

PROTECTING OUR CHILDREN FROM  
DRUGS ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5312) to amend the Controlled Substances Act to protect children from drug traffickers.

The Clerk read as follows:

H.R. 5312

*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 "Protecting Our Children From Drugs Act of 2000".

**SEC. 2. INCREASED MANDATORY MINIMUM PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.**

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking "one year" and inserting "3 years"; and

(2) in subsection (c), by striking "one year" and inserting "5 years".

**SEC. 3. INCREASED MANDATORY MINIMUM PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.**

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "one year" and inserting "5 years".

**SEC. 4. INCREASED MANDATORY MINIMUM PENALTIES FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.**

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "three years" each place that term appears and inserting "5 years".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Tennessee (Mr. GORDON) 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. 5312.

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, there are few responsibilities that we have as Members of Congress that are more important than seeking to leave our children a better future. This legislation seeks to accomplish that goal by protecting children from illegal drugs, drug trafficking and the violence associated with the drug trade through increased prison sentences for Federal drug felonies involving or affecting children.

H.R. 5312 increases the mandatory minimum prison sentences from 1 year

to 3 years in three important areas. First, it raises the sentence to 3 years for those who use children to distribute drugs. Second, it raises the sentence to 3 years for those who traffic drugs to children. And third, it raises the sentence to 3 years for those who traffic drugs in or near a school or other protected location, including colleges, playgrounds, public housing facilities, youth centers, public swimming pools or video arcade facilities.

In each of these circumstances, it raises the mandatory minimum sentence for a second time offender to 5 years.

Mr. Speaker, protecting children should be a top priority for our society. Crime is down in America but we must remain vigilant. This bill sends an important and unmistakable message, do not involve our kids in your drug trade. By passing and enacting this legislation, we are doing more to make sure our children realize the promising future to which they are entitled. I urge my colleagues to support the Protecting Our Children From Drugs Act of 2000. I want to express my gratitude to the chairman of the Subcommittee on Crime, the gentleman from Florida (Mr. MCCOLLUM), who is the sponsor of this legislation, for his leadership in moving forward with this proposal.

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

Mr. SCOTT. Mr. Speaker, I rise in opposition to H.R. 5312, the "Protecting Our Children From Drugs Act of 2000," which would increase mandatory minimums for certain drug offenses involving minors. While I certainly support any legislative action which would keep drugs out of the hands of our kids, this bill will not do that.

Unfortunately, we are here again with Congress' favorite solution to crime—mandatory minimum sentencing. This despite the fact that scientific studies have found no empirical evidence linking mandatory minimum sentences to reductions in crime. Instead, what the studies have shown is that mandatory minimum sentences distort the sentencing process, discriminate against minorities in their application and waste money.

In a study report entitled "Mandatory Minimum Drug Sentences: Throwing Away the Key or the Tax Payers Money?," the Rand Commission concluded that mandatory minimum sentences were significantly less effective than discretionary sentencing, and substantially less effective than drug treatment in reducing drug related crime, and far more costly than either.

Further, both the Judicial Center in its study report entitled "The General Effects of Mandatory Minimum Prison Terms: A Longitudinal Study of Federal Sentences Imposed," and the United States Sentencing Commission in its study report entitled "Mandatory Minimum Penalties in the Federal Criminal Justice System," found that minorities were substantially more likely than whites under comparable circumstances to receive mandatory minimum sentences.

Perhaps the problem with mandatory minimums is best stated in a March 17, 2000 letter

from the Judicial Conference of the United States to Chairman HYDE, and which provided as follows:

The reason for our opposition is manifest: Mandatory minimums severely distort and damage the federal sentencing system. Mandatories undermine the Sentencing Guidelines regimen Congress so carefully established under the Sentencing Reform Act of 1984 by preventing the rational development of guidelines that reduce unwarranted disparity and provide proportionality and fairness. Mandatory minimums also destroy honesty in sentencing by encouraging charge and fact plea bargains to avoid mandatory minimums. In fact, the U.S. Sentencing Commission has documented that mandatory minimum sentences have the opposite of their intended effect. Far from fostering certainty in punishment, mandatory minimums result in unwarranted sentencing disparity. Mandatories also treat dissimilar offenders in a similar manner—offenders who can be quite different with respect to the seriousness of their conduct or their danger to society. Mandatories require the sentencing court to impose the same sentence on offenders when sound policy and common sense call for reasonable differences in punishment.

