

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

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

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

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

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

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

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

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

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

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

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

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

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

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

NATIONAL POLICE ATHLETIC LEAGUE YOUTH ENRICHMENT ACT OF 2000

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

The Clerk read as follows:

H.R. 3235

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

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress makes the following findings:

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

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

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

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

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

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

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

(G) *prepare youth for the workplace.*

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

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

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

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

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

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

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

SEC. 3. PURPOSE.

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

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

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

SEC. 4. DEFINITIONS.

In this Act:

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

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

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

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

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

SEC. 5. GRANTS AUTHORIZED.

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

(b) *APPLICATION.—*

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

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

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

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

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

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

SEC. 6. USE OF FUNDS.

(a) *IN GENERAL.—*

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

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

(A) *not less than 2 programs shall provide—*

- (i) mentoring assistance;
 - (ii) academic assistance;
 - (iii) recreational and athletic activities; or
 - (iv) technology training; and
- (B) any remaining programs shall provide—
- (i) drug, alcohol, and gang prevention activities;
 - (ii) health and nutrition counseling;
 - (iii) cultural and social programs;
 - (iv) conflict resolution training, anger management, and peer pressure training;
 - (v) job skill preparation activities; or
 - (vi) Youth Police Athletic League Conferences or Youth Forums.

(b) **ADDITIONAL REQUIREMENTS.**—In carrying out the programs under subsection (a), a PAL chapter shall, to the maximum extent practicable—

- (1) use volunteers from businesses, academic communities, social organizations, and law enforcement organizations to serve as mentors or to assist in other ways;
- (2) ensure that youth in the local community participate in designing the after-school activities;
- (3) develop creative methods of conducting outreach to youth in the community;
- (4) request donations of computer equipment and other materials and equipment; and
- (5) work with State and local park and recreation agencies so that activities funded with amounts made available under a grant under this Act will not duplicate activities funded from other sources in the community served.

SEC. 7. REPORTS.

(a) **REPORT TO ASSISTANT ATTORNEY GENERAL.**—For each fiscal year for which a grant is awarded under this Act, the Police Athletic League shall submit to the Assistant Attorney General a report on the use of amounts made available under the grant.

(b) **REPORT TO CONGRESS.**—Not later than May 1 of each fiscal year for which amounts are made available to carry out this Act, the Assistant Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that details the progress made under this Act in establishing and expanding PAL chapters in public housing projects and other distressed areas, and the effectiveness of the PAL programs in reducing drug abuse, school dropouts, and juvenile crime.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this Act \$16,000,000 for each of fiscal years 2001 through 2005.

(b) **FUNDING FOR PROGRAM ADMINISTRATION.**—Of the amount made available to carry out this Act in each fiscal year—

- (1) not less than 2 percent shall be used for research and evaluation of the grant program under this Act;
- (2) not less than 1 percent shall be used for technical assistance related to the use of amounts made available under grants awarded under this Act; and
- (3) not less than 1 percent shall be used for the management and administration of the grant program under this Act, except that the total amount made available under this paragraph for administration of that program shall not exceed 6 percent.

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

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

GENERAL LEAVE

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

rial on the bill now under consideration.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3235, the National Police Athletic League Youth Enrichment Act of 2000. The gentleman from Wisconsin (Mr. BARRETT) introduced H.R. 3235 last November and the Committee on the Judiciary reported the bill by voice vote on July 25 of this year.

The bill would direct the Office of Justice Programs of the Department of Justice to award a grant to the Police Athletic League for the purposes of establishing Police Athletic League chapters to serve public housing projects and other distressed areas and expanding existing chapters to serve additional youth. The bill was modeled on legislation enacted in 1997 to increase the number of Boys and Girls Clubs serving low-income areas.

The Police Athletic League was founded by police officers in New York City in 1914; and its goal is to offer an alternative to crime, drugs, and violence for our Nation's most at-risk youth. Since 1914, the Police Athletic League, also known as PAL, has grown into one of the largest youth crime prevention programs in the Nation, with a network of 320 local chapters and 1,700 facilities that serve more than 3,000 communities and 1.5 million children. Local chapters are volunteer-driven and receive most of their funding from private sources. In partnership with local law enforcement agencies, PAL chapters help to narrow the gap in trust between children and police, especially in low-income and high-crime neighborhoods. PAL offers after-school athletic, recreational, and educational programs designed to give children an alternative to gangs, drugs, and crime and to reinforce the values of responsibility, hard work, and community. These programs are geared to the after-school hours of 3 o'clock to 8 p.m., the peak hours for juvenile crime and other antisocial behavior.

