re: JJ bill

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

May 14, 1999

NOTE TO: Ann O'Leary, ODS
Judy Heumann, OSERS
Greg March, OSERS
Joleta Reynolds, OSERS/OSEP
Carol Cichowski, OUS/BS
Heidi Bonner, OLCA
Bill Modzeleski, OESE
Susan Craig
Suzanne Sheridan
Phil Rosenfelt
Mari Colvin

RE: Juvenile justice bill and the IDEA: Ashcroft and Frist amendments

Attached, FYI, are the IDEA-related amendments to S. 254 offered by Senators Ashcroft and Frist, as printed in the Congressional Record.

Paul Riddle

Attachments

cc: Jack Kristy
Leslie Somerville

(3) use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government; and

(4) receive from the Secretary of Commerce appropriate office space and such administrative and support services as the Commission may request.

(h) PROCEDURES.—The Commission shall meet on a regular basis or at the call of the Chairperson or a majority of the members of the Commission.

(i) PERSONNEL MATTERS.—The members of the Commission shall serve on the Commission without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, when engaged in the performance of the duties of the Commission.

(j) STAFF.—The Commission shall appoint a staff director and sufficient support staff, including clerical and professional staff, to carry out the duties of the Commission under this section. The total number of staff under this subsection may not exceed 10.

(k) DETAILED PERSONNEL.—At the request of the Chairperson of the Commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(l) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

(m) TERMINATION.—The Commission shall terminate 60 days after the date on which the Commission submits the reports required by subsection (f).

HELMS AMENDMENTS NOS. 346-347

(Ordered to lie on the table.)

Mr. HELMS submitted two amendments intended to be proposed by him to the bill, S. 254, supra; as follows:

AMENDMENT NO. 346

At the appropriate place, insert the following:

"SEC. . SAFE SCHOOLS.

"(a) AMENDMENT.—Section 14601(b) of part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921(b0) is amended by adding at the end a new paragraph (3a) as follows:

"(3a) BACKGROUND CHECKS.—Each State receiving federal funds under this Act shall have in effect a State law requiring local educational agencies to conduct, for each of their employees (regardless of when hired) and prospective employees, a nationwide background check for the purpose of determining whether the employee has been convicted of a crime that bears upon his fitness to have responsibility for the safety or well-being of children, to serve in the particular capacity in which he is (or is to be) employed, or otherwise to be employed at all thereby."

"(b) COMPLIANCE DATE.—States shall have two years from the date of enactment of this Act to comply with the requirements established in the amendment made by subsection (a)."

AMENDMENT NO. 347

At the appropriate place, insert the following:

"SEC. . SAFE SCHOOLS.

"(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of (20 U.S.C. 8921 et seq.) is amended as follows:

"(1) SHORT TITLE.—Section 14601(a) is amended by replacing "Gun-Free" with "Safe", and "1994" with "1999".

"(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after "determined" the following: "to be in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or".

"(3) DEFINITIONS.—Section 14601(b)(4) is amended by replacing "Definition" with "Definitions" in the catchline, by replacing "section" in the matter under the catchline with "part", by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semi-colon, and by adding new subparagraphs (B) and (C) as follows:

"(B) the term "illegal drug" means a controlled substance, as defined in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

"(C) the term "illegal drug paraphernalia" means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d0), except that the first sentence of that section shall be applied by inserting "or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)" before the period.".

"(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting "illegal drugs, illegal drug paraphernalia, or" before "weapons".

"(5) REPEALER.—Section 14601 is amended by striking subsection (f).

"(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by replacing "served by" with "under the jurisdiction of", and by inserting after "who" the following: "is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who".

"(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended by inserting "current" before "policy", by striking "in effect on October 20, 1994", by striking all the matter after "schools" and inserting a period thereafter, and by inserting before "engaging" the following: "possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or".

"(b) COMPLIANCE DATE; REPORTING.—

"(1) States shall have two years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

"(2) Not later than three years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

"(3) Not later than two years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities."

ASHCROFT AMENDMENT NO. 348

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

On page 228, line 11 strike "and".

On page 228, line 14 strike the period and insert "; and".

On page 228, between lines 14 and 15, insert the following:

"(4) PROSECUTION OF JUVENILES AS ADULTS FOR CERTAIN OFFENSES INVOLVING FIREARMS.—The State shall prosecute juveniles who are not less than 14 years of age as adults in criminal court, rather than in juvenile delinquency proceedings, if the juvenile used, carrier or possessed a firearm during the commission of conduct constituting—

"(A) murder;

"(B) robbery while armed with a dangerous or deadly weapon;

"(C) battery or assault while armed with a dangerous or deadly weapon;

"(D) forcible rape; or

"(E) any serious drug offense that, if committed by an adult subject to Federal jurisdiction, would be punishable under section 401(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A))."

ASHCROFT (AND OTHERS) AMENDMENT NO. 349

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. FRIST, Mr. HELMS, Mr. COVERDELL, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC.——1. SHORT TITLE.

This subtitle may be cited as the "School Safety Act of 1999".

SEC.——2. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

"(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting "(other than a gun or firearm)" after "weapon";

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new section:

"(10) DISCIPLINE WITH REGARD TO GUNS OR FIREARMS.—

"(A) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO GUNS OR FIREARMS.—

"(i) Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability.

"(ii) Nothing in clause (i) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause (i) from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.

"(B) FREE APPROPRIATE PUBLIC EDUCATION.—

"(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continued educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a

child without a disability to receive educational services after being expelled or suspended.

"(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local education agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so choose to continue to provide the services—

"(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

"(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(C) RELATIONSHIP TO OTHER REQUIREMENTS.—

"(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

"(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.

"(D) FIREARMS.—The term 'firearm' has the meaning given the term under section 921 of title18, United States Code.".

(b) CONFORMING AMENDMENT.—Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking "Whenever" and inserting the following: "Expect as provided in section 615(k)(10), whenever".

SEC.——03. AMENDMENT TO THE GUN-FREE SCHOOLS ACT OF 1994.

Subsection (c) of section 14601 of the Gun-Free School Act of 1994 (20 U.S.C. 8921) is amended to read as follows:

"(c) SPECIAL RULE.—Notwithstanding any other provision of this section, this section shall be subject to section 615(i)(1) of the Individual with Disabilities Education Act (20 U.S.C. 1415(k)(10)).".

SEC.——04. APPLICATION.

The amendments made by sections ——01 through ——03 shall not apply to conduct occurring prior to the date of enactment of this title.

SCHUMER (AND OTHERS) AMENDMENT NO. 350

Mr. SCHUMER (for himself, Mr. LAUTENBERG, Mr. KOHL, Mrs. FEINSTEIN, Mr. TORRICELLI, and Mr. DURBIN) proposed an amendment to the bill, S. 254, supra; as follows:

On page 265, after line 20, insert the following:

SEC. . INTERNET GUN TRAFFICKING ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the "Internet Gun Trafficking Act of 1999".

(b) REGULATION OF INTERNET FIREARMS TRANSFERS.—

(1) PROHIBITIONS.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) REGULATION OF INTERNET FIREARMS TRANSFERS.—

"(1) IN GENERAL.—It shall be unlawful for any person to operate an Internet website, if a clear purpose of the website is to offer 10 or more firearms for sale or exchange at one time, or is to otherwise facilitate the sale or exchange of 10 or more firearms posted or listed on the website at one time, unless—

"(A) the person is licensed as a manufacturer, importer, or dealer under section 923;

"(B) the person notifies the Secretary of the Internet address of the website, and any other information concerning the website as the Secretary may require by regulation; and

"(C) if any firearm posted or listed for sale or exchange on the website is not from the business inventory or personal collection of that person—

"(i) the person, as a term or condition for posting or listing the firearm for sale or exchange on the website on behalf of a prospective transferor, requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition in accordance with clause (iii);

"(ii) the person prohibits the posting or listing on the website of, and does not in any manner disseminate, any information (including any name, nickname, telephone number, address, or electronic mail address) that is reasonably likely to enable the prospective transferor and prospective transferee to contact one another directly prior to the shipment of the firearm to that person under clause (i), except that this clause does not include any information relating solely to the manufacturer, importer, model, caliber, gauge, physical attributes, operation, performance, or price of the firearm; and

"(iii) with respect to each firearm received from a prospective transferor under clause (i), the person—

"(I) enters such information about the firearm as the Secretary may require by regulation into a separate bound record;

"(II) in transferring the firearm to any transferee, complies with the requirements of this chapter as if the firearm were being transferred from the business inventory of that person; and

"(III) if the prospective transferor does not provide the person with a certified copy of a valid firearms license issued to the prospective transferor under this chapter, submits to the Secretary a report of the transfer or other disposition of the firearm on a form specified by the Secretary, which report shall not include the name of, or any other identifying information relating to, the transferor.

"(2) TRANSFERS BY PERSONS OTHER THAN LICENSEES.—It shall be unlawful for any person who is not licensed under section 923 to transfer a firearm pursuant to a posting or listing of the firearm for sale or exchange on an Internet website described in paragraph (1) to any person other than the operator of the website.

"(3) INTERACTIVE COMPUTER SERVICE.—Nothing in this section may be construed to provide any basis for liability against an interactive computer service which is not engaged in an activity a purpose of which is to—

"(A) originate an offer for sale of one or more firearms on an Internet website; or

"(B) provide a forum that is directed specifically at an audience of potential customers who wish to sell, exchange, or transfer firearms with or to others.".

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7) Whoever willfully violates section 922(z)(2) shall be fined under this title, imprisoned not more than 2 years, or both.".

NOTICE OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Education Success—Business Success." The hearing will be held on Tuesday, May 25, 1999, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The hearing will be broadcast live on the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact David Bohley at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the full committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, May 13, 1999, in executive session, to mark up the FY 2000 Defense authorization bill.

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

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, May 13, 1999, in executive session, to mark up the FY 2000 Defense authorization bill.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 13, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 698, a bill to review the suitably and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in Alaska; and for other purposes; S. 711, a bill to allow for the investment of joint Federal and State funds from the civil settlement of damages from the Exxon Valdez oil spill, and for other purposes; and S. 748, a bill to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on the Clean Water Act Plan, Thursday, May 13, 10 a.m., Hearing Room (SD-406).

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

COMMITTEE ON FINANCE

Mr. HATCH. Mr. president, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, May 13, 1999 beginning at 10 a.m. in room 215 Dirksen.

"(A) shall include the location of the sale or other disposition;

"(B) shall be entered in the permanent records of the licensee; and

"(C) shall be retained at the location premises specified on the license.

