHILDREN FROM HARMFUL MATERIAL.

(b) PURPOSES; CONSTRUCTION.—

(1) PURPOSES.—The purposes of this section are to permit the entertainment industry—

(A) to work collaboratively to respond to growing public concern about television programming, movies, video games, Internet content, and music lyrics, and the harmful influence of such programming, movies, games, content, and lyrics on children;

(B) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(C) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics on the development of children in the United States and stimulates the development and broadcast of educational and informational programming for such children.

(2) CONSTRUCTION.—This section may not be construed as—

(A) providing the Federal Government with any authority to restrict television programming, movies, video games, Internet content, or music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics under law as of the date of the enactment of this Act; or

(B) approving any action of the Federal Government to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

(c) EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS.—

(1) EXEMPTION.—Subject to paragraph (2), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(A) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing—

(i) violence, sexual content, criminal behavior; or

(ii) other subjects that are not appropriate for children; or

(B) to promote telecast material, movies, video games, Internet content, or music lyrics that are educational, informational, or otherwise beneficial to the development of children.

(2) LIMITATION.—The exemption provided in paragraph (1) shall not apply to any joint discussion, consideration, review, action, or agreement that—

(A) results in a boycott of any person; or

(B) concerns the purchase or sale of advertising, including restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

(3) DEFINITIONS.—In this subsection:

(A) ANTITRUST LAWS.—The term ''antitrust laws''—

(i) has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(ii) includes any State law similar to the laws referred to in subparagraph (A).

(B) INTERNET.—The term ''Internet'' means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(C) MOVIES.—The term ''movies'' means theatrical motion pictures.

(D) PERSON IN THE ENTERTAINMENT INDUSTRY.—The term ''person in the entertainment industry'' means a television network, any person that produces or distributes television programming (including theatrical motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any person that produces or distributes video games, the Recording Industry Association of America, and any person that produces or distributes music, and includes any individual acting on behalf of any of the above.

(E) TELECAST.—The term ''telecast material'' means any program broadcast by a television broadcast station or transmitted by a cable television system.

(d) SUNSET.—Subsection (d) shall apply only with respect to conduct that occurs in the period beginning on the date of the enactment of this Act and ending 3 years after such date.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that this motion to recommit on behalf of myself, the gentleman from Virginia (Mr. SCOTT); the gentleman from Michigan (Mr. STUPAK); the gentleman from Texas (Mr. GREEN); and the gentleman from Michigan (Mr. BONIOR), be extended to a total of 7½ minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. McCOLLUM. Mr. Speaker, reserving the right to object, the gentleman from Michigan (Mr. CONYERS) and I have discussed this, and in light of the fact that he agreed not to offer his amendment that he had that would have taken up 60 minutes, and this is a very complex motion to recommit; and the gentleman has also agreed to cut the time he was initially going to ask for from 5 minutes more per side to 2½ minutes, I think we should let the gentleman have that additional time in comity under those circumstances. The gentleman has already saved us time this evening.

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Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. CONYERS) for 7½ minutes.

Mr. CONYERS. Mr. Speaker, I will first begin by thanking the Chair of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM) for allowing us to move directly to a motion to recommit, instead of a substitute motion that I had which would have taken considerably longer.

But my motion to recommit is every bit as important as the substitute would have been. It returns us to a commonsense approach to juvenile justice.

Here is what it does. In addition to including the bipartisan Committee on the Judiciary and Committee on Education and the Workforce bill that have already been approved in those committees, my motion reauthorizes the COPS on the Beat program, authorizes funds for school resource officers, school safety programs, and after-school programs.

It also provides for a study of the effects of media violence, and grants an antitrust immunity to permit the entertainment industry to set voluntary guidelines on violence. Unless my substitute is accepted, the House will have taken no action which allows members of the entertainment industry to work to develop these guidelines.

Finally, unlike the McCollum amendment passed last night, my motion contains no gun-related provisions whatsoever.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in support of the Conyers motion to recommit. It includes the bipartisan H.R. 1501, as was introduced, which responded to judges, advocates, and researchers who told us what we needed from the judiciary point of view, and it includes the Goodling amendment, which we adopted a little earlier today by an overwhelming majority that provides prevention funds, and protects children, and the other programs the gentleman from Michigan mentioned.

For the past 2 days we have considered amendments on issues without any hearings, and we have been relegated to codifying sound bites, many of which will actually increase the crime rate.

This motion to recommit is a focused attempt to actually reduce crime. These provisions have gone through the regular legislative process and are supported by those who know what they are talking about. Anyone who had an adverse opinion had the opportunity to present that opinion.

Let us get serious about reducing crime and adopt the motion to recommit.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding to me.

Mr. Speaker, as to juvenile justice, at one time we did have a bipartisan plan between Democrats and Republicans. Those bills did not contain any gun provisions. If we put back the bipartisan plan, we will go back to putting Cops on the Beat, we will authorize funds for school resource officers, school safety programs, and we will authorize after-school programs.

Unfortunately, tonight and in the last few days we got away from the proposals, and we are back to trying 13-year-olds as adults. We are back to housing kids with adult criminals and imposing new mandatory minimums and death penalties.

It is great to get tough on juveniles. As a cop, I know they do not work. We have to get to the root of the problem. Let us get back to the programs that bring some sanity back to the homes, the communities, and our schools.

We do not need all kinds of gun provisions to do that. I ask the Members, I implore them, to support the motion to recommit.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I also rise in support of the motion to recommit.

Having looked at the motion to recommit, my goal in trying to deal with the violence that is in our schools and in our country from our juveniles is not obviously necessarily more gun control. We will debate that this evening and tomorrow.

But what this amendment would do, if we vote for the recommital, it will provide more cops on the street, it will provide school resource officers and guidance counselors and after-school care and block grants for prevention.

My wife is a high school teacher in a very urban district in Houston. What we have seen today is teachers and counselors do not have the time to get to know those students. What we need is some additional assistance for our local schools and our States to be able to help. We need counselors who counsel and not just schedulers for classes. That is what this will do.

That is why I think we need to deal with the prevention programs, and let us leave gun control to the next debate. That is why I think this provision is so important.

Mr. Speaker, I ask for a yes vote on the motion to recommit so we can deal with prevention and get the tools that our teachers and our parents and our school administrators need.

Mr. CONYERS. Mr. Speaker, I am pleased to yield to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding to me, and I would echo the comments made by my friends who have just spoken.

Our school officials struggled mightily and still are struggling to finish this school year. They are going to be working to restore the confidence of the community when the children and the teachers and the administrators go back in the fall.

But they need some help. We all understand they need help. Everyone here goes to schools and they talk to students, and they understand the dire need.

The bill, as suggested, the substitute we are talking about, adds guidance counselors. In my State, we have one guidance counselor per 500 students. It is not fair, it is not right. Children cannot get the attention they need with those kinds of ratios. Kids fall between the cracks. When they fall between the cracks, they engage in problems we have seen in so many communities across the country.

We also need more police officers or school resource officers in the schools. It is a good program. It is working across America. The program is running out of funds. It is running out of money. This will help restore the money and add additional money for school resource officers.

Third and very importantly, it will provide a safe haven for after-school programs for our children. As an old probation officer who worked with juvenile delinquents for many years, Members all know these figures, the teen pregnancies, the alcohol abuse, the drug abuse, they occur between the hours of 3 and 6, when no one is home.

If our kids can be in a safe place, in a school environment with adults, with grandparents, where they get this synergy and mixture of people coming together, mentoring, teaching each other, loving each other, caring for each other, we have an environment that we can be proud of and that can do something for our communities.

Mr. Speaker, I just want to applaud my colleague, the gentleman from Michigan (Mr. STUPAK) for suggesting this substitute. I ask my colleagues to vote for it. It is reasonable, it is fair. There are not any gun provisions in this substitute. It is the least we can do to help our communities get back on track this fall.

The SPEAKER pro tempore. Is the gentleman from Florida (Mr. MCCOLLUM) opposed to the motion to recommit?

Mr. MCCOLLUM. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. MCCOLLUM) is recognized for 7½ minutes.

Mr. MCCOLLUM. Mr. Speaker, I rise in strong opposition to this motion to recommit.

Quite simply, the Conyers substitute is a poison pill to everything we have done out here the last couple of days.

Mr. Speaker, the Conyers motion guts almost every single one of these

amendments that this House approved yesterday and today, by wide bipartisan majorities, in most cases.

If the Conyers motion gets approved, we will have undone all of our bipartisan work here on the floor over the last 24 hours to protect our children and our schools and our communities.

I appreciate that the motion contains and leaves alone the base bill, H.R. 1501, as introduced, but it is quickly downhill after that. Yesterday this Chamber sent a message: Our children are the most precious treasure we have, and we intend to protect them. If individuals harm our children, we will punish them and punish them severely. The Conyers motion repudiates that.

Consider all the ways in which this motion undoes the work of this Chamber over the last day or so.

First, the motion would eliminate all of the bipartisan amendments approved on the underlying text of H.R. 1501.

It eliminates the Hutchinson amendment, that permits States and localities to use their accountability incentive grant funds to support restorative juvenile justice programs, an extremely successful approach that emphasizes moral accountability of an offender to his victim and the affected community.

It eliminates the Dreier amendment, that allows States and localities to use their accountability incentive grant funds to support anti-gang programs developed by law enforcement agencies to combat juvenile crime.

It eliminates the Wise amendment, that allows States and localities to use their accountability incentive grants to develop school safety hot lines, allowing the early warning signs of school violence to be reported to the authorities.

The Conyers motion also guts the numerous additions to H.R. 1501, dramatically strengthened in the bill, and increased the protections for our children. It does so by eliminating the Latham amendment that requires drug traffickers to compensate their victims for the harm of their poisonous trade.

The Conyers motion eliminates the Salmon amendment, Aimee's Law, an extremely important effort to ensure that convicted murderers, rapists, child molesters are held accountable.

The Conyers motion eliminates the Cunningham amendment, Matthew's law, which increases penalties for criminals who commit a Federal crime of violence against children under the age of 13.

It eliminates the Green amendment, which requires life imprisonment for repeat sex offenders who prey on our children.

It eliminates the DeLay amendment, which limits the ability of activist Federal judges to take over State and local prison systems by preventing judges from being able to force the early release of convicted criminals.

It eliminates the Tancredo amendment, which passed by a wide bipartisan margin, and simply declared that a fitting memorial on public school campuses may contain religious speech without violating the U.S. Constitution, and was specifically addressing the Columbine High School matter.

There are numerous additional amendments Republicans and Democrats alike offered that this House passed in the last 24 hours that would be eliminated.

The motion does not just vitiate good additions to the bill, it also guts all kinds of things that are here. It eliminates the minimum mandatory sentence for making false statements to a licensed dealer in order to illegally obtain a firearm if it was to enable a juvenile to use it in the commission of a serious violent felony.

The motion eliminates the tough sentences directed against gang violence and drug trafficking to minors.

His motion eliminates the mandatory minimum penalty directed against adults who use minors to distribute drugs.

It eliminates the mandatory minimum penalty directed against adults convicted of distributing drugs to minors.

It eliminates the mandatory minimum penalties for the knowing discharge of a firearm in a school zone resulting in physical harm, and it strips the provision providing for the death penalty if someone uses a gun to kill in a school zone.

It eliminates the mandatory penalty for discharging a firearm during a Federal crime of violence or a Federal drug trafficking crime, and eliminates the mandatory minimum penalty if the firearm is used to injure another person.

The Conyers amendment strips out the directive to the Justice Department that requires the Department to make the prosecution of Federal firearms violations a priority.

The Conyers amendment says to the administration, your feeble enforcement of current law is fine with us. The Conyers amendment says, all talk and no action is okay.

It eliminates the mandatory penalty directed against any person convicted of distributing, possessing, with the intent to distribute, or manufacturing drugs in or within 100 feet of a school zone.

The Conyers motion eliminates the death penalty for those who travel in interstate commerce and kill a witness in a criminal proceeding to keep them from testifying.

Finally, the Conyers motion would reauthorize the COPS program. This program, as attractive as it may sound at first blurb, is a flawed and problematic program.

Who is not for more community-based policing? But that should be a State and local funding matter. The COPS program is coming under increasing criticism for being expensive, inefficient, and ineffective. It has failed to come anywhere near producing its promise of putting 100,000 new police on the beat.

A recent audit by the Justice Department's Inspector General found that within 1 year, with 1 year to go on the President's program in his 6-year pledge to put an additional 100,000 police on the streets, only 50,139 officers have been hired and put on the beat. That is barely one-half of the total that was promised, with only a year to go.

I might add, the fact is that the local communities, in community after community around the country, are finding that they cannot afford to continue to pay the cops after the expiration of the subsidy in this bill that only lasts for 2 or 3 years.

This is no time to reauthorize a program that, while lending itself to nice sound bites, has been ineffective and poorly managed, and reauthorize it without even any debate on the floor of the House, not to mention the committee lack of debate, which Mr. CONYERS has criticized us for up to this point; no debate at all, just put it in the motion to recommit and we pass it tonight.

Mr. Speaker, over the last 24 hours, the House has responded to the complex mix of threats to our children by adding smart, balanced, and tough provisions to the underlying bill, H.R. 1501.

□ 2030

That underlying bill, which goes to improve our juvenile justice system, to rebuild the broken systems, because we do not have enough resources, not enough judges, not enough probation officers, not enough diversion programs, we are seeing that kids do not receive the consequences they should because they are not being punished for their misdemeanor crimes.

At this point in time, the reality of this is that we have a problem that is severe, that needs to be addressed, and the Conyers motion plainly rejects the additional provisions added to this bill. Our children, frankly, deserve nothing but the fullest efforts to protect them at home, on the playground, on the streets of this country, and the Conyers motion to recommit would just strip all of this stuff out that we did the last 2 days. So I strongly urge a no vote on it.

I yield to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I want to congratulate this House. For the last 2 days, we have stood up in a bipartisan way and looked at the problems out of Columbine High School and recognized what those problems were and addressed them in many different ways. I am really proud of this House for doing so.

What this motion to recommit does is undoes all of that and reasserts the notion that it takes a village to raise a child; add more cops, add more programs, add more counselors.

It does not take a village to raise a child. It takes a mother and a father to raise a child. It takes a mother and a

father that live in a village that is conducive to raising a child.

The lesson from Columbine High School is that we have created a culture that raises children that kill children. We do not need more counselors.

In fact, in Columbine High School, they sent the village to the high school. They sent counselors. They sent psychiatrists. They sent people from the village. What did the kids do? They went to church. The kids went to church. They rejected the village.

What this bill does now is recognize that, and recognizes that there has to be structure and limits and consequences. There has to be enforcement of the existing laws. People have to be allowed freedom to exercise their religion. Barriers have to be removed to allow us to raise a culture that hopefully some day will eliminate kids killing kids.

So if my colleagues vote for the motion to recommit, they undo some wonderful work that has been done these last 2 days in a bipartisan way. Vote no on the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. STUPAK. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Michigan (Mr. STUPAK) will state his parliamentary inquiry.

Mr. STUPAK. Mr. Speaker, after the third time, I appreciate recognizing the fact that I had a parliamentary inquiry.

I would ask that the House be given an additional 5 minutes on each side.

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

Mr. STUPAK. Mr. Speaker, then let me try 30 seconds, an additional 30 seconds.

The SPEAKER pro tempore. A Member must stand to object.

Is there objection to the request of the gentleman from Michigan?

Mr. BURTON of Indiana. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 191, noes 233, not voting 10, as follows:

[Roll No. 232]

AYES—191

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—233

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Boucher
Brown (CA)
Carson
Ewing
Fletcher
Houghton
Minge
Salmon
Shays
Thomas

□ 2051

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(Mr. ARMEY asked and was given permission to speak out of order for 1 minute.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, after final passage of H.R. 1501, the Consequences for Juvenile Offenders Act, we will begin 1 hour of general debate on H.R. 2122, the Mandatory Gun Show Background Check Act.

We will then proceed with 40 minutes of debate on the Dingell amendment immediately followed by a vote. Members should note that there will be approximately 2 hours between the vote on final passage of H.R. 1501 and the vote on the Dingell amendment.

Mr. Speaker, after the vote on the Dingell amendment, we will debate the McCarthy amendment for about 30 minutes and then vote immediately thereafter. That will be our last vote for the evening.

Mr. Speaker, we will continue, by the good graces of the committee, to debate two or three other amendments, but any recorded votes ordered will be rolled until tomorrow.

The House will meet at 9 a.m. tomorrow and immediately resume consideration of amendments to H.R. 2122. One minutes will be at the end of the day.

Mr. Speaker, we will probably begin debate tomorrow with the Davis of Virginia amendment with 30 minutes of debate. We will then have a series of three to four votes.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

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

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 287, nays 139, not voting 9, as follows:

[Roll No. 233]

YEAS—287

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crowley
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moore
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Thune
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NAYS—139

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Cannon
Capuano
Cardin
Clay
Clayton
Clyburn
Coburn
Conyers
Costello
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Hostettler
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Pickett
Rahall
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schakowsky
Scott
Serrano
Slaughter
Stark
Stupak
Thompson (MS)
Thurman
Tiahrt
Tierney
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wynn

NOT VOTING—9

Brown (CA)
Carson
Cubin
Houghton
Minge
Salmon
Saxton
Shays
Thomas

□ 2102

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CUBIN. Mr. Speaker, on rollcall No. 233, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, earlier today, I was in Connecticut participating in the commencement ceremony at Greenwich High School and, therefore, missed eight recorded votes.

I take my voting responsibility very seriously, having missed only 4 votes in my almost 12 years in Congress.

I would like to say for the RECORD that had I been present I would have voted "yes" on recorded vote number 226, "yes" on recorded vote number 227, "yes" on recorded vote 228, "yes" on recorded vote 229, "yes" on recorded vote 230, "yes" on recorded vote 231, "no" on recorded vote 232, and "yes" on recorded vote 233.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 1658, CIVIL ASSET FORFEITURE REFORM ACT

Mr. DREIER. Mr. Speaker, the Committee on Rules is expected to meet on Tuesday June 22, 1999, to grant a rule for the consideration of the bill H.R. 1658, the Civil Asset Forfeiture Reform Act.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments to be preprinted would need to be signed by the Member and submitted to the Speaker's table no later than the close of business Tuesday, June 22.

Amendments should be drafted to the version of the bill ordered reported by the Committee on the Judiciary, a copy of which may be obtained from the committee.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 209 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2122.

□ 2103

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2122) to require background checks at gun shows, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

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

Mr. MCCOLLUM. Mr. Chairman, the legislation we are about to consider before us this evening is here because all of us are concerned with the safety of our children in school, at home, on the playground, and on the street. That is the same reason we were considering the bill we just passed a moment ago.

In America, every child should have an opportunity to get a full education, to excel in the workplace to the best of his or her ability, to raise a family and to enjoy the high standard of living that the genius of the Founding Fathers of this great free Nation allowed us to develop. No child should have his or her life cut short in a suicidal massacre such as happened at Columbine High School or by any other violent criminal act.

We cannot address adequately by legislation all of the causes of violent crime in our society, but over the last 2 days we have crafted legislation in H.R. 1501 which, if enacted, will greatly assist our States and local communities in reducing the torrent of violent youth crime afflicting this Nation. The grant program in this legislation will help repair the broken juvenile justice systems in our 50 States and send a message to teenagers that there are consequences for their criminal misbehavior at every level, and that if they continue to engage in a course of criminal conduct there will be ever more severe punishment. I believe the experts that this legislation will make a difference.

Now we must turn our attention to the loopholes in the gun laws of this Nation that have become very apparent in the aftermath of the tragedy at Columbine. Over the last several weeks, there has been much debate over the issue of guns; debate in public, debate in the press, debate in this House. And despite all the differing views of those on all sides, there is one thing that I believe everyone agrees upon. We need to keep guns out of the hands of children, convicted felons and those who use them to harm our families.

Existing law prohibits a convicted felon, a fugitive from justice, a drug addict, an illegal alien, a minor, and several other categories of people from buying a gun. Several years ago an instant check background system was phased in specifically for the purpose of screening out convicted felons and other disqualified persons who attempted to buy guns from a gun dealer. This is a name check system.

The name check system has its weaknesses, one of them being that while the names of persons arrested for felony crimes are computerized in a central bank at the FBI, the conviction or acquittal records are not. Some States have computerized the disposition records showing conviction or acquittal but many have not. So when the name of a gun purchaser is entered in the instant check system and a hit is made, it is frequently only known that the person has an arrest record for a felony, not whether there was a conviction.

Once there is a hit of someone's name in the instant check system, there has to be contact made by someone working in that system to the county courthouse in the county and the State where the arrest was made to find out if the person was convicted of a felony crime on the charges that show up on the arrest record in the computer, or whether that person was acquitted, or maybe the charges were pled to a lesser offense, or, who knows.

If the sale is made over the weekend, and I think this is very important to note, if the sale was made over the weekend and the instant check turns up an arrest hit on the purchaser's name, the county courthouse is not open for business and the records cannot be checked to find out if there was a felony conviction that would disqualify the purchaser until Monday, when the courthouse opens.

This is the principal reason why current law provides that if an arrest hit occurs on a name in an instant check, law enforcement has up to 3 business days to determine whether there was a felony conviction before the sale can be completed. If it is determined there is a felony conviction, there can be no sale. If it does not make a determination, the sale may proceed at the end of the 3 days.

Now, when somebody buys a gun at a gun show from a dealer, under current law the instant check system works exactly the same as it does if somebody goes to the gun store and buys the gun from the gun dealer. However, if the purchase is made by an individual nondealer citizen at a gun show, if that is the one who is selling the gun, an individual nondealer citizen, there is no background check to see if the person is a convicted felon who is attempting to make the purchase. This is a big loophole. This is the loophole that the bill before us, H.R. 2122, closes.

Under this bill, an instant background check has to be done on anyone who purchases a gun at a gun show. No matter who the seller is, whether they are a dealer or an unlicensed individual vendor at the gun show, they may not sell any firearm under this bill until the buyer of that firearm has been checked through the instant check system. Under this bill, anyone who knowingly violates the requirement will be subject to criminal prosecution and civil penalties.

Requiring purchasers at a gun show to wait 3 working days might mean that the sale is not completed until well after the gun show is over, and so H.R. 2122 allows the sale to proceed after 72 hours, or 3 calendar days, as opposed to business days. This will be long enough to delay the sale if it is made over a weekend, until the county courthouses are open on Monday, and the arrest name hit can be resolved, but it also allows gun show purchasers to complete their transactions promptly. There is no need to have a 3-business or -working day wait.

Mr. Chairman, some Members want this period shortened to 24 hours, but the instant check statistics show that only about half the hits are ever cleared up in 24 hours, and on Saturdays this clear rate is even lower. Whenever the check system tells a dealer to delay, it is always because a hit has occurred in the name of the person seeking to buy a firearm. We have to make sure that we delay these sales until we can determine if the person trying to buy the firearm is a felon or a fugitive, and this often cannot happen until the following Monday morning.

The bill also requires persons who organize or conduct shows to register with the Secretary of the Treasury, in accordance with the Department's regulations. It also requires gun show organizers to check the identification of those who desire to be vendors at the gun show and record their names in records the gun show organizer must maintain.

Under present law, only licensed dealers are authorized to conduct background checks on potential firearm purchasers. In order to make sure there will be sufficient number of persons at gun shows who can conduct these checks, the bill allows other citizens to apply to the Secretary of the Treasury to become instant check registrants. These instant check registrants will not be licensed to sell firearms, but they will be licensed to conduct a background check, and they will be subject to the regulations promulgated by the Treasury Department. I am sure a number of persons who are not dealers, but enjoy exhibiting, buying, and selling firearms at gun shows will go through the process to obtain a permit to conduct these background checks.

H.R. 2122 also defines a gun show. For the purposes of the bill, a gun show is an event which is sponsored to foster the collecting or legal use of firearms at which 50 or more firearms are exhibited for sale or exchange, and at which 10 or more vendors are present.

Now, I must say, Mr. Chairman, I was disappointed to read in today's paper, in The Washington Post, a piece by Attorney General Janet Reno, which I must sadly say it makes it appear that she is playing more politics than substance, and I am used to hearing from the Attorney General on a lot more substance. She complains about the provisions in this bill in ways that just do not make sense.

Now, I would like to say one thing about this. I believe that the Attorney General's office should be spending more time working to improve the existing instant check system to get more of the records on file in a way that will have the felony convictions there, than trying to fiddle with the details of a piece of legislation where she is totally incorrect about what she is saying in that article.

Miss Reno says in her column something that appears to show concern

that my system in this bill will allow what she calls amateurs to access the instant check system. That is not the case. All instant check registrants that are created under this bill, H.R. 2122, will be licensed by the Secretary of the Treasury. They will follow all regulations promulgated by the Secretary of the Treasury. And, besides, it does not take a rocket scientist to operate the system. It only takes the ability to call in a name and the date of birth to the check system. The new instant check registrants will not undermine the system in any way.

Miss Reno also complains that the requirement in the bill that all background check of records and transactions that go through must immediately be destroyed will undermine her ability to audit the system. The only need to audit the system is to ensure that unauthorized checks are not being run. We do not need to keep the records on everybody who files to buy a gun. That is not the way we do things in America. We should not have that kind of filing that is kept. That is nonsense. While it may be a benefit in certain respects to have these records, it is certainly not worth the risk of allowing the government to keep records of individual law-abiding citizens for months at a time.

Again, I am very disappointed in the Attorney General and her purported criticism of the underlying bill, which, as I said, does not have merit.

I believe H.R. 2122 strikes a fair balance between the need to assure that firearms are kept out of the hands of criminals and the right of law-abiding citizens to keep and bear arms. The bill will close the existing loophole that could allow criminals to buy firearms at gun shows. It will encourage the government to conduct background checks as quickly as they practically can, without risking that a firearm might be sold to a convicted criminal simply because the courthouse where the conviction record was kept was closed on the weekend of the gun show.

We need this legislation. We need to close the loophole. We need to keep the guns out of the hands of convicted felons. It is so important to do so that I am asking my colleagues to set aside all of the differences, all of the bickering that has been going on over the little ''i's'' and ''t's'' and so forth out here. Consider the safety of our children and grandchildren and vote in favor of this bill.

It does not need to be amended on the gun show portion. It is a solid piece, well balanced, well thought out to protect both the law-abiding person who wants to buy a gun at a gun show; to protect the organizer of a gun show who should not be subjected to the unnecessary liability hazards that are in the other body's version of this, and may be an amendment offered out here today; and it protects the American public, which is most important, our children and our grandchildren, from those convicted felons who might otherwise, without this legislation, be able to buy a gun at a gun show they cannot buy from an authorized dealer.

□ 2115

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

Mr. CONYERS. Mr. Chairman, I am pleased to begin our general debate on H.R. 2122 by yielding 4 minutes to the gentleman from Missouri (Mr. GEPHARDT) the distinguished minority leader of the House.

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

Mr. GEPHARDT. Mr. Chairman, I rise tonight to urge Members to support the McCarthy amendment that is cosponsored by the gentlewoman from New York (Mrs. MCCARTHY) and the gentlewoman from New Jersey (Ms. ROUKEMA) and the gentlewoman from Maryland (Mrs. MORELLA) the gentleman from Illinois (Mr. BLAGOJEVICH) and others. And I recommend it to Members because I think it is the most reasonable and common-sensical approach to this problem.

Let me begin the debate tonight by submitting some agreements that I think all of us agree to.

I think all of us here believe in the Second Amendment, we believe in the right of American citizens to have, possess, and bear arms.

Let me also submit that all of us believe that doing something about the availability of guns to children is not going to solve alone or nearly alone the problem of school violence that we face.

There are a lot of other things that, hopefully, will be considered here on the floor of the House in the days to come. We need to address all of the problems of the way children are raised, the way children are taught, so that we can raise law-abiding, productive citizens in the case of every child in our country.

But the McCarthy amendment and the amendment presented by the gentleman from Florida (Mr. MCCOLLUM), which has many merits about it, are both based on the idea that the Brady bill that we passed in 1993 has been an important change in the law that has brought about an improvement in terms of who is able to buy guns.

The Department of Justice today released information that said that in the last 6 months 17,000 criminals, people who had been convicted of crimes, were refused the ability to buy a gun because of the operation of the Brady law.

Let me just read some of the cases that were affected under the Brady law.

On January 9, 1999, in Texas a convicted murderer was not allowed to buy a weapon. On February 6, 1999, a person under indictment for aggravated assault with a deadly weapon was denied the right to buy a weapon. On February 27 of this year, a person convicted of aggravated kidnapping with intent to rape a child was denied the right to buy a weapon in my own State of Missouri, February 13 of this year, a person wanted for domestic battery in Illinois. February 27, a person convicted of illegal possession of explosives in New Mexico.

I could go on and on. I could read 17,000 people in the last 6 months who were refused the right to buy a gun.

This law works. We had 70 or so percent of Democrats, 30 percent of Republicans who voted in a bipartisan way for the Brady bill in 1993. It was a good thing to do. It was common sense. And it has worked.

The problem is there was a loophole, as often there is in laws that we write, and a lot of people have been driving through that loophole. The loophole is that we have a thing called gun shows and flea sales, flea markets, where people can go and buy weapons today and not have the Brady check.

And so, what we are on the floor tonight in part to remedy is that loophole. And I believe that the McCarthy amendment does that the best, for two reasons. One, I think it has the definition of a ''gun show'' that is tight enough to pick up most of the gun shows. And secondly, the time period, and the gentleman from Florida (Mr. MCCOLLUM) has talked about this, is longer than in other amendments that will be presented and allows the check to actually take place.

Now, in truth, about 90 percent of the people will be able to buy the gun at the gun show because the instant check is working and it will not stop them from being able to buy the gun at the site within the first hour or so after they make the purchase.

So this is a reasonable piece of legislation.

I had an officer, a police officer, in Chicago the other day come up to me on a plane and he said, ''You know, it is really important that you get rid of this gun show exclusion.'' He said, ''I go into high schools all over Chicago and I ask kids, 'Do you have a gun at home?' Everybody raises their hand. I ask, 'How many of you know where the gun is right now?' Everybody raises their hand. I ask them, 'How many have shot the gun?' Everybody raises their hand.''

He said, ''I grew up in the inner City of Chicago; and I can tell you, when I was a kid,'' and he was not that old, certainly not as old as I am, he said, ''guns were not that available.'' He said, ''When we had a fight in school, maybe it was a fistfight. At worst, it was a knife somebody brandished. But nobody could get to a gun.'' And he said, ''The truth is, and I know this for a fact because I work in this area, the guns that are coming into Chicago now are coming through the gun shows and the flea markets because people that want to sell guns to kids are going there to get out of the Brady law.'' This is a loophole we need to close, and we can close it tonight.

Now, let me end with this: I think a lot of Americans are tuning in tonight

to hear this debate because I think the American people are looking to us in a bipartisan way to take a small step in the right direction to address a problem that I believe is a national crisis.

When we have Littleton and we have Georgia and we have Arkansas and we have Oregon and we have Kentucky and we have kids killing kids in high schools, not just in inner cities but in suburbs all across this country, we have a national crisis.

We lost more kids yesterday to school violence than we lost in Kosovo and in Bosnia in the last 3 years put together. This is a national crisis. Thirteen kids a day go down to school violence.

The police officer in Chicago said when he was talking to me on the plane, ''It is 9:30 at night. There have already been three funerals in the City of Chicago of children who were killed by children tonight.'' And he said, it is every night, every night, every night, every night.

We know this is not going to solve the problem alone. But it is a step in the right direction.

I went to Littleton on the Sunday they had the memorial service a week after the children were killed. I met with Colin Powell and the Vice President, the parents of the dead children. They came through one at a time. It took an hour and a half. I hugged them. I cried with them. As I held them in my arms, all I could think of was my kids.

One of the mothers had the picture of her child with a frame. She sobbed in my arms for about 2 minutes. I cried with her. When she stepped back, she looked at me and she said, ''Congressman, please go back to the Congress and take some step so that my child did not die in vain.'' That is what we owe the people of this country tonight.

