

I am continually being asked by police officers who know how well the original Campbell-Leahy bill worked on bulletproof vests why we cannot pass this continuation of it. It is strongly supported by police officers all over the country. The President has made it very clear he would sign such a bill into law, as he did the last one. It is something that, if it were brought to a rollcall vote in the Senate, I am willing to guess 98, maybe all 100 Senators, would vote for it. Certainly no fewer than 95 Senators would vote for it.

When we could not pass it by unanimous consent before our summer recess because there was a hold, I wanted to make sure I could tell these police officers that there was no hold on this side. We actually checked with all 46 Democratic Senators. All 46 told us they would support it. All 46 said they would consent to having it passed anytime we want to bring it up by a voice vote.

I have told these police officers that while a significant number of both Republicans and Democrats support it or have cosponsored it, and while every single Democrat has said they support having it passed today, there is an anonymous hold on the Republican side. I hope that hold will go away. I urge these same police departments that have contacted me to contact the Republican leadership and say: Please ask whoever your anonymous Senator is to take the hold away and let the Campbell-Leahy bill pass.

That it has still not passed the full Senate is very disappointing to me, as I am sure that it is to our nation's law enforcement officers, who need life-saving bulletproof vests to protect themselves. Protecting and supporting our law enforcement community should not be a partisan issue.

Senator CAMPBELL and I worked together closely and successfully in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. This year's bill reauthorizes and extends the successful program that we helped create and that the Department of Justice has done such a good job implementing.

We have 19 cosponsors on the new bill, including a number of Democrats and some Republicans. This is a bipartisan bill that is not being treated in a bipartisan way. For some unknown reason a Republican Senator has a hold on this bill and has chosen to exercise that right anonymously.

According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

To better protect our Nation's law enforcement officers, Senator CAMPBELL and I introduced the Bulletproof Vest Partnership Grant Act of 1998. President Clinton signed our legislation into law on June 16, 1998. Our law created a \$25 million, 50 percent matching grant program within the Department of Justice to help state and local law enforcement agencies purchase body armor for fiscal years 1999-2001.

In its first two years of operation, the Bulletproof Vest Partnership Grant Program has funded more than 180,000 new bulletproof vests for police officers across the country.

The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to \$50 million for fiscal years 2002-2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receive the full 50-50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant awards to protect corrections officers in close quarters in local and county jails.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential that we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

I hope that the mysterious "hold" on the bill from the other side of the aisle will disappear. The Senate should pass without delay the Bulletproof Vest Partnership Grant Act of 2000 and send it to the President for his signature.

Before we recessed last July, I informed the Republican leadership that the House of Representatives had passed the companion bill, H.R. 4033, by an overwhelming vote of 413-3. I expressed my hope that the Senate would quickly follow suit and pass the House-passed bill and send it to the President. President Clinton has already endorsed this legislation to support our Nation's law enforcement officers and is eager to sign it into law.

Several more weeks have come and gone. Unfortunately, nothing has changed. Not knowing what the misunderstanding of our bill is, I find it is impossible to overcome an anonymous, unstated objection. I, again, ask whoever it is on the Republican side who has a concern about this program to please come talk to me and Senator CAMPBELL. I hope the Senate will do the right thing and pass this important legislation without further unnecessary delay.

#### JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, talking about things that are being held up, I

want to talk about the juvenile justice conference. Last year, in response to the terrible tragedy at Columbine, we passed a bipartisan juvenile justice bill through the Senate. Something like 73 Senators of both parties voted for this bill. We had weeks of debate. We had a number of amendments that improved it and a number of amendments that were rejected, but we had a full and open debate and a number of rollcall votes. As I said, it passed with 73 Senators voting for it.

That was last year. I urged before school started last year that we have a conference and work out the differences, if there are differences, between the House and the Senate; that we vote up or down. The conference is chaired by a Republican Senator, and we have not had anything other than a formal meeting to start the conference the day before the August recess in 1999. We have not met since then. We went off to our summer vacation and came back to schools starting all across the country. We just returned this week from this year's summer recess and we still have not had a meeting of the conferees.

I have been willing to accept votes up or down on matters of difference. I point out there are more Republicans on the conference than there are Democrats, Republicans chair both delegations from both Houses, so Republicans control the conference. If they do not like something that is in the conference, they can vote it down, they can vote it out. I know the we are in the minority. What I want to do is get this juvenile justice bill through so we can make the school year better, more productive, more educational, and a safer one.