"(4) VEHICLES.—Nothing in this subsection authorizes a licensee to conduct business in or from any motorized or towed vehicle.

"(5) NO SEPARATE FEE.—Notwithstanding subsection (a), a separate fee shall not be required of a licensee with respect to business conducted under this subsection.

"(6) INSPECTIONS AND EXAMINATIONS.—

"(A) AT A TEMPORARY LOCATION.—Any inspection or examination of inventory or records under this chapter by the Secretary at a temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at the temporary location.

"(B) NO REQUIREMENT.—Nothing in this subsection authorizes the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license.

"(7) NO EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of this subsection, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.".

SEC. 4. "INSTANT CHECK" GUN TAX AND GUN OWNER PRIVACY.

(a) PROHIBITION OF GUN TAX.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following

"§ 540B. Prohibition of background check fee

"(a) IN GENERAL.—No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3) of title 18).

"(b) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540A the following:

"540B. Prohibition of background check fee.".

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Gun owner privacy and ownership rights

"(a) IN GENERAL.—Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States shall—

"(1) perform any national instant criminal background check on any person through the system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the "system") if the system does not require and result in the immediate :ruction of all information, in any form whatsoever or through any medium, concerning the person if the person is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922 or by State law from receiving a firearm; or

"(2) continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

"(A) the National Instant Check System index complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

"(B) does not invoke the exceptions under subsection (j)(2) or paragraph (2) or (3) of subsection (k) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter.

"(b) APPLICABILITY.—Subsection (a)(1) does not apply to the retention or transfer of information relating to—

"(1) any unique identification number provided by the national instant criminal background check system pursuant to section 922(t)(1)(B)(i) of title 18, United States Code; or

"(2) the date on which that number is provided.

"(c) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"931. Gun owner privacy and ownership rights.".

(c) PROVISION RELATING TO PAWN AND OTHER TRANSACTIONS.—

(1) REPEAL.—Section 655 of title VI of the Treasury and General Governmental Appropriations Act, 1999 (112 Stat. 2681-530) is repealed.

(2) RETURN OF FIREARM.—Section 922(t)(1) of title 18, United States Code, is amended by inserting "(other than the return of a firearm to the person from whom it was received)" before "to any other person".

SEC. 5. EFFECTIVE DATE.

(a) SECTIONS 2 AND 3.—The amendments made by sections 2 and 3 shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) SECTION 4.—The amendments made by section 4 take effect on the date of enactment of this Act, except that the amendment made by subsection (a) of that section takes effect on October 1, 1999.

McCAIN AMENDMENT NO. 333

Mr. MCCAIN proposed an amendment to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. FIREARMS PENALTIES.

(a) STRAW PURCHASE PENALTIES.—

(1) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony, shall be—

"(i) fined under this title, imprisoned not more than 15 years, or both; or

"(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

"(B) In this paragraph—

"(i) the term 'juvenile' has the meaning given the term in section 922(x); and

"(ii) the term 'violent felony' means conduct described in subsection (e)(2)(B).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

(b) JUVENILE WEAPONS PENALTIES.—

(1) IN GENERAL.—Section 924(a) of title 18 United States Code, is amended—

(A) in paragraph (4), by striking "Whoever" and inserting "Except as provided in paragraph (6), whoever"; and

(B) in paragraph (6), by striking subparagraph (B) and inserting the following:

"(B) A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; or

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile, knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a violent felony, shall be imprisoned not less than 10 and not more than 20 years and fined under this title.

"(C) In this paragraph—

"(i) the term 'juvenile' has the meaning given the term in section 922(x); and

"(ii) the term 'violent felony' means conduct described in subsection (e)(2)(B).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

FRIST AMENDMENT NO. 334

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENT TO INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting "(other than a firearm)" after "weapon";

(2) by redesignating paragraph (10) as paragraph (11);

(3) by inserting after paragraph (9) the following:

"(10) AUTHORITY OF SCHOOL PERSONNEL REGARDING FIREARMS.—Notwithstanding any other provision of this Act, school personnel with the authority to discipline students may discipline a child with a disability who intentionally possesses a firearm at a school, on school premises, or at a school function, in the same manner that such personnel may discipline a child without a disability, including ceasing educational services. For purposes of this paragraph, a determination concerning whether possession of a firearm is intentional shall not be the subject of a review under paragraph (4)."; and

(4) in paragraph (11), as redesignated in paragraph (2), by adding at the end the following:

"(E) FIREARM.—The term 'firearm' has the meaning given the term in section 921 of title 18, United States Code.".

re: JJ bill

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

May 13, 1999

NOTE TO: Ann O'Leary, ODS
Judy Heumann, OSERS
Greg March, OSERS
Joleta Reynolds, OSERS/OSEP
Carol Cichowski, OUS/BS
Heidi Bonner, OLCA
Bill Modzeleski, OESE
Susan Craig
Suzanne Sheridan
Phil Rosenfelt
Mari Colvin

RE: Secretary's letter on Ashcroft amendment to S. 254, juvenile justice bill

Attached, for your information, is the Secretary's letter to Senate Majority Leader Lott on Senator Ashcroft's pending amendment to S. 254. An identical letter went to Minority Leader Daschle.

I've also attached the printed version of Ashcroft's freestanding bill, S. 969.

Paul R

Paul Riddle

Attachments

cc: Jack Kristy
Leslie Somerville

THE SECRETARY OF EDUCATION
WASHINGTON, D.C. 20202

May 12, 1999

Honorable Trent Lott
United States Senate
Washington, DC 20510

Dear Mr. Leader:

I am writing to express my strong opposition to an amendment that I understand Senator Ashcroft may offer to S. 254, the juvenile crime bill that the Senate is now considering. This amendment, which Senator Ashcroft has also separately introduced as S. 969, would allow school personnel to suspend or expel children with disabilities from their schools for unlimited periods of time, without any educational services, including behavioral intervention services, and without the impartial hearing now required by the Individuals with Disabilities Education Act (IDEA), for threatening to carry or possess a weapon to, or at, school or a school function or for carrying or possessing a weapon to, or at, a school function.

The Congress need not address the particular issue that is the subject of the Ashcroft amendment, because it amended the IDEA just two years ago to give school officials new tools to address the precise issue of children with disabilities bringing weapons to school or otherwise threatening teachers and other students. For example, school officials may remove, for up to 45 days, a child with a disability who takes a weapon to school, and may request a hearing officer to similarly remove a child who is substantially likely to injure himself or others, if the child's parents object to a change in the child's placement. Furthermore, the IDEA allows hearing officers to keep these students out of the regular educational environment beyond 45 days if they continue to pose a threat to the rest of the student body. I am convinced that these new tools will be effective if given a chance to work.

I am firmly committed to ensuring that all our schools are safe and disciplined environments where all our children, including children with disabilities, can learn without fear of violence. But we should not let the tragic school shootings in Littleton, Colorado, and other communities lead us to hasty and inappropriate responses, such as the Ashcroft amendment, that will harm children with disabilities.

First, the Ashcroft amendment would deny vital educational services to children with disabilities who are removed from school, including behavioral interventions that are designed to prevent dangerous behavior from recurring. Continued provision of educational services, including these behavioral interventions, offers the best chance for improving the long-term prospects for these children. Discontinuing educational services is the wrong decision in the short run and, in the long run, will result in significant costs

in terms of increased crime, dependency on public assistance, unemployment, and alienation from society. We cannot afford to throw away a single child.

Second, permitting schools to suspend children with disabilities for making threats gives school personnel enormous authority to make subjective decisions about the behavior of these children. When Congress amended the IDEA in 1997, it gave school personnel additional authority to remove disabled children who brought weapons to school in order to provide for the safety of others, and provided hearing officers with the authority to remove students with disabilities who are substantially likely to injure others, but stopped short of giving school officials unilateral authority to remove children with disabilities on the basis of subjective determinations -- primarily to guard against inappropriate exclusion of these children from school. Such authority could easily lead to the unlawful exclusion of children whom schools regard as too expensive or difficult to educate.

Finally, the Ashcroft amendment would undo vital protections in the IDEA that were included to protect children with disabilities from widespread abuses of their civil rights. Under this amendment, for example, the IDEA would no longer require schools to determine, when suspending or expelling a child with a disability, whether the behavior of the child in carrying or possessing a weapon, or threatening to do so, is related to the child's disability. Such a determination, which can currently be made while the child has been removed from school, is needed to ensure that children are not unjustly denied educational services during their removal without considering the effects of the child's disability on their behavior. The manifestation determination required by the IDEA is an important tool schools use to appropriately understand the relationship between a child's behavior and their disability in order to best implement behavior intervention strategies.

We should be making every effort to appropriately reach out to our children and help prevent them from endangering themselves and others. It is equally important that we appropriately address the needs of children who have gone astray, violated the rules, and put others at risk. The exclusion of children with disabilities from school -- without the impartial due-process hearing and the continued services that the IDEA now requires -- is the wrong response.

I urge you to vote against the Ashcroft amendment.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

Dick Riley

Richard W. Riley

106TH CONGRESS
1ST SESSION

S. 969

To amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have weapons or threaten to harm others, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5, 1999

Mr. ASHCROFT introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have weapons or threaten to harm others, and for other purposes.

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 my be cited as the "School Safety Act of 1999".

SEC. 2. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTINGS.—Section 615(k) of the Individual with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii), by striking "45 days if—" and all that follows through "(II) the child" and inserting "45 days if the child";

(2) in paragraph (2), by striking "A hearing" and inserting "Except as provided in paragraph (10), a hearing";

(3) by redesignating paragraph (10) as paragraph (11);

(4) by inserting after paragraph (9) the following new section:

"(10) EXPULSION OR SUSPENSION WITH RESPECT TO WEAPONS.—

"(A) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO WEAPONS.—Notwithstanding any other provision of this Act, school personnel may suspend or expel a child with a disability who—

"(i) carries or possesses a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or

"(ii) threatens to carry, possess, or use a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency;

in the same manner in which such personnel would suspend or expel a child without a disability.

"(B) DEFINITIONS.—For the purposes of this paragraph:

"(i) WEAPON.—The term 'weapon' has the meaning given the term under applicable State law.

"(ii) THREATENS TO CARRY, POSSESS, OR USE A WEAPON.—The term 'threatens to carry, possess, or use a weapon' includes behavior in which a child verbally threatens to kill another person.

"(C) FREE APPROPRIATE PUBLIC EDUCATION.—

"(i) CEASING TO PROVIDE EDUCATION.—A child expelled or suspended under subparagraph (A) shall not be entitled to continued educational services, including, but not limited to a free appro-

priate public education, under this Act, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being suspended or expelled.