This should not be a political issue, a partisan issue, a Democrat-Republican issue. This is an issue of our children, of saving children's lives, of making guns less available to the children of this country. We can do this. We can make America better tonight.

I urge Members to search their conscience and their heart, let us not let these children die in vain. Vote for a good, common-sense amendment, the McCarthy amendment.

Mr. MCCOLLUM. Mr. Chairman, it gives me pleasure to yield 7 minutes to the gentleman from Illinois (Mr. HYDE) the distinguished chairman of the House Committee on the Judiciary.

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

Mr. HYDE. Mr. Chairman, I listened to the Democratic leader's marvelous words and emotional, and rightly so, presentation; and I could not agree with him more. We have a very serious problem. But, oh, my God, it goes so far beyond guns.

Yesterday we talked about the poison that is being fed to our children through videos, through the games, through the movies, through television. And our response to that? A resolution of the sense of Congress.

So if we really want to get into this problem, let us get into all facets of it.

Now, let us talk about guns. Much as some do not like it, or much as some are very uncomfortable with it, there is a Second Amendment to the Bill of Rights to the Constitution and that Second Amendment says, the right of the people to keep and bear arms shall not be infringed.

Okay. I believe in the Second Amendment and I believe people have the right to keep and bear arms. On the other hand, there are serious problems with the proliferation of weapons. There are, in my judgment, too many guns too easily accessible to kids, and we have to do something about it. It is a shame we cannot do something about it together rather than in a partisan way.

Now, I support H.R. 2122, the Mandatory Gun Show Background Check Act, which will close the loophole in current law that permits dangerous criminals to buy guns at gun shows without mandatory background checks.

There has been a lot of discussion in the Senate and the House about how to deal with gun shows. There are approximately 4,400 gun shows annually in the United States, and many of the people who buy guns at those shows do so without going through a background check.

Only federally licensed firearm dealers are required to run checks on prospective buyers at gun shows. While there are many licensed gun dealers selling their guns at gun shows, there are just as many unlicensed guns and they do not have to run background checks. So H.R. 2122 changes that. Any and all gun transfers at gun shows will have to undergo a background check.

Some believe that gun shows should be completely shut down, and they have used their version of mandatory background checks as a disguise for closing them down. Well, I think that is wrong. If they want to close gun shows down, propose it. If they want mandatory background checks all the time under every circumstance, then propose that. But do it with definitions and realistic regulations, as we have done in H.R. 2122.

This proposal on gun shows is straightforward. It will work in the real world. It achieves everything that is necessary to ensure that mandatory background checks are performed by responsible people at gun shows, and it does so without driving them out of business or interfering with private sales and family transactions.

□ 2130

H.R. 2122 requires a background check for every buyer at a gun show. It also requires gun show organizers, licensed dealers and instant check registrants, those are individuals authorized to conduct instant background checks at gun shows, to keep records that can be used by Federal law enforcement officials in criminal investigations.

Criticisms of this bill by the administration suggest it does not close the gun show loophole. Those criticisms are entirely unfounded. Let me explain the definition of ''gun show.'' H.R. 2122 would define a gun show as, quote, ''an event which is sponsored to foster the collecting, competitive use, sporting use or any other legal use of firearms, and 50 or more guns are offered for sale, and there are not less than 10 vendors selling guns.''

This definition of gun shows reflects the real world we live in. The administration opposes the 10 vendor requirement, arguing that gun transactions at smaller gatherings would not be subject to background checks. We are not aware and the administration has not offered any evidence to the contrary that any of the 4,400 gun shows last year had fewer than 10 vendors. To the contrary,we know full well the average gun show has many vendors that often fill the entire exhibition halls and convention centers.

Let me discuss the definition of a ''gun show vendor.'' The administration opposes the requirement in H.R. 2122 that a vendor is someone who sells firearms at a gun show from a fixed location. This fixed location condition is necessary, because gun show organizers are subject to Federal criminal prosecution if they do not register every vendor selling firearms at their gun shows. These organizers cannot know someone is merely attending a gun show and spontaneously offers to sell a firearm to another person. This happens. Some people attend gun shows and bring guns they want to sell if they can find a buyer at the right price. It would be unfair to hold organizers criminally liable for something they cannot control. It will only serve to discourage organizers from conducting gun shows which may be the hidden agenda of some. Every firearm transaction at every gun show, regardless of whether the seller is a licensed dealer, a vendor or just an attendee and regardless of whether the transfer occurs within the building housing the gun show or in the surrounding parking lot requires a background check.

Now, this bill, this amendment, provides a middle way between the Dingell amendment and the Lautenberg or the McCarthy amendment. It is a middle way. It is a balance, to balance the rights of legitimate gun owners and balance the rights of the vulnerable public. And so I hope that Members will consider it in that light as the middle way and as a compromise and acceptable.

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

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

Mr. CONYERS. Mr. Chairman, this is the most amazing piece of legislation that has never come out of the Committee on the Judiciary. What we do is

in closing a loophole that has been graphically described by the gentleman from Florida is that we open up one, two, three, four, four new loopholes and reopen a loophole that had been closed previously.

The gunrunner loophole, and I hope somebody on the other side wants to discuss this with me on their time. The gunrunner loophole. That means that nine vendors, there is a 10 vendor requirement here, nine vendors then could sell all the weapons they could bring in in a truck without being required to do background checks.

The let's-step-outside loophole which allows vendors to complete their transactions by merely stepping out of the grounds of the gun show to make the deal.

The roving vendor loophole which allows gun vendors to sell firearms with no background checks if they are simply walking the premises and not at any fixed location.

The convicted felon loophole which weakens all instant background checks, thanks a lot, from 3 business days, to 72 consecutive hours. Get it? Is that hard for anybody to figure out, what that does?

And then we go back and reopen a closed loophole, the Lee Harvey Oswald loophole, that would allow a gun dealer to ship a firearm across State lines directly to the private residence if any part of the transaction took place at a gun show.

Now, what is the remedy? There are two opportunities to correct the problem. One is the McCarthy amendment and one, the second is the Conyers-Campbell bipartisan substitute, word for word are the same.

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

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. CANNON) a member of the committee.

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

Mr. CANNON. Mr. Chairman, this has been a monumental week. We are dealing with two great constitutional issues in the first and second amendments.

I rise now in support of H.R. 2122 introduced by the gentleman from Florida (Mr. MCCOLLUM). He and the staff of the Committee on the Judiciary worked hard. Now we in Congress must meet the two challenges. On the one hand, the Democrats charge that we must immediately address this national crisis of youth violence and on the other we must ensure that prudent steps be taken to protect the liberties guaranteed by the second amendment of the Constitution.

I listened with interest to the charges made by my friends on the other side of the aisle. They decry singling out the entertainment industry's responsibility for an increase in violence in our society. They claim it is unreasonable to think that one industry is at fault. But they claim the gun industry is responsible for violence in our society. This is outrageous hypocrisy.

The debate today is not about blame. It is about the Federal role in the interpretation of the second amendment. I am going to focus my remarks today on section 3 of the gentleman from Florida's bill, the instant check gun tax and gun owner privacy section.

All of us agree that criminals should not be allowed to purchase guns. At the same time, I believe the Federal Government should not keep permanent records and lists of law-abiding gun owners after they have already cleared the hurdles of an instant background check. No law-abiding gun owner has a problem with a background check to purchase a firearm. What he or she resents is the central government unconstitutionally keeping records of gun ownership by innocent, law-abiding citizens.

When the Brady bill was passed, gun shows were excluded from background checks because the checks took several weeks to complete. Today we have an automated database that allows background checks to be completed in a couple of minutes. In fact we had testimony that those checks could be completed in 3 to 5 minutes. So we can easily screen out felons attempting to purchase guns at gun shows.

With a fully operational database of felons and other classes prohibited from buying guns, we can eliminate any Federal record of law-abiding gun owners. This legislation guarantees no records will be kept of legal gun owners while strictly enforcing current laws for criminals who attempt to purchase guns.

I believe the second amendment right to own a gun is inherently tied to the right to not have the government know who owns a gun. This legislation assures that. I urge passage of this amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I am here to ask Members to show some courage for the sake of our children. I am here to ask the 56 Republicans who were brave enough to buck the power of the gun lobby and vote for the Brady law to show that courage again and vote for the McCarthy-Roukema-Blagojevich amendment which closes the last loophole in the Brady law.

Right now a criminal with a rap sheet of violent crimes can go to a flea market and buy an arsenal of weapons and not even be subject to a criminal background check. This is an outrageous and inexcusable state of affairs and the McCarthy-Roukema amendment stops it. The Republican bill, however, falls far short from closing the loophole. Now, the NRA is happy about that, because it gives the appearance of doing something without doing something. But who are my Republican colleagues answering to, the NRA or our children and our families and the tragedies we have seen across this country?

To those 56 Republicans who voted for the Brady bill, finish the job with us. Stand with us. Vote for the McCarthy-Roukema amendment. Close this loophole that criminals are using to buy guns and show that you are standing for our Nation's children and against a gun lobby that has gotten out of control and out of touch with the priorities of the American people. The life you save with this vote may not only be your own, but more importantly it may be of your child or your grandchild or your neighbor's child. This is a crucial vote. This is a vote that sends a message whether we are serious about entering the next century making our schools and our communities safer for our children and our families.

Vote for the McCarthy amendment.

Mr. CONYERS. Mr. Chairman, I am very pleased to yield 1–¾ minutes to the gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

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

Mr. NADLER. Mr. Chairman, every time an outrage such as that at Columbine where children are killed occurs, we hear from the NRA that guns do not kill people, people kill people. But the truth is, of course, that guns do not kill people. People with guns kill people.

The United States has the loosest gun laws of any industrialized country. That is why we have the following statistics. When you look at other industrialized countries, France, 36 people killed with handguns; in Great Britain, 213; in Germany 200; in the United States 9,390. Three years ago, 5 years ago we passed a Brady law, finally after much effort. That law has kept 400,000 guns out of the hands of felons and mentally incompetent people, people who should not have had guns. Now we are trying to have some modest proposals to close some loopholes.

Unfortunately, the rule did not make in order a proposal to ban gun kits from being sent out, gun kits that made a gun that killed a constituent of mine, Ari Halberstam, for the crime of being in the wrong place at the wrong time and identifiably Jewish.

They did not make in order the one-gun-a-month amendment so that gunrunners could not go to Florida, buy 100 guns, come back and sell them on the black market in New York. But they did make in order the McCarthy amendment. They did make in order the Conyers-Campbell substitute.

We should pass these amendments, we should reject the Dingell amendment which actually put more loopholes into the law, so that we can be

honest with the American people when we go home and tell them we have done something to give them a little more assurance that their children will not be the next victims of this country's fatal obsession with guns.

Mr. Chairman, when are we going to get serious about limiting access to guns? When are we going to stand up to the NRA and pass legislation to save lives?

Listen to Jesse Bateman, a junior high school student from Louisiana, who wrote, ''Five of my friends and I were hanging out at another one of our friend's house. All of a sudden two people who we thought were our friends walked in with guns. They demanded that we give them . . . drugs and money, and when we told them that we didn't have any, they started shooting. Two of my friends died and another one was paralyzed from the waist down. One of the ones that died was my best friend, he got shot in the head and died instantly.''

People with guns kill our children every day, and we ought to do everything we can to limit access to these deadly weapons. The gun safety amendments that we will soon consider are extremely modest measures. It is the least we can do.

The NRA-written Dingell amendment is a sham that actually weakens our existing law. Had it been in effect for the last six months, 17,000 people who were denied access to guns would have gotten them. It guts the Brady law by reducing the amount of time that police have to investigate the background checks of individuals with questionable arrest records from 3 business days to 24 hours. What is the rush to get guns into felon's hands? We can't wait three days before allowing individuals with suspect records to obtain deadly weapons? This is outrageous.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member of the Committee on the Judiciary for yielding me this time.

I come tonight to honor and to pay tribute to children that have died. A young boy, Chris Hollowell, age 5, was unintentionally shot and killed by his 10-year-old brother at a relative's house. The boys were handling a semi-automatic handgun they found in their uncle's bedroom, in the closet, when the gun went off and struck Chris in the head. The brother dragged him to the front lawn screaming in pain for help, and Chris was pronounced dead at a hospital 30 minutes later.

Someone sitting in their living room is saying, ''Well, I told you, it's that boy that did it.'' But it is really guns; 260 million of them. That is why I rise to say that we must support the McCarthy amendment, and unfortunately argue against and oppose H.R. 2122. Because H.R. 2122 sidesteps the issue. It pays homage and worships at the throne of the National Rifle Association.

□ 2145

But I am going to pay homage and respect to the dead children and those that may die tomorrow and the day after tomorrow and next month.

It is important that we realize that gun shows around this Nation are unregulated, that people buy guns without checks, that law enforcement officers cannot find them. We need to support the McCarthy amendment that closes the loopholes on gun shows. We need to support the Conyers-Campbell bipartisan bill, and it is too bad we did not have the Jackson-Lee amendment that would ask that children be accompanied into gun shows.

I am going to stand here every day and support the dead children and not pay homage and worship to the throne of the National Rifle Association.

Mr. CONYERS. Mr. Chairman, what is the time situation on both sides?

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 9½ minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 18¾ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LOFGREN), a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Chairman, this spring, like other mothers and fathers across the country, I froze when I heard the news of what was happening in Columbine High School, and I think, like the other mothers across the country, my first reaction was, ''Are my kids safe?''

As we sorted through the massacre that happened there, all of us parents realized that something needed to be done.

Finally, the United States Senate acted. They adopted modest gun safety measures for our children. Since then, in this House, what an odd dance we have seen. What could have been simple here in the House of Representatives has become complicated—too complicated. Tonight, however, we have a chance to make it simple again. And what do we need to do?

We need to vote for the McCarthy amendment. We need to vote for the Hyde-Lofgren large clip amendment, and, by supporting these amendments, we will conform our conduct with what the Senate did.

Will this solve everything? No, it will not. There will still be disturbed children. There will still be neglected kids who do wrong. There will still be children whose conduct is skewed towards violence. But we know this.

If those boys in Colorado had not had all of those guns, a lot of other good kids would have been alive to graduate from Columbine High School last week.

So it really is easy tonight. Stand up for what the mothers and fathers of America want us to do tonight: deliver to them the sensible gun safety laws. They expect no less.

Mr. CONYERS. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from New Jersey (Mr. ROTHMAN), a member of the Committee on the Judiciary and doing a wonderful job.

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

Mr. ROTHMAN. Mr. Chairman, this week we have addressed the issue of juvenile crime by passing some important measures. We have voted for mentoring programs, after-school programs, juvenile witness assistance programs, toll-free hotlines for anonymous student tipsters, and we have even voted to help local communities install metal detectors for their schools. Only one substantive step and the most important step needs to be taken: taking the guns out of the hands of the children.

Mr. Chairman, I am a Democrat who believes in the second amendment right to bear arms; the right to bear arms by responsible adults.

There were many factors that contributed to the recent school killings: lack of parental involvement, the prevalence of violent, cruel and sadistic video games, television shows, and movies. But when all is said and done, the main culprit was the easy accessibility of guns to the children.

Mr. Chairman, some people think that Americans cannot do two things at once. They think that it is impossible to allow law-abiding adults to own guns while at the same time restricting children's access to guns. They underestimate the intelligence and the ability of the American people to recognize and respond to the need for responsible gun control measures where our children are concerned.

Most Americans and most Democrats support common-sense gun legislation that allows law-abiding adults to have guns, but keeps guns out of the hands of criminals and children. The Senate has already done their job: Passed common sense gun laws. Now it is up to the House to do the same. It is up to us not to fail our children.

I urge my colleagues to support the McCarthy-Roukema and Conyers-Campbell amendments. Let us not let our children down.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon, (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time.

It is a sad day when the Speaker of this House is unable to deliver on his promise of a deliberative process on efforts to reduce gun violence. This bill bypassed entirely the substantive committee process, despite the promise of the Republican leadership; a pointless delay, which has only allowed the NRA and other gun violence apologists to politick and fund-raise to their hearts' content, while distorting the effects of this modest Senate provision.

We have an opportunity to support these provisions rather than weakening them further and show that there is a way to give voice to the concerns of

the overwhelming majority of the American public on this issue. If we care about families, we should enact Federal child access laws like 17 States have done. We can close the gun show loophole rather than make it worse. These are modest steps, but they start us in a new direction to make America a little less lethal.

The victims of gun violence are not just the children in schoolyards, classrooms and America's neighborhoods. We are all being held hostage. It is time for a majority of the Members of this Congress to stand up and start in a new direction.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, as a former school nurse, I feel so strongly about the national crisis of gun violence in our schools.

In my district, many law-abiding citizens own guns, and, of course, I strongly support the rights of hunters and sportsmen to keep and use their firearms. But there is no reason why children and teenagers should have such easy access to guns. There is no simple solution to youth violence, but common-sense safety legislation is the place to start.

I have heard it argued that safety locks and real gun show background check provisions will not save many lives. But even if these bills save the life of just one child, is that not enough?

Let us stand up for America's families. Let us keep our children safe from the horrors of gun violence.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, the competing gun safety bills that the House is considering do not appear to differ greatly, but in fact those differences are important to keeping firearms out of the wrong hands and closing the gun show loophole.

The Department of Justice has worked to make the instant check more convenient. Some 73 percent of all background checks now are done instantly; another 22 percent within 2 hours. That means just 5 percent require additional information before the purchase can be completed, but that is an important 5 percent.

The most important difference between these competing bills is the length of time allowed to clear or deny that remaining 5 percent. The Dingell bill gives law enforcement only 24 hours. The Hyde-McCollum proposal, 72 hours. The McCarthy proposal, like the Brady law, gives law enforcement 3 business days.

Let me be clear about who in North Carolina would have been cleared for gun purchases if the present check were only 24 hours, as in the Dingell bill. A person under indictment for second degree murder would have obtained a gun in North Carolina on January 2, 1999. On April 10, a person under a restraining order for domestic violence would have been cleared, and on May 15, a person convicted of rape in Virginia would have gotten a gun. But because law enforcement had 3 business days to complete the background check of these individuals, the Brady law prevented them from completing a firearm purchase in North Carolina.

If the background check is to do its job, if the gun show loophole is to be closed, law enforcement must have the time it needs. The differences between these proposals are important: Vote for the McCarthy substitute.

Mr. Chairman, firearms legislation tends to focus intense heat in the House. What I want to try to do is shed a little light.

The competing gun safety bills that the House is considering do not appear to differ greatly, but the differences are important to keeping firearms out of the possession of felons, fugitives, and those with a record of domestic violence, drug abuse or mental illness.

The Brady law, despite all of the predictions made in 1994 that it would not work, has stopped over 400,000 gun sales to dangerous persons. It has helped reduce the homicide rate in the United States to the lowest in a generation. And now we have the chance to plug the Brady bill's greatest loophole: unregulated gun shows.

No doubt, the background check required by the Brady law is an inconvenience, but it is a small inconvenience that has saved lives. The Department of Justice is working hard to make the instant check more convenient. Some 73 percent of all background checks are approved instantly. Another 22 percent are approved within two hours. That adds up to 95 percent of all background checks, approved within two hours. The remaining five percent require additional information before a purchase can be completed or denied.

Perhaps the most important difference between the competing bills we vote on today is the length of time allowed to clear or deny that remaining five percent. The Dingell proposal gives law enforcement twenty-four hours or the gun gets transferred. The Hyde-McCollum proposal gives seventy-two hours. The McCarthy proposal, like the Brady law, gives law enforcement three business days to track down the details to make certain that a gun buyer is not a prohibited person before allowing the transfer.

Let's be clear about who in North Carolina would have been cleared for guns if the present check was only twenty-four hours, as in the Dingell bill. A person under indictment for second degree murder would have obtained a gun on January 2, 1999. On April 10, a person under a restraining order for domestic violence would have been cleared to purchase a firearm. And on May 15, a person convicted of rape in Virginia would have gotten his gun. Because law enforcement had three business days to complete the background check of these individuals, the Brady law prevented them from completing a firearm purchase in North Carolina.

It seems a small inconvenience to require that the five percent of questionable purchasers wait up to three business days before completing a gun purchase. Like the background check itself, it is a small inconvenience that will saves lives. I urge the adoption of the McCarthy amendment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

(Ms. SCHAKOWSKY asked and was given permission to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Chairman, I thank the ranking member for yielding me this time.

I would like to read excerpts from a letter that I received.

My name is Karly Kupferberg, and I live in Evanston, Illinois. I am 14 years old, currently in the 8th grade, attending Haven Middle School.

School is supposed to be a place where kids go to get an education and to start their future. Also, school is supposed to be where kids can go and feel safe, but instead, more and more kids are dying at school.

I know that when I heard about the Columbine shooting, I thought to myself, here we go again. The next day I had to go to school in a similar environment of the Columbine shooting and worry about someone coming in with a gun, opening fire. It was terrifying.

This is too much for kids to deal with, and I don't find it fair. Why should we have to worry about dying at school?

I think it is time as a Nation for us to put our foot down to these school shootings and do something about it. A very good way to start would be Federal gun control laws. Something has to be done, because by the appearance of things right now, it doesn't look like much is getting done on Capitol Hill.

Karly says, we want it stopped, and we need help because we cannot do it by ourselves.

We can help Karly, my granddaughter, Isabel and all of our children by plugging the loopholes and voting for McCarthy, Roukema and Blagojevich amendment.

I would like to read a letter that I received.

May 16, 1999.

DEAR JAN SCHAKOWSKY, My name is Karly Kupferberg and I live in Evanston, Illinois. I am fourteen years old, currently in the eighth grade attending Haven Middle School, Next year I will be entering Evanston Township High School as a freshman. Over the past couple of years, as you know, there have been an extremely high number of school shootings. I noticed that each time these unfortunate shootings happen, the assailants become bolder which culminates in more tragedy. School is supposed to be a place where kids go to get an education and to start to build their future. Also, school is supposed to be where kids can go and feel safe, but instead, more and more kids are dying at school. What is going on here? Schools are no place for violence and crime. This should not be happening to children, the future of America. How are kids supposed to go and get an education when they have to be worried about their safety in school and it being the next place for these school shootings to happen? I know that when I heard about the Columbine shooting I thought to myself, ''here we go again.''

The next day I had to go to school, in a similar environment of the Columbine shooting, and worry about someone coming in with a gun opening fire. Maybe one of my classmates, maybe not, but either way it was terrifying. How can our nation tolerate these inhuman acts of terror and why is this happening? This it too much for kids to deal with and I don't find it fair. Why should we have to worry about dying at school?

I think that it is time, as a nation for us to put our foot down to these school shootings and do something about it. A very good way to start would be federal gun control laws. Something has to be done, because by the appearance of things right now, it doesn't look like much is getting done on Capitol Hill. I know that I hate watching these poor, innocent victims and their families as they are torn apart and traumatized for life. My heart goes out to all the families victimized in these school shootings. Then I have to ask you, how can you sit in front of the television at night watching the news and seeing all those horrifying pictures of the school shootings, and not worry about your children or grandchildren at school. You must fight back against all that is wrong and make it right for your kids. This is what I have decided to do by writing this letter. I'm hoping that everyone that reads this letter will finally see that the children of America are crying out for help and shelter from the crime and bloodshed. We want it stopped and we need help because we can not do it by ourselves. By passing stricter gun control laws and requiring the parents who own guns to lock them up, we can help piece this nation back together. Other parents won't have to worry if their kids are safe at school and children won't have to worry about anyone coming into their school causing further tragedy. We need to act quickly to stop school shootings from becoming as culturally accepted unfortunately as gang shootings have become in America. So please help eliminate the crime from schools and make them a safer place for kids of America.

Sincerely,

KARLY KUPFERBERG.

We can help Karly and my granddaughter Isabel and all of our children by closing the loopholes and passing the McCarthy, Roukema, Blagojevich Amendment and the Conyers Campbell Amendment.

Mr. CONYERS. Mr. Chairman, may we get a reading on the time remaining on both sides?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 11½ minutes remaining; the gentleman from Florida (Mr. MCCOLLUM) has 9½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Chairman, law-abiding citizens in the United States have nothing to fear from applying the Brady background checks to gun shows. If one is a member of the NRA and one is law-abiding, the McCarthy gun show bill does nothing to threaten one's rights. However, if one is a criminal and one wants to buy a gun, that is the purpose of the McCarthy amendment.

The focus is on the criminals. There were 5,200 gun shows last year; 54,000 guns came and were confiscated in crimes that came from gun shows. We have a gaping loophole that we are trying to close, and there are three measures that might achieve that: the Hyde amendment, the Dingell amendment and the McCarthy amendment. Three great Members, one good measure.

Under the Hyde amendment, 9,000 criminals could get guns within 6 months at gun shows. Under the Dingell amendment, 17,000 could get guns at gun shows. This according to the Department of Justice.

If it is about keeping criminals from getting guns, support the McCarthy amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), a member of the committee.

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Subcommittee on Crime for yielding me this time.

Mr. Chairman, later on tonight we will be considering the Dingell amendment, which I strongly support.

I know that to many people, restrictions on the use and sale of weapons seem like common sense. Those who live in urban areas, particularly the inner cities, seldom hear of a gun used for hunting or for sport. Instead, to them, guns are almost always associated with crime and violence.

Others know that guns are used safely for sport, to shoot game and to protect one's home. In fact, more guns are used each day in self-defense and to prevent crime than are actually used to commit crimes. Clearly, there is a difference of perspective based on individual's own life experiences.

The clash of opinions comes when new gun control restrictions are perceived as punishing law-abiding citizens rather than the criminals themselves. To me, the need is not for more gun control legislation on the books, but better enforcement of the laws we already have.

□ 2200

We all know that under this administration there have been very, very few prosecutions of crimes involving guns.

For example, thousands of felons were identified as attempting to illegally buy weapons under the Brady law, yet this administration chose not to prosecute a single person.

We also know that we would not be here today if the Littleton tragedy had not occurred. Yet none of the proposed restrictions we will consider later tonight would have prevented those deaths. What certainly would have prevented the killings would have been the enforcement of the dozen gun laws that were broken during the course of the acquisition, possession, and use of the guns involved.

One more point, Mr. Chairman. The violence and crimes committed with guns are not the root problem, just the manifestation of it. The root problem is the destruction of American values. Our efforts should be directed towards strengthening those values, and not passing restrictive amendments which are going to be considered later tonight and which do not solve the problem.

We should seek reasonable solutions. That is what the Dingell amendment will help us to achieve.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

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

Mr. Chairman, I rise in strong support of the McCarthy amendment. Congress needs to act in three areas to restore sensibility and workability to our gun laws.

First, we need to close the gaping loophole that permits unregulated and undocumented sales of guns at flea markets and gun shows.

Secondly, we need to restore a three-day waiting period that would permit a cooling-off period and also permit law enforcement to do proper background checks.

Third, we need to increase accountability and responsibility, requiring manufacturers to use the latest technology of child safety locks and load indicators that would indicate whether guns are loaded, and we could tell at a glance, and require more accountability from parents to safely store their guns.

The McCarthy amendment would restore the background checks and bring gun show sales into compliance with recordkeeping and background checks.

These improvements will reduce juvenile access to weapons. We should restore sanity, protect kids, and pass McCarthy.

Mr. MCCOLLUM. Mr. Chairman, I understand both sides would be agreeable to extending the time of the general debate, so I ask unanimous consent for an extension of the debate for 5 minutes to each side, or a total of 10 minutes, and not on amendments, on the general debate on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) shall each be recognized for an additional 5 minutes.

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

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. EVERETT).

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

Mr. EVERETT. Mr. Chairman, we have some 20,000 plus gun laws in this country. Yet, there are those on this floor that would tell us if we pass two or three more, that will solve the whole problem of illegal use of guns.

Does that not strike Members strange, that Members of this floor want to add to 20,000-plus gun laws already on the books, most of which are not enforced by this administration, by the way, but they do not want to pass

any laws to stop peddling of filth and pointless violence to our children?

The Columbine tragedy struck a chord with all Americans, but we should be looking at the core of the issue, which is why young people think it is okay to commit violent crimes.

Could it possibly be that kids grow up seeing thousands of acts of violence without seeing the consequences of these actions?

There are video games where the fun of the game is to kill and maim people. People even get extra points if they kill innocent bystanders. Movies with no artistic merit are out there letting kids see death and destruction at unparalleled rates. We have let our children become numb to these things.

Do not tell me there are those who cannot tell the difference between Saving Private Ryan and Natural Born Killers. That is a disgrace to the millions of Americans who experienced the violence of war in the defense of freedom.

The uncalled-for violence that is provided to our children through television, movies, video games, and music videos should stop. However, under the cloak of the First Amendment, many want to allow these providers of violence and corrupters of our culture to police themselves. How very, very strange.

Liberals claim that conservatives have been bought off by the NRA for their opposition to more gun laws on law-abiding citizens. The focus should be placed on if this administration and the liberal wing of Congress have been bought off by Hollywood types who have been getting filthy rich peddling filth to our young people.

The erosion of America's morality has desensitized our children's ability to discern right from wrong, and even to value human life. This debate should not be about more laws on guns, or adding even more laws at any point. It should be about our culture and values that have gone really, really wrong.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I resent bullies, and I always have. I think that the leaders of the NRA are the bullies of all bullies.

Today I find myself once again fighting against NRA threats, threats against Members of this body who support sensible gun control and plugging the gun show loophole.

Years ago, as a Member of the Petaluma City Council in California, I was threatened by these same individuals, who promised to post my name in their place of business if I voted for local gun control.

Let me tell the Members, I told them I would be proud to have my name posted in their businesses, and I told them how to spell my name. I did not want my name up there unless it was spelled right.

Today I am proud to stand for the McCarthy, et al., amendment, and I am proud to stand for the Conyers-Campbell amendment, amendments that keep our children safe, and any bully who wants to hold that against me needs to spell my name right: W-O-O-L-S-E-Y.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

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

Mr. Chairman, I am looking at the clock. It is 10 o'clock at night. We have been debating for 2 days and we have finally gotten to guns. I think about this afternoon, and the fact that we debated the Ten Commandments.

It is not going to be until 3 in the morning when we finally debate 10 bullets in every magazine that can be stuck into a clip and mowed across any Long Island railway to take out some member of a family who is trying to get home in the evening. We are going to debate that at 3 o'clock in the morning? Shame on this House and this process.

I cannot get my head around this loophole thing that the Republicans keep talking about. They want loopholes? Let me understand this correctly. The Brady bill is designed to screen out criminals from getting guns, but no, the Dingell amendment and the Republicans want to create a loophole so that criminals can get guns.

I do not get it. They want criminals to get guns. I cannot figure it out any other way. If they did not want criminals to get guns, they would be for closing the loophole. That is what loopholes are. They are mechanisms to get around the law. Let us close the loophole and pass the McCarthy amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

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

Mr. CHAMBLISS. Mr. Chairman, despite all the rhetoric that is being used by liberals here tonight, the thrust of their effort is one of the most dishonest attempts to disguise legislation that I have ever seen.

To my colleagues and to my constituents in Georgia's Eighth District, they deserve to know what is behind all the smoke and mirrors here tonight.

The majority of the amendments that we are debating are not about saving lives, they are about taking rights away from law-abiding citizens. What we are talking about is gun control. That is the wrong issue.

Just yesterday and today this House approved amendments that were truly aimed at saving lives, preventing tragedies, and solving the cultural problems facing our Nation. That is where we need to direct the debate tonight.

Let us punish those who break the law, let us enforce the laws already on the books, and let us limit the access of children to violent and sexually explicit material. We do not need to punish law-abiding Americans. We do not need more gun control legislation.

I will oppose all attempts to chip away at America's Bill of Rights, and I urge my colleagues to do the same. The Second Amendment and the 10th Amendment are part of our Constitution. Every single Member of this body took an oath to uphold the Constitution of the United States of America. Uphold the Constitution by defeating any gun control measures on the floor tonight and in the future.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me just say first that the gun show bill we are considering today falls far short of what this Congress should be doing to protect America's children. This bill is really a sham, the NRA has shot so many loopholes in the Senate gun show language.