The President of the United States was concerned enough about this that he invited the Republican leadership and Democratic leadership to meet with him at the White House. I recall that he spent nearly 2 hours with us going over the bill. He indicated that he wanted to work with us to get a good law enacted. All he wanted to do was to get us to at least meet on the Hatch-Leahy juvenile crime bill that passed the Senate by a 3-to-1 bipartisan majority vote back on May 20, 1999. This is the Hatch-Leahy bill. Even with the two chief sponsors, you span the political spectrum.

I urge again that the Congress not continue to stall this major piece of legislation. I remind Republicans, if they do not like anything Democrats have put in the bill, they can vote us down. There are more Republican Senate conferees than there are Democratic conferees. There are more Republican House conferees than there are Democratic conferees. If the Republicans do not like something in it, they can just vote to remove it. There is nothing we can do to stop that. But at least take what is a good piece of

legislation that will protect our children in school and let it go forward.

It has been 17 months since the tragedy at Columbine High School. Fourteen students and a teacher lost their lives there. Surely we could do better than to just stall this bill and hold this bill up.

Every parent, every teacher, every student in this country is concerned about the school violence over the last few years. It does not make any difference which political affiliation it is. If you are a parent, you are worried about the safety of your children going to school. If you are a teacher, you are worried about your workplace. If you are a student, you worry when you go to school.

Now, many fear that there will be more tragedies. The list of places suffering incidents of school violence continues to grow to include Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, Colorado, Georgia, Michigan, and Florida.

We all know there is no single cause. There is no single legislative solution to cure the ill of youth violence in our schools or on our streets. But we have had an opportunity for us to do our part. Frankly, I am disappointed in the Republican majority because they are squandering this opportunity.

We passed this bill, with 73 Senators—Republicans and Democrats alike joining to pass this bill—by an overwhelming margin. The least we could do is not allow it to then languish without ever being brought up for final action so the President can either sign it or veto it.

We should have seized this opportunity to act on balanced, effective juvenile justice legislation. Instead, the Senate has been in recess more than in session since the single ceremonial meeting of the juvenile crime conference. Just think of that. That is wrong. Let us go forward and pass this.

In fact, the Republican chairman of the House-Senate conference, at our one and only conference meeting in August 1999, said:

Our Nation has been riveted by a series of horrific school shootings in recent years, which culminated this spring—

Remember, this was said last year—with the tragic death of 12 students and one teacher at Columbine High School in Colorado. Sadly, the killings at Columbine High School are not an isolated event. In 1997, juveniles accounted for nearly one-fifth of all criminal arrests in the United States. Juveniles committed 13.5 percent of all murders, more than 17 percent of all rapes, nearly 30 percent of all robberies, 50 percent of all arsons. While juvenile crime has dipped slightly in the last 2 years, it remains at historically unprecedented levels. Such violence makes this legislation necessary.

I agree with the Republican chairman of that conference that such violence makes this legislation necessary. I absolutely agree with him. But I do

not agree with him then leaving that conference well over a year ago and never coming back and never completing the work.

We have to finish this. We have to finish this bill. All we have to do is bring the conference together. Ninety-eight percent of the bill would be agreed to very quickly. If there is 2 percent remaining, then vote it up or vote on it.

During the course of Senate debate on the bill in May 1999 we were able to make to the bill better, stronger and better balanced. It became more comprehensive and more respectful of the core protections in federal juvenile justice legislation that have served us so well over the last three decades. At the same time we made it more respectful of the primary role of the States in prosecuting criminal matters.

I recognize, as we all do, that no legislation is perfect and that legislation alone is not enough to stop youth violence. We can pass an assortment of new laws and still turn on the news to find out that some child somewhere in the country has turned violent and turned on other children and teachers, with terrible results.

All of us—whether we are parents, grandparents, teachers, psychologists, or policy-makers—puzzle over the causes of kids turning violent in our country. The root causes are likely multi-faceted. We can all point to inadequate parental involvement or supervision, over-crowded classrooms and over-sized schools that add to students' alienation, the easy accessibility of lethal weapons, the violence depicted on television, in movies and video games, or inappropriate content available on the Internet. There is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. Nevertheless, our legislation would have been a significant step in the right direction. As the FBI Report released on September 6, 2000 entitled "The School Shooter" points out, there are a number of factors that make a child turn violent.