H.R. 3235 would authorize the appropriation of \$16 million a year for 5 years beginning with fiscal year 2001. The money would be used to enhance the services provided by the 320 established PAL chapters and provide seed money for the establishment of 250, 50 per year over a 5-year period, additional PAL chapters in public housing projects and other distressed areas, including distressed areas with a majority population of Native Americans.

In order to be eligible to receive a grant, the bill would require PAL to submit to the Assistant Attorney General an application which includes, one, a long-term strategy to establish 250 additional chapters; two, a plan to ensure that there is a total of not less than 570 chapters in operation before

January 1, 2004; three, a certification that there will be appropriate coordination with those communities where new chapters will be located; and, four, an explanation of the manner in which new chapters will operate without additional direct Federal financial assistance once assistance under this act is discontinued.

Mr. Speaker, this is a very worthwhile piece of legislation. I urge all my colleagues to support it.

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

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

I rise in support of H.R. 3235, the National Police Athletic League Youth Enrichment Act of 2000. I am a cosponsor of this bill. Although we have not had hearings on it and I generally do not support consideration of legislation without hearings, I believe that the congressional record in this Congress sufficiently supports the passage of this legislation and to have its passage take place expeditiously.

H.R. 3235 would award grant moneys to the Police Athletic League to assist the establishment of Police Athletic League chapters in high-crime and low-income areas as well as enhance existing services provided by the Police Athletic League. They offer young people opportunities to engage in constructive activities, including recreational programming and activities in creative and performing arts. I am pleased to note that research on these programs shows that communities with this program show a decrease in juvenile crime. In a survey of the California Police Athletic League, for example, preliminary data shows that communities served by the program reported a 34 percent decrease in juvenile arrests, a 58 percent decrease in aggravated assaults committed by juveniles and a 47 percent drop in the number of armed robberies by juveniles.

In short, Mr. Speaker, the record reflects that prevention and early intervention as compared to other approaches to reducing juvenile crime and delinquency are the most effective. In March 1999, for example, the Committee on Education and the Workforce held a hearing on H.R. 1150, the Juvenile Crime Control and Delinquency Prevention Act. During that hearing, the Administrator of the Office of Juvenile Justice and Delinquency Prevention identified promoting prevention as the most cost-effective approach to reducing delinquency.

At the same hearing, the Commissioner at the Administration on Children, Youth and Families at Health and Human Services also summarized what should be our priorities and said the following:

The early years are critical. We know that and we must continue to invest in early childhood. But we must also stick with kids as they grow older. Children are like gardens. It is critical that we prepare the soil and plant the seeds. But if that is all we do, we should not be surprised if they do not flourish. We have to pay attention to them

on an ongoing basis. Just as one would fertilize a garden, we must stimulate growth in young people. Just as one would weed a garden, we must root out the negative influences, peer pressure and self-doubt that threaten to stunt the positive development of our children. Especially during preadolescence and adolescence, we must have continued youth development activities to provide something to which the young people can say yes instead of just asking them to say no to risky behaviors.

Mr. Speaker, as a result of hearings such as these, the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the Workforce passed in this Congress H.R. 1150, the Juvenile Crime Control and Delinquency Prevention Act of 1999, which highlighted the importance of prevention and early intervention as the means of addressing juvenile crime. That passed out of the Committee on Education and the Workforce subcommittee with support from all of the subcommittee members. Similarly, the Subcommittee on Crime unanimously passed the first version of H.R. 1501, which provided for flexible accountability and early intervention approaches for juveniles before the court system with cosponsorship of the entire subcommittee.

Additionally, many of us had the opportunity to participate in a bipartisan task force to examine youth violence. The task force reviewed the research on the problem of youth violence and heard testimony from witnesses from academia, law enforcement, the judicial system, and advocacy groups.

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I quote from the final report:

Overall, the need for prevention and early intervention programs at every step is paramount. Since the most important contributing factor to youth violence is the absence of a nurturing and supportive home environment, we know that youth can be steered away from crime. Building strong relationships between children and their parents and communities are the best way to ensure their health and well-being.

Mr. Speaker, experts who met with the bipartisan task force essentially agreed that early intervention and prevention efforts are essential to reducing youth violence. Furthermore, the task force concluded that such prevention efforts also require coordination and partnership with community organizations.

In sum, the record shows that we know how to reduce juvenile crime and delinquency. We must focus on prevention and early intervention, and we must seek help from community organizations such as police athletic leagues.

Mr. Speaker, H.R. 3235, the National Police Athletic League Youth Enrichment Act of 1999, would foster much-needed community partnerships and help to accomplish our goal of reducing juvenile crime. I therefore support the legislation and urge my colleagues to support the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from

Wisconsin (Mr. BARRETT), the chief sponsor of the legislation.