"(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses, then—

"(I) nothing in this Act shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

"(II) the site where the local educational agency provides the services

shall be left to the discretion of the local educational agency.".

(5) in paragraph (11) (as redesignated in paragraph (3)), by striking subparagraph (D).

(b) CONFORMING AMENDMENTS.—

(1) Section 612(a)(1)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(1)(A)) is amended by inserting before the period "(except as provided in section 615(k)(10))".

(2) Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by inserting at the beginning of the first sentence "Except as provided in section 615(k)(10),".

SEC. 3. AMENDMENT TO THE GUN-FREE SCHOOLS ACT OF 1994.

Subsection (c) of section 14601 of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921) is amended to read as follows:

"(c) SPECIAL RULE.—Notwithstanding any other provision of this section, this section shall be subject to section 615(k)(10) of the Individual with Disabilities Education Act (20 U.S.C. 1415(k)(10)).".

○

Re: JJ bill

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

May 20, 1999

NOTE TO: Ann O'Leary, ODS
Judy Heumann, OSERS
Greg March, OSERS
Patricia Leahy, OSERS
Tom Hehir, OSERS/OSEP
Joleta Reynolds, OSERS/OSEP
Carol Cichowski, OUS/BS
Greg Frane, OUS/BS
Heidi Bonner, OLCA
Bill Modzeleski, OESE
Susan Craig
Suzanne Sheridan
Phil Rosenfelt
Mari Colvin

RE: Juvenile-justice bill and Frist-Ashcroft amendment

Attached, FYI, is yesterday's Senate debate on the Frist-Ashcroft amendment, as printed in the Congressional Record.

Paul R

Paul Riddle

cc: Jack Kristy
Leslie Somerville

Daily Digest

HIGHLIGHTS

House Committees ordered reported 18 sundry measures, including the Agriculture, Rural Development, FDA, and Related Agencies appropriation for Fiscal Year 2000 and the National Defense Authorization Act for Fiscal Years 2000 and 2001.

Senate

Chamber Action

Routine Proceedings, pages S5507–S5632

Measures Introduced: Twelve bills were introduced, as follows: S. 1074–1085. **Pages S5586–87**

Juvenile Justice: Senate continued consideration of S. 254, to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, and punish and deter violent gang crime, taking action on the following amendments proposed thereto: **Pages S5507–83**

Adopted:

By 56 yeas to 43 nays (Vote No. 127), Sessions/Inhofe Amendment No. 357, relating to the placement of a disclaimer on materials produced, procured or disseminated as a result of funds made available under this Act. **Pages S5522–23, S5527–28**

By 81 yeas to 17 nays (Vote No. 129), Hatch (for Santorum) Amendment No. 360, to encourage States to incarcerate individuals convicted of murder, rape, or child molestation. **Pages S5525–29**

Ashcroft Amendment No. 361, to provide for school safety and violence prevention and teacher liability protection measures. **Pages S5524–25, S5529**

Hatch/Leahy Amendment No. 363, to make certain additions and modifications to the bill, including the establishment of a School Security Technology Center to provide resources to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security, and to provide funding for school security programs and to address drug, gang, and youth violence problems. **Pages S5549–59**

By 66 yeas to 34 nays (Vote No. 131), McConnell Amendment No. 365, to discourage the promotion of violence in motion pictures and television productions. **Pages S5574–78, S5582**

Rejected:

Wellstone Modified Amendment No. 358, to provide for additional mental health and student service providers. (By 61 yeas to 38 nays (Vote No. 128), Senate tabled the amendment.) **Pages S5523–24, S5528**

Wellstone/Kennedy Amendment No. 364, to provide for juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of racial minority groups who come into contact with the juvenile justice system. (By 52 yeas to 48 nays (Vote No. 130), Senate tabled the amendment.) **Pages S5559–74, S5582**

Boxer Amendment No. 319, to reduce both juvenile crime and the risk that youth will become victims of crime and to improve academic and social outcomes for students by providing productive activities during after school hours. (By 53 yeas to 47 nays (Vote No. 132), Senate tabled the amendment.) **Pages S5578–82**

Pending:

Frist Amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms. **Pages S5529–49**

Wellstone Amendment No. 356, to improve the juvenile delinquency prevention challenge grant program. **Page S5507**

Lautenberg/Kerrey Amendment No. 362, to regulate the sale of firearms at gun shows. **Pages S5508–22**

Lott (for Smith (of Oregon)/Jeffords) Amendment No. 366, to reverse provisions relating to pawn and other gun transactions. **Page S5583**

Santorum	Smith (OR)	Thurmond
Sarbanes	Snowe	Torricelli
Schumer	Specter	Voinovich
Shelby	Stevens	Warner
Smith (NH)	Thomas	Wyden

NAYS—17

Akaka	Hagel	Lugar
Bond	Hollings	Rockefeller
Bryan	Inouye	Sessions
Chafee	Jeffords	Thompson
Cochran	Lautenberg	Wellstone
Feingold	Levin	

NOT VOTING—2

Moynihan	Roberts

The amendment (No. 360) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 361

Mr. HATCH. Mr. President, I understand that both sides are in agreement on the next amendment, so I ask unanimous consent that we vitiate the yeas and nays.

Mr. BYRD. Reserving the right to object, I will not object. I don't want to force my will upon the Senate, but I want the record to show that I support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 361) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent the Senator from New York be yielded 7 minutes for debate only, and the floor be immediately given back to me upon completion of his statement.

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

(The remarks of Mr. SCHUMER, Mr. LEAHY and Mr. LAUTENBERG pertaining to the introduction of S. 1077 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Mr. President, the next amendment happens to be the Ashcroft-Frist amendment. I suspect we should let both of them describe their amendment.

AMENDMENT NO. 355

The PRESIDING OFFICER. Without objection, the next amendment will be 355.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. What amendment are we on now?

The PRESIDING OFFICER. Amendment No. 355.

Mr. FRIST. Parliamentary inquiry. Is this the Frist-Ashcroft amendment?

The PRESIDING OFFICER. This is the Frist-Ashcroft amendment.

Mr. FRIST. Mr. President, we are returning to an amendment that was offered at the end of last week, which is a very simple amendment as written. It addresses a fundamental issue that is at the heart of the juvenile justice issue and discussion in the last week. It has to do with bombs and guns in schools. It is as simple as that.

It addresses the issue of how to make our schools as safe as we possibly can. We start with, I believe, the juvenile justice bill which has made real progress but absolutely to my mind must include an amendment that addresses this issue of guns in schools and bombs in schools in an area where we, because of previous legislation that we passed, have created a loophole that means that a student coming into a school who has a firearm may be treated very differently from a student who comes in the next day to that school with a firearm. The goal of our amendment is that any child who comes into a school with a gun or a bomb will be treated equally, will be treated fairly, will not be discriminated against one way or another.

Our amendment ends a mixed message that the Federal Government today, because of legislation we passed, sends to American students on the issue of firearms in schools. "Firearms," for the purpose of this amendment, are bombs and guns in schools.

We look at Littleton, CO, with 15 dead and 23 wounded. We look at Pearl, MS, with 2 dead and 7 wounded; Paducah, KY, 3 dead, 5 wounded; Jonesboro, AR, 5 dead, 10 wounded; Springfield, OR, 2 dead, 22 wounded.

These are all shootings, horrific shootings. They claimed the lives of 27 students and teachers. Thus, we come back to this simple amendment which closes a loophole that we created that has to do with guns and bombs and firearms in schools.

The Individuals with Disabilities Education Act is a law which I have strongly supported, and I have worked very, very hard in the past two Congresses to improve, to modernize, to strengthen. Under that act, a student with a disability who is in possession of a gun or a firearm at school is treated differently than a student who is not disabled or who is not in special education.

Again, it goes back to that fundamental issue of one child in a special education class who brings a gun or a bomb to school is treated preferentially compared to another child who does not have a disability or is not in special education who brings a gun or a bomb to school.

All of us represent States and have our own constituency. Therefore, I look at my home State of Tennessee. The Individual with Disabilities Education Act conflicts with our zero tolerance law which says that students may be expelled for 1 year if they bring a bomb or a gun or a firearm to school. That is zero tolerance. It is the law of the land in Tennessee. Yet, we have passed in this body Federal legislation which says there is a certain group of students, about 14 percent of students in the State of Tennessee, to whom that does not apply. We have a whole different set of standards. What our amendment does is it says, no, if you bring a bomb or a gun to school, you are going to be treated like every other student.

Under IDEA, local school authorities have several hoops to remove a dangerous special education student who brings a gun into the classroom. School personnel may suspend the child for up to 10 days. School personnel may place the child in an interim alternative educational setting for 45 days. School personnel may ask a hearing officer to place a child in an interim alternative educational setting for up to 45 days if it is proven that that child is a threat to others in his current placement. School personnel may conduct a manifestation determination review to determine whether or not there is a link between that child's disability and walking into the room with a gun or a bomb.

If the behavior is not a manifestation of that disability, the child may be expelled but is still given educational services. If the hearing officer determines that the behavior of bringing that gun into the classroom was a manifestation of the disability, the student can go right back into that school, right back into that current placement, and that is the problem. Let me repeat. If the hearing officer determines that the behavior of bringing a gun into the classroom was a manifestation of the disability, the student can go back into the classroom.

People say that does not happen. It does happen. In my own State of Tennessee, in Nashville, just over a 1-year period, there were eight students who brought guns into school who were caught and of those eight, six were in special education. Three of those six, it was found that bringing a gun into the school was a manifestation of their disability and, therefore, they ended up back in the classroom. Students who were not in special education were expelled under the law under which 86 percent of the other students fall.

Clearly, the way we have set up this federally mandated disciplinary procedure with this loophole sends students a mixed message about guns in our schools. It basically says if you are in special education, you are going to be treated in a special way if you bring a gun into school, but if you are not in special education, you are going to be treated like everybody else and you are going to be expelled. What a mixed message when we are talking about guns. When we are talking about the shootings, the 27 deaths in our classrooms and schools that we have witnessed, we must respond.

As earlier stated, if a student with a disability is expelled, that student

must be provided alternative educational services while a nondisabled student, somebody who is not in special education who is expelled for the same offense, will not necessarily receive alternative educational services, which just shows how we are treating a student who comes into the classroom with a gun differently if they happen to be disabled compared to other students.

The amendment that I, Senator ASHCROFT, Senator HELMS, Senator COVERDELL, and Senator ALLARD, as the initial sponsors, have put forward, allows principals and other qualified school personnel the flexibility to do something that seems so basic. And that is, to treat all students the same if they bring a gun into the classroom, period. No more complicated than that. It does not matter race, it does not matter financial status, it does not matter educational status, everybody gets treated the same.