The Senate bill, S. 254, started out as a much-improved bill from the one reported by the Judiciary Committee in the last Congress. In fact, a number of proposals that the Republicans on the Judiciary Committee specifically voted down in 1997 were incorporated at the outset into this bill. These are changes that I and other Democrats have been urging on our Republican colleagues for the past few years, and that they have resisted until quietly incorporated into this bill.

I tried in July 1997 to amend the earlier bill to protect the State's traditional prerogative in handling juvenile offenders and avoid the unnecessary federalization of juvenile crime that so concerns the Chief Justice and the Federal judiciary. Specifically, my 1997

amendment would have limited the federal trial as an adult of juveniles charged with nonviolent felonies to circumstances when the State is unwilling or unable to exercise jurisdiction. This amendment was defeated, with all the Republicans voting against it.

The Senate bill last year contained a new provision designed to address these federalism concerns that would direct federal prosecutors to "exercise a presumption in favor of referral" of juvenile cases to the appropriate State or tribal authorities, where there is "concurrent jurisdiction," unless the State declines jurisdiction and there is a substantial federal interest in the case.

Yet, concerns remained that the bill would undermine a State's traditionally prerogative to handle juvenile offenders.

The changes we made to the underlying bill in the Hatch-Leahy managers' amendment went a long way to satisfy my concerns. For example, S. 254 as introduced would have repealed the very first section of the Federal Criminal Code dealing with "Correction of Youthful Offenders." This is the section that establishes a clear presumption that the States—not the federal government—should handle most juvenile offenders [18 U.S.C. section 5001]. While the original S. 254 would have repealed that provision, the Managers' amendment retained it in slightly modified form.

In addition, the original S. 254 would have required federal prosecutors to refer most juvenile cases to the State in cases of "concurrent jurisdiction . . . over both the offense and the juvenile." This language created a recipe for sharp lawyering. Federal prosecutors could avoid referral by simply claiming there was no "concurrent" jurisdiction over the "offense" due to linguistic or other differences between the federal and state crimes. Even if the juvenile's conduct violated both Federal and State law, any difference in how those criminal laws were written could be used to argue they were different offenses altogether. This was a huge loophole that could have allowed federal prosecutors to end-run the presumption of referral to the State.

We fixed this in the Managers' Amendment, and clarified that whenever the federal government or the State have criminal laws that punish the same conduct and both have jurisdiction over the juvenile, federal prosecutors should refer the juvenile to the State in most instances.

Finally, I was concerned that, contrary to current law, a federal prosecutor's decision to proceed against a juvenile in federal court would not be subject to any judicial review. The Managers' Amendment permitted such judicial review, except in cases involving serious violent or serious drug offenses.

Federal Trial of Juveniles as Adults. Another area of concern had been the

ease with which the original S. 254 would have allowed federal prosecutors to prosecute juveniles 14 years and older as adults for any felony.

While I have long favored simplifying and streamlining current federal procedures for trying juveniles, I believe that judicial review is an important check in the system, particularly when you are dealing with children.

This bill, S. 254, included a "reverse waiver" proposal allowing for judicial review of most cases in which a juvenile is charged as an adult in federal court. I had suggested a similar proposal in July 1997, when I tried to amend the earlier bill before the Judiciary Committee to permit limited judicial review of a federal prosecutor's decision to try certain juveniles as adults. That prior bill granted sole, non-reviewable authority to federal prosecutors to try juveniles as adults for any federal felony, removing federal judges from that decision altogether. My 1997 amendment would have granted federal judges authority in appropriate cases to review a prosecutor's decision and to handle the juvenile case in a delinquency proceeding rather than try the juvenile as an adult.

Only three States in the country granted prosecutors the extraordinary authority over juvenile cases that the earlier bill had proposed. We saw the consequences of that kind of authority, when a local prosecutor in Florida charged as an adult a 15-year-old mildly retarded boy with no prior record who stole \$2 from a school classmate to buy lunch. The local prosecutor charged him as an adult and locked him up in an adult jail for weeks before national press coverage forced a review of the charging decision in the case.

This was not the kind of incident I wanted happening on the federal level. Unfortunately, my proposal for a "reverse waiver" procedure providing judicial review of a prosecutor's decision was voted down in Committee in 1997, with no Republican on the Committee voting for it.

I was pleased that S. 254 contained a "reverse waiver" provision, despite the Committee's rejection of this proposal three years ago. Though made belated, this was a welcome change in the bill. The Managers' amendment made important improvements to that provision, as well.