Mr. BARRETT of Wisconsin. Mr. Speaker, I am pleased to rise today in support of H.R. 3235, a bill I introduced to make the programs of the Police Athletic League available to more kids across the country.

I would like to thank the gentleman from Florida (Chairman MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) of the Subcommittee on Crime for their work in moving this bill through committee and on to the floor before the House adjourns for this year.

I would also like to thank the gentleman from Florida (Mr. CANADY) for his support in helping move this bill. Since this is sort of the waning days of the gentleman's days in Congress, I want to publicly thank him for his service to the people of Florida and his country, and wish him and his young family the best of luck as he returns to life as a normal person.

I also would like to applaud Ron Exley, a board member of the National Police Athletic League, for his tireless efforts in promoting this bill.

Mr. Speaker, since you are going to be going back to Indiana, I want to thank you for the opportunity to serve with you as well. This is sort of a bittersweet time of year for many of us. Both of you have really done a great job for the people you represent.

The Police Athletic League is a network of more than 320 chapters in 42 states serving over 1.5 million kids each year. Individual chapters are volunteer-driven and receive most of their funding from private sources. In partnership with local law enforcement activities, PAL chapters help to narrow the gap in trust that exists between kids and the police, especially in low-income and high-crime neighborhoods.

PAL offers after-school athletic and recreation programs designed to give kids an alternative to gangs, drugs and crime, and to reinforce in them the values of responsibility, hard work and community.

Just last week I was reminded of what PAL means for our kids when I attended the ground breaking for the Milwaukee chapter's new facility. This event was the perfect illustration of what we are trying to accomplish with this legislation. The new facility will be located in a neighborhood plagued by high crime and poverty, bringing these valuable programs and activities to the kids who need them.

The National Police Athletic League Youth Enrichment Act is modeled after legislation enacted in 1997 to increase the number of Boys and Girls Clubs serving low-income areas. Similarly, this bill calls for the establishment of 250 new PAL chapters over 5 years in public housing projects in other distressed areas and would provide additional resources to help existing chapters expand and enhance their services in underserved areas.

In addition to recreational activities, the new PAL chapters would be re-

quired to offer mentoring and academic assistance, technology training and drug and alcohol counseling. The bill would also direct the chapters to seek volunteers and donations from the business, academic and law enforcement communities.

Mr. Speaker, one of the strengths of this program is that it allows young kids, who many times encounter police only in stressful situations, to encounter police in a meaningful, friendly situation. I think that is a huge plus for the young kids.

It is also a plus for the police officers, who many times encounter these young kids again in stressful situations, and for the police officers to see these young people in athletic settings and learning how to run computers I think is very important, positive.

I have always said I would much rather have kids shooting basketballs than shooting each other, and I would much rather have them pushing computer keys than pushing drugs, and this bill will go a long way in trying to provide young people with alternatives to crime.

I am a strong believer in giving kids an alternative to the temptations of the street. The Police Athletic League has established an impressive track record of providing such an alternative in America's cities. But there are many kids out there who do not have access to help and deserve our attention. I urge my colleagues to help these kids by supporting this bill.

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

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again want to congratulate the gentleman from Wisconsin (Mr. BARRETT) for his outstanding leadership on this important legislation and to acknowledge the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) for helping move us to the point where this bill is considered by the House today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 3235, the "National Police Athletic League Youth Enrichment Act of 1999." I commend my colleagues on the Judiciary Committee for reporting the bill by voice vote. As a cosponsor of this legislation, I am delighted that it enjoys bipartisan support. I does so for a good reason.

It helps our children find alternatives to crime through a sensible grant program administered by the Department of Justice. America urgently needs such legislation to allow children, especially at-risk youth, to obtain greater exposure through such legislative solutions. Our children need the right kind of incentives that allow them to learn in a welcoming environment without the threat of violence.

The Police Athletic League (PAL) was founded by police officers in New York city in 1914. Its goal is to offer an alternative to crime, drugs, and violence for at-risk youths. PAL offers after school numerous school athletic, prevention programs in the nation, with a

network of 320 local chapters and 1,700 facilities that serve more than 3,000 communities and 1.5 million children. Local chapters are volunteer driven and receive most of their funding from private sources. That is certainly a record to be proud of.

H.R. 3235 would authorize the appropriation of \$16 million a year for 5 years beginning with this fiscal year. The funds would be used to enhance services provided by the present chapters, and provide seed money for the establishment of 250 additional chapters in public housing projects and other distressed areas. This could make an enormous difference to the life of so many children that need a fighting chance.