Let me just list a few of them. First of all, it opens up a gun runner loophole. H.R. 2122 would only apply the definition at events where 10 or more vendors are selling guns and where 50 or more guns are sold, regardless of the amount of guns sold. This means that nine vendors could sell thousands of firearms at a gun show without being required to do any criminal background or age checks.

It also opens up a ''Let's step outside'' loophole. The bill allows gun vendors to complete transactions of gun sales with no background checks if the seller and purchaser merely step outside of the curtilage of the gun show to make the deal.

It also allows for a roving vendor loophole. This bill allows gun vendors at gun shows to sell firearms with no background checks if they are simply walking the premises.

So please support the McCarthy-Roukema and the Conyers-Campbell amendment. Without these amendments, these loopholes will mean that criminals will get guns.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

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

Mr. PASCRELL. Mr. Chairman, I have a question: What do the International Association of Chiefs of Police, the International Brotherhood of Police Officers, the Police Foundation, the National Association of Black Law Enforcement Officers, Black Executives Research Forum, what do they all have in common? They support waiting 3 business days, like we want, like the McCarthy proposal has put forth.

What do we know that they do not know? That is a question Members must ask. I am tired of hearing about liberal organizations. Are these liberal organizations? What is their hidden agenda? They have to deal with this

day in and day out, the police officers of the country. They know what they are talking about. They look at this firsthand.

Let us look at the record. Just this year in the State of Michigan, this year, February 6, 1999, a twice-convicted domestic violence batterer; April 24, 1999, a person convicted of domestic assault and battery, were stopped because of the three-day rule. They would be out on the street today doing their business.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY), one of the indefatigable Members of the House.

Mrs. MCCARTHY of New York. Mr. Chairman, I am sitting here and I am listening to this debate. I know what is in my amendment. My amendment is closing a loophole. That loophole is not taking away anyone's right to buy a gun except a criminal.

My amendment also puts in there that there will be no national gun registry. Has anyone read this amendment? We talk about adding new laws. We are not adding new laws. We are using the existence of the Brady bill that is already there.

Seventy-five percent of the people that go to gun shows can get their guns in a short amount of time. Some might actually have to wait 2 hours. It is the criminals that have to wait. It is the criminals that we want to wait. It is the criminals, that is what we are supposed to be doing.

Where is our debate going? We are supposed to be saving people's lives, our police officers, our children. That is our job, and that is what the American people want.

□ 2215

Mr. MCCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I have found tonight's debate incredible. Just a few moments ago, we were accused of wanting criminals to get guns.

Now, does anyone really believe that any Member of this body, I would not accuse anybody of that, wants criminals to get guns?

Criminals steal guns. Criminals do not buy guns in the marketplace. They buy them in the black market. They steal them.

We also have trivialized the Ten Commandments. I would urge the gentleman to read them. One is, Thou shalt not kill. That is one of the Ten Commandments that was talked about today, and it was trivialized here a few moments ago.

Earlier this evening in this debate, we heard the figure of 13 children. Now, one child is too many, but what is children? I asked several people what they considered children and they said 10 and under; 12 and under. Well, let us take 14 and under. The national statistic is less than 2, but we hear from the President, we hear from the minority leader, we hear from leaders trying to make this issue 13.

That is a lie. That is not the facts.

Two is too many. We cannot afford to lose any children.

I ask all of my colleagues if we pass every amendment, if we pass every bill that is before us, will Littleton have been prevented? No. No, it would not.

What has happened that very young children can pull a trigger and kill another human being? It used to be people who had been in the war and had scars and had emotional problems that would crack and we would suddenly have a crime wave in one of our cities.

In World War II, I have been told that less than 35 percent of the trained soldiers could pull the trigger when they had the enemy in front of their sights because of the value of life that we have all been taught to treasure.

What has changed us? In the Vietnam War, I am told through video-type simulations, that number went up much higher because we taught them to pull the trigger and pull the trigger at targets that were like people, until they were desensitized, and so they could take a life without giving much thought.

Something has changed in this country. The people do not value life. That is what we need to deal with. It is not guns. Nobody wants criminals to have guns.

What has desensitized young people? Just a few years ago when I was State chairman of health in Pennsylvania, I was at Temple University at the trauma center. I was a member of the trauma board and they told me that 45 to 50 percent of the people at their trauma center was from street crime in Philadelphia.

Now some of that has moved out to rural America where I live, and I am as concerned as the people in Philadelphia and all of our cities. But what has changed? They told me that street crime dominated their trauma centers; a third guns, a third knives, and a third clubs. Are we going to deal with clubs and knives? That was their statistics, unsolicited, for when I was chairman of health and welfare in Pennsylvania.

Mr. Chairman, what has changed in our communities and our schools about drugs? Twenty years ago, there were few drugs in rural schools. They were in urban schools, and the crime was in urban cities. Today there are drugs everywhere in this country, every hamlet, every corner. Drugs are available to 7th and 8th graders. What are we doing about that? We have lost the war on drugs.

We spent $18 billion, Mr. Chairman. The problem before us is far beyond the gun. That is just part of the problem.

Mr. CONYERS. Mr. Chairman, I yield 20 seconds to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, being that I could not be yielded time by the gentleman from Pennsylvania (Mr. PETERSON), let me just say that in 72 hours, over the weekend, the criminals are the ones that will walk away with the guns. We know that. We have the statistics for that. If we go back to the 24 hours, I am saying between January and today if it was under 24 hours we would have 17,000 criminals getting guns.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise proudly in strong support of the McCarthy amendment.

Mr. Chairman, I believe I was elected to help make this world a better place for our children and this amendment will simply close a loophole in current law. It will simply make it more difficult for criminals to get guns at gun shows that they could not purchase anyplace else. That is it. This is one small reasonable way to make the world safer for our kids.

As a new parent of a little boy, I care deeply about the safety of his world. So I am casting my vote in favor of this amendment.

I have been inundated with calls from the NRA, like many of my colleagues. A well-financed NRA campaign has flooded my district with distorted information about what this amendment will do, and that is their right and they certainly have money to promote the distortions, but let me say, Mr. Chairman, they are wrong.

So I say to my colleagues, this is an important issue. It is worth casting a yea vote, even if it risks losing your seat. If we cannot come together on a proposal so reasonable, then we have abandoned our communities and turned our backs on our children.

I urge my colleagues to vote yes on the McCarthy amendment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, we are all entitled to our own opinion on this issue, but we are not entitled to our own facts. The fact is that in 1996, 10,744 people were murdered with firearms in this country. That is more than were murdered with firearms in all 25 industrialized nations combined.

In that same year, 106 people died of firearms in Canada. Now, Canadians love to hunt. They probably hunt more than we hunt, but they understand that handguns are not for the purpose of hunting animals. They are for the purpose of killing people.

The gentleman suggests that that figure of 13 children being killed every day is not accurate. The fact is, 13 young people, under the age of 19 are killed every day in America. We do not read much about them probably because most of them are killed in the inner cities of our nation but they should matter and they should not be killed because we have made handguns too accessible to their killers and we should pass the McCarthy amendment

because it will probably save even a few of those young lives.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I do not know what world some people have grown up in but I grew up in urban America. From the time that I can recall, I have seen people with guns killing people.

It seems as though all of a sudden there is a revolution or an evolution of guns on the streets and we do not want to realize that they are killing people every day.

This amendment, the McCarthy amendment, simply closes a loophole. We could go much further. For example, if we go back in the beginning of the 19th century in the wild, wild West when guns were everywhere, there were times where people had to check their guns in. There was gun control back then. Yet here we are now not sensible to see violence is here, and we must do something to stop it.

Gun control is what stops it, and we are not even talking about that here in this bill. For if we do not pass this bill, let us then ask who the bell tolls for. The bell tolls for thee.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 3½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 6 minutes and 10 seconds remaining.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, tonight we choose between common sense and unreasoned fear. It would be common sense to close loopholes with the McCarthy amendment on gun safety laws. It would be unreasoned fear to think that keeping felons from firearms will somehow keep dads from deer rifles. On this night, we should choose common sense.

I am a Member with a somewhat unique perspective because in 1994 I voted to ban assault weapons and I was defeated. It was bitter and it was painful, but I have not regretted that vote for one second, for a simple reason: Any child's life is more important than any Congressman's seat. No Congressman's seat is more important than any child's life.

The reason I am back here now is that the world has changed since 1994. America is tired of burying its children, and we need to put aside this notion that common sense will do anything else but to restore order.

In January of 2001, I will come to this floor and celebrate with my colleagues. I will celebrate the children who are alive because of the actions we take tonight.

I lost my seat in 1994 on gun issues, but I am going to win my seat in 2000 by voting for common sense for families. This is the right thing to do and, Mr. Chairman, America knows it.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a distinguished member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, no one is accusing anyone of anything. Let me suggest that this is a bill of unintended consequences, but it is a dangerous and irresponsible measure because it would weaken the Brady law and it will put lethal weapons into the hands of criminals. That is because the bill denies the FBI the 3 business days it needs to complete its background check on those very people that are most likely to have a criminal history, like the convicted rapist who traveled from Virginia to North Carolina just last month for the purpose of buying a gun; or the man convicted of armed robbery and burglary in Georgia who drove to Missouri last March for the purpose of buying a gun; or the murderer in Texas, or the arsonist in New Jersey who went all the way to Mississippi last April for the purpose of buying a gun.

Now, these are just a few of the thousands of criminals who have tried to purchase handguns in the last 6 months and were stopped because a 3-day, business day, background check revealed their criminal history before the sale could go through.

If this bill had been the law of the land 6 months ago, the FBI, and that is not a liberal organization, Mr. Chairman, estimates that 9,000 of these people would have been walking the streets with a license to kill. So please, Mr. Chairman, think of that before this vote.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 3½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 3 minutes 10 seconds remaining.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Washington State (Mr. METCALF).

Mr. METCALF. Mr. Chairman, we are discussing today an issue which harkens back to our earliest times, before the Revolution or even the Declaration of Independence. Those who have visited Lexington and Concord remember the statues commemorating the ''minute-men,'' statues of frontiersmen with flintlock muskets ready to be used at a moment's notice, and in mid-April 1775 that moment arrived. The British marched out of Boston on the road to Lexington and Concord.

I want to raise the question tonight: Why, why were the British marching out of Boston in those pre-dawn hours?

□ 2230

The answer is appropriate to this discussion. The British had heard that the colonists were stockpiling arms and ammunition at Lexington and Concord, and they were intent on capturing and/or destroying the colonists' guns.

When the British marched out to take away their guns, the colonists drew a line in the sand. They would go to war to protect their right to keep and bear arms. Millions of Americans today believe that that line is still there.

I will vote to protect those who use guns legally and responsibly. The decision to bear arms must be reserved for law-abiding Americans, not by this Congress.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

Mr. Chairman, it is hard for me to understand why it has taken this Congress this long to pay any attention to gun violence. Each of us knows that this is a tragedy in our country, and we come here and we waste the taxpayers' money talking about the NRA, talking about Democrats, talking about Republicans, when the color of our blood is the same regardless of where we are from.

Why is it that it took Littleton for us to face this tragedy? In the district I represent, they are killed every day, children are killed by spraying bullets, yet we pay no attention, yet we come here to try to undercut or degrade amendments that come up to try to protect us.

Now, if we do not protect ourselves, no one else will protect us. We are here in the highest body in this land, yet we cannot face one of the worst tragedies this country has ever faced, and that is the use of guns.

Guns do not create violence alone, but what creates violence is the atmosphere of the people one lets have these guns.

I stand before my colleagues today and plead to them to do the right thing. Stop worrying about how you look back home. Worry about how you look in your heart. It is important.

Mr. CONYERS. Mr. Chairman, I yield the remainder of the time to the gentleman from New York (Mr. WEINER), a member of the Committee on the Judiciary.

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

Mr. WEINER. Mr. Chairman, as much as some of my colleagues would like this to be a debate about the history of the second amendment, about whether or not we should govern clubs and sticks as well as guns, this is a very simple and narrow proposition that we are considering today; and that is, if a person walks into a shop where guns are sold on a Friday before a long weekend, and they want to purchase a gun, almost instantly 75 percent of those people that walk in there can walk out with that gun with no problem at all. But if that same exact person walks into a gun show, they could also walk out instantly, 75 percent of them.

It is what happens to that other 30 percent, the ones where a flag comes up

on that Friday and we are unable to determine why it is that that person has a flag.

Just so we understand here, over 300,000 people have walked into shops and tried to buy guns that were not entitled to have them, criminals, people that were going to do wrong with them, people that I am sure our Founding Fathers would have said it is absurd to say that someone who is a batterer, someone who is rapist should be able to get that gun. I think my colleagues on the other side of the aisle understand that. I think they see the value of that.

All that we are saying today with the McCarthy amendment, all we are saying today in rejecting the Hyde amendment and rejecting the Dingell amendment is make it exactly the same for a customer walking into a gun show. Just make the rules consistent. Let us take that 30 percent or so and say, ''Do you know what, let us wait and find out why you have a flag.'' What is the harm in leveling that playing field? That is all we are asking today.

For those of my friends who are avid gun users who represent districts where guns are purchased heavily, I would ask them to ask their gun shop owners why it is they would be dealt with a different playing field than those who are in the gun show.

What is the rationale? The rationale is plain and simple, I would say to the opponents of the McCarthy amendment. The National Rifle Association says they do not want it; therefore, we are not going to do it here. That does not make sense. Over 300,000 criminals have been prevented from getting guns at shops. Let us stop them at gun shows as well.

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

Mr. Chairman, I think what we are here tonight to debate and what this underlying bill is all about is something that we all ought to be able to agree on. It is not a bill about controlling guns in this country and the broad sense of that debate. It is a fact that I happen to believe in the second amendment and the right to bear arms, self-defense and so forth.

But I am concerned, and that is why this amendment is here, with the fact that we have laws rightfully on the books that everybody in this country agrees with, and that is laws that say that felons, convicted felons, should not be allowed to get guns.

We have a problem with the fact that some kids are getting killed on our streets, all too many of them, with violent youth crime. One of the principal reasons why that is occurring is because there is a loophole in the current instant check laws.

I do not favor waiting periods, and we are not talking about that tonight. We are talking about how can we, at a balanced approach, which this underlying bill, H.R. 2122 does, how can we close a loophole in the existing law that does require when one goes to buy a gun that there is a background check, an instantaneous background check in the best sense that we can do that, a name check, to find out if one is indeed a criminal with a felony record and, therefore, disqualified to buy that gun. That is all this is about tonight.

I think the underlying bill is very responsible. People have criticized various things about it, and misstated, I think, unintentionally, I am sure, some things about it. The truth is that, yeah, maybe 25 percent of the people who go to buy a gun, when they do go through an instant check, whether it is at a gun show or otherwise, are flagged. But 80 percent of those people who are flagged are not criminals. They wind up getting those guns. A very tiny fraction are screened out. When they are, they should be, though.

The idea is to close a loophole in the gun show, which, up until now, if one is not a registered dealer and one sells a gun to somebody at a gun show, one does not have this instant check.

The underlying bill that I support strongly requires the instant check for everyone who purchases a gun at a gun show, just like everyone who purchases a gun from a gun dealer anywhere else.

It should not be a problem. It should not be a difficult vote. It is one that a lot of people want to offer other amendments to. But, quite frankly, what we do here is a simple balance in truth of this. We give the right amount of time to check on it and not an excessive amount. I urge that the bill be voted on and that frivolous amendments not be voted for.

Mr. COYNE. Mr. Chairman, we as a nation need to act to reduce gun-related violence in this country.

In 1994, Americans owned 192 million firearms, 65 million of which were handguns. That same year, more than 15,000 people were killed with firearms in this country, nearly 13,000 of them with handguns. Those figures are much higher—even on a per capital basis—than in any other developed country.

Several weeks ago, President Clinton proposed legislation which would require background checks for firearm sales at gun shows. I welcome the President's initiative.

Background checks and waiting periods are just simple, practical, and constitutional measures for ensuring that people who should not have guns don't get them. Since 1994, the Brady Law has blocked the sale of handguns to over 250,000 prohibited purchasers. Of this number, over 47,000 were felons. Moreover, after the Brady Law took effect in 1994, the number of murders in this country fell by 9 percent, while the number of murders committed with a firearm fell by 11 percent.

In May, the Senate passed legislation that would require background checks for firearms sales at gun shows. Today, the House has a chance to vote on similar legislation. I urge my colleagues to join me in supporting this important legislation.

Credible evidence indicates that gun shows represent one of the most significant sources of weapons used in crimes. A one-year study by the Illinois State Police, for example, indicated that more than a quarter of the illegally trafficked firearms used in crimes had been sold at gun shows. It seems clear to me that if we want to reduce criminals' access to firearms we need to close the gun show loophole, and that means we need to have background checks for firearms sales at gun shows.

In short, Mr. Chairman, requiring background checks of firearms sales at gun shows seems like a common-sense measure to keep guns out of the hands of criminals. Obviously, such a measure won't eliminate violent crime, but it might—just might—reduce the number of firearms deaths in this country.

Ms. ROYBAL-ALLARD. Mr. Chairman, guns are not the only cause of youth violence. But the increasing tragedies from gun violence in our schools tell us that our children enjoy easy access to guns, and strong steps should be taken to restrict that access.

We must not lose sight of our goal. Our goal is to keep our kids safe in school.

That's what the tragedies in Littleton and Atlanta and Jonesboro and other suburban communities have pointed out in dramatic fashion—that even kids in our suburban high schools are not safe from gun violence. But instead of addressing this pressing issue, the Republican leadership has failed to act responsibly in a time of crisis. They have allowed months to pass since the tragedy of Littleton, Colorado before taking action to curb the gun violence that threatens our children throughout the country. And now that they have chosen to act, they do so with the ugly face of partisanship and irresponsibility.

Columbine High School was a real tragedy, but it is no more significant than the tragedy that many of us experience in our districts every day. As a representative of an inner-city district, I know that the tragedy of gun violence to our young people and by our young people has had heart-breaking consequences in my district for many years. In just the last few months, there has been a series of violent incidents that involved youth and that I wish I could say were unusual.

But unfortunately, they are all too frequent in my district.

In Huntington Park, for example, two youngsters shot it out in front of city hall, wounding innocent bystanders.

In southgate, Mayor Henry Gonzalez was shot in the head after a city council meeting when two youth attempted to rob him. Fortunately, Mayor Gonzalez survived the attack but he was severely wounded and spent weeks in intensive care.

In southeast Los Angeles near Walnut Park, a series of drive-by shootings have taken place in recent weeks.

The cancer of violence that has impacted major cities for years is now spreading across the country. We cannot ignore this crisis as we have in the past, nor can we effectively address it with diluted gun safety measures and feel-good juvenile crime provisions that do little, as the Republican leadership would have us do.

I voted for the Brady bill and for the assault weapons ban, and the facts support that they have made an enormous difference in preventing easy access to weapons by criminals. The Justice Department tells us that the Brady bill has blocked over 400,000 illegal gun sales to felons, fugitives, stalkers, and other prohibited persons, but no law-abiding citizen has been stopped from buying a gun for sport or self-protection.

In spite of these successful measures, the recent tragedies have made it apparent that even more needs to be done.

In May, the Senate quickly passed some reasonable gun safety provisions to tighten up gun purchases at gun shows, to require safety locks on guns, and to ban large-capacity ammunition clips. The House could have also acted quickly to pass the same provisions and put a bill on the President's desk by Memorial Day. Instead, the Republican leadership ignored the American people, delayed action, and have now chosen to make a mockery of a bipartisan legislative process by allowing consideration of numerous amendments that have never been the subject of committee deliberation.

Some believe that the delays since Memorial Day have been orchestrated to give the National Rifle Association time to mobilize their membership to weaken the safety measures passed by the Senate and ultimately kill them. Our actions today will demonstrate whether that charge has any validity.

I support the McCarthy amendment which will strengthen the provisions in the bill affecting gun show transactions and close the loophole that permits our children to obtain guns in this unregulated manner.

I support the amendment to ban the importation of large capacity ammunition feeding devices.

I also support the amendment that will require secure gun storage or safety devices for handguns.

These are common-sense provisions that add an additional margin of safety for the millions of guns that are in circulation in the United States. Perhaps it is not all we should be doing to cut down on the gun violence that claims so many Americans each year.

But it is a start, and it represents progress on these important issues.

I urge my colleagues to support these reasonable efforts to keep our kids safe in school and to keep guns out of the hands of criminals.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in support of the provisions in this bill proposed by several of my Democratic colleagues dealing with gun safety, especially the McCarthy amendment. These provisions are commonsense solutions that will get guns out of the wrong hands.

Children are too easily able to get guns, either from gun shows or from their own homes. Convicted felons and people with outstanding warrants can walk into any gun show and walk stall to stall until they find a dealer willing to sell them a gun with no questions asked. These problems are too severe to be ignored.

This is not gun control, this is gun safety. We are not trying to control guns, we are trying to control the environment of rising youth violence. I come from Texas, and I can tell you that people in Texas raise a big ruckus whenever they think that we in Washington are trying to take their guns away.

I am not worried about responsible adults who have guns legally and use them wisely. I am worried about their children, who do not have the capacity to make responsible choices about firearms, getting their hands on guns. Selling a trigger lock with every new weapon makes weapons safer for children.

This does not mean that parents can abdicate their responsibility when they purchase guns. But, trigger locks will cut down on accidental shootings and will make it harder for children to use firearms in a fit of rage.

We need to conduct background checks on gun show purchasers and we cannot rest on the watered down language the NRA supports. Gun shows are the easiest way for criminals and children to get guns illegally. Let's stop the practice now.

Legitimate buyers need not worry, so why does the NRA oppose this? Who knows? Stop attacking common sense and support the language taken exactly from the Senate passed Juvenile Justice bill.

Finally, we need to raise the legal age to purchase a handgun from 18 to 21.

These provisions all make sense and are needed now. Stop letting children and criminals get guns. Pass these provisions. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. While the Chair earlier entertained a unanimous consent request to extend general debate by an additional 10 minutes, the precedents indicate that the Committee of the Whole may not change an order of the House regarding general debate (where the House sets a time not to be exceeded) even by unanimous consent.

Thus, the Chair would not expect the House precedents to be changed in this regard.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2122 is as follows:

H.R. 2122

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 ''Mandatory Gun Show Background Check Act''.

SEC. 2. MANDATORY BACKGROUND CHECKS AT GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers, the vast majority of whom are law-abiding individuals with no desire to participate in criminal transactions;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold, often without background checks and without records that enable gun tracing;

(5) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons can obtain guns without background checks and can use such guns that cannot be traced to later commit crimes;

(6) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(7) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this section, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) The term 'gun show' means an event which is sponsored to foster the collecting, competitive use, sporting use, or any other legal use of firearms, and—

''(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or the event otherwise affects, interstate or foreign commerce; and

''(B) at which there are not less than 10 firearm vendors.

''(36) The term 'gun show organizer' means any person who organizes or conducts a gun show.

''(37) The term 'gun show vendor' means any person who, at a fixed, assigned, or contracted location, exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show.''.

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of such title is amended by adding at the end the following:

''§ 931. Regulation of firearms transfers at gun shows

''(a)(1) A person who is not a licensed importer, licensed manufacturer, or licensed dealer, and who desires to be registered as an instant check registrant shall submit to the Secretary an application which—

''(A) contains a certification by the applicant that the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1); and

''(B) contains a photograph and fingerprints of the applicant; and

''(C) is in such form as the Secretary shall by regulation prescribe.

''(2)(A) The Secretary shall approve an application submitted pursuant to paragraph (1) which meets the requirements of paragraph (1). On approval of the application and payment by the applicant of a fee of $100 for 3 years, and upon renewal of valid registration a fee of $50 for 3 years, the Secretary shall issue to the applicant an instant check registration, and advise the Attorney General of the United States of the same, which entitles the registrant to contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act for information about any individual desiring to obtain a firearm at a gun show from any transferor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, and receive information from the system regarding the individual, during the 3-year period that begins with the date the registration is issued.

''(B) The Secretary shall approve or deny an application submitted pursuant to paragraph (1) within 60 days after the Secretary

receives the application. If the Secretary fails to so act within such period, the applicant may bring an action under section 1361 of title 28 to compel the Secretary to so act.

''(3) An instant check registrant shall keep all records or documents which the registrant collects pursuant to this section during a gun show at a premises, or a portion thereof designated by the registrant, that is open for inspection by the Secretary. The Secretary shall establish by regulation the procedure for the inspection, at a premises or a gun show, of the records required to be kept under this section in a manner for a registrant that is identical to the same procedural rights and protections specified for a licensee under subsections (g)(1)(A), (g)(1)(B), and (j) of section 923. An instant check registrant shall remit to the Secretary all records required to be kept by the registrant under this subsection when the registration is no longer valid, has expired, or has been revoked.

''(4)(A) This subsection shall not be construed—

''(i) as creating a cause of action against any instant check registrant or any other person, including the transferor, for any civil liability; or

''(ii) as establishing any standard of care.

''(B) Notwithstanding any other provision of law, except to give effect to subparagraph (C), evidence regarding the use or nonuse by a transferor of the services of an instant check registrant under this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a civil action brought on any theory for harm caused by a product or by negligence.

''(C)(i) Notwithstanding any other provision of law, a person who is—

''(I) an instant check registrant who assists in having a background check performed in accordance with this section;

''(II) a licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of firearms under this chapter; or

''(III) a nonlicensee disposing of a firearm, who utilizes the services of an instant check registrant pursuant to subclause (I) or a licensee pursuant to subclause (II),

shall be entitled to immunity from a civil liability action as described in this subparagraph.

''(ii) A qualified civil liability action may not be brought in any Federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person described in clause (i) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party, but shall not include an action—

''(I) brought against a transferor convicted under section 924(h), or a comparable or identical State felony law, by a party directly harmed by the transferee's criminal conduct, as defined in section 924(h); or

''(II) brought against a transferor for negligent entrustment or negligence per se.

''(4) A registration issued under this subsection may be revoked pursuant to the procedures provided for license revocations under section 923.

''(b) It shall be unlawful for any person to organize or conduct a gun show unless the person—

''(1) registers with the Secretary in accordance with regulations promulgated by the Secretary, which shall not require the payment of any fee for such registration;

''(2) before commencement of the gun show, records and verifies the identity of each individual who is to be a gun show vendor at the gun show by examining, but not retaining a copy of, a valid identification document (as defined in section 1028(d)(1)) of the individual containing a photograph of the individual; and

''(3) maintains a copy of the records described in paragraph (2) at the permanent place of business of the gun show organizer for such period of time and in such form as the Secretary shall require by regulation.

''(c)(1) If, at a gun show or the curtilage area of a gun show, a person who is not licensed under section 923 makes an offer to another person who is not licensed under section 923 to sell, transfer, or exchange a firearm that is accessible to the person at the gun show or in the curtilage area of the gun show, and such other person, at the gun show or the curtilage area of the gun show, indicates a willingness to accept the offer, it shall be unlawful for the person to subsequently transfer the firearm to such other person, unless—

''(A) the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with paragraph (2)(B) and otherwise in accordance with law; or

''(B)(i) before the completion of the transfer, an instant check registrant contacts the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act;

''(ii)(I) the system provides the registrant with a unique identification number; or

''(II) 72 hours have elapsed since the registrant contacted the system, and the system has not notified the registrant that the receipt of a firearm by such other person would violate subsection (g) or (n) of section 922; and

''(iii) the registrant notifies the person that the registrant has complied with clauses (i) and (ii), or of any receipt by the registrant of a notification from the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act that the transfer would violate section 922 or State law; and

''(iv) the transferor and the registrant have verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

''(2)(A) The rules of paragraphs (2), (3), and (4) of section 922(t) shall apply to firearms transfers assisted by instant check registrants under this section in the same manner in which such rules apply to firearms transfers made by licensees.

''(B)(i) For purposes of section 922(t)(1)(B)(ii), the time period that shall apply to the transfer of a firearm as described in paragraph (1) of this subsection shall be 72 hours.

''(ii) The licensee or registrant may personally deliver or ship the firearm to the prospective transferee in accordance with clause (iii) if the gun show has terminated, and—

''(I)(aa) 72 consecutive hours has elapsed since the licensee or registrant contacted the system from the gun show and the licensee or registrant has not received notification from the system that receipt of a firearm by the prospective transferee would violate subsection (g) or (n) of section 922 or State law; or

''(bb) the licensee or registrant has received notification from the system that receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 or State law; and

''(II) State and local law would have permitted the licensee or registrant to immediately deliver the firearm to the prospective transferee if the conditions described in item (aa) or (bb) had occurred during the gun show.

''(iii)(I) The licensee may personally deliver the firearm to the prospective transferee at a location other than the business premises of the licensee, without regard to whether the location is in the State specified on the license of the licensee, or may ship the firearm by common carrier to the prospective transferee.

''(II) The registrant may personally deliver the firearm to a prospective transferee who is a resident of the State of which the registrant is a resident, or may ship the firearm by common carrier to such a prospective transferee.

''(3) An instant check registrant who agrees to assist a person who is not licensed under section 923 in complying with subsection (c) with respect to the transfer of a firearm shall—

''(A) enter the name, age, address, and other identifying information on the transferee (or, if the transferee is a corporation or other business entity, the identity and principal and local places of business of the transferee) as the Secretary may require by regulation into a separate bound record;

''(B) record the unique identification number provided by the system on a form specified by the Secretary;

''(C) on completion of the functions required by paragraph (1)(B) to be performed by the registrant with respect to the transfer, notify the transferor that the registrant has performed such functions; and

''(D) on completion of the background check by the system, retain a record of the background check as part of the permanent business records of the registrant.

''(4) This section shall not be construed to permit or authorize the Secretary to impose recordkeeping requirements on any vendor who is not licensed under section 923.

''(d) If, at a gun show or the curtilage area of a gun show, a person who is not licensed under section 923 makes an offer to another person who is not licensed under section 923 to sell, transfer, or exchange a firearm that is accessible to the person at the gun show or in the curtilage area of the gun show, and such other person, at the gun show or the curtilage area of the gun show, indicates a willingness to accept the offer, it shall be unlawful for such other person to receive the firearm from the person if the recipient knows that the firearm has been transferred to the recipient in violation of this section.''.

(2) PENALTIES.—Section 924(a) of such title is amended by adding at the end the following:

''(7)(A) Whoever knowingly violates subsection (b), (c)(1), or (c)(2) of section 931 shall be—

''(i) fined under this title, imprisoned not more than 1 year, or both; or

''(ii) in the case of a second or subsequent conviction of such a violation, fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever knowingly violates subsection (c)(3) or (d) of section 931 shall be fined under this title, imprisoned not more than 3 years, or both.

''(C) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates subsection (b), (c), or (d) of section 931—

''(i) impose a civil fine in an amount equal to not more than $2,500; and

''(ii) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6

months or revoke the registration of that person under section 931(a).''.

(3) CONFORMING AMENDMENT.—Section 923(j) of such title is amended in the first sentence by striking ''or event'' and all that follows through ''community''.

(4) CLERICAL AMENDMENT.—The section analysis for chapter 44 of such title is amended by adding at the end the following:

''931. Regulation of firearms transfers at gun shows.''.

(d) INSPECTION AUTHORITY.—Section 923(g)(1) of such title is amended by adding at the end the following:

''(E) The Secretary may enter during business hours the place of business of any gun show organizer and any place where a gun show is held, without such reasonable cause or warrant, for the purpose of inspecting or examining the records required by section 923 or 931 and the inventory of licensees conducting business at the gun show in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the organizer or licensee or when such examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.''.

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of such title is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924(a) of such title is amended—

(A) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(B) by adding at the end the following:

''(8)(A) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 3 years, or both.

''(B) In the case of a second or subsequent conviction under this paragraph, the person shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of such title is amended by striking ''and, at the time'' and all that follows through ''State law''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 3. INSTANT CHECK GUN TAX AND GUN OWNER PRIVACY.

(a) PROHIBITION ON GUN TAX.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

''§ 540B. Ban against fee for background check in connection with firearm transfer

''No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3) of title 18).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The section analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540A the following:

''540B. Ban against fee for background check in connection with firearm transfer.''.