The fact is, we know how to reduce drug abuse—its with prevention and drug rehabilitation programs. One study of a program in California has shown drug rehabilitation to be so effective that for every dollar the state spends on its drug abuse program, it saves seven dollars in reduced costs in health care, welfare, and crime.

In addition, late last year several of us worked on the bipartisan task force on juvenile crime. We heard from experts from across the country, and all the testimony we heard pointed to prevention and early intervention as appropriate strategies to deal with juvenile crime. We did not hear a single witness suggest we enact mandatory minimum sentencing schemes.

Mr. Speaker, H.R. 5312 was introduced just two weeks ago by Representative MCCOLLUM, and comes to the floor today without the benefit of hearings or the opportunity to amend the bill. Thus, it is no surprise that it reflects an old approach which has been proven to be ineffective and discriminatory in its impact. For those reasons, I must oppose H.R. 5312, and urge my colleagues to vote against the bill.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 5312, the Protecting Our Children From Drugs Act of 2000. I urge my colleagues to join in supporting this worthy legislation.

H.R. 5312 amends the Controlled Substances Act to increase penalties for: (1) using persons under the age of 18 to distribute drugs, (2) distributing drugs to minors, (3) drug trafficking near a school or other protected location, such as a youth center, playground, or public housing facility.

In all of these cases, the penalty for a first time offense increases from a minimum of one to three years in prison. The penalty for subsequent offenses is increased to a minimum of five years in prison.

Mr. Speaker, the threat posed by illegal drugs is one of the greatest national security threats facing our nation. This is the cold truth.

While opponents have argued that we spend too much on combating drugs, they are

ignoring the true cost of drug use on our society. In addition to costs associated with supply and demand reduction, drug use costs billions each year in health care expenses and lost productivity. Moreover, it also has intangible costs in terms of broken families and destroyed lives.

Our children are on the front lines of this drug war. They are the primary target of both the drug producers and the sellers. This legislation is a small step designed to make selling drugs to minors, a less attractive option. I urge my colleagues to lend it their full support.

Mr. LARSON. Mr. Speaker, I rise today to support legislation sponsored by my colleague from Florida (Mr. MCCOLLUM). The Protecting Our Children From Drugs Act will give this country a much needed additional source of ammunition in our war against drugs. This legislation will send a forceful message to drug dealers that our children and our schools are not going to be participants in the drug trade. In addition, by taking increased measures to protect our children from the dangers of illegal drugs, we are ensuring that one day they will be readily equipped to continue the fight for a drug free America.

As statistics show that the rate of teen drug use in this country has doubled since 1992, it is clear that the time for this legislation is now. I, unfortunately, know all too well about the constant challenges of protecting innocent children from being corrupted by the drug trade. In June of 1999, the ONDCP designated my district a High Intensity Drug Trafficking Area. A month before, an arrest in the suburban town of Newington, Connecticut, that netted 60 bags of heroin, took place 1500 feet from a day care center. In November of that same year, a man was arrested in Hartford for using a 15 year old to sell over a hundred bags of heroin. These examples highlight the disturbing reality that our children and our schools are not ignored by drug dealers, but that they are often targeted. As both a legislator and a father of three young children, it is painfully obvious that drug trafficking is everywhere. We must send a message to drug dealers that their crimes will be punished with significantly harsher penalties if they invade our schools, and infiltrate among our children.