It allows school authorities to discipline all students in the same way if they bring a gun, we are not talking about threats, and we are not talking about even other weapons. We have this amendment focused on guns and bombs coming into the schoolroom.

This amendment does not force local school authorities to have a uniform disciplinary policy. We recognize that every situation needs to be judged as just that, an individual, unique situation. It simply gives them the flexibility to enforce discipline in that local school as they see fit, with the overall objective to assure, to ensure, to guarantee the safety of those students whom every day we send into those classrooms.

The amendment is firearms specific. There have been others who have asked us to at least look at expanding it to other weapons, but we have this amendment really quite narrow; we are talking about guns and firearms.

I mentioned the Nashville statistics. These statistics are really hard to obtain. You always hesitate, when that is the case, to generalize. So I want to make it very clear, I do not want to generalize, but I do want to illustrate how, in one community where I live, this loophole has the potential for causing real harm, I believe.

In the 1997-1998 school year in Nashville, TN there were eight firearms infractions. Of those eight, six were students with a disability. They were in special education.

I might add that overall in the State of Tennessee it is between 13 and 14 percent, or about one out of eight students, who are in special education classes.

Of these six special education students, three were expelled outright because they found, in the manifestation process, that the disability and their bringing a gun into the classroom were unrelated. Three of those students were not expelled, because the possession of the firearm was found to be a manifestation of that child's disability. It was three students who went right back into the classroom, again, potentially putting the lives of others in danger.

We might hear, well, nobody has been killed yet in the last year or the last 2 years. Really, I think that is a whole separate issue. The whole idea is that we are treating people differently who have brought a gun or a firearm into the room.

These statistics show that three people out of the eight had come back into the classroom because a manifestation of their disability was bringing a gun into the classroom. It is kind of hard to imagine, but that is what the ruling was.

With that, let me close and simply say that when it comes to possession of a firearm or a gun, the Federal Government really should not, I believe, be tying the hands of our local education authorities, of our local schools, our principals, our teachers, those who are in charge of discipline.

Again, I say this. When we are focusing on guns and firearms in the classroom, I just find it hard to believe, and really there is absolutely no excuse for any student to intentionally bring a gun or a bomb to school.

Students with disabilities really should not be able to hide behind, not their disability, I want to be very clear. What is happening is we set this structure up, the Individuals with Disabilities Education Act, with this single provision that allows certain students to potentially hide behind the legislation, not their disability, but behind the legislation and, thus, avoid punishment that a nondisabled student would undergo.

The amendment is simple. It is straightforward. It means that all students will be treated equally if they bring a firearm in the room. I urge its support and hope it will be brought to a vote shortly.

Mr. HARKIN. Would the Senator yield for a colloquy or engage in any kind of questions and answers?

Mr. FRIST. Sure.

Mr. HARKIN. Mr. President, the Senator from Tennessee knows I have the highest respect for him. In fact, I have always found him to be a very thoughtful Senator, especially when it comes to the issues of disability policy.

When the Senator first came to the Senate, he became chairman of the then-existing Disability Policy Subcommittee in the Labor and Education Committee, and I was his ranking member. I thought he did a great job.

As a matter of fact, under his chairmanship, we were able to get through the revisions of the Individuals with Disabilities Education Act, which we had been attempting to do for several years. In fact, it took 3 long years to get all the groups to finally agree on the revisions and the amendments to the Individuals with Disabilities Education Act. I say that as a way of background.

The Senator from Tennessee was very heavily involved in that process. We were able to get the bill passed in May, I think it was, of 1997. It was strongly supported in the Senate and in the House, and passed, and was signed into law by the President.

My friend from Tennessee gave an example of the students in his home community. He gave an example of eight students, six of whom were disabled, at least under an IEP, as I understand it; and that three, as I understand it, were expelled right away because it was not a manifestation; but then he made the statement that three went right back into the classroom.

The Senator, in a private conversation, told me about this once before. If I am not mistaken, was this not during the school year of 1995-1996 or 1996-1997?

Mr. FRIST. It was 1997-1998.

Mr. HARKIN. It was 1997-1998. So the regulations under the Individuals with Disabilities Education Act amendments did not go into effect until March of 1999. That is 2 months ago.

I say to the Senator from Tennessee that school he is talking about was still operating under the old system. The old system said you could place a child with a disability in an interim educational setting for up to 45 days if the child brought a gun to school. That is the old bill.

The new bill says, the one for which the regulations just came out a couple months ago—the Senator is right, a decision is made, and if it is not a manifestation of a disability, they can be expelled immediately. If, however, it is a manifestation of a disability, the child can be placed, under the old bill, for up to 45 days in an interim educational setting, and then if the school officials believe the child is still a danger, if the child is likely to injure himself or others, they can go to an impartial hearing, order that the child be placed for an additional 45 days in the interim educational setting, then at the end of that 45 days, they can do another 45 days, as long as it is decided that child is a danger either to himself or to others.

I ask the Senator from Tennessee, the example you gave is under the old bill. The new bill says that at the end of 45 days, the school can go to an impartial hearing officer and keep that child out for another 45 days. I ask the Senator if that is not a correct interpretation?

Mr. FRIST. The 1999 statistics have been that there have been nine firearm violations, nine firearm infractions this year as of yesterday. Of these nine infractions, four involved special education students. In two of these cases, the students were expelled but given alternative services. One was not expelled because the possession, walking into the school with a firearm, was found to be a manifestation of the disability. He is back in school today.

Mr. HARKIN. I don't know that I heard the Senator. If he could speak a little slower, I would appreciate it. I understand that you said recently. I do not know if you have given me——

Mr. FRIST. The statistics from yesterday for 1999.

Mr. HARKIN. The figures you gave were for calendar year 1999.

Mr. FRIST. The figures I gave 15 minutes ago in my presentation were from 1997-1998. I just gave you the ones for 1999.

Mr. HARKIN. What you said is that for 1999, this school year; I do not know if the Senator means the school year of 1999 or January until now.

Mr. FRIST. The statistics as of yesterday, up until about 24 hours ago, there were nine infractions over the previous 10 months in Nashville, TN. Four of those were special education students, four of the nine.

Mr. HARKIN. Four of the nine were special ed. Two were expelled because it was determined not to be a manifestation. What happened to the other two?

Mr. FRIST. One right now is back in the classroom. And because of the finding, during that 45-day period you spoke of, that it was a manifestation of the disability, they could not treat the student like anybody else.

The other student case is now pending, winding its way through the bureaucratic determination process.

Mr. HARKIN. I say to the Senator, you say that this one child was put in an interim setting for 45 days. Now this child is back in the classroom. Can the Senator tell me, did the principal or did the school officials ask for a hearing to keep the child in the alternative setting for an additional 45 days, which they are allowed to do under the new law? Did they do that?

Mr. FRIST. I will have to check and get back with you. I think the Senator's point is important. That is why I spelled it out earlier. For a student with a disability, you have the 10 days which you can be removed from the process. If you brought a gun into the schoolroom, you can be removed for 10 days. Then you have a 45-day period during which this determination is made. If you brought the gun because you had a disability, you can, as I have demonstrated with this most recent student from a month ago, plus the three from last year, you can go back into the classroom during that 45-day period. I think that is the issue that we want to close, which is basically saying, it doesn't matter whether you have a disability or not, if you walk into a classroom with a gun, you should be treated like everybody else.

Mr. HARKIN. I say to the Senator from Tennessee—and surely we can get this right; it may take a little bit of discussion, but I think we can get it right—the situation he just described is true to the point where the child can be put in an alternative setting for up to 45 days. Under the new law, which, I again point out, just went into effect this year, the school can keep that child out not only for 45 days but for another 45 days and another 45 days. All the school has to do is go to the impartial hearing officer and say: This kid brought a gun to school. It is a manifestation of his disability, but under these circumstances, this kid is a danger to these other students and should be kept in an alternative setting for another 45 days.

Is it not true that the school can do that? So that if the facts are, as the Senator said, the kid is back in the classroom; obviously the school officials felt the kid was not a danger to anyone and they let him back in the school.

So I ask the Senator, is that not local control? The local school officials had to decide that child was not a danger and let him back in. There is no other way it could happen. I ask the Senator if that is not so?

Mr. FRIST. That what is not so?

Mr. HARKIN. Let me try again. The kid brought the gun——

Mr. FRIST. This is our wording: School personnel may discipline a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises or at a school function under the jurisdiction of the State or local education agency in the same manner in which such personnel may discipline a child without a disability, period. That is all we are saying. I don't see how you cannot agree that you should treat every child who comes into a school with a gun or bomb the same. How can you separate one group of people out?

Again, I am committed to individuals with disabilities, but how can you separate them out and say, we are going to treat you differently and allow you to go back in the classroom, whether it is 10 days, 45 days, 35 days; you can argue that all you want, you can go back into the classroom, but any child who doesn't have a disability, you are out? That just doesn't make sense.

Mr. HARKIN. Let us look into that.

Mr. FRIST. You can look into it. But your 10 days or 45 days is missing the point of the amendment. The amendment is what I just read. You treat everybody the same.

Mr. HARKIN. Well, let us look at that. I think the Senator said he supports IDEA. He supports the Individuals with Disabilities Education Act. The fact is that we do treat children with disabilities different than we treat other children. Does every child in a school have an IEP, I ask the Senator?

Mr. FRIST. No. But my whole argument is, should they bring a bomb into the schoolroom, would you treat them differently and let them go back in. That is what I am saying. There are some times that you cannot segregate a group of people and say, you get a special privilege when it comes to bombs and guns coming to the school room. That is the point that I am making.

Mr. HARKIN. Let me respond to the Senator on that. I am trying to follow this logically and not to get too inflamed here.

If we believe that a child with a disability is treated differently than a child without a disability—we accept that. A child with a disability has an individual education program. There are certain laws that we have passed which if a State wants to accept Federal moneys, they abide by. No local education agency has to abide by the laws of IDEA if they don't want to take the money. Now, they would still have to provide a free and appropriate public education to kids under Federal court rulings.

Again, I say to the Senator from Tennessee, that as long as we treat children with disabilities differently, and we do because they are disabled, we then take it to the step that the Senator said. Should we treat a disabled child who brings a gun to school differently from a child who is not disabled? I think that is a good question. At first blush, it might seem to the casual observer that no, they should be treated the same.

I say to the Senator from Tennessee, let's take two children. One is a child with no disability, has an IQ of 120, has good grades, comes from a pretty decent family, who all of a sudden gets a mean streak and brings a gun to school. That is one kid.