First, S. 254 gave a juvenile defendant only 20 days to file a reverse waiver motion after the date of the juvenile's first appearance. This time was too short, and could have lapsed before the juvenile was indicted and was aware of the actual charges. The Managers' amendment extended the time to make a reverse waiver motion to 30 days, which begins at the time the juvenile defendant appears to answer an indictment.

Second, S. 254 required the juvenile defendant to show by "clear and con-

vincing" evidence that he or she should be tried as a juvenile rather than an adult. This is a very difficult standard to meet, particularly under strict time limits. Thus, the Managers' amendment changed this standard to a "preponderance" of the evidence. These are all significant improvements over the version of this bill considered originally in the 105th Congress.

Juvenile Records. As initially introduced, S. 254 would have required juvenile criminal records for any federal offense, no matter how petty, to be sent to the FBI. This criminal record would haunt the juvenile as he grew into an adult, with no possibility of expungement from the FBI's database.

The Managers' amendment made important changes to this record requirement. The juvenile records sent to the FBI would be limited to acts that would be felonies if committed by an adult. In addition, under the Managers' amendment, a juvenile would be able after 5 years to petition the court to have the criminal record removed from the FBI database, if the juvenile showed by clear and convincing evidence that he or she is no longer a danger to the community. Expungement of records from the FBI's database would not apply to juveniles convicted of rape, murder or certain other serious felonies.

Increasing Witness Tampering Penalties. This bill, S. 254, also contained a provision to increase penalties for witness tampering that I first suggested and included in the "Youth Violence, Crime and Drug Abuse Control Act of 1997," S. 15, which was introduced in the first weeks of the 105th Congress, at the end of the last Congress in the "Safe Schools, Safe Streets and Secure Borders Act of 1998," S. 2484, and again in S. 9, the comprehensive package of crime proposals introduced with Senator DASCHLE at the beginning of this Congress. This provision would increase the penalty for using or threatening physical force against any person with intent to tamper with a witness, victim or informant from a maximum of ten to twenty years' imprisonment. In addition, the provision adds a conspiracy penalty for obstruction of justice offenses involving witnesses, victims and informants.

I have long been concerned about the undermining of our criminal justice system by criminal efforts to threaten or harm witnesses, victims and informants, to stop them from cooperating with and providing assistance to law enforcement. I tried to include this provision, along with several other law enforcement initiatives, by amendment to the earlier bill during Committee mark-up on July 11, 1997, but this amendment was voted down by all the Republicans on the Committee. At the end of the mark-up, however, this witness tampering provision was quietly accepted and I am pleased that it is included in S. 254.

Eligibility Requirements for Accountability Block Grant. This bill, S. 254, substantially relaxes the eligibility requirements for the new juvenile accountability block grant. By contrast, the bill in the last Congress would have required States to comply with a host of new federal mandates to qualify for the first cent of grant money, such as permitting juveniles 14 years and older to be prosecuted as adults for violent felonies, establishing graduated sanctions for juvenile offenders, implementing drug testing programs for juveniles upon arrest, and nine new juvenile record-keeping requirements. These record-keeping mandates would have required, for example, that States fingerprint and photograph juveniles arrested for any felony act and send those records to the FBI, plus make all juvenile delinquency records available to law enforcement agencies and to schools, including colleges and universities. We could find no State that would have qualified for this grant money without agreeing to change their laws in some fashion to satisfy the twelve new mandates.

In 1997, I tried to get the Judiciary Committee to relax the new juvenile record-keeping mandates under the accountability grant program during the mark-up of the earlier bill. My 1997 amendment would have limited the record-keeping requirements to crimes of violence or felony acts committed by juveniles, rather than to all juvenile offenses no matter how petty. But my amendment was voted down on July 23, 1997, by the Republicans on the Committee. Finally, two years later, S. 254 reflects the criticism I and other Democrats on the Judiciary Committee leveled at the strict eligibility and record-keeping requirements.

Indeed, the Senate decisively rejected this approach when it defeated an amendment by a Republican Senator that would have revived those straight-jacket eligibility requirements. Specifically, his amendment would have required States to try as adults juveniles 14 years or older who committed certain crimes. As I pointed out during floor debate on this amendment, only two States would have qualified for grant funds unless they agreed to change their laws.