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 932. Gun owner privacy and ownership rights

''Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States—

''(1) shall perform any national instant criminal background check on any person through the system established pursuant to section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the ''system'') if that system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, about such person who is determined, through the use of the system, not to be prohibited by subsection (g) or (h) of section 922 of title 18, United States Code, or by State law, from receiving a firearm, except that this subsection shall not apply to the retention or transfer of information relating to—

''(A) any unique identification number provided by the national instant criminal background check system pursuant to section 922(t)(1)(B)(i) of title 18, United States Code; or

''(B) the date on which that number is provided; or

''(2) shall continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

''(A) the 'NICS Index' complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

''(B) the agency responsible for the system and the system's compliance with Federal law does not invoke the exceptions under subsections (j)(2), (k)(2), and (k)(3) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The section analysis for chapter 44 of title 18, United States Code, is further amended by adding at the end the following:

''932. Gun owner privacy and ownership rights.''.

(c) CIVIL REMEDIES.—Any person aggrieved by a violation of section 540B of title 28, or 931 of title 18, United States Code, as added by this section, may bring an action in the district court of the United States for the district in which the person resides. Any person who is successful with respect to any such action shall receive actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, except that the amendments made by subsection (a) shall take effect as of October 1, 1998.

The CHAIRMAN. No amendment is in order except those printed in part B of House Report 106–186. Each amendment may be offered only in the order printed in part B of the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in part B of House Report 106–186.

AMENDMENT NO. 1 OFFERED BY MR. DINGELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 printed in House Report 106–186 offered by Mr. DINGELL:

In section 931(c)(1) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike ''indicates a willingness to accept'' and insert ''accepts''.

In section 931(c)(1)(B)(ii)(II) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike ''72'' and insert ''24''.

In section 931(c)(2) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike subparagraph (B) and insert the following:

''(B) For any instant background check conducted at a gun show, the time period stated in section 922(t)(1)(B)(ii) shall be 24 consecutive hours since the licensee contacted the sytem, and notwithstanding any other provision of this chapter, the system shall, in every instance of a request for an instant background check from a gun show, complete such check over instant checks not originating from a gun show.

In section 931(d) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike ''indicates a willingness to accept'' and insert ''accepts''.

At the end of section 3 of the bill, insert the following:

(c) DELIVERIES TO AVOID THEFT.—Section 922(a)(5) of title 18, United States Code, is amended—

(1) by striking ''and (B)'' and inserting ''(B)''; and

(2) by inserting '', and (C) firearms transfers and business away from their business premises with another licensee without regard to whether the business is conducted in the State specified on the license of either licensee'' before the semicolon at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

After section 3 of the bill, insert the following:

SEC. ___. PENALTIES FOR USING A LARGE CAPACITY AMMUNITION FEEDING DEVICE DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(i), by inserting ''large capacity ammunition feeding device,'' after ''short-barreled rifle,''; and

(2) by adding at the end the following:

''(5) For purposes of this subsection, the term 'large capacity ammunition feeding device' means a device as defined in section 921(a)(31) regardless of the date it was manufactured.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Michigan (Mr. DINGELL) and a Member opposed each will control 20 minutes.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that I be permitted to yield 10 minutes of the 20 minutes I have under the rule to the gentleman from Tennessee (Mr. BRYANT) and that he be permitted to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee (Mr. BRYANT) will control 10 minutes.

Does the gentleman from Michigan (Mr. CONYERS) seek to control the time in opposition to the amendment?

Mr. CONYERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) will be recognized for 20 minutes.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that the gentlewoman from New Jersey (Mrs. ROUKEMA) be yielded 10 minutes to yield time en bloc as she may choose.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentlewoman from New Jersey (Mrs. ROUKEMA) will control 10 minutes of time.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would hope that the debate on this will be conducted without rancor, without charges of wrongdoing or misbehavior against any Member of this body or also against citizens who might have different feelings.

I would observe that the amendment does several things. It, first of all, defines what constitutes a sale at a gun show in a manner consistent with existing contract law.

Second of all, it directs the FBI to prioritize background checks at gun shows and to complete them within 24 hours.

Third, it deters the theft of firearms that are shipped through the mail by making it possible for dealers to deal at gun shows face to face.

Last, it increases the penalty for those who use guns with a large-capacity magazine in the commission of crimes.

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

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

Mr. Chairman, I rise with all due respect in opposition to the Dingell amendment. In my opinion, it does absolutely nothing to close the gun show loophole. In fact, it obviously makes it easier for criminals to bypass the law and get a gun.

This issue is about law and order and keeping criminals from getting guns. It is not about keeping law-abiding citizens from buying guns. So let us be clear about that.

But first I must say that the amendment of the gentleman from Michigan (Mr. DINGELL) so loosely defines what a gun show is that it is obvious that thousands of guns will be sold at shows without a single background check.

The 24-hour waiting period will destroy current Federal law that allows law enforcement officials up to 3 business days. The Dingell amendment is a rouse, plain and simple. The FBI itself estimates that under the 24-hour rule, over 17,000 people who were stopped by the current background check system from getting guns in only the last 6 months would have gotten those guns. These people would be those with criminal records, questionable legal residence, or maybe even mental patients.

Let us be honest and straightforward, for checks occurring on a Saturday, the Dingell 24-hour rule would mean that more than half, more than 60 percent of current denials would not have been made. That means a convicted rapist, child molester, or any other felon could have gotten a gun.

Now, I want to stress this for all who will please listen. We would love to talk about law and order. This is about law and order. Let us be perfectly clear. Closing the gun show loophole is about stopping gun selling and gun running by criminals. It is not about the Second Amendment. Every law enforcement person in the world of any reliability will tell us that 24 hours does not do it.

Let us also talk for a minute about whose been hanging out at gun shows. Oklahoma City bombers Timothy McVeigh and Terry Nichols sold well over $60,000 in stolen weapons at gun shows to finance their killings. Columbine High School, Eric Harris, student, obtained his Tec-9 through a gun show.

I could go on. But I must say that it is perfectly clear, anybody with a degree of common sense or honesty about 24 hours over a weekend, nonbusiness day, clearly makes it a sham and a rouse and we must defeat the Dingell amendment and approve the McCarthy-Roukema amendment that will be debated next.

Mr. Chairman, let's make no mistake about it there is only one amendment that closes the gun show loophole for criminals and that is the McCarthy-Roukema amendment.

The Dingell amendment does nothing to close the gun show loophole and in fact makes it easier for criminals to by-pass the law and get a gun! This is about law and order—and keeping criminals from getting guns. It is not about keeping the law abiding from buying guns.

First, the Dingell amendment so loosely defines what a gun show is that it will allow thousands of guns to be sold at gun shows without a single background check.

Second, the 24-hour waiting period will destroy the current federal law that allows law enforcement officials up to three-business days to conduct a background check. The Dingell amendment is a ruse . . . a sham . . . how can it be offered with a straight face?

Since 1993, the background checks established by the Brady law have blocked gun sales to 400,000 felons, fugitives, stalkers and mentally ill persons.

The FBI estimates that under a 24-hour rule, over 17,000 people who were stopped by the current background check system from getting guns in the last six months would have gotten guns! These are people with criminal records, or questionable legal residence for maybe a mental patient.

Most gun shows take place on the weekends. Under a 24-hour rule, a criminal who tried to buy a gun on Saturday would have a free pass if court records were required to finish the check, because the 24 hours would expire before the courts re-opened on Monday.

LETS BE HONEST—WE ALL KNOW

For checks occurring on a Saturday, the Dingell 24-hour rule would mean that more than half—60%—of current denials would not have been made. That means a convicted rapist, child molester, or any other felon could get a gun.

THIS IS ABOUT LAW AND ORDER

We need to maintain the current law 3-business days background check. We need to give law enforcement officers the upper-hand not the criminals.

Let's be perfectly clear . . . closing the gun show loophole is about stopping guns selling and gun running to criminals not the Second Amendment!

Criminals have increasingly—we are told—go to gun shows where no background checks are required to purchase a weapon. Look who has been hanging out at gun shows?

Oklahoma City bombers Timothy McVeigh and Terry Nichols sold over $60,000 in stolen weapons at gun shows to finance the killing of 168 innocent men, women, and children.

Columbine High School attacker Eric Harris obtained his Tec–9 through a gun show.

It is imperative that we simply apply current federal law to gun shows not the sham Dingell amendment that would let criminals walk in and out of gun shows with new weapons without a single background check.

It is in the best interest of public safety and law and order that we vote against the Dingell amendment.

The International Association of Chiefs of Police.

The International Brotherhood of Police Officers.

Police Foundation.

National Association of Black Law Enforcement Officers.

And the Police Executives Research Forum.

All oppose Dingell and support McCarthy-Roukema.

Mr. Chairman, background checks work. The gun show loophole must be closed. The only way to do that is to defeat the Dingell amendment and approve the McCarthy-Roukema amendment that will be debated next.

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

□ 2245

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

I rise in strong support of the Dingell amendment. I believe this amendment is a good example of the two parties working together.

I do want it to be clear, though, that I do not generally support more Federal gun laws. Our country has at this time thousands of gun laws on the books and my concern is they are not being adequately enforced. We need stronger enforcement of existing gun laws.

In order to prevent felons from purchasing firearms, I ask my colleagues to support the Dingell amendment. This amendment will not further burden law-abiding gun owners, but this amendment will maintain the integrity of the gun show while establishing safeguards to protect our communities and gun owners.

Others will talk of the 24-hour instant check period. I want to talk about other protections of this amendment. This amendment will also help prevent the theft of firearms. Under current law, licensed dealers cannot transfer guns among themselves while attending a gun show. As a result, they must ship the guns through a common carrier. Many of the illegal guns used in the commission of crimes are stolen during this process of shipment. The Dingell amendment will allow a licensed dealer to transfer guns to another licensed dealer, thus preventing criminals the opportunity of stealing them from a common carrier. If we want to keep guns off the street, then here is one example where we can support a provision that will.

Another important provision of the Dingell amendment would be that it would increase the penalty for the use of a large capacity ammunition magazine during the commission of a violent crime or drug trafficking. This strong provision provides an additional tool for prosecutors in combating violent crime and drug trafficking.

I applaud the efforts of the gentleman from Michigan (Mr. DINGELL) and his colleagues. This is a balanced approach that all Members who support getting tough on criminals can also support.

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

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

I am not able to answer why the gentleman from Michigan (Mr. DINGELL) is doing this. I have been asked that quite a bit.

This is a weaker amendment on gun shows than the McCollum amendment. And here is the bottom line. If this amendment is passed, then criminals will be able to get guns at gun shows. That is where this all comes out.

Is there anybody that has not read about this amendment? Is there anybody who does not know that 24 hours is not sufficient? Is there anyone that does not know that gun shows take place frequently on weekends and that a 24-hour rule will get them off? It requires a check only when a gun is offered for sale and the buyer accepts the offer near a gun show. This tells the criminal to window shop at gun shows and then to close the deal somewhere else. Does anyone not really understand what is going on here?

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Chairman, I rise in defense of the hunter-sportsman-working men and women of my district whose voices I want to be heard, voices of responsible firearms owners.

Your constituents at the Iron Range Labor Assembly urge you to oppose restrictions on gun sales and ownership rights as passed by the Senate. Many union families enjoy outdoor sports and the right to possess firearms. We are concerned about the safety in our schools, but the proposed legislation will not solve this problem. Tom Pender, President.

Jim, I'm a hunter and a fisherman all my life. It provides me a connection with my boys, my brother, and my dad. It is one of the few occasions we get together for quality time. But in recent years there is a concerted effort to condemn those of us who hunt and enjoy other legitimate uses of guns. There are those who would make gun use a vice and brand those of us who own guns as crazy or extremists. I want real study and real action to prevent future Littletons, not contrived knee-jerk reaction from Congress. Leo LaLonde, Aurora, Minnesota.

Real action is at Lincoln Park Elementary School in Duluth. Open from 7 a.m. to 9 p.m., where parents, teachers, students, community groups work together at muffin morning homework planning, 'success for all,' first grade preparedness, youth collaborative, family nights for parent and child, family building programs. Juvenile delinquency has been virtually eliminated and school performance elevated.

That is getting real. Let us pass the Dingell amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Our purpose tonight is not to restrict any law-abiding citizen's right to keep and bear arms. Our purpose tonight is to make laws requiring background checks for purchasing firearms to keep firearms out of the hands of criminals and unsupervised young people.

There is absolutely no reason that purchases at gun shows should be treated differently than purchases at a store. There should be a background check. This background check should allow adequate time to ensure that someone with a felony conviction is not permitted to purchase a gun.

As the gentleman from Florida (Mr. MCCOLLUM) pointed out, the National Instant Check System reveals those individuals who may have a felony arrest. The next step is to check local court records to determine if that person has a criminal conviction. That check may take 2 or 3 days. That is a short time to wait to help ensure that a violent felon does not walk away from a gun show with a lethal weapon.

The Dingell amendment will not accomplish any of those goals. It does not adequately define a gun show. It will not allow adequate background checks at gun shows. It will do little to close the gaping loophole in current laws that give criminals the incentive to purchase guns at gun shows.

We need reasonable and effective background checks to keep guns out of the hands of criminals. The Dingell amendment comes up short. Oppose the Dingell amendment and support the McCarthy-Roukema amendment.

Mr. BRYANT. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this bipartisan amendment to enact reasonable, fair, common-sense background checks that truly fit the definition, within reason, of an instant background check at gun shows.

The McCarthy-Lautenberg amendment is Washington at its best, Mr. Chairman, for only in Washington would an instant background check mean up to 6 days. Only in Washington would an instant background check operate to deny people their constitutional rights and up to 6 days.

For those who might have trouble with the math, and we will not hear it from McCarthy-Lautenberg, let me explain. If we allow an instant or so-called instant background check to consume 3 business days, that is 3 days plus, if, as many gun shows do take place on holiday weekends, that is an additional 3 days. For all intents and purposes, that means that a purchaser, a bona fide purchaser, will not be able to take, very possibly, if the instant background check does not work properly, which in many instances it does not, would not be able to take advantage of exercising their second amendment rights at that gun show.

Only in Washington does an instant background check under the McCarthy-Lautenberg amendment mean up to 6 days.

A vote for this bipartisan Dingell amendment not only brings common-sense, rationality and fairness to this debate, but it also is not a vote for gun control. Let me repeat. A vote for the bipartisan Dingell amendment is not a vote for gun control. It is a vote to preserve gun shows as legitimate business enterprises in this country.

If McCarthy and Lautenberg is adopted, it will put gun shows out of business. It will do this in many different ways, including the expanded so-called instant background check, which would consume so many days that it

would make it unreasonable for anybody to bother purchasing a firearm at a gun show.

It does so because it would, for the first time in American history, even against several Federal laws that provide to the contrary, allow the government to begin maintaining a registry of lawful gun owners. It would put gun shows out of business because it would create very nearly strict civil liability for gun show operators and promoters.

It is overly broad, the McCarthy-Lautenberg amendment. Dingell corrects it and is a vote for reasonable and meaningful instant background checks at gun shows and I urge its adoption.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I live in rural central Texas where guns are a way of life. I am a hunter and a gun owner. But I am also a father and a husband, and tonight I will vote for the safety of my children and family and for my colleagues'. I will vote for the McCarthy amendment and for the bipartisan Conyers-Campbell amendment, which is identical to the Senate-passed language. Why? Because I believe that is the right thing to do for the safety of our children, our homes, and our neighborhoods.

I will vote for effective criminal background checks at gun shows that minimize felon loopholes. I surely believe that a minor inconvenience for a handful is a very small price to pay for saving American lives.

Several years ago, as a new Member of this House from the rural south, I voted in favor of an assault weapon ban and lived to tell the story. But far more important than that, somewhere in America tonight a child is alive, alive because Congress 5 years ago had the courage to pass a common-sense gun safety law.

Tonight, with the Conyers amendment, with the McCarthy amendment, we have another opportunity to save the lives of more children by passing common-sense gun safety legislation.

Now, I know and my colleagues know that some may fear the safety of their political seats for these votes, but I have greater faith in the American families and parents than that. It is time to put the interest of our safe schools and our children's safety above the interest of special interests here in Washington, D.C.

Some suggest punishing gun offenders is the way to reduce some gun violence. But surely if we talk to the parents of crime victims, they would tell us that punishing their offenders is no substitute for effective prevention of their children's murder through common-sense gun safety laws.

Vote for Conyers, vote for McCarthy, vote for our children.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Chairman, I rise in strong support of the Dingell amendment, a common-sense compromise that represents the views of the overwhelming majority of law-abiding gun owners who accept reasonable reforms and who want to keep firearms out of the hands of criminals and who recognize the best way to do this is to conduct background checks and the best way to do that is to use the existing system.

Contrary to what some folks would have us believe, gun shows are not illegal arms bazaars. They are commercial forums where citizens can buy and sell firearms for hunting, to add to a collection of antiques, for self-protection or any of a litany of lawful purposes. This amendment streamlines the instant check process for firearm transfers at gun shows. The speed and ease of the check under the Dingell amendment will encourage folks to make their purchases in a regulated forum.

Some folks who want to ignore the existence of the second amendment seem to think that if we just make it too much of a hassle for citizens to purchase guns that the transactions will not occur. In reality the sale will still take place, but without the benefit of a background check.

I urge my colleagues' support of the Dingell amendment, a workable compromise which achieves the goals of protecting the rights of all citizens while best protecting society as a whole.

Mrs. ROUKEMA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman from New Jersey (Mrs. ROUKEMA) has 5½ minutes remaining; the gentleman from Tennessee (Mr. BRYANT) has 5 minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 7 minutes remaining; and the gentleman from Michigan (Mr. DINGELL) has 7 minutes remaining.

□ 2300

Mrs. ROUKEMA. Mr. Chairman, I yield 1½ minutes to our colleague, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, guns do not kill people. People kill people.

I agree, background checks do work. They are common sense. None of us want criminals to have guns. But I have served under Republican as well as Democratic administrations as a Member of Congress, and there is not yet an attorney general working for a Republican or a Democratic president while I have been here that has told us that they could do this in one day.

They cannot do it in one day. That is why the requirement is for 3 days. Instant checks would be ideal, just like going to the clothing store to get a shirt or a tie. But we do not live in a perfect world. Sadly, we do not.

Legitimate hunters and sports people and collectors have nothing to fear with the defeat of the Dingell amendment. The Second Amendment still prevails. But let us make sure that it is the legitimate hunters and sports folks of the world that can acquire and buy these firearms, not the crooks, not the criminals. We need to close the loopholes to make sure that the background checks work.

When the President, whether he be Republican or Democrat, or maybe even Independent, tells us that they have the resources so that they can do it in 1 day or 1 hour or 5 minutes, we can change the law. But until then, we cannot.

Mr. BRYANT. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from California (Mr. CUNNINGHAM).

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

Mr. CUNNINGHAM. Mr. Chairman, Members on both sides of this issue are well-meaning. There are 11,000 gun laws on the books. There are just as many about drugs. And yet in both areas, both drugs and weapons, the people that are the problem are the criminals. My colleagues on the other side of this issue want to stop those, as well.

In all due respect to the gentlewoman from Maryland, there are not thugs and criminals but millions of people that attend these gun shows, including myself, that are law-abiding citizens.

I think I am the only Member in this body that has had to take multiple life with a weapon. It bothered me so bad that I had to go to church, and at one time I even left the squadron. But I have flown in an airplane. I have carried bombs in peacetime. I never robbed a bank. I never shot somebody.

I hunt. I fish. I legally have a weapon. And my daughters know how to use those weapons. I have taken them out with a watermelon and a shotgun and a rifle, and they know exactly what that weapon will do. If somebody comes in our house when I am not there, my daughters know how to use it.

But I also have a trigger guard on those weapons because I am afraid that some child will come into the house other than my daughters and not know how to use that or the danger of it. And I think that a responsible parent should have a trigger guard on it and someone who does not maybe should be chastised.

But the people we are talking about are law-abiding citizens, and that is who the gentleman from Michigan (Mr. DINGELL) and I and others want to protect the rights of, law-abiding people that want to bear arms.

I do not think that is unreasonable. I think it is reasonable to have an instant check for a gun show, to have one for a pawn shop, to have one for any sporting goods shop that does that, and we ought to fully fund it. I think that the only way that we can get around this is to do that.

I ask my colleagues, do not ask from emotion but ask from fact.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. McCarthy).

Mrs. MCCARTHY of New York. Mr. Chairman, contrary to what the American people want, Congress is preparing to vote on an amendment that will make it easier for criminals to get guns at gun shows.

Some Members may believe they can vote for the NRA-Dingell amendment and try to fool their constituents into thinking they care about criminals' access to guns. That would be a mistake.

The McCarthy-Roukema-Blagojevich amendment simply asks the same regulations that we are asking our gun stores to do our gun shows to do. That is it. Same rules for everyone. Pretty simple in my eyes.

Over the last 6 months, 17,000 people who were stopped by the current background check systems would have attained guns. Seventeen thousand people.

Take a look at this. These are the people who should have been stopped. These are the people that could have been stopped.

If the Dingell bill goes through, there is going to be a lot more of them out there. That is what we are supposed to do.

I ask my colleagues to vote for the McCarthy amendment, and I ask my colleagues to vote for the Conyers substitute amendment.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Louisiana (Mr. JOHN).

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

Mr. JOHN. Mr. Chairman, Louisiana is indeed the sportsman's paradise. Many of us have grown up there hunting, sports shooting, and have grown up comfortable and have learned to respect firearms.

I rise today in strong support of the perfecting Dingell amendment. I believe that it has a common-sense approach to two very important objectives.

The first objective is to close the loopholes at gun shows. It is an objective that every one of the amendments here tonight go to and shoot at.

The second objective only the Dingell amendment provides, and I think it is most important that it protects and preserves the right for us to bear arms at gun shows. The amendment puts a high priority on instant background checks from participants at a gun show. I repeat, this amendment only applies to gun shows.

I support instant background checks to keep firearms out of the hands of felons. Do we have the technology, does the national instant check system have the technology, the personnel capability to handle this? I say, yes. We appropriated $200 million to do so. We have that technology.

Mr. Chairman, the Second Amendment to our Constitution is only 27 words. Mr. Chairman, please let us close the loophole and not infringe upon our constitutional right of Americans to bear arms. Vote for the Dingell amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I thank the gentlewoman for yielding me the time and for her strong leadership on this issue.

Mr. Chairman, I want to commend the gentlewoman from New York (Mrs. MCCARTHY) for her tireless dedication in preventing violence against children and protecting all of us from the misuse of firearms.

With high respect for my friend the gentleman from Michigan (Mr. DINGELL) I rise to oppose his amendment and to support McCarthy.

The Dingell amendment, in my judgment, attempts to cloud an issue which is crystal clear. The distinguished gentleman from Michigan claims that his amendment closes the gun show loophole. But, in actuality, it weakens current gun laws.

Under his amendment, the time provided to law enforcement authorities for conducting background checks on firearms purchased at a gun show through a licensed dealer is actually reduced from three business days under current law to 24 hours.

Since many gun shows take place on weekends when most court records are inaccessible, a 24-hour limit effectively renders the background check requirement useless.

Additionally, Mr. Chairman, the amendment would reverse a 31-year-old law prohibiting licensed dealers from conducting out-of-state business.

□ 2310

McCarthy, on the other hand, reasonably extends the background checks to more vendors, gives law enforcement authorities ample time to complete background checks and extends requirements for vendors to keep records of gun show transactions.

Clearly, gun laws are not a panacea for the ills of our society reflected in the violence of child against child that we have seen in Littleton and Paducah and Conyers. But, Mr. Chairman, it would be a travesty if out of these horrors came from this House more opportunity for the misuse of firearms, not less. It is not too much to ask legitimate gun owners and vendors some measure of inconvenience to help protect our children. With rights come responsibilities. Oppose Dingell. Support McCarthy.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, we make it difficult for criminals to get jobs. It should be that way. We make it difficult for criminals to be able to vote. It should be that way. For rapists, for molesters, for murderers, for those who mug folks.

Here we are this evening confronted with the proposition from one of the great Members of this body who would have us believe that there is something unreasonable about making it more difficult for criminals to buy guns at gun shows. I come from the State of Tennessee as my good friend the gentleman from Tennessee (Mr. BRYANt) does. I know why we have gun shows. It makes it easier for folks who live in areas, urban or rural areas to buy guns to go out and hunt and be sportsmen. I support hunters, support the NRA and support sportsmen.

But do not continue scaring everyday, hardworking, taxpaying, law-abiding Americans that somehow or another making them wait 48 more hours just to ensure that they had not beaten their wives, they had not molested their neighbor's children, that they have not robbed a convenience store at the corner, that something is unreasonable about that.

I say to my friends and particularly my friend on my side of the aisle, let us stop scaring everyday Americans. There is nothing unreasonable about what the gentlewoman from New York (Mrs. MCCARTHY) wants to do. She is the most courageous person in this House and she deserves our vote tonight, she deserves our vote tomorrow and the children in this Nation deserve our vote this evening.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague from Michigan for yielding me this time. I rise in support of the Dingell amendment that hopefully will bring some reasonableness to the debate on gun restrictions. I do not think any of us support criminals having access to guns and the Dingell amendment will not encourage this. It would make background checks more effective and still protect the second amendment to our Constitution.

I would feel more comfortable about this debate tonight if the opponents of the Dingell amendment were not also reported in the press favoring national registration maybe like we have here in Washington, D.C., which is probably the most gun restricted jurisdiction in our country, yet I do not know if the criminals in D.C. are any more effective than they are anywhere else in our country. I know they get guns elsewhere.

But are you saying we need to restrict every American from being able to own a firearm? Because that is what happens here. The waiting periods have stopped convicted felons from receiving guns. I know, that has worked. But are you telling me that that person who is refused because of that background check did not also go out and find a gun on the illegal market?

Let us just make it reasonable for the millions of Americans who are not afraid of guns, who have them for protection, and also for sporting.

Mr. CONYERS. Mr. Chairman, I yield 15 seconds to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. McCARTHY of New York. Mr. Chairman, I just want to make a clarification, that my amendment actually

has in it that there will be no national registration for guns. It is in the amendment. It would make it a law.

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

I thank the gentlewoman from New York (Mrs. MCCARTHY) for that last statement because I was going to make that point, too. Let us get back to the facts and not the rhetoric, the loose rhetoric here.

This Dingell amendment, as far as I am concerned, is a business deal for criminals and gunrunners. It gives them a special advantage.

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentlewoman has not yielded to the gentleman for a parliamentary inquiry. The gentlewoman from New Jersey controls the time.

Mr. CUNNINGHAM. She does, but is it the rules of the House that someone is to question the motives of the gentleman?

Mrs. ROUKEMA. I am not questioning his motives. I reclaim my time.

The CHAIRMAN. The gentlewoman from New Jersey controls the time. The gentlewoman may proceed.

Mrs. ROUKEMA. Mr. Chairman, what it actually does is it gives gun shows a business advantage over all the law-abiding federally licensed gun dealers and gun shows. I believe we need the same rules for everyone.

I also must say, we have got to get back to the facts. There are accurate reports that since 1993, the background checks established by the Brady law have blocked gun sales to over 400,000 felons, fugitives, stalkers and mentally ill persons.

We have said, and I think it bears repeating, that the FBI estimates that a 24-hour rule such as the Dingell amendment would mean that over 17,000 people who are stopped by current background checks in the current system, it would have not gotten those 17,000 people who were stopped by the background checks.

Finally, I must repeat again that the checks occurring on a Saturday under the Dingell 24-hour rule would mean that more than 60 percent of current denials would not have been made. That means literally a convicted rapist, child molester or any other felon could have gotten the gun and that would be part of the 60 percent.

In summary, I think we have to say, let us give law enforcement the upper hand, because this is about law and order. It is not about taking guns away from law-abiding citizens.

Mr. BRYANT. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. I appreciate the gentleman yielding me this time.

Mr. Chairman, for the first time, if McCarthy-Lautenberg is adopted in lieu of the Dingell amendment, the Federal Government through extensive powers granted under the McCarthy-Lautenberg amendment will have the power to amass information regarding gun owners in America that the government does not now have the power to collect and maintain.

The one phrase that appears more than any other in the McCarthy-Lautenberg amendment relates to powers to promulgate rules and regulations for the retention of information to the ATF.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, there is not time to read a statement or anything else but to simply say, with all of these reasonable people sitting here, we are trying to do one thing with the McCarthy amendment, protect our children and keep the guns out of the criminals' hands. It is so simple. I do not know what the NRA does to make so many people so fearful. But please protect the children tonight.

Mr. Chairman, I rise tonight in opposition to the Dingell Amendment. This amendment does not address the problem we are trying to solve. Too many people who should not have access to guns can walk into a gun show and buy a gun, no questions asked.

While we are trying to restrict the easy access, criminals and juveniles have had access to guns at gun shows. The Dingell amendment would make it easier on criminals and juveniles.

The amendment too narrowly restricts the definition of a gun show. If you sell your guns at a gun show from a rolling cart, the Dingell amendment says you don't need to perform a background check on your customers. Slap some wheels on your booth and you don't have to follow the law.

Further, if you decide not to "sponsor" the gun show under the reasons in the Dingell amendment, you don't have to do a background check either. Nor do you have to do background checks if there are less than ten vendors at the show, no matter the number of weapons sold.

The amendment changes the Brady Law to give law enforcement agencies a mere 24 hours to do a background check. So, if you buy a gun at a gun show at 5:00 p.m. and the background check cannot be completed until Monday, you get the gun.

Even with 72 hours to complete background checks, as its stands in the underlying legislation, the Justice Department says that 28% of felons, fugitives and other prohibited people would have gotten guns. The Dingell Amendment only increases that percentage.

The Dingell Amendment would allow gun show dealers to complete the sale after the show with no background check required. This would give gun show sellers incentive to give out their home address and say "Stop by on your way home from the show and I can get you a gun with none of that background check hassle."

These are only a few of the problems with the amendment, but I think they are enough.

We cannot allow the NRA to ghost-write this legislation. This amendment is simply the last gasps of the NRA to hold on to anything they have. The NRA is fighting in the face of common sense.

This amendment is worse than the law that currently exists. The American people have asked us to pass common sense gun safety laws. This is not it. Oppose the Dingell Amendment.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Who has the right to close?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has the right to close.

Mr. DINGELL. I believe I am the offeror of the amendment.

The CHAIRMAN. As the manager from the Committee on the Judiciary controlling time in opposition, the gentleman from Michigan (Mr. CONYERS) has the right to close.

Mr. DINGELL. Very well.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. CLEMENT).

□ 2320

Mr. CLEMENT. Mr. Chairman, I strongly support the second amendment. I defend an individual's right to bear arms. I know very well that we have to close the loopholes, and so does the gentleman from Michigan (Mr. DINGELL) know that as well.

That is why he has proposed this amendment, saying that we have to close these loopholes at the gun shows, because 6 percent of the guns sold in this country are at the gun shows today, and some of them are to individuals that are not gun dealers. And therefore, it is in our best interests to bring about fairness and equity, and knowing that we have improved the system from the past, maybe the Dingell amendment would not have made any sense years ago. But we now have a national instant background check that we did not have before; therefore, we are in a position to check on the guns that are sold within a 24-hour period.

Mr. Chairman, I encourage everyone to support the Dingell amendment. Let us close the loopholes.

Mr. BRYANT. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I would like to reserve that time at this moment.

The CHAIRMAN. Without objection, 1½ minutes of the gentleman from Tennessee's time shall be controlled by the gentleman from Michigan (Mr. DINGELL).

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise in solid opposition to the Dingell amendment. We can fool some of the people some of the time, but we cannot fool all of the people all of the time, and the American people are not fooled by this amendment.

I can tell my colleagues that this is an example of this Congress not being serious about closing the gun show loopholes. If we are serious, we will vote tonight to close the gun show loopholes.

Let me tell my colleagues, the American people are watching us tonight.

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

Mr. Chairman, I ask my colleagues to know that those of us who sponsor this amendment are not interested in increasing crime, we are interested in bringing it to a halt. This is a form, 4473. In it, the individual who files it has to prove through his statements that he is eligible in all particulars and has not disqualified himself from the purchase of a firearm. That is filed, and if one files it falsely, that is a felony. And if one picks up a gun after having filed this falsely, that is a second felony.