Let's say we have another kid. He has an IQ of 60. He is mentally retarded. He has cerebral palsy. His lifetime has been one of being picked on by other kids and made fun of. Because of IDEA, he is now in a regular classroom. Some kids come up to him and they say, look, junior, we know your old man has a gun at home and he has a couple of pistols. If you don't bring one of those pistols to us tomorrow, we are going to cut your ears off. The kid has an IQ of 60. He is mentally retarded. He has cerebral palsy, maybe even suffers a little bit from schizophrenia, I don't know. The kid is terrified. He goes home. He sneaks the old man's gun. He takes it to these kids, and he gets caught by the principal or someone who sees the gun. Should that child be treated differently than the kid with a 120 IQ, who knew exactly what he was doing and who had a mean streak and brought that gun to school?

Mr. FRIST. Yes.

Mr. HARKIN. The Senator can say yes. I say no.

Mr. FRIST. Let me respond to the question. They absolutely should. If two children walk in, regardless of their IQ, the one with a 120 IQ has a gun, and the next one has a gun and has an IQ of 60, when it comes to removal from the room and being kept out, they should be treated exactly the same. It should be by local control. It doesn't mean let them in or keep them out, it means having the decision made by the principal and not by the well-intended legislation that has this huge loophole in it.

Treat every child who brings a gun or a bomb to the room the same, regardless of who they are or how empathetic you can make the story seem. The big thing is that you treat them the same. It is the principal and the teacher and

the people locally who decide, not the Senate.

Mr. HARKIN. Now, I believe the Senator made a very important point there in his first comment to me. The Senator said that if two kids—the ones I described—bring a gun to school, they should be treated exactly the same in terms of removal. I agree with the Senator. In terms of removal, they should be treated the same. Today, under IDEA, they are treated the same.

I am going to stick with my example of the two kids who bring a gun to school. Right now, under IDEA, the principal can call up the police and say come and get these kids, and they get them and haul them to the police station. They don't care whether the kid is under an IEP or not. I agree with the Senator; in terms of removal, they should be the same. And they are the same today. In terms of getting them out of the classroom immediately, they are treated the same.

Where the difference occurs is later on during the 45-day period, where it is examined as to why the kid brought the gun to school, and whether it was a manifestation of his disability or not.

I ask my friend from Tennessee this straightforward question: Is it true that under IDEA, as it is today, if a disabled child brings a gun to school and a nondisabled child brings a gun to school, they are both treated the same in terms of removal?

Mr. FRIST. That is totally incorrect. I just gave you an example where there were eight students in Tennessee. One was expelled because he did not have the disability, and three others were back in the classroom. Do you call that being treated the same? Absolutely not.

The whole purpose of my amendment is that, if you bring a gun or a bomb to the classroom, you be treated exactly the same. And if you don't have a disability, if you aren't in a special education class, you are out of school, no questions asked. If you have a disability, there are at least three out of eight chances you are back in the classroom within 45 days. That is not the case.

Mr. HARKIN. Let me try again. Let's talk about removal. Talk about day one. Two kids bring a gun to school. One is disabled and one is not. Is it true that the principal can immediately expel both students on that day and get them out of school?

Mr. FRIST. No. He can suspend, not expel. That student has to go through a manifestation process, an initial 10 days and then 45 days with a determination, and that student can be back in the classroom, as has been demonstrated in Nashville, TN, and other places. Anybody can check their own statistics.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. FRIST. I will yield to my colleague from Missouri for a question.

Mr. ASHCROFT. Mr. President, I ask the Senator from Tennessee, when a student is subject to an IEP and is disciplined for bringing a gun to school now, is it not an immediate discipline of expulsion for a year as it is for others; is it for a limited period of time? What is that first interval of discipline that is provided for under IDEA?

Mr. FRIST. Under IDEA, for students with a disability who bring a gun to school, there is an initial 10-day period in which they can be taken out and then a 45-day period during which that manifestation process takes place.

Mr. ASHCROFT. If I may pursue an additional question. So there is a disparity right away. The student without an IEP is expelled for a year.

Mr. FRIST. It is zero tolerance in Tennessee and in most States today. If you don't have an IEP, or are not disabled, you are expelled under zero tolerance for a year.

Mr. ASHCROFT. Under an IEP, you have an initial 10-day suspension, and legal proceedings start to determine whether or not the carrying of the gun, brandishing of the gun, or bringing the pipe bomb or a firearm into the classroom was a manifestation of your disability?

Mr. FRIST. That is correct.

(Mr. CRAPO assumed the Chair.)

Mr. ASHCROFT. When you talk about a manifestation of a disability, what does that mean? That you bring a gun to school because you are disabled? Is that what you are saying? Or could that mean because you are severely emotionally disturbed, for instance?

Mr. FRIST. It certainly could. The manifestation process is a complicated process and one to reach out to people. The term can certainly mean that.

Mr. ASHCROFT. So it could be that a student who is severely emotionally disturbed is protected from being expelled for a full year, based on the fact that he is severely and emotionally disturbed and that resulted in the bringing of the gun to school?

Mr. FRIST. That is correct.

Mr. ASHCROFT. Then the suspension—if you got past the 10 days, you could suspend the student for 45 days.

Mr. FRIST. During which that so-called manifestation process takes place.

Mr. ASHCROFT. That is related to whether or not his disability or special education status caused or was related to the bringing and brandishing of the gun?

Mr. FRIST. That is correct.

Mr. ASHCROFT. Now, these determination proceedings, do they involve substantial expense for the school?

Mr. FRIST. They certainly do, and it is very expensive. The process itself is a process that I think can be important and useful. So the overall manifestation process, as we look at IDEA, is something that I am not necessarily critical of. It is the idea of taking a disability and saying the disability and bringing a gun mean that you are back in the school with unequal treatment.

But the answer is yes. I travel around Tennessee and people tell me this manifestation process can be very expensive because it involves lawyers.

Mr. ASHCROFT. Thousands of dollars?

Mr. FRIST. Yes, thousands of dollars.

Mr. ASHCROFT. That lasts 45 days, according to the Senator from Iowa, and you have to have another hearing to have another 45 days.

Mr. FRIST. There can be an extension for another 45 days if a determination is made. You go for 45 days, and it can go another 45, although, usually if it is a manifestation, after 45 days the student is back in school.

Mr. ASHCROFT. The theory of the legislation probably provides a basis for having this series of bureaucratic trials and hearings every 45 days as people are litigating whether or not you could keep a very, very dangerous person out of school.

Mr. FRIST. That is the way it is written, to take 45 days. Your fundamental question is, did the disability cause you to bring the gun to school?

That is hard to imagine, to be honest. It seems that if it is the cause, you would not want to put them back in school. The idea of having 45 days and another 45 days if they are threatening, as the Senator from Iowa mentioned, conceptually, that is pretty good. Imagine that it is manic depression, or something frustrating, something that can be treated, and a kid is violent underneath, and they did bring a gun to school. You are going to want to give the kid the benefit of the doubt. You are not going to say keep them out another 45 days and then another. If the kid comes in and says, "I am sorry," you say, "Go back to school."

That is just treating people differently because they happen to have that particular illness and you are getting them back in the school. All I am saying is let's equalize it and keep treating them the same.

Mr. ASHCROFT. Earlier the Senator said that it is hard to imagine a person would have brought a gun to school based on a disability. But in fact the determination from Davidson County, Nashville, TN, is that over the last couple of years they apparently found that a number of the individuals involved—two in 1 year and three from another year—the determination was made in this process that bringing the gun was related to a disability and therefore the student was not to be treated the same as other students but would have a very tactical set of bureaucratic rights to remain in school, or reenter school.

It seems to me that goes to the heart of what we are talking about—whether or not a student who has a problem that causes the student to be involved in bringing a gun—that is, the manifestation proceedings. Part of the evidence or manifestation of the problem is that you come to school with a gun. That provides the authority for reentering school. The fact that you have a problem which causes you to bring guns to school becomes your license to get back into school.

I think that describes the loophole we have talked about. We created it here in the Senate.

Am I getting to the heart of it?

Mr. FRIST. No. It is that loophole that has been created.

I will tell you what my theory is as I look and talk to people around Tennessee. Whether people are supporting individual disabilities or not, it is not about that. It has to do with the great fear I have in this unequal treatment of people, and allowing that special group of people with an offense of bringing a gun to school or a bomb to school to go back into school when you don't let anybody else to go back into school. I will tell you, to me, that is a potentially devastating loophole we have created. It hasn't anything to do with the disability. That is my greatest fear. That is why the amendment is on the floor.

Mr. HARKIN. Will the Senator yield for an observation and again for a question?

I say to the Senator from Missouri, again, I don't mind people making a decision one way or another on these things. I hope we base it on factual circumstances. The fact is that what the Senator, my friend from Missouri, just described is the idea in the old law, going back 20 years. We had the 45-day period, at the end of which kids can go back to school. We changed that. The final regulations on that didn't become final until March of this year when we put the 45 days in, at the end of which, if the school officials believe that the child is still a danger, they can go to a hearing officer, and say, hey, because of all these reasons, that kid should be kept out of school for another 45 days.

I say to my friend from Tennessee that I don't have that much lack of faith in my school principals and officials. If they look at this kid and say, wait a minute, this kid is a danger, they are going to throw up their hands and say, oh, my gosh. They want to protect their schools, and they are going to go to a hearing officer and say, wait a minute, keep that kid out.

So I want to make it clear that what my friend is talking about is the old law. That is all I want to make clear.

Mr. ASHCROFT. I think it is important to accept the fact that you have faith in the school administrator and the principal, because under the proposal of the Senator from Tennessee, and under my proposal and under the Gun-Free Schools Act for schools, which we passed, a principal has the discretion of being able to allow a student to reenter. And, if you trust the principals, you trust the school official, that is an available opportunity as it exists and would exist if we were to pass this amendment providing for uniformity, because we allow the treatment under our proposal to be identical to the treatment for any other student not the subject of an IEP. And principals have the discretion to allow such other students back into the classroom.

So what we want to do is not punish anybody, we want to allow that principal to exercise his discretion in a way that is likely to promote safety in the classroom and in a way that it does not hamstring the principal.

Just to give you an idea, people do not understand, and I didn't understand, what a manifestation determination is. This is a flow chart of how a manifestation determination is made under IDEA. This is a very serious process. To go through these kinds of processes and to have to jump through these legal hoops and to cause the school districts—the cheapest hearing I have been able to talk to a school superintendent about in my State is between $7,500 and $10,000, just to conduct a hearing to do in the special settings what the principal is able to do given his need to protect the safety of the school environment on his own in another setting.