Moreover, the current bill removes the record-keeping requirements altogether from the Juvenile Accountability Block Grant. Instead, S. 254 sets up an entirely new Juvenile Criminal History Block Grant, funded at \$75 million per year. To qualify for a criminal history grant, States would have to promise within three years to keep fingerprint supported records of delinquency adjudications of juveniles who committed a felony act. No more photographs required. No more records of mere arrests required. No more dissemination of petty juvenile offense records to schools required. Instead,

only juvenile delinquency adjudications for murder, armed robbery, rape or sexual molestation must be disseminated in the same manner as adult records; other juvenile delinquency adjudications records may only be used for criminal justice purposes. These limitations are welcome changes to the burdensome, over-broad record-keeping requirements in the prior version of the Republican juvenile crime bill.

The eligibility requirements for the Juvenile Accountability Block Grant now number only three, including that the State have in place a policy of drug testing for appropriate categories of juveniles upon arrest.

Core Protections for Children. Much of the debate over reforming our juvenile justice system has focused on how we treat juvenile offenders who are held in State custody. Republican efforts to roll back protections for children in custody failed in the last Congress. These protections were originally put in place when Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) to create a formula grant program for States to improve their juvenile justice systems. This Act addressed the horrific conditions in which children were being detained by State authorities in close proximity to adult inmates—conditions that too often resulted in tragic assaults, rapes and suicides of children.

As the JJDPA has evolved, four core protections have been adopted—and are working—to protect children from adult inmates and to ensure development of alternative placements to adult jails. These four core protections for juvenile delinquents are: Separation of juvenile offenders from adult inmates in custody (known as sight and sound separation); Removal of juveniles from adult jails or lockups, with a 24-hour exception in rural areas and other exceptions for travel and weather related conditions; Deinstitutionalization of status offenders; and to study and direct prevention efforts toward reducing the disproportionate confinement of minority youth in the juvenile justice system.

Over strong objection by most of the Democrats on the Judiciary Committee in the last Congress, the earlier bill would have eliminated three of the four core protections and substantially weakened the “sight and sound” separation standard for juveniles in State custody. At the same time the Committee appeared to acknowledge the wisdom and necessity of such requirements when it adopted an amendment requiring separation of juveniles and adult inmates in Federal custody.

This bill, S. 254, was an improvement in its retention of modified versions of three out of the four core protections. Specifically, S. 254 included the sight and sound standard for juveniles in Federal custody. The same standard is used to apply to juveniles delinquents in State custody.

Legitimate concerns were raised that the prohibition on physical contact in S. 254 would still allow supervised proximity between juveniles and adult inmates that is “brief and incidental or accidental,” since this could be interpreted to allow routine and regular—though brief—exposure of children to adult inmates. For example, guards could routinely escort children past open adult cells multiple times a day on their way to a dining area.

The Hatch-Leahy managers’ amendment made significant progress on the “sight and sound separation” protection and the “jail removal” protection. Specifically, our amendment made clear that when parents in rural areas give their consent to have their children detained in adult jails after an arrest, the parents may revoke their consent at any time. In addition, the judge who approves the juvenile’s detention must determine it is in the best interests of the juvenile, and may review that detention—as the judge must periodically—in the presence of the juvenile.

The managers’ amendment also clarified that juvenile offenders in rural areas may be detained in an adult jail for up to 48 hours while awaiting a court appearance, but only when no alternative facilities are available and appropriate juvenile facilities are too far away to make the court appearance or travel is unsafe to undertake.

The Hatch-Leahy managers’ amendment also significantly improved the sight and sound separation requirement for juvenile offenders in both Federal and State custody. The amendment incorporated the guidance in current regulations for keeping juveniles separated from adult prisoners. Specifically, the Managers’ amendment would require separation of juveniles and adult inmates and excuse only “brief and inadvertent or accidental” proximity in non-residential areas, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

I was pleased we were able to make this progress. I appreciate that a number of Members remain seriously concerned, as do I, about how S. 254 would change the disproportionate minority confinement protection in current law. This bill, S. 254, removes any reference to minorities and requires only that efforts be made to reduce over-representation of any segment of the population. I was disappointed that Senators WELLSTONE and KENNEDY’s amendment to restore this protection did not succeed during Senate consideration of the bill and looked forward to continued discussion and progress on this issue in the conference.