Now, the instant check system is working, and it is instant, not a long check. It is instant. It is supposed to be instant.

Mr. Chairman, we are talking here about a precious right. We have been talking about the first amendment, and now we are talking about the second amendment. I do not divide the Bill of Rights. But I call on my colleagues to understand that in 24 hours, there should be sufficient time, because by the time this legislation is in effect, the Attorney General will have merged the State and the Federal system so that she can get full information immediately. Mr. Chairman, 24 hours is quite enough.

Now, gun shows are not Saturnalias of criminals who are bent on destroying the lives and the well-being of innocent citizens. They are a group of innocent citizens who are doing something that goes back as far as Plymouth Rock. They are getting together to sell and trade and engage in commerce, and they are strictly regulated.

We are closing the gun show loophole by making everybody who participates in those sales subject to the law. They must file the document, and they must be submitted to the instant check. I do not know how much more we can ask for in terms of seeing to it that we have effectively dealt with the problems of crime. To go beyond this is simply to harass innocent, law-abiding citizens and to hurt people who love to go to gun shows to see their fellow citizens, to talk about guns, to look at firearms, to perhaps purchase a firearm, or more likely to purchase some other kind of sporting accoutrements.

Mr. Chairman, I urge my colleagues to support the amendment.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, an angry, paranoid schizophrenic goes to a gun show at 10 o'clock on a Saturday morning, attempts to buy a gun. The police discover on Monday morning that he has a criminal background record of beating his wife and a long criminal rap sheet. Under the Dingell amendment, he gets to buy the gun. Under the McCarthy amendment, he does not.

Support the McCarthy amendment. It is the real loophole closer. It is the one that we ought to support tonight.

The CHAIRMAN. The gentleman from Tennessee (Mr. BRYANT) has 1 minute remaining; the gentlewoman from New Jersey has extinguished her time. The gentleman from Michigan (Mr. CONYERS) has 3¼ minutes remaining; the gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining.

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

Mr. Chairman, I want to thank the gentleman from Michigan (Mr. DINGELL) for sponsoring this, I believe, very good amendment, a good solution to the problem at hand. Lest we all forget, ultimately we are talking about a constitutional amendment, a right here, and as we all know, when we begin to legislate, to impair or restrict that constitutional right as we would in the first amendment or second amendment or any other amendment, we need to do it in a minimum way, in the least burdensome way.

I have reviewed these amendments, and I believe that the Dingell amendment fits that description and best suits the issue as we need it now. I have chosen to support it. I think it provides the best balance between the right of law-abiding citizens to purchase guns and to prevent law-breaking citizens from not purchasing guns.

So I urge my colleagues to support the Dingell amendment to this bill.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, the McCarthy-Conyers-Campbell amendment plugs the loopholes in the gun bill. The opponents need an amendment to make it look like they would have gun control, but it is not effective. They did not want to provide anything effective, so they chose the Dingell amendment. We have to do better than that. We have to vote for McCarthy-Conyers-Campbell. It plugs the loopholes. We need to plug these loopholes. Let us not give the Republicans a relief act through the Dingell amendment. Let us kill the Dingell amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 2¾ minutes remaining; the gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in support of the McCarthy-Conyers-Campbell amendment to plug the loopholes.

The realities, I say to my colleagues, are, that in communities throughout this country, State criminal justice systems are not automated. Many criminal records are kept on card files. In 24 hours, that is an insufficient amount of time for law enforcement to do an adequate or thorough check. To say that we can do an instant check in 24 hours is to assume that everyone has computers. Go to the criminal justice office in your community and see if they are not kept on cards. If they are, then you know that instant check will not work. I rise in support of McCarthy-Conyers-Campbell.

□ 2330

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to my distinguished friend, the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, the other day I spoke at a Memorial Day service in Lilly, Pennsylvania. In Lilly during World War I they had lost 14 or 15 people. In World War II they had lost a little less. But one family sent 10 boys to World War II. That mother was honored as the Mother of the Year in 1945.

I said, would you like to say something? And the one boy, 74 years old now, got up and he said, I went to the Navy and I came back and I worked in that coal mine, and he sat down. Another young man, 85 years old, got the Silver Star, the Bronze Star, two Purple Hearts, and a combat infantryman badge from World War II. And I said, would you like to say something? He said, I said my say in World War II.

We get up here and we talk and we talk and we talk. We act like we are going to solve these problems. After I went out and mingled with the crowd, the whole town was there, only 2,000 people in the town, these folks came to me and said, you folks keep abridging our rights. You keep taking away our rights. You keep passing laws that the ordinary citizen lose their ability to do their business.

I have one of the lowest crime rates in the country. Our folks go about their business. Our big business is the industrial revolution. We produced all the steel and coal for the country. They do not listen to Washington a lot. There is nobody listening to what I am saying tonight. They are in bed, because they have to get up the next morning and go to work.

Mr. Chairman, let me say this. If Members think what we are trying to do here today is going to solve these problems, it is much more complicated than that. All we are trying to do with the Dingell amendment is reduce some of the burden on the law-abiding citizens. I ask Members to support the Dingell amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds to remind my friend that if it had not been for the Committee on Rules, we would be in bed, too, tonight.

Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Illinois (Mr. BLAGOJEVICH).

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

Let me just clarify, this is about closing a loophole so criminals cannot get guns. With all due respect to the gentleman from Michigan (Chairman DINGELL), under his bill nine unlicensed gun dealers can call themselves a gun show and sell thousands of guns, literally, and no requirement to fill out the form the gentleman from Michigan (Chairman DINGELL) referenced moments ago.

To the hunters of America and NRA members across the land, let me firmly assert, they have nothing to fear but fear itself. This is about criminals not getting guns, not themselves. They are law-biding citizens. They are great patriots. They love their country and their guns.

The criminals will get less guns, there are more guns for NRA members and hunters.

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

Mr. Chairman, we are talking about closing loopholes. Let us address it. The person who buys a gun at a gun show or anywhere else has to fill out this form. Failure to fill it out truthfully constitutes a felony. Purchase of a gun with a falsified 4473 form constitutes a felony. We are covering all sales at gun shows with the penalties of this.

Mrs. Reno has said, NIC has been a tremendous success. Simply stated, denials and arrests translate into lives saved and less crime. The hard fact of the matter is it is working now. It will work better. By the time the effective date of this act is present, we will find that gun shows will be able to do all the things that are necessary.

There is no reason to burden a law-abiding citizen with more than 24 hours delay. To go further is simply to assure that people will go around gun shows and will achieve gun purchases and ownership in other ways.

I urge my colleagues to make the responsible vote. Let us close the loophole. Let us see to it that we cover all sales at gun shows, and let us pass a decent bill that the people can support.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the McCarthy amendment and in support of America's children and the victims of gun violence in America.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the McCarthy amendment that will protect the children of America.

Mr. Chairman, the Dingell amendment does one thing. It would make sure it's easy for criminals to get guns shows and flea markets. Do hunters need that? Do sportsmen? No.

With the instant check proposed, most purchasers will be approved quickly. But the criminals won't. The gun lobby wants to try to scare normal sportsmen into believing that keeping felons from buying guns means duck hunting season is canceled this year.

I hope that the honest sportsmen and women of this county won't buy it and I hope that the House will not either.

Vote ''no'' on this deceptive amendment.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the g entlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the amendment of my good friend the gentlewoman from New York (Mrs. MCCARTHY).

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, on behalf of the American people, I rise in opposition to the Dingell amendment and in support of the Conyers amendment, the McCarthy amendment, to keep guns out of the hands of criminals.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LEE).

(Ms. LEE asked and was given permission to revise and extend her remarks.)

Ms. LEE. Mr. Chairman, I rise in opposition to the Dingell amendment, and to allowing criminals to buy guns at gun shows, and to guns being sold to children who end up dying each and every day from gun violence.

Mr. Chairman, the American people were promised commonsense gun control. The American people expect us to take commonsense measures to prevent the sale of guns to the wrong people. However, Mr. DINGELL's amendment will allow criminals to get guns.

Of course we know that these guns end up in the hands of children. And then, what do we have—children in urban and now, suburban communities killing each other. And then, to add insult to injury, this Congress's response is to enhance sentences and try young people in the courts as adults rather than provide for measures to prevent juveniles from becoming violent in the first place through crime prevention measures as the Conyers Campbell substitute would have addressed.

The emergency rooms in our hospitals and our mortuaries are filled with young people. For those of us who have witnessed the ambulances and heard the sirens around the clock, for those who feel the pain from the loss of their child to gun violence, please vote for the McCarthy-Roukema amendment and close this loophole which has caused the death of too many of our children. The Dingell amendment ensures that criminals will be able to buy guns.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

(Ms. SCHAKOWSKY asked and was given permission to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the Conyers-Campbell amendment and the McCarthy-Roukema-Blagojevich amendment.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. VELÁZQUEZ).

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, I rise on behalf of American children, and in opposition to the Dingell amendment allowing criminals to buy guns at gun shows, and in support of the McCarthy-Conyers amendment.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the McCarthy and the Campbell-Conyers amendment. Extension of the 3-day background check to guns purchased at gun shows is fair and sensible and will close a glaring loophole in our gun laws.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Ms. DELAURO).

(Ms. DELAURO asked and was given permission to revise and extend her remarks.)

Ms. DELAURO. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the McCarthy amendment. On behalf of of American parents and their children.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to close debate on our portion of this very important proposal to the gentleman from Georgia (Mr. LEWIS).

The CHAIRMAN. The gentleman from Georgia (Mr. LEWIS) is recognized for 1½ minutes.

Mr. LEWIS of Georgia. Mr. Chairman, 34,000 lives lost, not in the Far East, not in Eastern Europe, not in Africa, but right here in America on our streets, in our neighborhoods, on our playgrounds; 34,000 lives lost, lost to gun violence last year.

What would it take before we act, another Littleton, another Paducah, another Conyers, another Jonesboro? Thirteen children a day lost, lost to

gun violence. We need courage, nothing but raw courage, to protect the lives of our children.

I am sick and tired of going to funerals of young children. How many more times must I hold a weeping mother in my arms? How long, how long before we act to stop this senseless violence?

During another period in our history we have sung, where have all the children gone, in some graveyard one by one?

□ 2340

Thirty-four thousand lives gone; lost; dead; buried because of gun violence.

Joshua of old says, ''Choose you this day whom you will serve.''

Will we serve the NRA or will we serve our people, our Nation, our children? As for me and my house, I will cast my lot and my vote with the children. Close the gun show loophole. Defeat the Dingell amendment. Vote for the McCarthy amendment.

Mr. TOWNS. Mr. Chairman, this amendment is another attempt by the NRA and its allies to block meaningful gun control legislation.

Observe for a moment the ramifications of this measure. It reduces the maximum time for background checks to 24 hours, rather than 3 business days under the current Brady law. If the background check is not completed within the allotted time, then the sale would be permitted.

Certain statistics from the Department of Justice cite that 40% of denied requests would go through if this amendment passed. The reason people have been denied a gun is that they have a history of violence and could potentially harm some innocent person, or they are too young to possess firearms.

Now the law will force states that do not keep very good records, or are slow at retrieving the necessary information, to permit a gun sale that should be denied. What is the urgency? Why would a person need a gun within one day instead of a couple of days later? Could it be to threaten or exact revenue? Well, this would be quite possible if this amendment passes and a weapon ends up in the hands of someone who should not have it.

We should be taking additional precautions to make sure that we keep guns out of the hands of convicted felons, not dismantling them and purposely creating loopholes. And if that means taking another 48 hours, by all means I think that public safety should have preference. If a person needs a gun on Friday, then he or she should buy it three business days in advance.

The NRA does not care who gets guns. Their philosophy is simply to oppose any regulation of guns, period, no matter what the consequences are. The current Brady law makes this country safer by keeping guns out of the hands of criminals, and therefore I urge the House to oppose this amendment.

Ms. BROWN of Florida. Mr. Chairman, I rise in solid opposition to the Dingell amendment. While supporters of this amendment claim to close the gun show loophole by requiring background checks, this amendment reduces to just 24 hours the amount of time that law enforcement officers have to conduct background checks at gun shows.

Moreover, if the check cannot be completed within the 24 hours, the sale would be allowed to proceed, thus allowing criminals to buy weapons at large gun shows at the beginning of a holiday weekend, while, after 24 hours, the gun is theirs.

This amendment is misguided, misleading, and even dangerous! In fact, this is an example of the lack of seriousness in this Congress in trying to keep guns out of the hands of criminals. You know, you can fool some of the people some of the time, but not all of the people all of the time, and let me say that the American people are not fooled by the rhetoric of this group! The dilution of the Senate bill is appalling! If the Congress is really serious about keeping guns out of the hands of criminals, this amendment will be defeated, and the gun-show loopholes closed!

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 211, not voting 6, as follows:

[Roll No. 234]

AYES—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Dingell
Dreier
Duncan
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Rahall
Reyes
Reynolds
Riley
Rodriguez
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Young (AK)

NOES—211

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dunn
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Northup
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Regula
Rivers
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6

Brown (CA)
Carson
Houghton
Minge
Salmon
Thomas

□ 0002

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. MINGE. Mr. Chairman, on rollcall no. 234, had I been present, I would have voted "no."

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in Part B of House Report 106–186.

Mrs. MCCARTHY of New York. Mr. Chairman, I ask unanimous consent that the debate time on the McCarthy-Roukema amendment be extended 10 minutes, 5 minutes on each side.

Mr. BARTON of Texas. Mr. Chairman, reserving the right to object, and I would not object if the leadership on both sides would agree that we could roll the vote until 10 a.m. tomorrow morning.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York (Mrs. MCCARTHY)?

Mr. BARTON of Texas. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

AMENDMENT NO. 2 OFFERED BY MRS. MCCARTHY OF NEW YORK

Mrs. MCCARTHY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mrs. MCCARTHY of New York:

Strike section 2(b) and all that follows through the end of the bill and insert the following:

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) GUN SHOW.—The term 'gun show' means any event—

''(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) at which there are 2 or more gun show vendors.

''(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

''(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Regulation of firearms transfers at gun shows

''(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

''(2) pays a registration fee, in an amount determined by the Secretary.

''(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) before admitting a gun show vendor, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

''(2) before admitting a gun show vendir, requires such gun show vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

''(3) notifies each person who attends the gun show of the applicable requirements of this section, in accordance with such regulations as the Secretary shall prescribe; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

''(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

''(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

''(2) record the transfer on a form specified by the Secretary;

''(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of such compliance; and

''(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

''(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(A) shall be on a form specified by the Secretary by regulation; and

''(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

''(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) prepared on a form specified by the Secretary; and

''(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

''(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(1) shall be in a form specified by the Secretary by regulation;

''(2) shall not include the name of or other identifying information relating to the transferee; and

''(3) shall not duplicate information provided in any report required under subsection (e)(4).

''(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

''(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

''(2) does not include the mere exhibition of a firearm.''.

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever willfully violates section 931(d), shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

''(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

''(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

''931. Regulation of firearms transfers at gun shows.'';

and

(B) in the first sentence of section 923(j), by striking ''a gun show or event'' and inserting ''an event''; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

''(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.''.

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(B) by adding at the end the following:

''(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking ''and, at the time'' and all that follows through ''State law''.

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: '', as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date which the licensee first contacts the system with respect to the transfer. In no event shall such records be used for the creation of a national firearms registry''.

(h) INTERSTATE SHIPMENT OF LICENSEES.—Nothing in this section shall affect the right of a licensed importer, licensed manufacturer or licensed dealer to receive or ship firearms in interstate commerce in accordance with the provisions of this chapter.

(i) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from New York (Mrs. MCCARTHY) and a Member opposed will each control 15 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself 30 seconds.

Dear colleagues, this is an amendment that is commonsense. It is commonsense for the American people. I ask the Members to listen to the speakers and, hopefully, be open-minded when they vote.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I am really more than a little perplexed, my colleagues, at this point in time, after what we have just been through. We have just been debating for almost an hour, well, almost 2 hours, literally what the issues are here, and the McCarthy-Roukema amendment should be clearly understood at this point. But I am afraid, in looking at the last amendment and the way that happened, perhaps there are still some unknowns.

I had been fully prepared to talk about the deficiencies of the Hyde proposal and how we were closing that loophole, but now we have a more extreme position here that we are discussing and we just went through almost an hour of debate on it.

Those of my colleagues who were listening earlier know how strongly I feel about the Dingell proposal, and I guess now that it has been passed, I think we have to explain in fundamental terms exactly why, now more than ever, we need the McCarthy amendment.

□ 0010

Now, I want my colleagues to understand that what the McCarthy-Roukema amendment does in the first place is simply closes that Dingell loophole or any loopholes in the gun show.

It is the Senate bill. And it is not about taking guns away from law-abiding citizens. It is plain and simply about keeping guns out of the hands of criminals.

I can give my colleagues the statistics. FBI statistics are very clear that this loophole is going to increase immeasurably gun sales and make gun runners out of criminals and gun shows will be legal gun running operations.

Mr. Chairman, as the cosponsor of this amendment I rise in strong support of the amendment offered by my colleague from New York (Mrs. MCCARTHY).

Mr. Chairman, this debate is not about taking guns away from sportsmen and hunters or law-abiding citizens who own guns to protect their families or their property. This debate is about law and order. It's about giving law enforcement the tools they need to keep firearms away from criminals, people with mental illness—and yes—kids.

Mr. Chairman, for the last 2 days we have been debating how best to protect our children. We've discussed drug trafficking, pornography, movies, television shows, video games, etc. And well we should. We have a culture of violence that is killing children and destroying our communities and it needs our attention now!

Tonight, we turn to guns.

Every day in America, 13 young people under the age of 19 are killed in gun homicides, suicides and unintentional shootings. That is one classroom of kids every day.

That is what this debate is about—not taking guns away from law-abiding citizens. But about law-and-order and protecting our kids.

Granted, these kids get their guns from a variety of sources. But increasingly, gun shows have become a significant source of guns for illegal users, including children.

Why is this trend developing?

Because criminals, mental defectives and—yes—kids know they can't pass the background check that they will have to undergo if they attempt to purchase a weapon at a sporting goods store, gun shop or from a licensed gun dealer. But they also know that gun sellers at gun shows do not have to run a background check.

Yes, criminals have found that they can obtain unlimited numbers of firearms at gun shows with ease. And because no sales records are kept at gun shows these firearms can be resold on the street and used in crimes without being traced.

Under the Hyde language, you could have nine dealers present selling thousands of weapons—a virtual arsenal—without a single background check.

It shreds the fine common sense provision of the Senate bill. Now with the Dingell amendment, the McCarthy-Roukema amendment is needed more than ever to bring law

and order back to gun dealing and the sale of guns.

The McCarthy/Roukema amendment repeals the Dingell loophole. It would define a gun show as any event where 50 or more weapons are exhibited for sale, transfer, or exchange and where two or more gun show vendors are present. Using the number of weapons and vendors present in determining what constitutes a gun show is the best way to close the loophole. Any event meeting the standard would require the vendor to perform a background check on the purchaser before the sale or transfer is complete.

My colleagues, the choice is clear. Support the McCarthy amendment or vote to maintain a dangerous status quo where hundreds of thousands of weapons are sold to thousands of buyers without a single background check for criminal record or mental illness.

Mr. Chairman, the vast majority of people who purchase guns at gun shows are responsible, law abiding citizens. But increasingly, many are not.

Columbine student Eric Harris illegally obtained the TEC–9 assault weapon used in the Littleton tragedy through a gun show. Oklahoma City bombers Timothy McVeigh and Terry Nichols sold over $60,000 in stolen weapons at gun shows to finance the killing of 168 innocent men, women, and children.

The time is now to close the gun show loophole and make private dealers follow the same law as federally licensed firearms dealers.

This is about law and order—it is not about taking away the rights of the law abiding to own guns.

Support the McCarthy/Roukema amendment.

And I again must commend Mrs. McCarthy who has used her tragedy to dedicate herself to doing what she can to protect others from suffering the personal trauma and grief that she has had to hear when her husbands life was taken and her son permanently physically disabled by a man who criminally obtained the guns. I respectfully thank God for her commitment to making America a better place.

Mr. MCCOLLUM. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) will control 15 minutes.

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

Mr. Chairman, I must reluctantly disagree with my good friend from New Jersey (Mrs. ROUKEMA) on her amendment with the gentlewoman from New York (Mrs. MCCARTHY) tonight.

This amendment is similar to the Lautenberg amendment, which was an amendment to a bill in the other body. It is vague. It is overbroad. And it may very well put gun shows out of business if it is passed or adopted.

The amendment to H.R. 2122 would amend it to define a ''gun show'' as any event at which 50 or more firearms are offered or exhibited and at which two or more persons exhibiting a firearm are present.

Unlike the underlying bill, H.R. 2122, it does not specify what types of events fall within the definition. So a community yard sale where one person is selling his firearm collection, which could easily be more than 50 guns, and another neighbor who puts one of his firearms on the table to exhibit it, without even selling it, would consist a gun show under this amendment.

Unlike H.R. 2122, this amendment only requires that there be two people exhibiting firearms for it to be a gun show. Thus, the amendment turns on a gathering of three friends who bring their collections to show one another. Where one friend trades one of his firearms with a friend at no cost, with no money exchanging hands, it turns that into a gun show.

Under the McCarthy-Roukema amendment, before these friends could trade guns with one another, they would have to have a licensed dealer run a background check on themselves and transfer them the firearm or firearms for them.

The McCarthy-Roukema amendment only allows licensed dealers to conduct background checks at gun shows. Since gun shows are places where non-dealers go to exhibit their collections, this requirement will so burden gun shows sales that I doubt that many gun shows would ever be held.

We are not here today to put gun shows out of business. We are here today to stop people who are violent felons, criminals, from being able to buy guns at gun shows.

The McCarthy amendment is so overbroad that it would require gun show promoters to keep records on every patron at the gun show who lawfully brings a firearm with them and shows it to some other person even if they are not a vendor with a table or booth at a show.

Why? Because under this amendment, gun show promoters must register anyone who merely exhibits a firearm to another person even if they are not a vendor with a table or a booth at a show or be subject to criminal punishment. It is unfair to subject gun show promoters to a risk they simply cannot control.

The McCarthy-Roukema amendment is so overbroad that it requires gun show promoters to give notice to each person who attends a gun show of the requirements of her amendment or face criminal punishment.

The McCarthy-Roukema will have the effect of ending most gun shows. The risk of criminal punishment for failure to comply with all of the new requirements will simply be too great for anybody to take the risk of running a gun show.

It is wrong to put gun shows, in my judgment, at an end. Although the intentions may be perfectly good, it is wrong to put them at an end by regulating them to death.

H.R. 2122, the underlying bill, even as amended, strikes, in my judgment, the right balance between protecting our communities from felons who try to buy firearms at gun shows and protecting the rights of law-abiding citizens to keep and bear arms.

So I urge all of my colleagues to defeat this amendment. I urge them to adopt the bill that we have before us tonight, a bill that would close the loophole in gun show sales to felons. It is well-written, well-crafted.

There may be a dispute that I had with some of my friends over the length of time to check on the background of somebody who turns up as a hit. But it is basically a fundamentally sound way to close this loophole. And the McCarthy amendment, on the other hand, does not just close the loophole. It closes the gun show.

That is not what we are here tonight about. We are here to protect kids. We are clear to close the loophole in the law. And we are here to make it certain that felons do not buy guns.

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

Mrs. MCCARTHY. Mr. Chairman, I yield 15 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I say to the gentleman from Florida (Mr. MCCOLLUM), page one of the McCarthy amendment: '''Gun show' is a term at which 50 or more firearms are offered or exhibited for sale and which there are two or more gun show vendors.''

How could that be a yard sale?

Mrs. MCCARTHY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY) my longtime friend.

Mrs. LOWEY. Mr. Chairman, we have an opportunity tonight to save lives.

December 7, 1993. The gentlewoman from New York (Mrs. MCCARTHY) will not forget that day. The families of the six dead, the 19 wounded will not forget that day. Eight weeks ago, 12 students and a teacher were killed at Columbine High School.

Tonight we are finally considering legislation to protect our families and our children from guns. The American people have turned to us for leadership. And tonight, my colleagues, we are going to see if this House has the courage to answer that call and turn its back on the NRA.

Everywhere I go in my district, at the supermarket, at neighborhood events, mothers come up to me, children in hand, and ask me, ''What are we going to to do to stop this violence?'' ''What are we doing to stop the guns flowing in our schools and onto our streets?''

I challenge anyone in this House to look one of those mothers in the eye that came to us just yesterday talking to us about their children, their husband, there was a young girl there who was wounded 13 times, let us look her in the eye and tell her that this is more important to avoid inconveniencing a handful of gun buyers than it is to protect her child.

I would like to remind my colleagues that, in the first 15 minutes of the instant check, 75 percent of the people are cleared. In the next couple of hours, it goes up to 90 percent.

So we are talking about inconveniencing a couple of people to check their record to be sure that we save lives.

We know that this is not going to solve all our problems. We have to address the whole culture of violence in this country. But tonight we have to begin, we have to respond, we have to act. We have to pass the McCarthy amendment.

Closing this loophole will make a critical difference in protecting our children.

□ 0020

Mr. MCCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. BARR), a member of the committee.

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman from Florida for yielding me this time. For those who voted for the prior amendment offered by the gentleman from Michigan (Mr. DINGELL), the choice on the current amendment before this body, and that is the McCarthy-Lautenberg amendment, could not be clearer. There is no way that you could support the Dingell amendment and support the McCarthy-Lautenberg amendment. They are like night and day.

Let us look at some of the differences. The McCarthy-Lautenberg amendment is typical Washington, because only in Washington could the taxpayers of this country submit over $200 million of their money for the development of an instant background check, tell their legislators, that is this body and the Senate, that we are in support of and want you to institute an instant background check, and wind up with a background check that is called instant but can take up to 6 days. Only in Washington does $200 million get you an instant background check that can take up to 6 days. That date of 3 working days, which can balloon on a holiday weekend, which is very popular for gun shows, into 6 days was not chosen at random. Three days was chosen because it would put gun shows out of business, yet it appears to be benign. Therein lies much of the danger of the McCarthy-Lautenberg amendment. It appears to be benign but it is a wolf in sheep's clothing. The paperwork which the gentleman from Florida has already alluded to would literally cripple gun show promoters, gun show organizers and gun show owners. They would subject themselves to criminal liability for an inadvertent failure to comply with the massive paperwork burdens which will be laid upon them by none other than the Secretary of the Treasury.

One of the most common terms, one of the most common references, some of the most common language which permeates the McCarthy-Lautenberg amendment before this body refers to powers to regulate given to the Secretary of the Treasury and, by delegation, ATF.

The gentleman from Florida also alluded to the fact that under the very broad definitions of the McCarthy-Lautenberg amendment, a gun show could be a yard sale or an estate sale, an estate sale, for example, at which as few as 50 firearms, which is not that many for some collectors of historical firearms and at which two or more show up, not one gun has to be sold. There can be a discussion of a sale, a discussion of a transfer, and all of a sudden, bingo, in Washington magic, you have an estate auction with two people discussing the transfer of as few as one of 50 firearms becoming subject to the whole range of paperwork burden, criminal liability, civil liability, gun information registry and gun tax that is provided in the McCarthy-Lautenberg amendment. Only in Washington could people with a straight face say that that is an improvement over Dingell. The same people only in Washington that would tell us with a straight face that an instant background check can take up to 6 days. The same people that only in Washington can tell us with a straight face that $200 million to buy an instant background check system gets us a system that takes up to 6 days and yet the other side says, ''Oh, that's just a slight inconvenience.'' The McCarthy-Lautenberg amendment is not Lautenberg Lite, it is Lautenberg Heavy, and for those who supported the Dingell amendment, you have to vote against the McCarthy-Lautenberg amendment. I urge its strong defeat.

PARLIAMENTARY INQUIRY

Mr. LANTOS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LANTOS. Who is Mr. Lautenberg?

The CHAIRMAN. The gentleman has alluded to sponsorship of a similar provision in the Senate, which is permissible under the rules.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, this House has invested millions of dollars in establishing a national background check system, and it works. We have seen it work. It keeps guns out of the hands of criminals, of rapists, of abusers. That is a good thing. The only thing we are talking about here tonight is whether we should use that check system not only when guns are sold by dealers but when guns are sold at gun fairs. The only issue is whether it should cover all gun fair transactions or some gun fair transactions.

I would say to my friend from Georgia, only in this House could ''all'' be defined as ''some.'' I just wanted to define ''all'' as ''all.'' It should cover all transactions at gun fairs. Where 10 vendors get together, clearly that is a gun fair. Why when nine get together, when thousands of guns are sold, is it not a gun fair? Why when eight get together is it not a gun fair? Why when seven, when six, when five, when four? Surely when two vendors get together, they ought to have background checks. It is all. It is everyone. It is children's lives at stake.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I thank the courageous gentlewoman from New York for yielding me this time. I listened to a colleague of ours on television this morning say that we should not close the gun show loophole because it would create too much paperwork, it would be an inconvenience. An inconvenience? Tell that to the parents of a murdered child. Talk to them about the inconvenience of paperwork. Tell them about the annoyance of waiting 3 days for a gun, and one gun that would be kept out of the hands of a criminal.

Wake up, Congress. Thirteen children a day are killed by guns in this country. And we do not want people to be inconvenienced? I ask you tonight to vote with your heart. Compare the hardship. I ask you to vote for the McCarthy amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL).

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

Mr. CAMPBELL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support the McCarthy-Roukema substitute. The 3-day delay is essential to deter the purchase of a weapon in haste—the purchase of a weapon to settle an argument, or in the heat of passion.

I understand many disagree on the wisdom of possessing a firearm. Many point to statistics showing a much greater risk of an accidental misuse of a firearm in a home than that firearm ever being used to defend against an intruder. Others say it is their choice to make, and I understand that. The right to make that choice, however, is not the right to make the choice precipitously. Think carefully about your choice to possess a firearm. Think it out in advance. Don't make this kind of judgment in the midst of anger, or to settle a domestic dispute. The 3-day delay helps accomplish this much more than would an instantaneous check.

Some of those who oppose the 3-day delay also support a delay to be imposed on a woman who chooses to have an abortion—as was upheld by the U.S. Supreme Court in Planned Parenthood versus Casey. Just as the Supreme Court recognized that a delay on exercising what they held to be a constitutional right was permissible in that context, so also, in my view, would a 3-day delay on exercising a right to purchase a firearm be held constitutional. A 3-day delay on the purchase of a firearm is wise, and it is constitutional.

Today, this view failed in the vote on the Dingell substitute. With one change in vote, however, and the six Members who had to be absent tonight, voting tomorrow, we can reverse this result. Tomorrow, we will vote on the substitute by Congressman CONYERS and myself. It will enact in our House what has already passed the Senate. We have one more chance to do what is right, what is constitutional, what is safe.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

□ 0030

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for yielding me this time, and for all she has done.

Let me just try to run through this, what I have tried to glean from this discussion. Ninety percent or so of the people that go in to buy a gun will go through the instant background check, and they will be cleared right away. That is probably everybody in this room. That probably leaves 10 percent.

What do we know about those 10 percent? Those 10 percent probably have some kind of an arrest on their record. That is what shows up at that instant check.

Now, what do we know after that? We do not know anything after that if we assume the Dingell amendment which has just passed, which is a 24-hour period, but they may be convicted felons is what we know. But we will not know that for sure under this particular legislation, because most gun shows take place on the weekend, and the people who want to buy the guns are going to go in there, if they are convicted felons, on a Friday night or a Saturday. We have, in a way, sort of concocted a felon holiday, if you will; a period of time where, for a little bit in the beginning of the weekend, so they can get the gun and get out before the 24 hours is over, and they can go in and purchase a gun.

Why can they do that? Because the courts are not open. The courts are certainly not open in Georgetown, Dover, or New Castle County, Delaware. That is the problem.

I think we need to pass the McCarthy bill, really close the loopholes so that the felons will not have guns. Vote for the McCarthy-Roukema amendment.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 6½ minutes remaining. The gentlewoman from New York (Mrs. MCCARTHY) has 7½ remaining.