In his long and continuing effort to protect our country and our children from illegal drugs, my colleague notes that intervention is the first step necessary to winning the drug war. However, intervention is not always the goal we strive for. Perhaps it is because we often see exposure to drugs as an inevitable part of our children's lives. It doesn't have to be. We must intervene and prevent exposure at the source, and let dealers know that our kids are off limits. Further action, such as this legislation, will protect our children and give them the opportunity to lead this country into the 21st century. I rise in support of this legislation today and I urge our colleagues to join us.

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

Mr. CANADY of Florida. Mr. Speaker, I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 5312.

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

A motion to reconsider was laid on the table.

#### PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4493) to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors.

The Clerk read as follows:

H.R. 4493

*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 "Prosecution Drug Treatment Alternative to Prison Act of 2000".

#### SEC. 2. DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS ADMINISTERED BY STATE OR LOCAL PROSECUTORS.

(a) PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new part:

#### "PART AA—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS

##### "SEC. 2701. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Attorney General may make grants to State or local prosecutors for the purpose of developing, implementing, or expanding drug treatment alternative to prison programs that comply with the requirements of this part.

"(b) USE OF FUNDS.—A State or local prosecutor who receives a grant under this part shall use amounts provided under the grant to develop, implement, or expand the drug treatment alternative to prison program for which the grant was made, which may include payment of the following expenses:

"(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.

"(2) Payments to licensed substance abuse treatment providers for providing treatment to offenders participating in the program for which the grant was made, including aftercare supervision, vocational training, education, and job placement.

"(3) Payments to public and nonprofit private entities for providing treatment to offenders participating in the program for which the grant was made.

"(c) FEDERAL SHARE.—The Federal share of a grant under this part shall not exceed 75 percent of the cost of the program.

"(d) SUPPLEMENT AND NOT SUPPLANT.—Grant amounts received under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

##### "SEC. 2702. PROGRAM REQUIREMENTS.

"A drug treatment alternative to prison program with respect to which a grant is made under this part shall comply with the following requirements:

"(1) A State or local prosecutor shall administer the program.

"(2) An eligible offender may participate in the program only with the consent of the State or local prosecutor.

"(3) Each eligible offender who participates in the program shall, as an alternative to incarceration, be sentenced to or placed with a long term, drug free residential substance abuse treatment provider that is licensed under State or local law.

"(4) Each eligible offender who participates in the program shall serve a sentence of imprisonment with respect to the underlying crime if that offender does not successfully complete treatment with the residential substance abuse provider.

"(5) Each residential substance abuse provider treating an offender under the program shall—

"(A) make periodic reports of the progress of treatment of that offender to the State or local prosecutor carrying out the program and to the appropriate court in which the defendant was convicted; and

"(B) notify that prosecutor and that court if that offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program.

"(6) The program shall have an enforcement unit comprised of law enforcement officers under the supervision of the State or local prosecutor carrying out the program, the duties of which shall include verifying an offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an offender who has absconded from the facility of a residential substance abuse treatment provider or otherwise violated the terms and conditions of the program, and returning such offender to court for sentence on the underlying crime.

##### "SEC. 2703. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this part, a State or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

"(b) CERTIFICATIONS.—Each such application shall contain the certification of the State or local prosecutor that the program for which the grant is requested shall meet each of the requirements of this part.

##### "SEC. 2704. GEOGRAPHIC DISTRIBUTION.

"The Attorney General shall ensure that, to the extent practicable, the distribution of grant awards is equitable and includes State or local prosecutors—

"(1) in each State; and

"(2) in rural, suburban, and urban jurisdictions.

##### "SEC. 2705. REPORTS AND EVALUATIONS.

"For each fiscal year, each recipient of a grant under this part during that fiscal year shall submit to the Attorney General a report regarding the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

##### "SEC. 2706. DEFINITIONS.

"In this part:

"(1) The term 'State or local prosecutor' means any district attorney, State attorney general, county attorney, or corporation counsel who has authority to prosecute criminal offenses under State or local law.

"(2) The term 'eligible offender' means an individual who—

"(A) has been convicted of, or pled guilty to, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;