Prevention. The bill included a \$200 million per year Juvenile Delinquency Prevention Challenge Grant to fund both primary prevention and intervention uses after juveniles have had con-

tact with the juvenile justice system. I and a number of other members were concerned that in the competition for grant dollars, the primary prevention uses would lose out to intervention uses in crucial decisions on how this grant money would be spent. With the help of Senator KOHL, we included in the Hatch-Leahy managers’ amendment a clear earmark that eighty percent of the money, or \$160 million per year if the program is fully funded, is to be used for primary prevention uses and the other twenty percent is to be used for intervention uses. Together with the 25 percent earmark, or about \$112 million per year if that program is fully funded, for primary prevention in the Juvenile Accountability Block Grant that was passed by the Senate in the Hatch-Biden-Sessions amendment, this bill now reflects a substantial amount of solid funding for primary prevention uses.

Prosecutors’ Grants. I expressed some concern when the Senate passed the Hatch-Biden-Sessions amendment authorizing \$50 million per year for prosecutors and different kinds of assistance to prosecutors to speed up prosecution of juvenile offenders. I pointed out that this amendment did not authorize any additional money for judges, public defenders, counselors, or corrections officers. The consequence would be to exacerbate the backlog in juvenile justice systems rather than helping it.

The managers’ amendment fixed that problem by authorizing \$50 million per year in grants to State juvenile court systems to be used for increased resources to State juvenile court judges, juvenile prosecutors, juvenile public defenders, and other juvenile court system personnel.

State Advisory Groups. The Senate bill incorporates changes I recommended to the earlier version of the bill in the last Congress. I have been working to ensure the continued existence and role of State Advisory Groups, or SAGs, in the development of State plans for addressing juvenile crime and delinquency, and the use of grant funds under the JJDPA. The Judiciary Committee in 1997 adopted my amendment to preserve SAGs and require representation from a broad range of juvenile justice experts from both the public and private sectors.

While, as introduced, S. 254 preserved SAGs, it eliminated the requirement in current law that gives SAGs the opportunity to review and comment on a grant award to allow these experts to provide input on how best to spend the money. In addition, while the bill authorizes the use of grant funds to support the SAG, the bill does require States to commit any funds to ensure these groups can function effectively. I am pleased that we were able to accept an amendment sponsored by Senators KERREY, ROBERTS, and others, to ensure appropriate funding of SAGs at

the State level and to support their annual meetings.

Protecting Children from Harmful Internet Content. Over the past decade, the Internet has grown from relative obscurity to an essential commercial and educational tool. This rapid expansion has brought with it remarkable gains, but has also created new dangers for our children, prompting Congress to struggle with legislation that protects the free flow of information, as required by the First Amendment, while at the same time shields our children from inappropriate material accessible on the Internet.

I share the concern of many of my colleagues that much of the material available on the Internet may not be appropriate for children and have joined in the search to find a solution that does not impinge on any important constitutional rights or the free flow of information on the Internet and avoids the pitfalls inherent in proposals such as the Communications Decency Act and other pending proposals. Specifically, Senators HATCH and I offered an amendment to S. 254, the juvenile justice bill, that was agreed to on May 13, 1999, by a vote of 100 to 0. Our Internet filtering proposal would leave the solution to protecting children in school and libraries from inappropriate online materials to local school boards and communities. The Hatch-Leahy amendment would require Internet Service Providers (ISPs) with more than 50,000 subscribers to provide residential customers, free or at cost, with software or other filtering system that prevents minors from accessing inappropriate material on the Internet. A survey would be conducted at set intervals after enactment to determine whether ISPs are complying with this requirement. The requirement that ISPs provide blocking software would become effective only if the majority of residential ISP subscribers lack the necessary software within set time periods.

Unfortunately, progress on this Internet filtering proposal has been stalled as the majority in Congress has refused to conclude the juvenile justice conference. This is just one of the many legislative proposals contained in the Hatch-Leahy juvenile justice bill, S. 254, designed to help and safeguard our children—which is why that bill passed the Senate by an overwhelming majority over a year ago.

I commend Senator McCAIN for his leadership and dedication to this subject. I hope that we can work together on this issue since we share an appreciation of the Internet as an educational tool and venue for free speech, as well as concerns about protecting our children from inappropriate material whether they are at home, at school or in a library.

Protecting Children From Guns. Significantly, the Senate amended this

bill with important gun control measures that we all hope will help make this country safer for our children. The bill, as now amended: bans the transfer to and possession by juveniles of assault weapons and high capacity ammunition clips; increases criminal penalties for transfers of handguns, assault weapons, and high capacity ammunition clips to juveniles; bans prospective gun sales to juveniles with violent crime records; expands the youth crime gun interdiction initiative to up to 250 cities by 2003 for tracing of guns used in youth crime; and increases federal resources dedicated to enforcement of firearms laws by \$50 million a year. These common-sense initiatives were first included in the comprehensive Leahy law enforcement amendment that was tabled by the majority, but were later included in successful amendments sponsored by Republican Senators. No matter how these provisions were finally included in the bill, they will help keep guns out of hands of children and criminals, while protecting the rights of law abiding adults to use firearms.