Mr. MCCOLLUM. Mr. Chairman, I yield 3½ minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL. Mr. Chairman, I thank the gentleman for the time.

Mr. Chairman, about 3 weeks ago a young Senate staffer was coming home at night and decided to cross one of the Capitol Hill parks, and partway through that park, she was confronted by three young men, and she started to run away. But one of the men brandished a handgun, so she stopped. They wanted money. She felt sorry for them, but she did not have any money. In fact, she said to me, I wish I had some money to give them.

One of the men started to search her, but he did not want to stop with just a search, but for some reason or another he did, and she got away. Our Capitol Police rescued her, and they eventually apprehended them that night, these three young men. They were all minors; two of them had rap sheets.

We talked about how she felt about those events, and she told me that she is angry, that they took away her freedom, and that she is frightened when she walks by that park. And I said, what should we do? And she said, it does not make any sense to pass another law that is just going to be broken.

I asked her about guns. What did it make her feel about guns? She said she was not afraid about being shot, she was afraid that they were going to rape her, and that the gun gave them power over her. She could outrun those kids, she thought, but she could not outrun a bullet.

Then, when she went to the arraignment, one of the boy's parents showed up, and he was the one without a record. The other two boys' parents did not even bother to show up at the arraignment, and she felt sorry for them, but she did not want them to be able to assault someone else.

Again, I asked her, how did this make you feel about guns? She said, well, my dad has a gun, and I agree with the bumper sticker that says, when they take away our guns, only the criminals are going to have guns. But, she said, you will not solve this problem with more laws. She said, you have the power to make a law, but it will be broken every day, and I will not feel any more safe, she said, because I am not going to be any more safe. She said, you cannot make a law that will make those parents care enough to show up at an arraignment to do something about their kids.

This extraordinary young lady happens to be my niece, and I am really proud of her. She is brave and compassionate, and she is wise, and we ought to listen to her words. She understands more than most of us in this room understand that while we have the power to pass laws, it takes families to solve this problem, families that care. Just as more gun laws would not have saved a single child in Littleton, more gun laws would not have prevented these thugs from confronting my niece.

But I say to my colleagues, enforcing the existing laws would have, because I learned tonight from the arresting officer that one of these young thugs was already on probation for brandishing a gun.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK), a very courageous police officer.

Mr. STUPAK. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time.

Mr. Chairman, as my colleagues know, I am a former police officer, I am a member of the NRA, and I am a lifelong gun owner. My wife and my two sons own guns. We, Mr. Chairman, are responsible gun owners who have taken guns safety courses and educated our children about how to operate and respect firearms.

The McCarthy amendment is not gun control. It does not take away any guns, and it does not prohibit law-abiding individuals from purchasing guns. The McCarthy amendment is a gun safety provision which continues the instant check system before one purchases a gun. McCarthy says that if one wants to purchase a gun, we all follow the same rules. We are all subject to the same instant background check.

The McCarthy amendment says, whether I purchase my gun at K-Mart or at the weekend gun show, I must be treated the same. I must follow the same instant check system. No exceptions, no excuses, no special treatment for people who purchase guns at gun shows.

The McCarthy amendment does not take away any rights. It does not prevent the sale of any guns. It only requires that we all play by the same rules.

Earlier tonight I offered an amendment in the motion to recommit on the juvenile justice bill that did not contain any gun provisions. I am not interested in, and I will not vote to take away your guns. I will not try to control your guns. I want to make sure that every gun purchaser is treated the same, and that is why I am going to vote for the McCarthy amendment. I will vote to make sure that all prospective gun purchasers must follow the same instant check system. No exceptions, no excuses, no special treatment.

With so many gun owners and hunters in my district, the last vote and this vote are very tough votes for me politically. But I say to my colleagues, this is the right vote. I urge my colleagues to do the right thing. Vote for the McCarthy amendment.

The CHAIRMAN. The gentleman from Florida has 4 minutes remaining; the gentlewoman from New York has 5½ minutes remaining.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, we passed the Brady Bill 5 years ago, and it has worked. What we have tonight is a loophole that we must close in the Brady Bill, and the McCarthy-Roukema amendment will do that.

I have a quote from a gun dealer, a gun dealer who said, and he was quoted in the newspaper, a criminal could come here to a gun show and go booth to booth until he finds an individual to sell him a gun with no questions asked, unquote.

Mr. Chairman, it just makes no sense that any person can today walk into a gun show, make a purchase without any precautions whatsoever. Moreover, illegal purchasers know, they know that they can go to a gun show without worrying about being denied a purchase. We have some statistics.

An Illinois State Police study demonstrated that 25 percent of illegally trafficked firearms used in crimes

originate at gun shows. Ironically, in Florida, an inmate escaping from detention stopped at a gun show to make a purchase while fleeing law enforcement authorities. No background check, no waiting period. Let us close that loophole to make our country safer for all citizenry.

Mr. MCCOLLUM. Mr. Chairman, I yield 2½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, on August 2 in 1876, Jack McCall walked into saloon number 10 in Deadwood, South Dakota, and brutally murdered Wild Bill Hickok. Now, if there had been background checks at the time, they probably would have discovered that Jack McCall was a pretty unsavory character. But I do not think it would have prevented him from getting the gun with which he committed the murder, because he had criminal intent.

Well, that was the wild, wild West. This is the 1990s. Times have changed. We have background checks, but some things have not changed.

□ 1240

Bad people do bad things. Criminals will get guns. That is fact number one.

Fact number two is accidents happen.

Fact number three is Congress cannot change fact number one or fact number two.

I grew up in a culture in my State of South Dakota where at the age of 12 I started hunting and learned the responsible use of firearms. I, too, have young children, 12 and 9 years old. I am profoundly and personally committed to see that the things that happened in Littleton, Colorado, do not happen in my home State of South Dakota or anywhere else in America.

But I have to tell the Members, I think for people here this evening, gun shows are getting a bad name. I don't know how many have ever been to a gun show. I would like to see a show of hands. They are normal people. They are not villains. They are people like the Members and me. They go there because they are collectors, they are law-abiding citizens.

What we are trying to do here tonight is to make sure we protect the rights of law-biding citizens and crack down on criminals. We had an opportunity to vote on legislation earlier today that would do that.

We are addressing the cultural influences that are impacting this issue, but we should not go so far as to prevent law-abiding citizens from having access to firearms. We cannot take every gun, every knife, every nail, every propane tank, and every potential weapon away from every person in America because we are afraid that somewhere, somehow, someone is going to get hurt.

This is not the answer. More laws are not the answer. The answers are found in the human heart. They are found in the American home. They are found in the pews of our churches and around dinner tables at night. They are found in the choices that we make and the priorities we set and the value that we place on our children.

Until we realize that, we are going to pass a lot of legislative chaff designed to stuff the void that must be filled with love, values, and personal responsibility.

I urge Members to vote no on this amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I thank my good friend for yielding time to me.

I stand with the major police organizations of the United States of America for America's children. That is where I stand. That is where I stand.

How many children are still alive because of safety caps on medicine bottles? How many children are still alive because of childproof cigarette lighters? Is this government intervention? No, it saves lives. That is what it is all about.

I urge my colleagues to see through the myths, put aside the partisan rhetoric, and do what is right: Vote for the McCarthy amendment. That is what we should be doing.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Boston, Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentlewoman from New York for yielding time to me.

Mr. Chairman, all of the materials we are looking at this evening, the underlying bill, H.R. 2122, the Dingell amendment, the McCarthy amendment, all collectively apparently have some sort of broad support for the prospect that we need a background check and a waiting period. What we are arguing about here is time, the amount of time for that.

We all apparently agree on the purpose of that, is to keep guns out of the hands of the wrong people, because 17,000 of those wrong people presumably would have gotten their hands on guns if we in fact had the Dingell resolution as law, because that is what the statistics and the facts tell us, that that many people, with the Dingell provision in effect, still would have been felons, the wrong kind of people, who would have gotten guns.

We can presume that if they went in under the Dingell provision and bought that gun on a Saturday or Friday night, the background check of 24 hours would not have been effective, and they would have been out there with their gun causing damage.

In 1996, 4,643 young people were injured and 2,866 were murdered. We can presume that some of them might have been in that circumstance, and we ought to not worry about a little inconvenience, we ought to worry about the comments this brave women and the other people in America are saying, protect our children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Chairman, I rise in support of the McCarthy amendment that might have saved the lives of Officers Gibson and Chestnut.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Chicago, Illinois (Mr. BLAGOJEVICH.)

Mr. BLAGOJEVICH. Mr. Chairman, the gentleman from South Dakota just moments ago said two things that I agree with regarding gun shows. Number one, most people involved in gun shows are law-abiding citizens. I think that is true. Number two, he said that criminals can always get guns. He is right about that, they can go to gun shows to get guns.

In fact, 54,000 guns were confiscated last year in crimes that came from gun shows, in the 5,200 gun shows we had across the country. The reason is very simple, the Brady law that simply asks whether or not you are a convicted felon or that you are a proscribed person under the law, they want to find out whether you have violated the law, we do a background check. The Brady law has worked. Four hundred thousand criminals have not gotten guns. We want to apply that to gun shows and ask the same questions.

It is not against hunters, it is not against law-abiding citizens, it is not against NRA members, unless you are a criminal. That is what this is all about.

Let us close this loophole. Under the previous amendment, nine vendors can get together and sell thousands of guns, literally, with no questions asked.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. SLAUGHTER).

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the pending amendment because I simply cannot understand how a House of people who are willing to wait 4 days for dry cleaning cannot wait for a gun.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would request all Members not to embellish simple unanimous consent requests.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Chairman, I rise in favor of the McCarthy-Roukema amendment to save America's children.

Mr. Chairman, it is time for this House to come together on a bipartisan basis and do

what the parents of America expect us to do, what they have hoped we would do since the moment a high school in Colorado became a killing field.

We are charged by the friends and neighbors and parents who elected us to this chamber to protect this nation's children.

Some people in America, and in this Chamber, would have us enact stronger measures than those embodied in this amendment.

But these are the gun child safety measures the Senate was able to approve. Let us at least do this much, pass what the Senate agreed upon.

If we do this much, we will not only take a step toward meeting our obligation to the parents of this nation. By making these protections the law of the land, we will also be making history.

We will make history when we listen to the parents of America and prefer the safety of children over the special interests, teeming in the Capitol and fighting against sensible gun safety measures.

Can't we do this much for the mothers and fathers of our country?

As a mother of two school-aged children, I understand the depth of feeling of other parents. When my kids, or yours, go off to school, we don't want to think, even for a moment, that we might never see them again, because some boy brought a semi-automatic to class and opened fire. We know all too well, because of what happened in schools from Colorado, to Kentucky, to Oregon, that this is no exaggeration.

I'm the first to concede that these common sense gun measures are not the whole answer. But they can and will make a difference.

We know that if the boys who murdered those students in Colorado had not been able to obtain the weapons they did, the slaughter would not have happened.

For every law there will be violators. No system is perfect. But we know that the existing Brady bill has kept thousands and thousands of ineligible persons from purchasing weapons—it stopped felons from purchasing or possessing such instruments of destruction.

If we can decrease the number of guns available to troubled kids, it can only help.

For those who say it's not worth it, unless it's 100%, ask yourself, would you feel that way if it was your teenager who came face to face with a disturbed man with a gun bought at a gun show and loaded up with a high capacity clip? If you could prevent that, wouldn't you do it?

Next Sunday is Father's Day. I can't help but think tonight about the teacher, a father, who escorted students to safety at the cost of his life in the Columbine Massacre. I can't help but think of the mothers and fathers who learned later that day that the son or daughter they loved more than life itself had been killed that day.

While some of us may celebrate Father's Day this weekend, others will most certainly not celebrate, because they hurt so badly.

Before we leave these chambers this Father's Day weekend, let us give our friends and neighbors who sent us here something that says this tragic loss of life, of young and old, was not in vain.

Let us make these moderate, commonsense gun safety measures the law of the land.

Then let us return to our districts with pride that we have made a good start on a difficult problem.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York (4th District). This amendment will require individuals who wish to purchase a firearm at a gun show to submit to a background check before they are able to complete their gun purchase, thus extending additional oversight to Public Law Number 103–159, the Brady Act.

Mr. Chairman, when I was a teacher, we never had to worry about kids bringing guns into schools, and it shouldn't be happening today. We must keep guns out of the hands of our children. A background check provides one more means to protect our children from the irresponsible use of firearms. Our youth must be taught that guns are dangerous and that inappropriate or unsafe use of them has consequences. We must ensure that it is not possible for our youth to buy a gun illegally, nor use a gun without the supervision of their parents.

Most law-abiding gun buyers are not inconvenienced by the current 3-day approval period at gun stores or at gun shows. The FBI's Brady Instant Check System is up and running 7 days a week, and about 73% of background checks on potential gun buyers result in an immediate response by the FBI that the sale may proceed. For every 100 requests for background checks on potential gun purchases, 95 are answered within 2 hours. This amendment does not seek to prevent responsible adults from purchasing guns for sports, or for personal protection. This amendment would guarantee no sale to those who should not be approved. It will reduce the incidence of youngsters obtaining firearms. It will help ensure that guns do not get into the hands of criminals or into the hands of unsupervised youth. The American people support these provisions to require background checks for gun purchases made at gun shows, pawn shops, or flea markets by an overwhelming 77%. This support is solid in rural, suburban, and metropolitan areas across our nation.

Mr. Chairman, I believe safe schools are too important. I support this amendment and also the Democratic substitute offered by the gentleman from Michigan, Ranking Member of the Judiciary Committee. I urge my colleagues will join me in supporting these amendments to protect our children and reduce gun violence in America. Thank you.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the McCarthy amendment and supporting the Conyers, taking the guns out of the hands of criminals.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I rise in strong support of the McCarthy amendment, and commend the gentlewoman for her extraordinary leadership.

Mr. Chairman, I rise today in strong support of the McCarthy amendment that will prevent gun violence, save the lives of our children, and protect the safety of our families and communities. The tragic shootings in Littleton, Colorado have provided Congress with a renewed opportunity to achieve these goals. In response, the other chamber approved gun control legislation that would require gun safety locks, ban importation of high-capacity ammunition clips, and require gun show background checks. While Congress should go farther, these changes represent real progress. At the very least, House action should match this progress and pass these measures to strengthen our gun control laws.

Unfortunately, we debated some amendments that undermine progress and some that would inexcusably weaken existing gun control laws. The Dingell gun show amendment weakens current law by reducing the maximum time allocated for background checks by licensed dealers operating at gun shows from three business days to 24 hours. If this shorter waiting period becomes law, the Justice Department reports that of those now denied guns, 40 percent would obtain a gun. For Saturday background checks, this 24 hour rule would preclude 60 percent of current denials. Let's not pass laws that encourage convicted felons to purchase guns on Saturdays and which reduce Saturday background check denial rates 60 percent.

The impact of easy access to guns is devastating. According to the Children's Defense Fund, each and every day gunfire in America takes the lives of nearly 13 children. In 1996, gunfire killed 4,643 infants, children, and teens. Between 1979 and 1996, firearms wounded 375,000 children and teens and killed more than 75,000. We must take action to protect our children.

When adults have easy access to guns, access by children often follows. This access to firearms, heightens the real problems of our adolescents and youth violence. It is important to note that guns remain the most common method of suicide for children. Guns bring finality to violence and increase its deadly toll.

The NRA claims America has too many gun laws and existing laws are not enforced. They are wrong. Gun control laws are enforced. Today's USA Today reports that enforcement of the Brady gun control law has blocked the sale of more than 400,000 illegal gun sales.

Mr. Chairman, I urge my colleagues to support the McCarthy amendment. Gun control laws are not problem. The problem is gun control loopholes. Let's close the loopholes.

In closing, I wish to thank Congresswoman MCCARTHY for her extraordinary leadership to save the lives of America's children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Mrs. KILPATRICK. Mr. Chairman, I rise to save America's children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Hawaii (Mrs. MINK).

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, on behalf of the women who love their children, I rise in support of the McCarthy amendment.

I rise, Mr. Chairman, to express my support to the passage of the McCarthy-Roukema-Blagojevich Amendment to H.R. 2122, the Mandatory Gun Show Background Check Act.

The McCarthy-Roukema-Blagojevich Amendment ensures complete and accurate background checks at gun shows. The gun show loophole which currently exists makes firearms immediately accessible to children, convicted felons, and others who are not legally able to purchase firearms under The Gun Control Act of 1968. This loophole is unacceptable if we intend to protect the personal safety of our children and loves ones.

The McCarthy-Roukema-Blagojevich Amendment requires a three business day period, rather than 72 hours, to complete Brady Law instant background checks. Three business days enable thorough background checks with minimum inconvenience to the purchaser. Because most gun shows take place during the weekend, when state and local courts are closed, 72 hours is not a sufficient amount of time to check records for convictions. However, even with the three day waiting period, 73% of all background checks are completed instantly and 95% of purchasers are accepted or rejected within 2 hours. Only 5% of cases are delayed for more than two hours.

This amendment does not target or disadvantage law-abiding gun owners. Rather, it simply imposes the same requirements on guns shows as gun stores. Sales records from guns shows would be maintained in the same way they are at gun stores. These records would not function to monitor gun owners already protected by their 2nd amendment rights, but would instead help police trace guns used in crimes.

Gun owners and law-abiding purchasers are further protected by the amendment's requirement that all records of approved transfers be destroyed within 90 days, except those retained for audit purposes. The McCarthy-Roukema-Blagojevich Amendment forbids the FBI from using the instant check system records to create a registry of gun owners. Even the tightened gun show definition, where 50 or more guns are being sold by 2 of or more sellers, provides an individual the freedom to sell guns at a yard sale without being considered a gun show.

I strongly urge my colleagues to support the McCarthy-Roukema-Blagojevich Amendment to H.R. 2122. Legislation which fails to seal the gun show loophole is useless. This important amendment will prevent many small and large scale tragedies while simultaneously preserving our 2nd Amendment rights.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Chairman, I also rise in support of the McCarthy amendment to save the lives of children and take the guns out of the hands of criminals.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDonald).

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment, in support of real gun safety for our children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

(Ms. SCHAKOWSKY asked and was given permission to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of the McCarthy-Roukema-Blagojevich amendment and the Conyers-Campbell amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LEE).

(Ms. LEE asked and was given permission to revise and extend her remarks.)

Ms. LEE. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment, the Conyers-Campbell amendment, and to stop the killing of our children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon (Ms. HOOLEY).

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in favor of the McCarthy-Roukema amendment to save our children.

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Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I rise in support of the McCarthy amendment to protect our children and to plug the gun show loophole.

Mr. Chairman, I rise in strong support of the McCarthy-Roukema-Blagojevich Amendment.

I am outraged that the Republican leadership has the nerve to offer the NRA's watered-down version of the Senate gun safety legislation.

We should not have to wait until there is blood on our hands to pass real legislation to make it harder for kids to get guns.

Our children should be worrying about hitting their books—not about getting hit by a bullet.

Our children should know that ''Gunsmoke'' is an old TV rerun, and not a reality for many of them.

and our children should be safe in their school, their neighborhoods and homes.

Increased gun safety measures could save the lives of thousands of young people every year, and I believe that regardless of political agendas, we have to put our children first. Unfortunately, the Republican gun control or the Dingle legislation will not close the gaping loopholes in our gun laws and will not make our children any safer.

We have heard all the statistics. We know that the American people overwhelmingly support these reforms. We know how many people have died from gun violence in this country. However, sometimes I think that opponents of gun safety are no longer affected by these statistics, because they have heard them over and over again—but Mr. Speaker, this is not about statistics.

This is about lives—the lives of the people who were killed because there were no safety locks or background checks, and the lives of all the people who are going to be killed if we don't pass real gun safety laws.

Mr. Speaker, I am especially outraged at the tactics being used to try and derail enactment of sensible gun safety and gun control measures.

That is because I resent bullies—I always have and I always will!

And I think that the NRA leaders are the bully's of all bullys!

Today, I find myself fighting once again their threats against members of this body who support sensible gun control and plugging the gun show loophole.

Years ago, as a member of the Petaluma, CA city council I was threatened by these same individuals who promised to post my name in their place of business if I voted for local gun control.

Well, let me tell you I let them know I would be proud to be on their list, so I told them how to spell my name W-O-O-L-S-E-Y.

Today, I am proud to stand for the McCarthy gun legislation to keep our children safe. Any bully who wants to hold that against me needs to spell my name right. W-O-O-L-S-E-Y!

Mr. Chairman I ask unanimous consent to revise and extend my remarks in support of the McCarthy amendment to plug gun show loopholes and protect our children!

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the McCarthy amendment on behalf of all of the mothers and grandmothers of this Nation.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. NAPOLITANO).

(Mrs. NAPOLITANO asked and was given permission to revise and extend her remarks.)

Mrs. NAPOLITANO. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment to plug gun show sales.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may

consume to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Chairman, on behalf of all of us here in this House, I rise in support of the McCarthy-Roukema amendment, and the Conyers-Campbell amendment to take the guns out of the hands of criminals.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. ROYBAL-ALLARD).

(Ms. ROYBAL-ALLARD asked and was given permission to revise and extend her remarks.)

Ms ROYBAL-ALLARD. Mr. Chairman, I rise in support of our children's safety and in support of the McCarthy-Roukema amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I rise in support of the McCarthy amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. ESHOO).

(Ms. ESHOO asked and was given permission to revise and extend her remarks.)

Ms. ESHOO. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment, with thanks to these two gentlewomen for the children of America.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. CAPPS).

(Mrs. CAPPS asked and was given permission to revise and extend her remarks.)

Mrs. CAPPS. Mr. Chairman, I rise in strong support for this gun safety amendment on behalf of our children and in recognition of the excellent leadership of our colleagues, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentlewoman from New York (Mrs. MCCarthy).

PARLIAMENTARY INQUIRY

Mr. LANTOS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. LANTOS. Mr. Chairman, is chivalry dead in this House?

The CHAIRMAN. The gentleman is not stating a proper parliamentary inquiry.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Mr. Chairman. I rise in support of the McCarthy amendment to preserve the Second Amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. TAUSCHER).

(Mrs. TAUSCHER asked and was given permission to revise and extend her remarks.)

Mrs. TAUSCHER. Mr. Chairman, I rise in favor of the McCarthy amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan (Ms. STABENOW).

(Ms. STABENOW asked and was given permission to revise and extend her remarks.)

Ms. STABENOW. Mr. Chairman, I rise in support of this very important gun safety legislation for America.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

(Ms. WATERS asked and was given permission to revise and extend her remarks.)

Ms. WATERS. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment on behalf of all of the children who have died, on behalf of all of the children who have died in gang warfare and drive-by shootings.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Chairman, I rise in support of the amendment by the valiant gentlewomen from New York (Mrs. MCCarthy) and New Jersey (Mrs. ROUKEMA) and in favor of strong background checks on criminals across this country.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the McCarthy amendment and America's children and victims of gun violence.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Ms. BROWN).

(Ms. BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Chairman, on behalf of the 97 percent of the women with children, I rise in support of the McCarthy amendment.

I rise in support of the McCarthy amendment.

Mr. Chairman, I rise in solid opposition to the Dingell amendment. While supporters of this amendment claim to close the gun show loophole by requiring background checks, this amendment reduces to just 24 hours the amount of time that law enforcement officers have to conduct background checks at gun shows.

This amendment is misguided, misleading even! In fact, this is an example of the lack of seriousness in this Congress in trying to keep guns out of the hands of criminals. You know, you can fool some of the people some of the time, but not all of the people all of the time, and let me say that the American people are not fooled by the rhetoric of this group! The dilution of the Senate bill is appalling! If the Congress is really serious about keeping guns out of the hands of criminals, this amendment will be defeated, and the gun-show loopholes closed!

I firmly believe that in order to deter youth violence it is necessary to focus on prevention and not exclusively on punishment; indeed, merely locking up kids with adults is not a legitimate solution to the problem of youth violence. Children's groups across the nation have called on Congress to concentrate on the prevention of juvenile crime: not only punitive measures.

In my home district, Florida's 3rd, on Friday, June 4th at Raines Senior High School, I did just this, and held an in-school meeting to discuss different models of youth violence prevention and mediation. The participants consisted of six Members of Congress, a NASA astronaut, the rap star Snake, 1600 students, and an organization named SHINE (Seeking Harmony In Neighborhoods Everday).

Our discussions centered on prevention, such as positive ways to confront low self-esteem, and a search for non-violent responses to conflict. I believe that it is only possible to permanently end youth violence by teaching our children radically new ways of thinking, which would allow them to direct their energy, presently released through violent means, into positive outlets like music, art and technology, in after school programs.

Along these lines, I suggest that teachers nationwide should include conflict resolution, mediation, and anger management lessons in their yearly course of study, and that these lessons be introduced in all grade levels to positively influence children throughout their school career.

Undoubtedly, the causes of youth violence are extremely complicated and our nation is in need of broad based solutions. An increase in child counseling, the instituting of sufficient mental health resources, and a general questioning of the role of the media in influencing children's attitudes toward guns and violence are all in order. Certainly, as Members of Congress, we should not overlook our role as parents and federal legislators, and do absolutely everything possible to put an end to the horrific, widespread problem of youth violence, with an eye towards prevention, and not just punishment.

Mr. Chairman, we've got to prioritize prevention over prisons. In the last two days I have heard proposals for locking up our children. How will this stop the violence? Simply, it won't.

We've got to enhance our families, our community centers, our churches and our classrooms. Building more prisons is not the answer. We've got to rebuild our communities—that is the only way we can move forward as a country. The Democratic Alternatives offer hope for the future, which is a lot more than the Republican alternatives of steel bars and cell blocks.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may

consume to the gentlewoman from Michigan (Ms. RIVERS).

(Ms. RIVERS asked and was given permission to revise and extend her remarks.)

Ms. RIVERS. Mr. Chairman, I rise in favor of the McCarthy amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. VELÁZQUEZ).

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, I rise on behalf of all the American children and in support of the McCarthy-Roukema amendment.

The CHAIRMAN. The gentlewoman from New York (Mrs. MCCARTHY) is recognized for 2 minutes.

Mrs. MCCARTHY of New York. Mr. Chairman, I thank all of my colleagues for their support. This is very hard for me tonight. It is hard for me because I have heard so many different things. I have been here just about 3 years and I am used to all the different spins. I do not understand them all the time, but that is what I do.

What we were supposed to be doing tonight was trying to serve the American people. What we are doing tonight is saying and listening to the victims across this country. That is all we are trying to do. That is the only reason I came to Congress.

Someday I would like to hopefully not have to meet a victim and say I know, because it is really hard. We have heard the arguments on both sides, and I wish we had more time to really say the truth about everything. My amendment closes the loophole. That is all I am trying to do.

I am trying to stop the criminals from being able to get guns. That is all I am trying to do. This is not a game to me. This is not a game to the American people.

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All of my colleagues have to vote their conscience, and I know that. But I have to tell my colleagues, mothers, fathers, who have lost their children, wives that have lost their loved ones, this is important to them.

We have an opportunity here in Washington to stop playing games. That is what I came to Washington for. I am sorry that this is very hard for me. I am Irish, and I am not supposed to cry in front of anyone. But I made a promise a long time ago. I made a promise to my son and to my husband. If there was anything that I could do to prevent one family from going through what I have gone through and every other victim that I know have gone through, then I have done my job. Let me go home. Let me go home.

I love working with all of you people. I think all of my colleagues are great. But sometimes we lose sight of why we are all here. I am trying to remind my colleagues of that.

Three business days, an inconvenience to some people. It is not infringing on constitutional rights. It is not taking away anyone's right to own a gun. I do not think that is difficult for us to do. If we do not do it, shame on us, because I have to tell my colleagues, the American people will remember.

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

Mr. Chairman, all of us who are here tonight are here with poignance and concern and feel for the sincerity of the speech we just heard. I have three sons, my wife and I do, and I can only imagine the pain that those such as the gentlewoman from New York (Mrs. MCCARTHY) who have lost their children to violence must feel. That is why we are all here.

Fundamentally, one would think we had some huge disagreement tonight. Yet, in reality, I do not think there is a Member of this body who disagrees with the fundamental purpose that we are here tonight to do, and that is to try our darnedest to close the loophole in every way we possibly can in the existing laws that might allow some convicted felon to get ahold of a gun who could go out there and use that gun to kill one of our kids or grandkids.

That is what every one of us believes in who is here tonight. We may disagree over the product, over the nature or the style of it, but that is what we are here about, every one of the provisions. Each of us believes that his or her version is better for one reason or another. That is what we are here, all of us, are about.

Unfortunately, I think the amendment of the gentlewoman from New York (Mrs. MCCARTHY) goes too far. It is overly broad. It would turn gatherings of friends into gun shows. I do not think that is what she intends, but that is what I believe it would do.

It would turn neighborhood yard sales into gun shows, and I do not think that is what she intends, but I believe that is what it would do.

It would force gun promoters to really go out of business, I believe, because I do not think that they could comply with the kind of restrictions placed on them without becoming criminally liable. Therefore, I believe they would not continue to conduct gun shows.

So I want to close the loophole just as much as anyone else here does tonight. I have offered a bill that would do that, and an amendment has already been passed that I did not agree with that would modify that slightly, but the authors of that amendment want to close that loophole.

But I cannot agree with the amendment of the gentlewoman from New York (Mrs. MCCARTHY) tonight because I believe the McCarthy amendment would do more than close the loophole. It would close down gun shows. I believe it. So I urge a no vote on it. But I am with the gentlewoman, I am with everybody here to help our kids, and stop the killing that is going on in America, and close this loophole.

So, regretfully, I urge a no vote on the McCarthy amendment.

Mr. HOLT. Mr. Speaker, I rise in strong support of the McCarthy/Roukema/Blagojevich amendment, which matches the common sense gun control language sponsored in the Senate by my New Jersey colleague Senator FRANK LAUTENBERG.

Mr. Speaker, this debate is very simple. It's about keeping dangerous guns out of the hands of criminals and juveniles. And our choice tonight is equally clear: We can side with the NRA and the special interests, or we can vote to protect our children and our communities.

The recent tragedy at Columbine High School is a reminder that we must take strong action to keep firearms out of the hands of our children and criminals. All four guns used in that shooting were purchased at a gun show, making passage of the McCarthy Amendment more important than ever.

The McCarthy amendment would bring common sense reforms to the nation's 5,200 annual gun shows by simply imposing the same requirements on gun shows as are currently required at gun shops and sporting goods stores.

Hunters, sportsmen and law abiding gun owners have nothing to fear from this common sense measures. Criminals and gun traffickers do.

The McCarthy Amendment would ensure that thorough background checks are performed on every firearms purchaser by professional, licensed gun dealers so that juveniles and criminals can't acquire firearms at these events.

It would also require that sales records be maintained in the same way that they are at a gun store to help police trace weapons used in crimes. And it would give police the tools they need to enforce existing gun laws.

Mr. Speaker: Central New Jersey families are tired of a system so riddled with loopholes that it allows convicted felons, gang members and the seriously mentally ill to buy unlimited amount of weapons with no limits, no checks and no questions asked. We need to close the gunshow loophole.

Support the McCarthy Amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY).

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

RECORDED VOTE

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 235, not voting 6, as follows:

[Roll No. 235]

AYES—193

Abercrombie	Bereuter	Brady (PA)
Ackerman	Berkley	Brown (FL)
Allen	Berman	Brown (OH)
Andrews	Berry	Campbell
Baldacci	Bilbray	Capps
Baldwin	Blagojevich	Capuano
Barrett (WI)	Blumenauer	Cardin
Bateman	Boehlert	Castle
Becerra	Bonior	Clay
Bentsen	Borski	Clayton

Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gonzalez
Goodling
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Quinn
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—235

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Brown (CA)
Carson
Houghton
Minge
Salmon
Thomas

□ 0123

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, on rollcall No. 235, had I been present, I would have voted "yes."

The CHAIRMAN. It is now in order to consider Amendment No. 3 printed in Part B of House Report 106–186.