I think that is what we are looking at. We are not here to try to say that we want to abuse individuals who are the subject of IEPs. We passed the statutory framework designed to help disabled children. We want them to get a good education. But I submit to you that among those most exposed to the threat to safety and security in the schools when a student with a disability comes with a weapon are other disabled students.

This is not a question of pitting students with a disability against other students in the classroom, this is a question about safety and security in the classroom and allowing those individuals charged with the awesome responsibility of providing for the education of our youngsters the authority to take the steps that are necessary, absent intermeddling bureaucratic barriers from Washington, to secure the school environment.

Given the fact that every principal has the authority in other settings to be able to reenter a student who is appropriately at a stage to reenter the classroom, this bill would not prevent principals from having the same approach to students who were the subject of IEPs.

Mr. FRIST. I don't want to keep going back to the underlying amendment. We again have discussed this, and we have debated it. It really comes back to treating people the same under this concept of guns and violence in the school. I think we may come down to a fundamental disagreement that you believe the current legislation will cover and take care of what is happening, that if they have a disability and a manifestation of bringing that gun to school is related to the disability, it is OK for them to come back to school if somebody says they are not threatened.

Mr. HARKIN. If the school officials say it is OK.

Mr. FRIST. That is right. I think that is going to be different, because we are basically going to say let these school principals and officials make the ultimate decision, and not an officer who happens to be assigned to manage that particular case, who is going to develop a relationship with that student and family, and who says, "Please let him go back to school."

Let's treat everybody the same. Let the authorities, the principals, the teachers, make that decision instead of separating them out, since we know they come back into the school.

Let me again read the amendment.

School personnel may discipline a child with a disability who carries, or possesses, a gun, or firearm to or at school, on school premises, or at a school function under the jurisdiction of a State or a local educational agency in the same manner in which such personnel may discipline a child without a disability.

Again, I have given examples of people going back into the schoolroom. Let me give two other examples.

This is an article in the Washington Times.

Fairfax County, Virginia, school officials learned that a group of students were in possession of a loaded .357 magnum handgun on school property. They moved quickly to expel the six students. Five students were expelled. One student, a special education student who had a learning disability, who had what they called a "weakness in written language skills," continued to receive an education. School officials reported that this child bragged to other teachers and students that he could not be expelled because he was in special education.

That is the signal we have sent through IDEA, through this loophole in our legislation, not the overall legislation. The overall legislation is great.

In the Cobb County school system in Atlanta, not too far from where I am, two students, who were initially expelled for bringing a handgun and ammunition clip to school, were also protected by IDEA because they were special education students. There is just too much of this special treatment.

Our simple amendment basically says, disabled or not, educational status or not, whoever you are, you need to be treated the same where such personnel "may discipline" a child the same without a disability.

Mr. HARKIN. May I ask the Senator another question?

Mr. FRIST. Yes.

Mr. HARKIN. Does the amendment also not seek services for these kids under paragraph (b), "ceasing to provide education"?

Mr. FRIST. We basically say we will treat those students with a gun or a firearm the same as nondisabled students.

The whole cessation of services we are not here to debate. Everyone will be treated the same, whether disabled or not disabled.

Mr. HARKIN. It is part of the amendment?

Mr. FRIST. That is correct, but nondisabled students have cessation of services. The 85 percent of American students out there not classified as disabled have cessation of services.

Treat them the same.

Mr. HARKIN. One of the ı ons I think the Senator will find the Parent Teachers Association, Association of Police Chiefs and other police around the country opposing this amendment is they think the worst thing we could possibly do would be to take kids who are severely—emotionally or otherwise—disabled and throw them out on the streets.

Mr. FRIST. We are not saying that. We are saying treat them the same. We are not telling them they have to cease services.

I hope you have more respect for the services that will be needed and helpful. We are not saying you have to cease services. You can still provide the services. We are saying treat everybody the same.

Mr. HARKIN. The reality of the situation and the reason we have IDEA—and we hear it all the time; I hear it from my principals, too, I say to my friend from Missouri—sometimes it is tough to put up with the kids with special needs. They need a lot of attention. Sometimes they are a little raucous. Sometimes the principals throw up their hands and want to get them out of the classrooms. The teachers want to get them out of the classrooms. They are hard to deal with. These are kids with disabilities.

Time after time, for every story either of my friends relates about principals or others who are at wit's end because of a kid, I can come up with ten other stories of parents with kids who are disabled and how those kids were mistreated in school.

The reality of the situation is—and this is only my feeling—if you take two kids, one disabled maybe with a learning disability, maybe with other problems, who has been mainstreamed in school, expel him as you do a regular student and leave it up to the principal to say, OK, you can let him back in when you want, I think that principal will have a lot of pressure on him to let one kid back in, maybe, depending on the circumstances, but that disabled kid, that kid causes a lot of problems, costs a lot of money, we will keep him out.

I am just telling Senators that has been the situation for the past 30 to 50 years in this country. That is why we have IDEA. That is why we have individualized education programs for these kids. That is the reality of the situation.

Mr. FRIST. But the Senator from Iowa understands that we are not saying keep the students out forever. We are saying if you keep the nondisabled student out for the rest of the year, you should be able to keep the disabled student out for the rest of the year.

In fact, if you look at nondisabled students in terms of cessation of services, because the implication is people are so bad and mean they will cut off services, if you look at the nonspecial ed students in Nashville, TN expelled under zero tolerance, 55 percent of those are provided services.

I guess the Senator argues that of the disabled there will be such intense discrimination against that group of people, and I understand Senator HARKIN has fought the battles here for 20 years, and I respect that tremendously. I guess I have more faith in our principals and in our schools that if you treat everybody the same, that is exactly what you will do.

Mr. ASHCROFT. Will the Senator yield?

Mr. HARKIN. Will the Senator yield?

Mr. FRIST. I yield to the Senator from Missouri and then the Senator from Iowa.

Mr. ASHCROFT. What I appear to be hearing is if they are treated the same as nondisabled students, that is kind of a discrimination.

That is equity and parity in treatment. It doesn't stack up to discrimination, in my judgment.

I wonder if the Senator from Tennessee is aware of the letter from the National School Boards Association regarding the Frist-Ashcroft amendment to S. 254.

Mr. FRIST. I have not seen that.

Mr. ASHCROFT. It is an interesting letter on behalf of the Nation's 95,000 local school board members. This is from the executive director, Anne L. Bryant, executive director of the National School Boards Association:

> The National School Boards Association urges you to support the Frist-Ashcroft amendment to S. 254 that would enhance the safety of all students from gun violence.

We are not talking about the vast number of individuals that are participants in the IDEA program. The number is vast, with 13 or 14 percent in Tennessee, and 13 or 14 percent of the students in Missouri and Iowa. These are not people who show up for school with guns very often. When some of them do, they are threatening the others.

When a person shows up with explosives or a gun at school, the objective there ought to be school safety. It ought to be to address that.

The amendment provides school officials with the discretion to suspend or expel students covered by the Individuals with Disabilities Education Act in the same manner as other students in cases where they bring firearms to school.

It has been stated there is a lot of opposition. This is a letter from the 95,000 members of the School Boards Association stating this is the right thing to do.

Mr. FRIST. I think we have been very careful to try to get this amendment as tight and focused as we could, talking about guns in the classroom, bombs in the classroom.

We have gone so far to put wording in the bill to say they intentionally have to bring that gun into the school or the classroom. We have done our best to get it as narrow and focused as we possibly can.

It comes down to safety. We are on the juvenile justice bill. We had these terrible 27 ths from guns in classrooms, and this bill goes right at the heart. Again, not the disability community or individuals with disabilities. I count myself among their greatest advocates, but I am concerned that with the loophole we created that something drastic, devastating, is going to happen because of this loophole where we are treating students with disabilities in special education, allowing them to return to the classroom, but not letting anybody else return to the classroom.

We are treating them differently, where people who brought a gun to the classroom can return 45 days later.

Mr. ASHCROFT. In specific inquiries to the individuals who provided the Senator with the information from the Davidson County school system, is it their view that this loophole exposes the system and the students in the system to a risk they would not otherwise be exposed to?

Mr. FRIST. I talked with the officials in the major urban areas where the concentration of people are throughout Tennessee. There is general agreement of people who are on the front line in the schools, who are responsible for the safety of our children who are there every day. They say, Senator FRIST, we know you are the advocate for individuals with disabilities, but how could you create a huge loophole that puts our children at risk? That is why I am here.

Mr. HARKIN. Let me ask the Senator——

Mr. JEFFORDS. Will the Senator answer a question?

Mr. FRIST. Did the Senator from Vermont have a question?

Mr. JEFFORDS. I would like to volunteer this point.

Mr. HARKIN. Come on over. We are all friends.

Mr. JEFFORDS. I listened very carefully. I think when you get right down to it the basic question is, in the final analysis, should the school have to afford an alternative education situation and pay for it. It is a matter of dollars and cents. It has nothing to do with the safety of the children or anything else.

Under the circumstances you are dealing with here, if a child comes in with a gun, if it is somebody without an IEP or whatever, they can be thrown out of school and they can be let back into school. That is entirely the discretion of the school officials. They can say this is an aberration or whatever.

If a child with a disability comes in, then you go through the 45 days to assess as to whether or not it was as a result of a disability. If it was not the result of a disability, then the child can be disciplined as any other child. If, on the other hand, it was the result of a disability, then they are required to provide an alternative educational situation. It may or may not cost something. But that child is not in the classroom. So no child goes back into the classroom if they are a threat to the classroom.

What it comes down to, and what the school officials object to, as I understand it, is they have to set up a special 45-day program for this child, and pay for it. The reason is not to protect the school or protect the kids; it is to make sure they do not have to provide the funds. You can keep those 45 days going forever. Then that costs money. So this is not a safety question. This is a money question. The school boards are saying they don't want to pay for those 45 days. That is what they are saying.

Mr. FRIST. That is not what I heard. Basically, what I hear from the superintendents and the principals is the safety end of it. The expense is expensive, it has been pointed out. What I am dealing with is the safety end of it, the fact that our principals' hands are tied because of the way the legislation is written, because of the threat of lawyers, of trial lawyers who threaten to sue the school, the school system, based on our bill that they basically are saying the students come back in the classroom, when the student without the disability is out for the school year.

Mr. ASHCROFT. Will the Senator from Tennessee yield for a question?

Mr. FRIST. I will.

Mr. ASHCROFT. I ask him if his experience has been similar to mine. I have probably gone to 30 or 40 school districts in the last 3 months, visiting school districts. I have found people are very concerned about the safety of students. My own view of it has been totally different from that suggested by the Senator from Vermont, saying that school safety is not the question here. I talked to one superintendent. This did not happen to be an IEP student who carried the gun to school but who threatened to kill other students in school seven times.