In addition, through the efforts of Senators LAUTENBERG, SCHUMER, KERREY and others, we were able to require background checks for all firearm purchases at all gun shows. After three Republican amendments failed to close the gun show loophole in the Brady law, and, in fact, created many new loopholes in the law, with the help of Vice President GORE's tie-breaking vote, a majority in the U.S. Senate voted to close the gun show loophole.

Our country's law enforcement officers have urged Congress for more than a year to pass a strong and effective juvenile justice conference report. The following law enforcement organizations, representing thousands of law enforcement officers, have endorsed the Senate-passed gun safety amendments:

- International Association of Chiefs of Police;
- International Brotherhood of Police Officers;
- Police Executive Research Forum;
- Police Foundation;
- Major City Chiefs;
- Federal Law Enforcement Officers Association;
- National Sheriffs Association;
- National Association of School Resource Officers;
- National Organization of Black Law Enforcement Executives;
- Hispanic American Police Command Officers Association.

Our law enforcement officers deserve Congress' help, not the abject inaction that has ensued over that last two years.

I recount a few of the aspects of the Hatch-Leahy juvenile crime bill to indicate that it was comprehensive and that it was the result of years of work and weeks of Senate debate and amend-

ment. I said at the outset of the debate last May 1999 that I would like nothing better than to pass responsible and effective juvenile justice legislation. I wanted to pass juvenile justice legislation that would be helpful to the youngest citizens in this country—not harm them. I wanted to pass juvenile justice legislation that assists States and local governments in handling juvenile offenders—not impose a “one-size-fits-all” Washington solution on them. I wanted to prevent juveniles from committing crimes, and not just narrowly focus on punishing children. I wanted to keep children who may harm others away from guns. This bill would have made important contributions in each of these areas.

At the time the bill was considered by the Senate, in May 1999, the Republican Manager of the bill, declared his support for the Senate bill and said:

Littleton was different. The need to do something about the serious problem of youth violence has always been apparent. The tragedy of a month ago gave us the ingenuity and dedication to follow through. . . . I believe that the Senate has crafted a consensus product and one which I intend to support.

He called the Senate bill “a testament to those who worked on it and a product which, on the whole, will help our young people and do something significant about the problems of juvenile crime.” He observed:

People believe we are powerless to deal with violent juvenile crime and that we are powerless to change our culture. It is this feeling of powerlessness which threatened our collective ambition for meaningful, penetrating solutions in the wake of the Littleton tragedy. I believe the Senate has taken a meaningful step towards shedding this defeatism.

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Given the seriousness of our youth violence problem—and the number of warning signs that tragedies will continue unless all of us come together—we must move forward. We should join together and pass this bill.

I deeply regret that the Republican leadership of this Congress will not complete our work by holding the conference, meeting, voting, and reporting a final bill to the House and Senate and sending to the President a bill that would improve juvenile justice and school safety.

I commend the Administration for the numerous efforts it has made within the limitations of current law. Most recently, the Department of Justice has made available a Threat Assessment Perspective on school violence developed by the Critical Incident Response Group and National Center for the Analysis of Violent Crime of the FBI. This follows upon the joint Justice and Education Department publication “Early Warning, Timely Response: A Guide to Safe Schools,” which was made available nationwide in 1998. In addition, the Department of Justice has provided important resources through the COPS in Schools Grant Program.

In closing, I thank our schools, teachers, parents, and children for all they have done in the past 2 years, without the Congress' help, to lower the level of violence in our schools. But I regret that this Congress has failed to do its work to provide the additional resources and reforms that would have been helpful and reassuring to our children, parents, grandparents, and teachers at schools. It can be better. It is unconscionable if we do not do better.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### THE RURAL SATELLITE TELEVISION BILL

Mr. LEAHY. Mr. President, I understand that my friend from Mississippi, the distinguished majority leader, may propose a unanimous consent request regarding the rural television loan guarantee bill which I have been working to get passed for many months. If the consent request actually offered is the one I have seen, I will have to object when that happens. I will explain why now so I don't hold up the distinguished leader when he comes to the floor.