AMENDMENT NO. 3 OFFERED BY MR. HYDE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 3 offered by Mr. HYDE:

At the end of the bill, insert the following:

TITLE ____—ASSAULT WEAPONS

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Juvenile Assault Weapon Loophole Closure Act of 1999''.

SEC. ___2. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) Except as provided in paragraph (2)'' and inserting ''(1)(A) Except as provided in subparagraph (B)'';

(2) in paragraph (2), by striking ''(2) Paragraph (1)'' and inserting ''(B) Subparagraph (A)'';

(3) by inserting before paragraph (3) the following new paragraph (2):

''(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.''; and

(4) in paragraph (4)—

(A) by striking ''(1)'' each place it appears and inserting ''(1)(A)''; and

(B) by striking ''(2)'' and inserting ''(1)(B)''.

SEC. ___3. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking ''manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Illinois (Mr. HYDE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

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

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

My amendment, Mr. Chairman, would prohibit the importation of large capacity ammunition feeding devices.

I am very pleased that the gentlewoman from California (Ms. LOFGREN) the gentleman from Massachusetts (Mr. MEEHAN) and the gentlewoman from Colorado (Ms. DEGETTE) have agreed to cosponsor my amendment.

A large capacity ammunition feeding device is defined in current law, that is 18 U.S.C. 921(a)(31), as a magazine, belt, drum, feed strip, or similar device manufactured after September 13, 1994, that has a capacity of or can readily be restored or converted to accept more than 10 rounds of ammunition.

We have all seen them before. They are deadly enhancements to any semiautomatic firearm because they permit the shooter to fire many rounds before reloading.

Current law prohibits the transfer or possession of large capacity ammunition feeding devices, such as clips and other types of magazines. But current law also provides a major exception. It permits the possession and transfer of any such device lawfully possessed on or before the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994. That is September 13, 1994.

The world is awash in high-capacity ammo clips manufactured before the effective date of the 1994 Act, and such devices have been approved for importation into the United States if importers submit evidence establishing that the devices were manufactured on or before September 13, 1994.

Our proposal would amend the definition of a ''large capacity ammunition feeding device'' to delete the language limiting the definition to devices manufactured after September 13, 1994. In addition, our amendment would add a provision making it unlawful for any person to import a large capacity ammunition feeding device.

Thus, all devices with the capacity of more than 10 rounds of ammunition would be subject to the restriction of the law. However, the proposal would retain the existing grandfather exception in the law for devices lawfully possessed on or before the date of enactment of the 1994 Act.

My guess is there are plenty of large capacity clips in this country today and they are legal and will remain

legal to possess and transfer. However, if over a period of time these large capacity clips break or wear out, gun owners can simply replace them with smaller capacity clips. It will never be necessary to throw a gun away for lack of a clip that will work in the gun.

We no longer live in a society where mass murder of the kind committed at Columbine High School is unthinkable. Unfortunately, the increasing frequency of mass shootings with weapons that can only be described as high-tech killing machines compels us to act now for the public good.

I urge support for this amendment.

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

Ms. DeGETTE. Mr. Chairman, I ask unanimous consent to manage the time in opposition to this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The CHAIRMAN. The gentlewoman from Colorado (Ms. DEGETTE) will control 15 minutes.

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

Mr. Chairman, I would like to thank the gentleman from Illinois (Mr. HYDE) the chairman of the Committee on the Judiciary for offering this amendment, which is a bill that Senator FEINSTEIN and I have introduced in both the House and the Senate and have been working on since 1997.

My colleagues, this legislation bans the importation of high capacity magazine clips.

I would also like to thank my colleague from California and my colleague from Massachusetts for working so hard on this amendment with us.

□ 0130

In 1997, a decorated Denver police officer, Bruce Vander Jagt, was shot with a legally obtainable Chinese SKS assault rifle equipped with a 30-round magazine cartridge. Officer Vander Jagt was shot 15 times in the head, neck and torso by the rapid-fire capabilities of the assailant's weapon, combined with the multiple round cartridges. Numerous other police officers and citizens have been killed across the country because of the availability of these lawfully available, legal ammunition magazines. We cannot be sure whether Officer Vander Jagt would have survived if his assailant had had fewer rounds to fire, but what we can be sure of is that with a 30-round cartridge, death is almost surely going to happen and the only purpose of these cartridges is to kill human beings.

Although assault weapons account for about 1 percent of the guns in private hands, they were used in at least 13.1 percent of the 122 fatal law enforcement shootings that took place during a 21-month period in 1994 and 1995. Of those deaths, almost 20 involved high capacity magazines. The same type of high capacity magazines were used in Jonesboro, Arkansas and tragically they were used in Littleton, Colorado, just a few blocks from my district.

In 1994, Congress thought that it was banning the production of these large capacity assault style magazines or clips that allow these kind of shots. Unfortunately, the 1994 ban allowed the importation of these magazines to continue. That is why, 5 years later, even though we cannot make new cartridges, we still have a free flow of cartridges coming into this country from China, Russia and other Eastern European countries.

Next to me here, you see a recent advertisement from this country for magazines manufactured in Germany. Clearly, although Congress intended for these magazines to be gone from the marketplace by now, we continue to see them sold perfectly legally in gun shops across the country.

The Bureau of Alcohol, Tobacco and Firearms estimates that tens of millions of high capacity magazines have been approved for importation since 1994. Between March and July 1998, over 8 million of these magazines, some of them which hold 250 rounds of ammunition in one magazine, were approved for import. We must close this loophole.

There is no full explanation that will calm our consciences about why the two boys went on a killing spree in Colorado. And there is no guarantee by this amendment that something like this will never happen again. But these shooters in Colorado had multiple round ammunition cartridges. The security guard on detail at Columbine High School that day did not even have a chance against these two shooters, armed with semiassault weapons and multiple round cartridges.

Stopping this kind of ammunition, which only serves to kill human beings, is only a very small part of the solution. But it is an important part. We also need parents, teachers, coaches, ministers and Members of Congress to work with their communities to restore the social fabric that has held us together. But a common sense extension of a ban we thought we passed a few years ago is one way that we can give security to our schools, that we can give security to our parents and that we can give security to the police officers and their families all across this country.

Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I am happy to be here this evening while it is only 10:30 in California and to say that assault weapons equipped with high capacity clips containing multiple rounds of ammunition make it possible to shoot shot after shot in rapid succession to kill children in seconds. High capacity clips in Littleton, Colorado permitted two boys to mow down 13 classmates and their teacher.

In 1994, Congress addressed high capacity clips. I was not a Member of Congress then but the cosponsor of this amendment, the gentleman from Illinois (Mr. HYDE), was. He supported the 1994 ban on assault weapons and high capacity ammunition clips. If I had been here, I would have, too. While that had good effect here at home, high capacity ammunition clips continued to be imported from other countries. That is because of a loophole in the 1994 act. This amendment makes sure that the law will now succeed in doing what Congress intended to do in 1994.

From March to August of last year, more than 8 million large capacity clips were imported into the United States, each clip having a capacity of more than 10 rounds of ammunition, many with the capacity of 35 rounds, 75 rounds, 90 rounds, as high as 250 rounds. Why should Americans abide by a restricted law that foreign manufacturers may disregard? The clips that were imported over this 6-month period could have accommodated some 128 million rounds of ammunition. That is about a round of ammunition for every other American. That is a rather large loophole.

I ask each and every Member in this Chamber to look to the intent of the original ban in 1994 and the adverse impact this loophole had in Littleton and to the will of the American people. Then I ask that we cast our votes in support of this sensible amendment.

Ms. DEGETTE. Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from Colorado for her leadership, I thank the leadership of the gentleman from Illinois (Mr. HYDE) on this amendment along with the gentlewoman from California (Ms. LOFGREN) and the gentleman from Massachusetts (Mr. MEEHAN) and certainly to comment on the fact that this is an existing legislation of the gentlewoman from Colorado (Ms. DEGETTE) and Senator FEINSTEIN. We now have an opportunity this evening to be able to prohibit the importation of all feeding devices with a capacity of more than 10 rounds of ammunition.

Existing law prohibits the transfer and possession of large capacity ammunition feeding devices. Current law excepts any such device lawfully possessed on or before the date of enactment of the 1994 crime bill which was September 13, 1994. Devices manufactured after that date must be approved for import.

This provision amends the definition of large capacity ammunition feeding device to delete the limitation to devices manufactured after September 13, 1994. All devices with a capacity of more than 10 rounds will be subject to the restrictions of the law. The proposal would retain, however, the existing grandfather exception in the law for devices lawfully possessed on or before the date of enactment.

It is clearly a striking phenomenon to me that anyone would argue the

case that they would need multiple round ammunition. In Springfield, Oregon on May 21, 1998, Kip Kinkel, 15, walked into Thurston High School with a 30-round clip. He killed two students and wounded 22 others before he had to stop and reload. It was only then that another student overtook him and stopped the shooting.

Mr. Chairman, it is interesting that there would be those who would argue that there is no need for this legislation inasmuch as who would be able to get such a clip and who would be able to use it violently and would they be a child under the age of 21 or 18?

On April 20, 1999 as we have so noted, Eric Harris, 18, and Dylan Klebold, 17, entered Columbine High School in Littleton, Colorado, armed with two shotguns, a rifle, and a TEC DC–9 assault pistol. They killed 15 people and wounded 22. After the massacre, Mark Manns, 22, turned himself in for illegally selling the TEC DC–9, a multiple round ammunition.

In September 1994, police pulled over a car in central Michigan and found three men inside wearing face paint and dressed in military fatigues. In the car's trunk, the police found an M–1 Garand and a MAC 90 assault weapon and an M–14 semiautomatic assault rifle. The men who were members of the Michigan Militia were arrested for possession of a loaded weapon in a car but nothing else could be done.

In January 1999, a 19-year-old man used an AK–47 assault rifle to kill an Oakland, California police officer. AK–47s are made in Eastern Europe, Russia and China. Henry K. Lee arrested in Oakland sniper slaying.

In 1996 two bank robbers armed with assault weapons and ammunition magazines holding 100 rounds each wounded 10 officers and two civilians.

□

Finally, in December 1988, before the assault weapons ban, a man used an AK–47 assault weapon to fire 144 rounds in 2 minutes. Each round traveled at more than twice the speed of sound. That rifle uses a magazine that allows it to fire 100 rounds without reloading.

Mr. Chairman, I would ask, to ensure that we close a loophole that we failed to close just a few minutes ago, that we support this amendment, because I think each day we prolong this, we will be shocked by the number of children that, one, can get access to multiple round ammunition; but also, those who will die by multiple round ammunitions.

This amendment incorporates Senator FEINSTEIN'S amendment to the Senate juvenile justice bill. It prohibits the importation of all feeding devices with a capacity of more than 10 rounds of ammunition.

Existing law prohibits the transfer and possession of ''large capacity ammunition feeding devices.'' 18 U.S.C. §922(w). Current law excepts any such device lawfully possessed on or before the date of enactment of the 1994 crime bill, which was September 13, 1994—devices manufactured after that date must be approved for import.

This provision amends the definition of ''large capacity ammunition feeding device'' to delete the limitation to devices manufactured after September 13, 1994—all devices with a capacity of more than 10 rounds would be subject to the restrictions of the law. The proposal would retain, however, the existing ''grandfather'' exception in the law for devices lawfully possessed on or before the date of enactment.

In Springfield, Oregon, on May 21, 1998, Kip Kinkel (15) walked into Thurston High School with a 30-round clip. He killed two students and wounded 22 others before he had to stop and reload. It was only then that another student overtook him and stopped the shooting spree.

On April 20, 1999, Eric Harris (18) and Dylan Klebold (17) entered Columbine High School in Littleton, Colorado, armed with two shotguns, a rifle, a TEC–DC9 assault pistol. They killed 15 people and wounded 22. After the massacre, Mark Manns (22) turned himself in for illegally selling the TEC–DC9.

In September 1994, police pulled over a car in central Michigan and found three men inside wearing face paint and dressed in military fatigues. In the car's trunk, the police found an M–1 Garand, a MAC–90 assault rifle, and an M–14 semiautomatic assault rifle. The men, who were members of the Michigan Militia were arrested for possession of a loaded weapon in a car.

In January 1999, a 19-year-old man used an AK–47 assault rifle to kill an Oakland, California police officer. AK–47's are made in Eastern Europe, Russia, and China.

In 1996, two bank robbers armed with assault weapons and ammunition magazines holding 100 rounds each wounded ten officers and two civilians.

In December 1988, before the assault weapon ban, a man used an AK–47, assault rifle to fire 144 rounds in two minutes. Each round traveled at more than twice the speed of sound. That rifle uses a magazine that allows it to fire 100 rounds without reloading.

Ms. DEGETTE. Mr. Chairman, may I inquire as to the time remaining.

The CHAIRMAN. The gentlewoman from Colorado has 4 minutes remaining.

Ms. DEGETTE. Mr. Chairman, I yield myself the balance of the time remaining.

Mr. Chairman, by passing this amendment, we are taking a very important step toward keeping lethal weapons out of the hands of criminals and of children. There is no need for these magazine cartridges that carry dozens of bullets, the only purpose of which is to kill human beings and cause massive destruction. Congress was smart to ban their production 5 years ago, and it is now time to take the final step and close our borders to these killing machines. This is a vital, but only a part of the component to our comprehensive approach towards preventing youth violence by enacting moderate targeted child gun safety legislation.

As part of a more comprehensive package, banning multiple-round ammunition cartridges will work, but unless we close the gun show loophole and unless we pass child safety locks on guns, this passage will not be complete, and we cannot send the message to our American families that Congress is doing everything it can to keep their children safe in the streets and in their schools.

So I thank again the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), and I also thank my colleagues for working with me to pass this amendment, but only as part of a more comprehensive piece of legislation.

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

Mr. HYDE. Mr. Chairman, I associate myself with the remarks of the distinguished gentlewoman from Colorado. I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I did want to briefly note that my colleague, the gentleman from California (Mr. CAMPBELL) has an idea that we are not yet ready to pursue and that we hope we will have an opportunity tomorrow, if we are able, to perfect this idea by unanimous consent to pursue it if it works out. I did not want to neglect that. We do not need to go into it now, but we will work diligently tomorrow morning. I thank the chairman for the opportunity.

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

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 4 printed in part B of House Report 106–186.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to offer the amendment on behalf of the gentleman from Illinois (Mr. HYDE).

The CHAIRMAN. The Chair would inform the gentlewoman that such a request is not in order. The rule provides that the amendment may be offered only by the gentleman from Illinois (Mr. HYDE) or his designee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have asked, and I thought I had the response, to be the designee, and I am getting a ''yes'' from the other side that I have been asked to be the designee.

The CHAIRMAN. The Chair is advised that the gentleman from Illinois has decided that Amendment No. 4 is not to be offered, and that he appoints no designee to offer the amendment.

It is now in order to consider Amendment No. 5.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I see the gentleman has

walked off the floor of the House. It was my understanding, and I was told, that there was such designation made, and so my parliamentary inquiry is, who has withdrawn the designation? The Chair's response was there was no designee. I am here as a designee.

The CHAIRMAN. The Chair was relayed a message from the gentleman from Illinois that he chose not to offer the amendment and has no designee to offer the amendment.

It is now in order to consider Amendment No. 5 printed in part B of House Report 106–186.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, at this time I would appeal the ruling of the Chair on the basis of whether or not I was so designated. The gentleman from Illinois is not here. This is an amendment dealing with guns in the hands of children, and I cannot imagine why the designation has been withdrawn.

The CHAIRMAN. The Chair would inform the gentlewoman that questions of recognition are not appealable.

Ms. JACKSON-LEE of Texas. I thank the Chairman for his ruling. I am disappointed in not being able to discuss an amendment that would impact the lives of our children.

The CHAIRMAN. It is now in order to consider Amendment No. 5 printed in part B of House Report 106–186.

AMENDMENT NO. 5 OFFERED BY MR. MCCOLLUM

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 5 offered by Mr. MCCOLLUM:

At the end of the bill, insert the following:

SEC. ___. PROHIBITING JUVENILES FROM POSSESSING SEMIAUTOMATIC ASSAULT WEAPONS.

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''or'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by adding at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.'';

(2) in paragraph (2)—

(A) by striking ''or'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by inserting at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.''; and

(3) by striking paragraph (3) and inserting the following:

''(3) This subsection shall not apply to—

''(A) a temporary transfer of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile or to the temporary possession or use of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon by a juvenile—

''(i) if the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon are possessed and used by the juvenile—

''(I) in the course of employment,

''(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

''(III) for target practice,

''(IV) for hunting, or

''(V) for a course of instruction in the safe and lawful use of a firearm;

''(ii) clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

''(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(II)(aa) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

''(bb) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

''(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon in the line of duty;

''(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile; or

''(D) the possession of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

''(4) A handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

''(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

''(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

''(B) The court may use the contempt power to enforce subparagraph (A).

''(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

''(7) For purposes of this subsection only, the term 'large capacity ammunition feeding device' has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.''.

The CHAIRMAN. Pursuant to House resolution 209, the gentleman from Florida (Mr. MCCOLLUM) and a Member opposed each will control 15 minutes.

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

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

I think one of the things that we can all agree upon is that all Members here want to take reasonable steps to ensure the safety of our young people in the communities in which they live, play, and go to school. Our youth are America's finest resource. We have an obligation to protect this valuable national treasure. As a Congress, we may disagree on how to accomplish this objective; however, I know that we all agree that we are correctly focused on this objective today.

Mr. Chairman, under current law, juveniles are prohibited from possessing handguns except in limited situations where they are under adult supervision. But existing law does not prohibit juveniles from possessing semiautomatic assault weapons, whether there is an adult to supervise or not.

This is wrong. Limited, unfettered juvenile possession of semiautomatic assault weapons will help ensure that parents and children are free from the fear that these types of weapons will show up in school or on the playground or in the hands of other children.

Mr. Chairman, the amendment I offer today will prohibit juveniles from processing semiautomatic assault weapons and large-capacity ammunition clips. It will only permit juveniles to possess these weapons and clips under adult supervision under limited context, such as in connection with employment, ranching, or farming activities; for target practice, for courses of instruction in the proper use of firearms, and like activities.

My amendment also creates an exception for juveniles who serve in the

military, for use of such a weapon in self-defense, or for taking legal title, but not physical possession, of the weapon through inheritance. These exceptions are those that apply under the current law to the prohibition on juveniles possessing handguns.

Mr. Chairman, I believe it is reasonable to prohibit juveniles from possessing these weapons. My amendment does just that. My amendment will make our young people safer, it will make our schools safer, it will make a lot of people feel a lot more comfortable.

Again, I want to remind my colleagues that Congress needs to do everything possible to protect our finest resource, America's young people. I believe that this amendment strikes the right balance, and I urge my colleagues to adopt it and join me in passing it.

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

□ 0150

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 15 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very much concerned as we move through this process that there will be elements where we could come together in a bipartisan manner that we might not utilize.

This amendment, however, is important. I thank the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Illinois (Mr. HYDE) for offering this amendment, as would have many Democrats who would have joined in the offering of such amendment because it is important to keep the semi-automatic assault weapons out of the hands of children.

This amendment would make it unlawful for juveniles under the age of 18 to possess semi-automatic assault weapons and large-capacity feeding devices. It would also make it unlawful for any person to transfer such weapons and devices to juveniles.

We need not be reminded of the horror and damage that automatic weapons, assault weapons, can cause. In fact, one of the most important acts of this Congress was the ban on assault weapons.

I support this amendment, and I am glad that it has been offered. I hope, as well, that we will be able to come together in supporting the Democratic substitute. It is well known that the automatic weapons have no purpose, if you will, in the hands of children.

A Virginia inmate survey showed that 20 percent of juvenile offenders had possessed an assault rifle and 1 percent carried it at the scene of a crime.

A Shelley and Wright survey showed that 35 percent of juvenile offenders owned automatic or semi-automatic rifles just prior to commitment.

One gun used in the Littleton, Colorado massacre was apparently a TEC–9, an infamous assault weapon. How often have we heard from the parents of that community, asking us to do something? So many of us tonight wear a ribbon in their memory.

Two of these TEC–9 semi-automatic assault weapons were also used in the 1993 massacre at a San Francisco law firm in which eight people died and six were wounded.

Byrl Phillips Taylor testified before the Committee on the Judiciary in May. These are her own words about the shooting of her son by a classmate with a semi-automatic assault weapon.

> Ten years ago my son Scott had just graduated from high school. He was about to start Virginia Tech college, and to put it simply, he was the light of my life and my best friend. Scott was the son that every mother wants, popular, good at school, always good-humored, never in trouble.
>
> But there was a boy in his school that didn't like him. During the summer this boy found where Scott was working and got a job there. He lured Scott into the woods and shot him six times with an AK–47 assault rifle that was taken from an unlocked gun storage shed. The first shot was in the back and the last was an execution style shot to the head. Scott Phillips didn't have a chance.

I cannot say it any better, Mr. Chairman. I say to those who have called so many of my colleagues' telephones and E-mailed and faxed, I say in particular to the National Rifle Association that I think reasonable men and women can stand together on behalf of Byrl Phillips Taylor's son, who died at the hands of an assault weapon, a semi-automatic assault weapon.

Her son is one of the many children that have suffered at the hands of these guns. I think it is extremely important that we make a statement tonight that is effective and that is important that children under the age of 18 not be able to have access to these guns. This will increase, I think, the ability for us to save lives, and I would hope my colleagues would consider this in their deliberations.

In fact, Mr. Chairman, I hope they consider the pages and pages and pages of children who have died at the hands of guns.

Mr. Chairman, this amendment would make it unlawful for juveniles (under the age of 18) to possess semiautomatic assault weapons a large capacity ammunition feeding devices. It would also make it unlawful for any person to transfer such weapons and devices to juveniles.

I support this amendment. I am glad that the gentleman from Illinois supports this provision from the Senate bill and I hope he will support the rest of the Senate bill by voting for the Democratic substitute.

A Virginia inmate survey showed that 20% of juvenile offenders had possessed an assault rifle and 1% carried it at the scene of the crime. A Shelley and Wright survey showed that 35% of juvenile offenders owned an automatic or semiautomatic rifle just prior to comment. Bureau of Justice Statistics, U.S. Dept. of Justice, Guns Used in Crime 6 (July 1995).

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I can't say it better. Let's pass this amendment.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I think an effort to remove the lawful ability of juveniles to possess assault weapons is an important thing for this Congress to do. I think that it is a very strange world we live in where a 17-year-old cannot vote, cannot go drink a beer, but can have an assault weapon. That to me does not make any kind of sense at all.

So when I saw this amendment being offered, the title of the amendment, I was very enthused about the opportunity. However, I must confess that I oppose the amendment as it is drafted, because as one reads through this amendment, the loopholes included are large enough to drive a truckload of assault weapons right through them.

If Members look at page 2, line 6, the subsection outlawing assault weapons, semi-automatic assault weapons, as well as large-capacity ammunition feeding devices, does not apply in a whole series of sections.

One is in the course of employment, and that is not defined, but tell me what kind of employment requires a 16-year-old to use and possess an assault weapon?

Further, there is a specific delineation that it is legal for a juvenile, anyone under 18, so I guess this could be 9, 7, 8, it is not clear, to possess an assault weapon in the course of ranching or farming.

I know there are kids in my district who ranch, who have to have rifles. There are rattlesnakes and there are wild boar out in those hills. I understand that the ranchers need to have arms to be protected. I do not object to that in any fashion whatsoever.

However, I do not know of a situation where little kids need to have assault weapons because their family has a farm.

Further, if the child wants to use an assault weapon for target practice, hunting, or several other things, then it is lawful for them to have the assault weapon. I do not think this is control of assault weapons.

I do not think that the provisions of this act will do anything effective to prevent juveniles from owning and possessing assault weapons. I think that is a shame. Therefore, I would urge my colleagues to oppose this amendment. I think that if anything, it goes in the opposite direction and specifically authorizes children to possess assault weapons. I think that is a preposterous situation, and would urge opposition.

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

Mr. Chairman, earlier this evening we heard the gentlewoman from New York (Mrs. MCCARTHY) in a very eloquent entreaty to this House asking us to do something right. But she also said something else to us, that this is not the end, it is only the beginning. We are not finished, there is much more to be done.

That amendment on gun show loopholes was, unfortunately, not passed. This amendment in fact could go further. It is well known that much of the crime in the use of guns falls between the ages of 18 to 20. A recent report issued by the Department of the Treasury and the Justice Department shows that persons in the age group of 18 to 20 account for the highest number of gun homicides, the highest rate of gun use and nonlethal gun crimes, and the highest number of crime gun possessors when compared to other age groups.

The report concludes that the high rate of gun crime in the 18 to 20 age group is linked with easy access to firearms. Prohibiting the ownership of automatic assault weapons and guns with automatic feeding devices for persons under 21 will help reduce gun crimes committed by persons in the age group 18 to 20.

We have just begun. There is a lot more work that could be done on this. In fact, Mr. Chairman, I would argue that the amendments that Democrats had that were not made in order would have made this whole discussion and the remedies much better. The amendment that I had to prohibit young people from going into gun shows without adults was not allowed.

But since we have to start somewhere, I believe it is important that we join and support this amendment that prohibits juvenile possession of semiautomatic assault weapons for individuals under the age of 18.

□ 0200

Maybe my colleagues will see the value of their work and move it up to ages higher than that. Maybe they will see the value of their work and close the loopholes that have been noted by my colleague from California, but at this time I would ask my colleagues to join me in supporting this amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume, and I will not consume very much.

Mr. Chairman, I just want to recapitulate what this amendment is about. It is a very straightforward, very simple amendment. There are not any loopholes in it, with all due respect to my colleagues who may think there are.

It deals with conforming the law with respect to these long guns that are labeled under the law, whatever one's views on whether they should be or not, assault weapons, with the laws that exist today with respect to juveniles and handguns.

The reality is that the law a few years ago defines assault weapons made and imported and whatnot after a certain year, I think it was 1994, for everybody. But for those that existed and do exist pre-1994, I think, or the year in which that ban occurred, there is still a lawful possession of those weapons for any of those that anybody may have owned.

Yet, there is a loophole that exists in current law with regard to minors. They are allowed to possess these weapons. So consequently, it is my desire and what this amendment does I think pretty clearly is make it clear that there is going to be, if this is adopted, absolutely no opportunity for youngsters to possess, use or otherwise have in their possession any of these pre-1994 pre-banned weapons that may be around, unless there is the same adult supervision or under the same conditions that that youngster might possess a handgun.

Those are very restrictive conditions under the current law on handguns.

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

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

Ms. LOFGREN. Mr. Chairman, I thank the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, for yielding.

Mr. Chairman, when I found the amendment I did go read through the statutory scheme and I could see very clearly that the gentleman was conforming this amendment to the scheme that he has just referenced.

The question I have is whether or not assault weapons should not be treated a little bit differently than rifles? And as I mentioned earlier, 17-year-olds out on the ranch out in the Mount Hamilton range where the wild boars and rattlesnakes are, and they are out in the pickup trucks with the cattle with the rifle, and to me that is a lot different than having a semiautomatic assault weapon.

So the question is, did the gentleman mean to make assault weapons really in the same posture and standing as rifles on the farm?

Mr. MCCOLLUM. Mr. Chairman, if I could reclaim my time, I would simply say to the gentlewoman that a regular rifle that does not fit this definition, even after this amendment is passed and under current law, can be possessed by a juvenile without the same restrictions that there are on handguns. The law is not going to change with regard to that. With regard to these peculiar weapons, the adult supervision will be required. Maybe the gentlewoman, as she says, thinks the child should not be able to possess this peculiar set of weapons even if there is adult supervision. I understand that concern. However, we could redebate, I suppose, that old assault weapon debate all over again.

My point, if I could just make the point, is that all of these weapons that we are talking about, all this category of rifles have the same functional characteristics, the same firepower, the same killing power, whatever we want to call it, whatever we label them. It is just that this particular category of weapon has been perceived by some having characteristics of a certain type of stock and so forth to not be one that certainly children should have in their possession, because they are glamorized so much by so many people who use these weapons in very bad ways.

So I think that the gentlewoman and I probably agree on one point, and that is that children, certainly without supervision, should not be touching these weapons, but I think the gentlewoman would just like to go further than I do in some manner in this amendment, but I would not think the gentlewoman would have any problem with the amendment because I can assure her that the amendment does not in any way create additional loopholes to current law. It is just restrictive. It is not in any way expansive.

I simply want to be sure, if we have a disagreement, we understand what we are disagreeing over.

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

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

Ms. LOFGREN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think we do disagree, but if the gentleman's point is that right now children can lawfully possess assault weapons, without any restrictions and therefore this is better because they can have assault weapons if they are farmers or if they are employed they could have an assault weapon, is that essentially the point that the gentleman is making?

Mr. MCCOLLUM. That is the point I am making. They can have these weapons under the conditions that they could have a handgun. That is my point.

Ms. LOFGREN. Mr. Chairman, then I do object.

Mr. MCCOLLUM. There is absolutely no restriction right now whatsoever.

Ms. LOFGREN. We do very much disagree, and I thank the gentleman for yielding for this question.

Mr. MCCOLLUM. Mr. Chairman, I think the point is well made and I think the bill is very self-explanatory.

It is restrictive. It does restrict the availability of these weapons very severely from current law for young people. Maybe we ought to go further than the amendment goes even, but it nonetheless is a very restrictive amendment and that is the purpose of offering it.

With that, I urge the adoption.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM).

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

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM) will be postponed.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BARR of Georgia) having resumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2122) to require background checks at gun shows, and for other purposes, had come to no resolution thereon.

STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 1999 AND FOR THE 5-YEAR PERIOD FISCAL YEAR 1999 THROUGH FISCAL YEAR 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio, Mr. KASICH, is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1999 and for the 5-year period fiscal year 1999 through fiscal year 2003.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of June 16, 1999.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by the interim allocations and aggregates printed in the RECORD on March 3, 1999, pursuant to Section 2 of H. Res. 5 for fiscal year 1999. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1999 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays of each direct spending committee with the ''section 302(a)'' allocations for discretionary action made under the interim allocations and aggregates submitted pursuant to H. Res. 5 for fiscal year 1999 and for fiscal years 1999 through 2003. ''Discretionary action'' refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1999 with the revised ''section 302(b)'' sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 302(b) sub-allocation.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that if at the end of a session the discretionary spending, in any category, exceeds the limits set forth in section 251(c) as adjusted pursuant to provisions of section 251(b), there shall be a sequestration of funds within that category to bring spending within the established limits. This table is provided for information purposes only. Determination of the need for a sequestration is based on the report of the President required by section 254.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET: STATUS OF THE INTERIM ALLOCATIONS AND AGGREGATES FOR FISCAL YEAR 1999 AND FOR FISCAL YEARS 1999 TO 2003—REFLECTING ACTION COMPLETED AS OF JUNE 16, 1999

[On-budget amounts, in millions of dollars]

	Fiscal year	
	1999	1999–2003
Appropriate level (as authorized by H. Res. 5):		
Budget authority	1,456,578	(1)
Outlays	1,396,441	(1)
Revenues	1,368,374	7,284,605
Current level:		
Budget authority	1,455,743	(1)
Outlays	1,396,751	(1)
Revenues	1,368,401	7,284,615
Current level over (+)/under (−) appropriate level:		
Budget authority	−835	(1)
Outlays	310	(1)
Revenues	27	10

[1] Not applicable because annual appropriations Acts for Fiscal Years 2000 through 2003 will not be considered until future sessions of Congress.