To be eligible to receive a grant, PAL would have to submit an application to DOJ with a few important requirements. First, a long-term strategy on how and where the 250 new chapters will be established and maintained, along with how the present 320 chapters will be maintained. Second, a certification that there will be coordination with the communities in which the new chapters are established. Third, an explanation of how the new chapters will continue to exist when the full federal funding stops.

Mr. Speaker, I believe these are very reasonable procedures to help find alternative steps to violence. These are reasonable and necessary incentives for communities to come together on behalf of our children.

Children need these after school athletic, recreational, and educational programs to improve their lives. As cosponsor of this important legislation, I urge my colleagues to embrace this measure in the widest bipartisan manner possible.

Mr. HORN. Mr. Speaker, I strongly support H.R. 3235. In California, the PAL programs play an integral role in our communities. PAL programs provide positive activities for youth to participate in as an alternative to gangs and violence. They instill family values, teach teamwork, honesty, and personal accountability. PAL programs keep our communities safe and our youth out of danger.

In Long Beach, California, a city I proudly represent, PAL programs have served thousands of youth in the area throughout the past ten years. Not only are young people enjoying recreational activities, they are receiving help with homework, learning to use computers, and positively influencing their peers to participate. This invaluable program has helped so many youngsters that would have otherwise been at risk of getting involved in criminal activity, gang violence or drug abuse.

Every community should be as fortunate to have a preventive program like the PAL program to help reduce juvenile crime. I commend the Long Beach chapter for their excellent work on behalf of our community and the lives of every youth that PAL has touched. I also look forward to hearing about more success stories from PAL programs across the country.

As a cosponsor and strong supporter of H.R. 3235, I encourage all of my colleagues to support and pass this bill. Our nation's youth deserves this commitment of resources.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend

the rules and pass the bill, H.R. 3235, as amended.

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

A motion to reconsider was laid on the table.

VICTIMS OF RAPE HEALTH PROTECTION ACT

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3088) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape.

The Clerk read as follows:

H.R. 3088

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 "Victims of Rape Health Protection Act".

SEC. 2. BYRNE GRANT REDUCTION FOR NON-COMPLIANCE.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended by adding at the end the following:

“(g) LAWS OF REGULATIONS.—

“(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 10 percent and redistributed under paragraph (2) unless the State demonstrates to the satisfaction of the Director that the law or regulations of the State with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, the State requires as follows:

“(A) That the defendant be tested for HIV disease if—

“(i) the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV; or

“(ii) the victim requests that the defendant be so tested.

“(B) That if the conditions specified in subparagraph (A) are met, the defendant undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as soon thereafter as is practicable the results of the test be made available to the victim; the defendant (or if the defendant is a minor, to the legal guardian of the defendant); the attorneys of the victim; the attorneys of the defendant; the prosecuting attorneys; and the judge presiding at the trial, if any.

“(C) That if the defendant has been tested pursuant to subparagraph (B), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with subparagraph (B) (except that this subparagraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

“(D) That, if the results of a test conducted pursuant to subparagraph (B) or (C) indicate that the defendant has HIV disease, such fact may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime.

“(2) REDISTRIBUTION.—Any funds available for redistribution shall be redistributed to

participating States that comply with the requirements of paragraph (1).

“(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).”

(b) CONFORMING AMENDMENT.—Section 506(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking “subsection (f),” and inserting “subsections (f) and (g),”.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of each fiscal year succeeding the first fiscal year beginning 2 years after the date of the enactment of this Act.

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

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

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3088.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. WELDON), the sponsor of this legislation.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in the summer of 1996, a 7-year-old girl was brutally raped by a 57-year-old deranged man. The little girl and her 5-year-old brother had been lured to a secluded abandoned building. The man raped and sodomized this little girl. After the man's arrest, the accused refused to be tested for HIV. His refusal to take the test was permitted and protected under the State law. The man later admitted to police that he was infected with HIV.

The bill before us would ensure that families like this one, and numerous others, are not forced to endure torture beyond the assault that has already been inflicted upon their child.

I urge my colleagues to vote for passage of H.R. 3088, the Victims of Rape Health Protection Act. This bill will save the lives of victims of sexual assault. This bill ensures that the victims of sexual assault or their parents know as quickly as possible the HIV status of the perpetrator of the crime.

Sexual assault, sadly, occurs too often in our society. These victims suffer unimaginable cruelties and physical and emotional scars that usually last a lifetime. Furthermore, with the increased incidence of HIV infection in the population, these victims are often forced to wait months or years to know whether or not they were exposed to the HIV virus.

This bill puts an end to further torture of the victims and their families. This bill ensures that the victims of