As a conferee last year on a major satellite television bill—the Satellite Home Viewer Improvement Act—I worked hard to include, along with other Senators, a provision that would have assured that rural Americans were not left out of the benefits of that Act. I teamed up with other Senators to include a title that would have allowed USDA to provide loan guarantees to companies that wished to offer local-into-local television to rural Americans. We wanted to do this so that rural families would be able to receive their local network television stations over satellite, or other service, along with the full range of other programming. We wanted rural families to be able to get local news, local weather warnings and local programming but recognized that without a loan guarantee program that might never happen.

In other words, we wanted to share the benefits of that bill that would go to urban areas to rural Americans also through a loan guarantee program. I know many parts of rural America would not have the benefits of it without a loan guarantee program. It is similar to what we did in my grandparents' time to bring telephone service and electricity to rural areas.

As a Conferee, I originated the rural satellite guarantee program to be ad-

ministered by USDA when I was a conferee on the satellite TV bill. Unfortunately, one of the Senate committee chairmen objected to that provision and insisted that it be pulled from the Conference Report. To date, we have been unable to resolve this matter and regain the ground we lost last year. I know the distinguished junior Senator from Montana, Senator BURNS, took an early leadership role in this matter. His colleague, the distinguished senior Senator from Montana, Senator BAUCUS, introduced legislation with me last year also on this issue. We did this to show bipartisan support.

I want to work with all Members on this. The reason I would make such an objection, if it were done the way I have been told, is that to do otherwise I would have to abandon rural America, and I don't intend to do that. As a product of rural America, I feel my roots there very deeply. Ironically enough, this could have already been law by today. There is a simple solution. A lot of Republicans and Democrats agree on this. We can send a great rural satellite loan guarantee bill to the House by working together. I think that could be passed by unanimous consent. Or, we could enact a final bill by a Senate amendment to the House-passed bill. We could do that in the time it would take to get the conferees together to meet.

I am concerned that a conference would delay this process until the end of the year and result in denying rural Americans local-into-local television—the same kind of satellite local-into-local television urban residents now enjoy. I use as an example the electronic signature conference. That showed how difficult a conference can be and it shows how long a conference can take. That conference took way more time to finish than we have left to devote to any rural satellite conference. In addition, the Congress has to pass at least ten major appropriations bills or else there could be another government shutdown. In this case, the proposal would leave two key committees off the conference.

Regarding the e-signature conference, when we finally got the right mix of conferees and followed proper procedures, we still had many struggles before we finished a strong e-signature bill that has been applauded by both businesses and consumers. However, this time around we do not have time because the Congress is going out of session soon.

But we clearly have time to enact this rural satellite bill. My staff provided draft language to many of the Republican and Democratic offices months ago in order to help resolve this matter. I urge the majority leader and the Democratic leader to call a meeting so we can resolve this important issue and send a clean bill over to the House without wasting time. I sus-

pect it would be passed very quickly, with very strong support from the rural areas of our country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

#### MEDICARE

Mr. FRIST. Mr. President, I want to very briefly continue a discussion that was held earlier on the floor today addressing an issue that means not only a great deal to me but also to about 35 million seniors in this country as well as 5 million individuals with disabilities. That is the issue of Medicare.

Our obligation, I believe, is to modernize Medicare and give those seniors and those individuals with disabilities what they deserve; that is, health care security as we know it is or should be in the year 2000, not the sort of health care security that was appropriate for 1956, back when Medicare began.

The challenge before us today as a body and the challenge before the American people is really pretty clear; that is, how to best implement a real plan for real people, those seniors and those individuals with disabilities—not just a piece of legislation but a real plan that will modernize Medicare in a way that will give them real health care security.

A lot of individuals with disabilities and a lot of seniors out there don't really realize how antiquated and out of date the current Medicare system is. I would like to make several points.

First of all, I believe modernization of Medicare today where it can truly offer health care security is really a moral obligation that we have to our seniors.

Second, under the leadership of Clinton/Gore, we have had really 8 years where a lot of opportunities have been squandered, and they simply have not led, if we look at this field of Medicare modernization.

Third, we have to ask ourselves in terms of how best to modernize. If we have an old jalopy that still is running along and still gets us from point to point, do we just want to put new gas in that car—we know it is going to eventually fail—or do we want to go ahead and modernize that car so that it will still get us from point to point but it will do so more efficiently and effectively in a way that will give us security and not just get us there but get us there with the very best quality?

First of all, modernization of health care is a moral obligation. Why do I say that?