Budget Authority—Enactment of any measure providing new budget authority for FY 1999 in excess of $835 million (if not already included in the current level estimate) would cause FY 1999 budget authority to further exceed the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

Outlays—Enactment of any measure providing new outlays for FY 1999 (if not already included in the current level estimate) would cause FY 1999 outlays to further exceed the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

Revenues—Enactment of any measure that would result in any revenue loss for FY 1999 greater than of $27 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

Enactment of any measure resulting in any revenue loss for FY 1999 through 2003 greater than $10 million (if not already included in the current level) would cause revenues to fall below the appropriate levels set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

DIRECT SPENDING LEGISLATION—Comparison of Current Level with Committee Allocations Pursuant to Budget Act Section 602(a) Reflecting Action completed as of June 16, 1999

[Fiscal Years, in millions of dollars]

House Committee	1999		1999–2003	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	.....	.....	28,328	27,801
Current level	.....	.....	.....	.....
Difference	.....	.....	(28,328)	(27,801)
Armed Services:				
Allocation	.....	.....	.....	.....
Current level	.....	.....	.....	.....
Difference	.....	.....	.....	.....
Banking and Financial Service:				
Allocation	.....	.....	.....	.....
Current level	.....	.....	.....	.....
Difference	.....	.....	.....	.....
Education & the Workforce:				
Allocation	.....	.....	610	367
Current level	.....	.....	.....	.....
Difference	.....	.....	(610)	(367)
Commerce:				
Allocation	.....	.....	.....	.....
Current level	.....	.....	.....	.....
Difference	.....	.....	.....	.....
International Relations:				
Allocation	.....	.....	.....	.....
Current level	.....	.....	.....	.....
Difference	.....	.....	.....	.....
Government Reform & Oversight:				
Allocation	.....	.....	14	14
Current level	.....	.....	.....	.....
Difference	.....	.....	(14)	(14)
House Administration:				
Allocation	.....	.....	.....	.....
Current level	.....	.....	.....	.....
Difference	.....	.....	.....	.....
Resources:				
Allocation	.....	.....	.....	.....
Current level	.....	.....	.....	.....
Difference	.....	.....	.....	.....
Judiciary:				
Allocation	.....	.....	.....	.....
Current level	.....	.....	.....	.....
Difference	.....	.....	.....	.....
Transportation & Infrastructure:				
Allocation	1,205	.....	.....	10,845
Current level	845	.....	.....	845
Difference	(360)	.....	.....	(10,000)
Science:				
Allocation	.....	.....	.....	.....
Current level	.....	.....	.....	.....
Difference	.....	.....	.....	.....
Small Business:				
Allocation	.....	.....	.....	.....
Current level	.....	.....	.....	.....
Difference	.....	.....	.....	.....
Veterans' Affairs:				
Allocation	.....	.....	4,503	4,342
Current level	.....	.....	.....	.....
Difference	.....	.....	(4,503)	(4,342)
Ways and Means:				
Allocation	.....	.....	19,551	17,310
Current level	.....	.....	.....	.....
Difference	.....	.....	(19,551)	(17,310)
Select Committee on Intelligence:				
Allocation	.....	.....	.....	.....
Current level	.....	.....	.....	.....
Difference	.....	.....	.....	.....
Total Authorized:				
Allocation	1,205	.....	63,851	49,834
Current level	845	.....	845	.....
Difference	(360)	.....	(63,006)	(49,834)

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1999—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b)

[In millions of dollars]

	Revised 302(b) suballocations				Current level reflecting action completed as of June 16, 1999				Difference			
	Discretionary		Mandatory		Discretionary		Mandatory		Discretionary		Mandatory	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	19,730	19,888	40,400	32,167	20,309	20,182	40,400	32,167	579	294	0	0
Commerce, Justice, State	34,811	32,151	561	568	34,927	32,181	561	568	116	30	0	0
National Defense	267,454	251,804	202	202	266,479	251,601	202	202	(975)	(203)	0	0
District of Columbia	620	359	0	0	620	619	0	0	0	260	0	0
Energy & Water Development	21,546	21,173	0	0	21,698	21,254	0	0	152	81	0	0
Foreign Operations	32,156	13,270	45	45	33,239	13,325	45	45	1,083	55	0	0
Interior	14,092	14,339	60	60	14,132	14,347	60	60	40	8	0	0
Labor, HHS & Education	83,767	82,550	215,343	215,464	83,865	82,582	215,343	215,464	98	32	0	0
Legislative Branch	2,565	2,365	92	92	2,565	2,362	92	92	0	(3)	0	0
Military Construction	9,731	9,174	0	0	9,135	9,156	0	0	(596)	(18)	0	0
Transportation	12,335	40,261	682	678	12,538	40,278	682	678	203	17	0	0
Treasury-Postal Service	16,108	14,373	13,561	13,599	16,112	14,375	13,561	13,599	4	2	0	0
VA-HUD-Independent Agencies	71,311	80,507	20,812	20,593	71,861	80,507	20,812	20,593	550	0	0	0
Reserve/Offsets	(1,384)	(2,400)	0	0	(2,400)	(2,400)	0	0	(1,016)	0	0	0
Unassigned [1]	713	245	0	0	0	0	0	0	(713)	(245)		
Grand total	585,555	580,059	291,758	283,468	585,080	580,369	291,758	283,468	(475)	310	0	0

[1] Unassigned refers to the allocation adjustments provided under Section 314, but not yet allocated under Section 302(b).

SET FORTH IN SEC. 251(c) OF THE BALANCED BUDGET & EMERGENCY DEFICIT CONTROL ACT OF 1985

[In millions]

	Defense		Nondefense		Violent Crime Trust Fund		Highway Category		Mass Transit Category	
	BA	O	BA	O	BA	O	BA	O	BA	O
Statutory Caps [1]	289,337	274,701	291,257	275,773	5,800	4,953	[2]	21,991	[2]	4,401
Current Level	289,141	273,746	289,943	275,330	5,796	4,950	200	21,939	1,138	4,404
Difference (Current Level-Caps)	−196	−955	−1,314	−443	−4	−3	[2]	−52	[2]	3

[1] As adjusted pursuant to sec 251(b) of the BBEDCA. Statutory caps include contingent emergencies not yet released by the President, but appropriated by Congress.
[2] Not applicable.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 16, 1999.

Hon. JOHN KASICH, CHAIRMAN,
Committee on the Budget,
U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget ACt, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1999. These estimates are compared to the appropriate levels for those items contained in Section 2 of House Resolution 5, which has been revised to include an allocation for the funding of emergency requirements, and are current through June 15, 1999.

Sicne my last report, dated March 18, 1999, the Congress has enacted and the President has signed the 1999 Emergency Supplemental Appropriations Act (P.L. 106–31) and the 1999 Interim Federal Aviation Administration Authorization Act (P.L. 106–6). The Congress has also cleared for the President's signature the 1999 Miscellaneous Trade and Technical Corrections Act (H.R. 435). These actions changed the current level of budget authority, outlays, and revenues.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, *Director*).

PARLIAMENTARIAN STATUS REPORT—FISCAL YEAR 1999 ON-BUDGET HOUSE CURRENT LEVEL AS OF CLOSE OF BUSINESS, JUNE 15, 1999

[In millions of dollars]

	Budget authority	Outlays	Revenue
Enacted in previous sessions:			
Revenue			1,368,396
Permanents and other spending legislation	913,530	867,389	
Appropriation legislation	820,578	812,799	
Offsetting receipts	−294,953	−294,953	
Total, previously enacted	1,439,155	1,385,235	1,368,396
Enacted this session:			
1999 Emergency Supplemental Appropriations and Rescissions Act (P.L. 106–31)	11,676	3,677	
Federal Aviation Administration Authorization Act (P.L. 106–6)	402		
Total, enacted this session	12,078	3,677	
Pending Signature:			
Miscellaneous Trade and Technical Corrections Act (H.R. 435			5
Entitlements and Mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	5,648	7,839	
Totals:			
House Current Level	1,455,743	1,396,751	1,368,401
House Budget Resolution (1) (2)	1,456,578	1,396,441	1,368,374
Amount Remaining:			
Under Budget Resolution	−835		
Over Budget Resolution		310	27
Addendum:			
Revenues, 1999–2003:			
House Current Level			7,284,615
House Budget Resolution			7,284,605
Amount Current Level Over Resolution			10

(a) [1] For comparability purposes, current level budget authority excludes $1,138 million that was appropriated for mass transit. The budget authority for mass transit, which is exempt from the allocations made for the discretionary categories pursuant to sections 302(a)(1) and 302(b)(1) of the Congressional Budget Act of 1974, is not included in the House Resolution 5. Total budget authority including mass transit is $1,456,881 million.
(b) [2] Estimates include $34,226 million in budget authority and $16,802 million for the funding of emergency requirements.

Source.—Congressional Budget Office.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. SHAYS (at the request of Mr. ARMEY) from 3 p.m. to 9:30 p.m. today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. THORNBERRY) to revise and extend their remarks and include extraneous material:

Mr. BURTON of Indiana, for 5 minutes, on June 23.

Mr. LATOURETTE, for 5 minutes each day, on today and June 18.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today

Mr. MILLER of Florida, for 5 minutes, on June 22

Mr. KASICH, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 361. An act to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest; to the Committee on Resources.

S. 449. An act to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property; to the Committee on Resources.

ADJOURNMENT

Mr. THORNBERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 8 minutes a.m.), the House adjourned until today, June 18, 1999, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2650. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerance [OPP–300828; FRL–6072–6] (RIN: 2070–AB78) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2651. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin; Pesticide Tolerances for Emergency Exemptions [OPP–300825; FRL–6070–6] (RIN: 2070–AB78) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2652. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Direct Food Substances Affirmed as Generally Recognized as Safe: Cellulase Enzyme Preparation Derived From Trichoderma Longibrachiatum for Use in Processing Food [Docket No. 79G–0372] received May 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2653. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Incorporation of Montreal Protocol Adjustment for a 1999 Interim Reduction in Class I, Group VI Controlled Substances [FRL–6351–6] (RIN: 2060–AI24) received May 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2654. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; South Dakota Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [SD–001–0003a and SD–001–0004a; FRL–6351–8] received May 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2655. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans, Nevada State Implementation Plan Revision, Clark County [NV—034–0016; FRL–6350–5] received May 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2656. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to the State Implementation Plan (SIP) Addressing Sulfur Dioxide in Harris County [TX83–1–7340a; FRL–6349–9] received May 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2657. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Incorporate solicitation notice for Agency protests [FRL–6320–1] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2658. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Texas; Final Full Program Adequacy Determination of State Municipal Solid Waste Permit Program [SW-FLR–6319–5] received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2659. A letter from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule— Exemptions of the Securities of the Kingdom of Sweden under the Securities Exchange Act of 1934 for the Purposes of Trading Futures Contracts on Those Securities [Release No. 34–41453, International Series Release No. 1198, File No. S7–4–99] (RIN: 3235–AH68) received May 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2660. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a series of reports in accordance with Section 36(a) of the Arms Export Conrol Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

2661. A letter from the Director, Resource Management and Planning Staff, Trade Development, International Trade Administration, Department of Commerce, transmitting the Department's final rule—Market Development Cooperator Program [Docket No. 970424097–9097–04] (RIN: 0625–ZA05] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2662. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—OSD Privacy Program—received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2663. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Pennsylvania Regulatory Program [PA–125–FOR] received June 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2664. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Group-Term Insurance; Uniform Premiums [TD 8821] (RIN:1545–AN54) received May 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 434. A bill to authorize a new trade and investment policy for sub-Sahara Africa; with an amendment (Rept. 106–19, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 791. A bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; with an amendment (Rept. 106–189). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Banking and Financial Services discharged. H.R. 434 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CAMP (for himself, Mr. LEVIN, Mr. RAMSTAD,Mr. MATSUI, Ms. DUNN, Mr. LEWIS of Kentucky, Mr. BOEHLERT, Mr. CANNON, Mr. COOK, Mrs. NORTHUP, Mr. BILBRAY, Mr. MARKEY, Mr. BECERRA, and Mr. MCINNIS):

H.R. 2252. A bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. CALVERT:

H.R. 2253. A bill to amend the Endangered Species Act of 1973 to prohibit the use under that Act of any item or information obtained by trespassing on privately owned property, or otherwise taken from privately owned property without the consent of the owner of the property; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 2254. A bill to amend the trade adjustment assistance provisions of the Trade Act of 1974 to allow the reimbursement of training costs incurred and for which payment became due within 30 days before the training is approved by the Secretary of Labor; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. STARK, Mr. HINCHEY, Mr. TIERNEY,

Mr. ALLEN, Mr. LUTHER, Mr. BONIOR, and Mr. FARR of California):

H.R. 2255. A bill to amend the Internal Revenue Code of 1986 to curb tax abuses bydisallowing tax benefits claimed to arise from transactions without substantial economic substance;to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 2256. A bill to designate the San Antonio International Airport in San Antonio, Texas, as an airport at which certain private aircraft arriving in the United States from a foreign area may land for processing by the Customs Service; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself, Mr. DINGELL, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. STRICKLAND, Mr. BARRETT of Wisconsin, Mr. PALLONE, Mr. STUPAK, Mr. TOWNS, Mrs. CAPPS, Ms. DEGETTE, Mr. DEUTSCH, Ms. ESHOO, and Mr. HALL of Texas):

H.R. 2257. A bill to provide for a 1-year moratorium on the disclosure of certain submissions under section 112(r) of the Clean Air Act to provide for the reporting of certain site security information to the Congress, and forother purposes; to the Committee on Commerce, and in addition to the Committees on Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Mr. VENTO, Mr. KUCINICH, Mr. BROWN of California, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. CHRISTENSEN):

H.R. 2258. A bill to treat arbitration clauses which are unilaterally imposed on consumers as an unfair and deceptive trade practice and prohibit their use in consumer transactions, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SHOWS,Mr. ABERCROMBIE, Mr. HILLIARD, and Mr. SERRANO):

H.R. 2259. A bill to amend the Internal Revenue Code of 1986 to expand the dependent care credit; to the Committee on Ways and Means.

By Mr. HYDE (for himself, Mr. STUPAK, Mr. ADERHOLT, Mr. BAKER, Mr. BALLENGER, Mr. BARCIA, Mr. BARTON of Texas, Mr. BLUNT, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CANADY of Florida, Mr. CHABOT, Mr. COBURN, Mr. COLLINS, Mr. CUNNINGHAM, Mr. DICKEY, Mr. DOOLITTLE, Mr. DOYLE, Mrs. EMERSON, Mr. EVERETT, Mr. FOSSELLA, Mr. GRAHAM, Mr. GOODE, Mr. GOODLATTE, Mr. HALL of Texas, Mr. HAYES, Mr. HERGER, Mr. HOEKSTRA, Mr. HUTCHINSON, Mr. ISTOOK, Mr. JOHN, Mr. KING, Mr. KNOLLENBERG, Mr. LAFALCE, Mr. LAHOOD, Mr. LARGENT, Mr. LEWIS of Kentucky, Mr. LUCAS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MCINTYRE, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NUSSLE, Mr. NETHERCUTT, Mr. PETERSON of Pennsylvania, Mr. PETERSON of Minnesota, Mr. PHELPS, Mr. PICKERING, Mr. PITTS, Mr. PORTMAN, Mr. RAHALL, Mr. ROGAN, Mr. ROGERS, Mr. SALMON, Mr. SCHAFFER, Mr. SENSENBRENNER, Mr. SHIMKUS, Mr. SHOWS, Mr. SKELTON, Mr. SMITH of Texas, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. STEARNS, Mr. TANCREDO, Mr. TERRY, Mr. WALSH, Mr. WAMP, and Mr. WELDON of Florida):

H.R. 2260. A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case forconsideration of such provisions as fall within thejurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself and Mr. PETERSON of Pennsylvania):

H.R. 2261. A bill to amend the Internal Revenue Code of 1986 to provide incentives for health coverage;to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. BLUMENAUER, Mr. BEREUTER, Mr. SHAYS, and Mr. MALONEY of Connecticut):

H.R. 2262. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the cost of demolishing structures other than certified historic structures and other than historically residential structures; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. BLUMENAUER, Mr. BEREUTER, and Mr. MALONEY of Connecticut):

H.R. 2263. A bill to amend the Internal Revenue Code of 1986 to encourage contributions by individuals of capital gain real property for conservation purposes, to encourage qualified conservation contributions, and to modify the rules governing the estate tax exclusion for land subject to aqualified conservation easement; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. BLUMENAUER, Mr. BEREUTER, Mr. SHAYS, and Mr. MALONEY of Connecticut):

H.R. 2264. A bill to amend the Internal Revenue Code of 1986 to extend the expensing of environmental remediation costs to contaminated sites located outside of targeted areas; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. ENGLISH, Mr. WAXMAN, Mr. COYNE, Mr. MCGOVERN, Ms. KILPATRICK, Mr. BALDACCI, Mr. FROST, Mr. REYES, Mr. EVANS, Mr. PASTOR, Mr. NEAL of Massachusetts, Mr. GEJDENSON, Mr. POMEROY, Mr. KENNEDY of Rhode Island, Mr. PALLONE, and Mr. HINCHEY):

H.R. 2265. A bill to amend the Internal Revenue Code of 1986 to provide that certain educational benefits provided by an employer to children of employees shall be excludable from gross income as a scholarship; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mr. QUINN):

H.R. 2266. A bill to amend title XVIII of the Social Security Act to increase certain payment amounts made to hospitals furnishing services under the Medicare Program; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself, Mr. HEFLEY, Mr. SCHAFFER, Mr. TANCREDO, Mr. UDALL of Colorado, Mr. BARRETT of Wisconsin, Mr. KIND, Mr. WHITFIELD, Mr. POMBO, Mr. BEREUTER, and Mr. VENTO):

H.R. 2267. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes;to the Committee on Resources.

By Mr. MCINNIS (for himself, Mr. NUSSLE, Mr. HERGER, Mr. RAMSTAD, and Mr. UDALL of Colorado):

H.R. 2268. A bill to amend title XVIII of the Social Security Act to assure that Medicare beneficiaries have continued access under current contracts tomanaged health care through the Medicare cost contract program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case forconsideration of such provisions as fall within thejurisdiction of the committee concerned.

By Ms. MCKINNEY (for herself, Mr. ROHRABACHER, Mr. LEACH, Ms. RIVERS, Mr. PASCRELL, Mr. BONIOR, Mr. MEEHAN, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. PORTER, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. WEINER, Mr. UNDERWOOD, Mrs. MINK of Hawaii, Ms. SLAUGHTER, Mr. MARKEY, Mr. WAXMAN, Mr. CONYERS, Mr. BARRETT of Wisconsin, Mr. DIXON, Mr. STARK, Mr. BROWN of Ohio, Mrs. MORELLA, Mr. WYNN, Mr. LANTOS, Ms. WOOLSEY, Mr. NADLER, Mr. TIERNEY, Mr. CAMPBELL, Mr. ALLEN, Mr. MOAKLEY, Mr. LUTHER, Mr. FARR of California, Mr. ENGEL, Mr. ABERCROMBIE, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. HINCHEY, Mr. DEFAZIO, Ms. NORTON, Mr. BLUMENAUER, Mr. ANDREWS, Mr. HILLIARD, Mr. FALEOMAVAEGA, Mr. MINGE, Mr. FATTAH, Mr. DOYLE, Mr. LEWIS of Georgia, Ms. KILPATRICK, Mr. OBERSTAR, Mr. LOBIONDO, Mr. KUCINICH, Mr. EVANS, Mr. CLAY, Mr. WATT of North Carolina, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. BROWN of California, Mr. TOWNS, Ms. HOOLEY of Oregon, Mr. KILDEE, Mr. CARDIN, Mr. BERMAN, Mr. CLYBURN, and Ms. LEE):

H.R. 2269. A bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms;to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself and Mr. MATSUI):

H.R. 2270. A bill to amend the Internal Revenue Code of 1986 to reform the interest allocation rules; to the Committee on Ways and Means.

By Mr. REYES:

H.R. 2271. A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Resources.

By Mr. SAXTON (for himself, Mr. SCARBOROUGH, and Mr. CUNNINGHAM):

H.R. 2272. A bill to ensure the equitable treatment of graduates of the Uniformed Services University of the Health Sciences of the Class of 1987; to the Committee on Armed Services.

By Mr. TALENT (for himself and Mr. ENGLISH):

H.R. 2273. A bill to amend the Internal Revenue Code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 2274. A bill to provide for the transfer of 10 percent of a State's apportionment of certain highway funds to the State's highway safety apportionment if the State does not suspend the driver's license of individuals under the age of 21 convicted of driving while under the influence of alcohol;to the Committee on Transportation and Infrastructure.

By Mr. FLETCHER (for himself, Mr. NORWOOD, and Mr. MCKEON):

H.R. 2275. A bill to amend title I of the Employee Retirement Income Security Act to ensure choice of physicians; to the Committee on Education and the Workforce.

By Mr. MANZULLO:

H.J. Res. 59. A joint resolution proposing an amendment to the Constitution of the United States prohibiting courts from levying or increasing taxes; to the Committee on the Judiciary.

By Mr. SAXTON:

H.J. Res. 60. A joint resolution designating the square dance as the national folk dance of the United States;to the Committee on Government Reform.

By Ms. WOOLSEY:

H. Con. Res. 136.Concurrent resolution expressing the sense of the Congress relating to the timely distribution of payments to local educational agencies under theImpact Aid program; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

115. The SPEAKER presented a memorial of the Senate of the State ofHawaii, relative to Senate Resolution No. 17 memorializing the appropriate federal agencies to amend federal acquisition regulations to incorporatelanguage in President Clinton's June 5, 1997, Memorandum encouraging the use of project labor agreements in federal construction contracts; to the Committee on Education and the Workforce.

116. Also, a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 69 memorializing the Congress of the United States to oppose the enactment of S. 626 and H.R. 1117 or any version thereof which would have the effect of waiving interest or penalities of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989; to the Committee on Commerce.

117. Also, a memorial of the Legislature of the State of Colorado, relative to Senate Joint Resolution 99–027 memorializing the United States Congress to introduce and pass legislation to strengthen the oversight power and theauthority of the Postal Rate Commission; to the Committee on GovernmentReform.

118. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 99–32 memorializing the Congress of the United States to pass the Post-Census Local Review legislation, H.R. 472; to the Committee on Government Reform.

119. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial 99–004 memorializing the United StatesCongress to repeal the Federal Unified Gift and Estate Tax; to the Committee on Ways and Means.

120. Also, a memorial of the House of Representatives of the State ofMichigan, relative to House Concurrent Resolution No. 26 memorializing the Congress of the United States to Enact Legislation to Affirm the Regulation of Insurance Matters By the States; jointly to the Committees on Commerce and Banking and Financial Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ISAKSON introduced a bill (H.R. 2276) to provide for the liquidation or reliquidation of certain entries of antifriction bearings; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. QUINN, Mr. ACKERMAN, and Mr. SWEENEY.

H.R. 25: Mrs. ROUKEMA and Mr. RANGEL.

H.R. 26: Mr. MENENDEZ, Mr. SMITH of Washington, and Ms. MCKINNEY.

H.R. 49: Mr. ENGEL.

H.R. 184: Mr. UNDERWOOD.

H.R. 363: Mr. BALDACCI.

H.R. 372: Mr. PAUL and Mr. PASTOR.

H.R. 528: Mr. BENTSEN.

H.R. 541: Mr. RUSH and Mr. DEUTSCH.

H.R. 583: Mr. MOAKLEY, Mr. FILNER, and Mr. FATTAH.

H.R. 614: Mr. KUYKENDALL.

H.R. 623: Mr. TAYLOR of North Carolina.

H.R. 732: Mr. LANTOS and Mr. KIND.

H.R. 773: Mr. LUCAS of Oklahoma and Mr. LIPINSKI.

H.R. 852: Mr. EHLERS, Mr. PASTOR, and Mr. CANADY of Florida.

H.R. 875: Mr. ROMERO-BARCELÓ and Mr. SHAYS.

H.R. 922: Mrs. EMERSON and Mr. RUSH.

H.R. 993: Mr. SMITH of Washington.

H.R. 1046: Mr. UDALL of New Mexico.

H.R. 1071: Ms. DANNER.

H.R. 1102: Mr. SIMPSON, Mr. TRAFICANT, Mr. RODRIGUEZ, Mr. LAFALCE, and Ms. LEE.

H.R. 1111: Mr. UNDERWOOD and Ms. LEE.

H.R. 1130: Mr. JEFFERSON, Mr. HOYER, and Mr. MENENDEZ.

H.R. 1182: Mr. TERRY.

H.R. 1202: Mr. CLYBURN, Mr. NADLER, Mr. LARSON, and Mr. MEEHAN.

H.R. 1221: Mr. LAFALCE.

H.R. 1228: Mr. GORDON, Mr. BRADY of Pennsylvania, Mr. MARTINEZ, and Mr. GREEN of Texas.

H.R. 1239: Mr. KENNEDY of Rhode Island, Mr. CLYBURN, Ms. BERKLEY, and Ms. MILLENDER-MCDONALD.

H.R. 1247: Mr. PICKERING, Mr. REYES, and Mr. BUYER.

H.R. 1287: Mr. LEACH.

H.R. 1288: Ms. KILPATRICK and Ms. NORTON.

H.R. 1290: Mr. RYAN of Wisconsin.

H.R. 1293: Mr. LAFALCE, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. MOORE, Mr. HILL of Indiana, Mr. PHELPS, and Mr. PASCRELL.

H.R. 1304: Mr. LAMPSON, Mr. TIAHRT, Mr. SNYDER, Mr. SHAW, Mr. ABERCROMBIE, and Mr. MORAN of Virginia.

H.R. 1305: Mr. BROWN of Ohio.

H.R. 1312: Ms. SLAUGHTER.

H.R. 1315: Mr. HORN.

H.R. 1327: Mr. WALDEN of Oregon, Mr. BLUMENAUER, Mr. DEFAZIO, and Mr. WU.

H.R. 1382: Mr. GILLMOR, Mr. HOUGHTON, Mr. SENSENBRENNER, Mr. PALLONE, and Mr. MCINNIS.

H.R. 1389: Mr. HASTERT and Mrs. EMERSON.

H.R. 1413: Mr. HALL of Texas.

H.R. 1421: Mr. MARTINEZ and Mr. ANDREWS.

H.R. 1432: Mr. GILMAN.

H.R. 1433: Mr. SCARBOROUGH, Ms. DUNN, Mr. COMBEST, Mr. WAMP, Mr. HILLEARY, Mr. METCALF, and Mr. NETHERCUTT.

H.R. 1452: Mr. GARY MILLER of California.

H.R. 1592: Mr. DUNCAN, Mr. OSE, Mr. ROGERS, and Mr. THUNE.

H.R. 1601: Ms. DUNN, Mr. KASICH, Mr. WU, Mr. RAMSTAD, and Mr. DOOLITTLE.

H.R. 1606: Mr. GEJDENSON.

H.R. 1634: Mr. GOODE.

H.R. 1649: Mr. SCARBOROUGH and Mr. TANCREDO.

H.R. 1658: Mr. COBLE and Mr. PAUL.

H.R. 1665: Mr. LANTOS, Mr. SKELTON, Mr. NEAL of Massachusetts, Mr. FROST, and Mr. SNYDER.

H.R. 1684: Mr. DIXON.

H.R. 1687: Mrs. MYRICK.

H.R. 1706: Mr. GRAHAM.

H.R. 1746: Mr. REYNOLDS and Mr. CHABOT.

H.R. 1760: Mr. MINGE.

H.R. 1777: Mr. BONIOR and Mr. KLECZKA.

H.R. 1794: Mr. ANDREWS and Mr. HALL of Texas.

H.R. 1806: Mr. ABERCROMBIE, Mr. BOUCHER, Ms. BERKLEY, and Mr. CALLAHAN.

H.R. 1837: Mr. MCINTOSH, Mr. GARY MILLER of California, Mr. HULSHOF, Mr. ANDREWS, Mr. TRAFICANT, Mr. DEUTSCH, Mr. RAHALL, Mr. BARCIA, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. FORD, and Mr. HILLIARD.

H.R. 1841: Mr. ABERCROMBIE.

H.R. 1844: Mr. RAHALL

H.R. 1858: Mr. CLAY, Ms. ESHOO, Mr. DEAL of Georgia, and Mr. THOMPSON of Mississippi.

H.R. 1881: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. HILLIARD.

H.R. 1883: Mr. NORWOOD, Mr. SHOWS, Mr. PASTOR, Mr. BACHUS, Mr. FORBES, Mr. STUMP, Mr. CAMPBELL, Mr. KING, Mr. GORDON, Mr. ACKERMAN, Mr. BILIRAKIS, Mr. CROWLEY, Mr. SHERMAN, Mr. TIERNEY, Mr. GUTIERREZ, Mr. SALMON, Mr. MCGOVERN, Mr. GRAHAM, Mr. MCINTOSH, Mr. HOLT, Ms. SCHAKOWSKY, Mr. FORD, Mr. PALLONE, Mr. DIXON, Mrs. MYRICK, Mrs. MORELLA, Mr. ARMEY, Ms. WOOLSEY, Mr. DOYLE, Mr. WYNN, Mr. WEINER, Mr. MCCOLLUM, Mr. SCARBOROUGH, Mr. COBLE, Mrs. NORTHUP, Mr. SHADEGG, Mr. GONZALEZ, Mr. FROST, Mr. MENENDEZ, Mr. HAYES, Mr. FOLEY, Mrs. LOWEY, Mr. WEXLER, Mr. DEUTSCH, Mr. MCNULTY, Mr. HAYWORTH, and Mr. KINGSTON.

H.R. 1890: Mr. GEORGE MILLER of California.

H.R. 1907: Mrs. KELLY.

H.R. 1993: Mr. BOEHLERT.

H.R. 2028: Mr. COBURN.

H.R. 2040: Mr. DOYLE and Mr. REYES.

H.R. 2125: Mr. HILLIARD and Mr. BECERRA.

H.R. 2238: Mr. BRADY of Pennsylvania and Ms. KILPATRICK.

H.R. 2240: Mr. MURTHA and Mr. BONIOR.

H.R. 2241: Mr. DIAZ-BALART.

H.R. 2243: Mr. TRAFICANT and Mr. DUNCAN.

H.J. Res. 55: Mr. BAIRD and Mr. TANCREDO.

H.J. Res. 57: Ms. PELOSI and Mr. LIPINSKI.

H. Con. Res. 30: Mr. JONES of North Carolina.

H. Con. Res. 109: Mr. BURTON of Indiana, Ms. KAPTUR, Mr. SAWYER, and Mr. BEREUTER.

H. Con. Res. 112: Mr. SERRANO, Mr. HALL of Texas, Mr. CONDIT, Mr. CRAMER, Mr. SISISKY, Mr. MCINTYRE, Mr. ROGAN, Mr. CALLAHAN, Mrs. CUBIN, Mr. EVERETT, Mr. FOSSELLA, Mr. TIAHRT, Mr. NEAL of Massachusetts, Mr. CAPUANO, Mr. MOAKLEY, Mr. MEEHAN, Mr. VITTER, Mr. JONES of North Carolina, Mr. WHITFIELD, Mr. FRELINGHUYSEN, Mr. BASS, Mr. NORWOOD, Mr. GREEN of Wisconsin, Mr. EHLERS, Mr. BACHUS, Mr. OSE, Mr. GARY MILLER of California, Mr. KASICH, Mr. HOEKSTRA, Mr. PACKARD, Mr. GEKAS, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. HOBSON, Mr. PORTMAN, and Mrs. MYRICK.

H. Con. Res. 124: Mr. BILBRAY and Mr. OBERSTAR.

H. Con. Res. 129: Mr. MCHUGH and Mr. MORAN of Virginia.

H. Con. Res. 130: Mr. WATT of North Carolina, Mr. GUTIERREZ, Ms. BROWN of Florida, Mr. TOWNS, Mr. MEEKS of New York, and Mr. PAYNE.

H. Con. Res. 132: Mr. CAMPBELL.

H. Con. Res. 133: Mr. ROMERO-BARCELO and Mrs. KELLY.

H. Res. 41: Mr. KUYKENDALL and Ms. SANCHEZ.

H. Res. 107: Mrs. CAPPS, Ms. VELAZQUEZ, Ms. BALDWIN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 109: Mr. LEWIS of Kentucky, Mr. GOODLATTE, and Mr. WATKINS.

H. Res. 115: Ms. KAPTUR.

H. Res. 211: Mrs. MYRICK, Mr. LAZIO, Mr. HAYWORTH, Mr. WATTS of Oklahoma, and Mr. RUSH.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2084

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: Page 48, lines 7 through 10, strike section 330.

H.R. 2084

OFFERED BY: MR. NEY

AMENDMENT NO. 2: Page 48, line 9, after the dollar amount, insert ''(decreased by $300,000)''.