Of course, because of the problems in effecting discipline, they kept the student in school. Finally the student shot another student. Safety issues are involved here. Make no mistake about it. When someone brings a gun into the school, safety issues are involved.

Mr. FRIST. There have been 27 people murdered.

Mr. ASHCROFT. This is not just a financial issue when someone brings a pipe bomb to school. That is a safety issue. Sure it costs money to put the person in alternative settings, and it costs money to have a hearing every month and a half, every 45 days. Those are massive costs. I will not deny those are very serious costs. But let us not suggest—at least to the school districts that I dealt with—that there are no safety issues involved when people bring guns and pipe bombs to school. Does that comport with the Senator's experience in Tennessee?

Mr. FRIST. Yes, it does. The purpose of the amendment is just that. It goes back to having safe schools. That is what we have been debating so much over the last several days.

I will yield the floor. Other people want to go forward, but let me just close and say the purpose of this amendment is real simple. That is to get rid of a loophole which allows one group of students to be treated differently. If they both brought a gun to the school, the loophole being that a group of students are ending up back in school where one group of students is expelled. All this amendment says is, let's treat everybody the same and let's have those decisions made locally.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I would just like to sum it up. What we are talking about are the problems we have had from the beginning of time, the problems that children with disabilities have and how we handle them. The reason we created IDEA, the reason it was passed, is that we were not allowing the children with disabilities to get any education. It went to the U.S. Supreme Court. A consensus decision by a number of courts, I should say, was reached, in which they determined that if you are going to provide a free and appropriate education generally to the public, you have to have an appropriate education for children with disabilities. And we funded that. We required that. That is why we are here today.

What we are now dealing with is we do not want to provide those services. If a student has a disability and provided a threat to the school, it is perfectly clear, if it is a result of a disability, you have to provide that child with an education as the Constitution requires, because, if it was the result of a disability, he is not really responsible for it, so you have to provide it. That gets expensive.

If it was not part of the disability, then the child is just treated as any other child and there is no need for a different or additional IEP, away from the classroom setting; the child gets treated and handled like anyone else.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. JEFFORDS. I will be happy to yield.

Mr. ASHCROFT. Is it the Senator's position, then, if a student is the subject of a IEP, a special education student, and brings a gun to school and it is determined that student did not bring it as a manifestation of the disability——

Mr. JEFFORDS. Right.

Mr. ASHCROFT. Is it your position, then, that the school can expel him with no responsibility to provide services?

Mr. JEFFORDS. That is not correct.

Mr. HARKIN. They have to provide services for him. They have to provide services.

Mr. ASHCROFT. Wait a second. Apparently, there appears to be a difference between you and the Senator from Iowa. I was just going to indicate—is it your view in the event the dismissal comes because the gun was not a manifestation, that there is no responsibility?

Mr. JEFFORDS. He is just treated like anyone else at that point as far as discipline, is my understanding.

Mr. HARKIN. If I might interject myself into this a little bit?

Mr. JEFFORDS. I yield to the Senator from Iowa.

Mr. HARKIN. I respond to the Senator from Missouri that services always have to be provided. Educational, medical, mental health, those kinds of services do have to be provided. But if it was not a manifestation of a disability, of course, the kid can be expelled from school.

Mr. ASHCROFT. So the distinction is not that the law provides that there can be no services, or will be none, your view is directly contrary to that of the Senator from Vermont, that services must be provided on a continuing basis, even if it was not a manifestation. But he can be kept out of the school?

Mr. HARKIN. That is in the law.

Mr. ASHCROFT. I think it is in the law. That is why I was asking the Senator.

Mr. JEFFORDS. He may not have to return to the school.

Mr. HARKIN. If the Senator will yield?

Mr. ASHCROFT. Not providing them at the school. That is where you do get into expensive treatments, where you get to $60,000, $70,000, $80,000 a year to provide the student with individualized home-based education.

But the point is, the purpose of the amendment of the Senator from Tennessee, which I am very grateful for the opportunity to participate in with him, is to provide an equity in services. When you suggest that there is an equity for those who are subject to an IEP, but the violation is not a manifestation of the disability, that there is not any requirement for services, that is simply not true. The law provides the services must continue.

I think the fundamental point the Senator from Tennessee and I want to make is this. There are not very many people who are bringing guns to school. There are very few of them. And even fewer who would bring guns or pipe bombs to school are students with a disability.

But for those who do, the school officials ought not to have to go through torturous legal proceedings and laborious determinations of manifestations and the like for those who bring pipe bombs and guns to school. We ought to be able to trust the principals to say: You don't belong here in school. You will come back in the same manner that other students do.

Mr. JEFFORDS. I might point out, under your theory here, if a child with a disability comes in, and it is not a manifestation of disability, they are not entitled, under the IDEA, to have any education at all. You just get rid of them, like you get rid of the one who came in who was not disabled.

Mr. ASHCROFT. That is exactly the kind of parity we are talking about. If

a person brings a weapon to school, the principal has the right to say: You do not belong in school and you are not going to disrupt or threaten the safety of this school environment and you are not entitled to special services, especially in cases where bringing a weapon to school had nothing to do with your disability.

I believe it ought to be the case, and this amendment provides we give school administration officials the kind of discretion they have in their own States and under the Gun-Free Schools Act we passed a couple years ago where the principal has the discretion to expel them for a year, with the discretion to allow them to reenter on his or her determination or school authorities' determination.

Mr. HARKIN. Will the Senator yield?

Mr. JEFFORDS. Under these circumstances which we are talking about—expelled but not a manifestation—then a child is expelled from school but is still entitled to educational services. That is the difference. That means an additional expense. The child who does not have a disability and is thrown out of school has to find another school, has to get a tutor or do something else. We are all talking dollars and cents. We are talking about a cost that is added by virtue of the fact that you must provide special services.

Mr. HARKIN. If the Senator will yield.

The PRESIDING OFFICER. The Senator from Missouri—

Mr. JEFFORDS. I have the floor.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. HARKIN. If the Senator from Vermont will yield for a question.

Mr. JEFFORDS. I yield to the Senator from Iowa.

Mr. HARKIN. I say to the Senator from Missouri, as long as it takes to reach some parameters on this, the fact is, the principal's hands are not tied right now in getting kids out of school immediately. Will the Senator agree with that or not? No?

Mr. ASHCROFT. For expelling students.

Mr. HARKIN. Getting them out of the school immediately if they bring a gun to school.

Mr. ASHCROFT. For the first 10 days, they can get them out of school.

Mr. HARKIN. Forty-five days.

Mr. ASHCROFT. Then it takes additional proceedings to get to the 45-day period.

Mr. HARKIN. No, it doesn't; no, no, it doesn't; no, it doesn't. No.

Mr. ASHCROFT. On the 11th day, you have to start a different regime that includes providing separate services, education in another setting if you don't provide it at school.

Mr. HARKIN. But they can keep them out of the school for 45 days.

Mr. ASHCROFT. They can keep them out of a regular classroom.

Mr. HARKIN. Wherever they brought the gun to school, they can keep them out of that school for 45 days. The law is pretty clear. I don't know what we are debating here.

Mr. ASHCROFT. In all deference to the Senator, the law is clear and the law provides substantial disparate or different treatment, and the treatment which is different causes very serious problems in the real world. It causes problems because we let students who bring guns into school back into the school system because of this system.

Mr. HARKIN. Let's take it one step at a time, I say to my friend. I am trying to get to this one point. Are the principal's hands tied if a kid brings a gun to school—I don't care if they are disabled or not. In getting that kid immediately out of school for up to 45 days, I think the law is clear, they can do that; they don't have to show anything.

Mr. ASHCROFT. They have responsibilities when they do that that they don't have with other students.

Mr. HARKIN. Again, I am just saying——

Mr. ASHCROFT. So if you are talking about hands tied, you may not tie their hands, but you force them to busy their hands doing a whole variety of other things.

Mr. HARKIN. Again, I say to my friend——

Mr. ASHCROFT. That results in those kids showing up in school far earlier than they otherwise would. It may not work that way on the floor of the Senate, but that is the way it works in school.

Mr. HARKIN. I want to take it step by step.

Mr. ASHCROFT. Sure.

Mr. HARKIN. Step by step. The first step is getting the kid out of school because there is a clear danger. You want to get him out of there.

I want to make it clear, we all understand that a principal can get that kid out of school. They can call the police station right now and say: Come and get this kid; he has a gun. They can take him down to the police station. The police can do it. They have that right now. Even if the kid is severely disabled, one can say, please come and pick him up and take him to the police station now. Their hands are not tied. I want to take the first step in getting the kid with a gun out of the school. I just hope that my friend will agree that the principal can do that.

Mr. ASHCROFT. You are asking me that question?

Mr. HARKIN. Yes.

Mr. ASHCROFT. The principal can do that.

Mr. HARKIN. Thank you.

Mr. ASHCROFT. And this amendment is designed to extend the quality of treatment that you appear to admire at the first of the process through the process adequately so that we protect the safety of the school environment for a much longer period of time.

Mr. HARKIN. OK. Now, my friend and I agree that the principal can get the kid out immediately. Let's take the second step: timeframe. For a disabled kid, it can be up to 45 days. They don't have to do anything. They can keep him out for 45 days. They don't have to show anything. They can keep him out for 45 days.

Mr. ASHCROFT. They do have to do things.

Mr. HARKIN. Provide services in education.

Mr. ASHCROFT. That is different than with other students.

Mr. HARKIN. That is true.

Mr. ASHCROFT. When we take these steps, let's tell the whole story about each step.

Mr. HARKIN. For the disabled child, they do have to continue to provide services.

Mr. ASHCROFT. If they don't let him back in, for that student, they have to set up some other school for him, and that could even be a school that is housed with a full-time teacher and all the kinds of assistance the student might need.

Mr. HARKIN. It would be in an alternative setting to be determined among the parents, the hearing officer and the school.

Mr. ASHCROFT. And that is totally different than it is for a nondisabled student.

Mr. HARKIN. I agree with you.

Mr. ASHCROFT. Good, good. Here we are, for the first 10 days, both can be sent out of school, but after the 10th day——

Mr. HARKIN. I think then while we agree that the principal can get the kid out right away and can get him out for 45 days, our disagreement, it seems to me, is not so much on getting the kid out of the school immediately and getting the immediate danger out; it seems to me our disagreement is what happens later, what happens with th kids later on, how are they treated and how, if at all, they are let back in the school. That seems to be our disagreement.

Mr. ASHCROFT. That is a very significant point here, and if I just take you to the schools, and the best information we have in this debate is what the Senator from Tennessee has brought us, that they are treated deferentially and a significant number of them are back in schools prematurely because the schools feel like they have to let them back in at a time when, according to their testimony, they are uncomfortable about it.

Mr. HARKIN. Again, I think we can work through this. I hope. We may not always agree. I am trying to get down to the nub of the problem.

Mr. FRIST. Will the Senator.

Mr. HARKIN. And it seems to me that we do agree. I understood——

Mr. FRIST. This Senator does not agree.

The ACTING PRESIDENT pro tempore. The Senator from Vermont has the floor.

Mr. FRIST. Will the Senator from Vermont yield?

Mr. HARKIN. Will the Senator yield further?

Mr. JEFFORDS. Let me get organized here. I yield to the Senator from Iowa. Please refer back to me and then I will recognize the others; and we will have an orderly process here.

Mr. HARKIN. The point I am trying to make is that in the initial statement of my friend from Tennessee, the Senator talked about the Littleton school shooting and kids bringing guns to school and getting these dangerous kids out of school. I agree.

I just wanted to make the point very clearly that in terms of a child bringing a gun to school, a principal right now can deal with a kid who is disabled just as they can with a kid who is not disabled, in terms of getting that kid out of school, having the police haul them away, have them book him, have them charge him with a crime or anything else. I just wanted to make that point very clear, that they can get those kids out of that school.

Now we are going to get into the next stage about what happens with those kids. That is the only point I want to make. I thank the Senator.

Mr. FRIST. Will the Senator from Vermont yield for a short period?

Mr. JEFFORDS. I yield.

Mr. FRIST. For the last 45 minutes, we have had the Senator from Iowa talking to me or talking to the body trying to explain so everybody can understand this process that we have set up for individuals with disabilities, which is a good process overall because they are very complex issues.

We have a 10-day period where we have one set of rules which I agree that basically you do the same for an individual with a disability and nondisability. Then you have a 45-day period, which, as the chart that we saw earlier shows, in terms of a manifestation process, is confusing and is a difficult process. It is an evolving process and one that has changed over time so that we can adequately consider individuals with their disabilities and what their special needs are.

Our point, and I know the Senator from Iowa keeps shifting away from it, but I am going to keep coming back to it, because the amendment is so simple. Our point is to close a loophole that if a disabled student brings a gun or a bomb in the classroom, they end up back in this classroom. If you do not have a disability you are not in the classroom. That is a loophole.

The point I want to make is, we can march through the whole 10-day period, 45-day period, another 45-day period of threatening and all that. That is the whole point, that we have barrier after barrier after barrier for a group of people who brought a gun into the classroom, with our children around, and they brought a gun there. We have all these barriers set up for one group of students, but for the other group of students they are out for that year. We say, treat them both the same. That is all the amendment does.

Mr. JEFFORDS. That is, unfortunately, not the way the courts have ruled as to how a State has to handle those situations. Students with disabilities are entitled to an IEP. They are entitled to special education and related services. They can be denied going back into the classroom if they are in any way a threat to that classroom. But they are entitled to services. That isn't going to change. And this law will not change.

Mr. ASHCROFT. Does the Senator from Vermont yield?

Mr. JEFFORDS. Yes.

Mr. ASHCROFT. On what basis does the court say they are entitled to an IEP?

Mr. JEFFORDS. That goes back to the 14th amendment.

Mr. ASHCROFT. The Individuals with Disabilities Education Act, isn't it?

Mr. JEFFORDS. Based on constitutional decisions that were levied back in the late 1960s and 1970s, which determined that you had to give an equal opportunity to children with disabilities. Part of that equal opportunity is appropriate education, which takes into consideration the nature of the disability.

Mr. HARKIN. Will the Senator yield to me to elaborate a little further?

Mr. JEFFORDS. Yes.

Mr. HARKIN. I say to my friend from Missouri that prior to the two 1972 cases, the PARC case and the Mills case, it was found by the courts, and by others, that there were millions of kids in our country who were denied an education simply because of their disability.

In both the PARC case—that is the Pennsylvania Association of Retarded Children—and the Mills case here in the District, the courts said, basically, look, if a State provides a free public education to its children—now, a State does not have to, States do not have to provide a free public education; there is no constitutional mandate for that, by the way. But the court said, if a State provides a free public education, under the 14th amendment to the Constitution it cannot deny a free public education, just as it cannot deny it to a child who is black, because of race, color, creed, national origin, sex, it cannot deny a free public education to a child with a disability; and, furthermore, the court said, because of the disability, the education must not only be free but appropriate.

So I say to my friend—and I will just go through this a little bit longer—the States, then, were faced with a constitutional mandate that they had to provide a free appropriate public education to kids with disabilities.

The States were panic stricken. How were they ever going to afford to do this? They came to Congress. Congress said: OK. We will set up a law. We called it the Individuals with Disabilities Education Act, passed in 1975. Both the Senator from Vermont and I were in the House at the time. We set up a law, and we said: OK. We want to have some national standards. We do not want to have 50 different standards. We want to set up national standards for providing services to kids with disabilities. We do not want 50 different things out there.

So we set up IDEA. We said our objective was to provide 40 percent of the funding. By the way, we haven't, and we ought to.

Mr. ASHCROFT. Glad to have your support on that, Senator.

Mr. HARKIN. I always have. We ought to fully fund IDEA. But I just want to walk through this.

So we set up IDEA, and we said, if you, State of Missouri, would like to have the money we can provide, then you have to adhere to IDEA. No State, including the State of Missouri, has to abide by any of the provisions in IDEA if they do not want to accept any of the money.

Mr. SESSIONS. Will the Senator yield?

Mr. HARKIN. I just wanted to point out, the Senator was questioning about whether or not this was a constitutional mandate. It is a constitutional mandate on the States that they have to provide a free and appropriate public education. IDEA says to the States: We will help you with money. Here are the rules of the game.

Mr. ASHCROFT. Will the Senator from Vermont yield?

Mr. JEFFORDS. I yield to the Senator from Alabama.

Mr. SESSIONS. I have been traveling in my State and talking with educators. I have never had any issue that is of more concern to them than the problems of enforcing discipline caused by the IDEA Act. What we are doing in our schools today is not required by the Constitution. And sooner or later the people are going to rise up and put an end to it.

Let me just share this thought with you. Taking a gun to school by a youngster is a Federal crime. What if they are put in jail, do they have to be sent back to the school? That is just the point.

Let me read this letter I received just a few weeks ago from one of Alabama's most experienced attorneys general:

He has been a leader in the State Attorney General Association.

Dear Jeff:

I am writing you this letter concerning my general outrage over the laws of the Federal Government and how they are being administered in relation to school violence.

I had already been having meetings with our Superintendent of Education concerning new rules and interpretations of rules based on what I believe to be the Federal Disabilities Act.

The general thrust of the matter is that violent children are being kept in school because of the Federal Rules relative to disabilities.

I can point to at least seven to nine occasions in Baldwin County—

His county——

in which I believe expulsion was called for, but could not be accomplished because of the interpretation of the Disabilities Act.

I realize that mental disorders can be a disability, but the primary concern should be

the safety of the children who are not causing any difficulties.

Our schools simply do not have sufficient resources for one on one education and I would hope that you and other members of Alabama's delegation would review this problem which I believe to be epidemic throughout this Country.

Here is an editorial in the Mobile Press Register about a 14-year-old student classified as "EC," emotionally conflicted. He had to be assigned an aide to go to school, to go to class with him. One aide to this one student because of his problems, an aide assigned to him during school hours and during bus rides to and from school. The student was accused of assaulting his aide while the aide tried to stop him from trying to wreck the schoolbus.

These are the kinds of things that have happened all over America. This bill does not go far enough, in my opinion. It only says, if you bring a deadly weapon to school, and in violation of Federal law, you have to be treated like everybody else, and you do not get special protections because you are emotionally conflicted.

In fact, emotionally conflicted kids may often be the most dangerous ones, the ones most likely to come back in, say, 6 months from now and kill some innocent child in a classroom or shoot their teacher. This is a good step forward. I would like to, if I could, be listed as a cosponsor of the legislation.

Thank you, Mr. Chairman, for your leadership on so many matters of education. I just wanted to share those remarks.

Mr. HARKIN. Will the Senator yield?

Mr. JEFFORDS. I appreciate the remarks.

I, again, point out, if the child is violent and it is not a manifestation of their disability, they can be treated like anyone else as far as removal from school. If it is a manifestation, then special rules apply. Those special rules may well determine that they not be in the general education classroom. That process may require maybe an aide to be assigned to them. That is the way the law works.

Many, many students who have disabilities have special aides assigned to them. We cannot let these kinds of very difficult incidents of violence throw out the whole law. We have to examine exactly how you handle students with disabilities, and situations where the disability results in school violence. In such cases they can be removed from the classroom; they can be removed from the school.

But they must to be provided an appropriate education under the law.

Mr. SESSIONS. If a child is emotionally conflicted and brought a gun to school on one occasion, why do we think he might not do that on another occasion, even some months later? It is a safety question for the school.

This is a modest step in the sense that it doesn't say you can do anything if he beats up another student; it just says that if he brings a deadly weapon to the school, he can be treated like any other student and be removed. I think that is a good step and support the amendment.

Mr. JEFFORDS. They can be removed either way. It is just a question where they end up—whether they end up going outside of the school and joining a gang or whether they get a special educational situation outside of the classroom, outside of the school. Those are the kinds of problems we must address whether or not they have a disability.

Mr. SESSIONS. All I would say is the district attorney, David Whetstone, is a reasonable man. He is very concerned. I am hearing repeatedly from school superintendents and principals that no matter what we say about, in theory, how this law works, in practicality, it is endangering the lives of students, disrupting classrooms, causing teachers to quit, and costing untold amounts of money. In fact, the superintendent from Vermont did testify that 20 percent of his county's budget goes to special education students. Somehow we have gotten out of sync here. We need to move back to a more modest ground, I say.

Mr. JEFFORDS. I say if the Congress achieves what we are trying to do, particularly what the Republicans are trying to do, fully fund IDEA, then many of those concerns would go away. But we are far, far from providing the State and local governments the money we told them we would.

Mr. SESSIONS. You have been a champion of that, but even then our goal is to do 40 percent, not 100 percent.

Mr. JEFFORDS. I was referring to about 100 percent of the 40 percent.

Mr. SESSIONS. We haven't even honored our commitment to do 40 percent. But even then, 60 percent of it would be carried by the local school system.

Mr. JEFFORDS. You are accurate.

Mr. HARKIN. Will the Senator yield briefly?

Mr. JEFFORDS. I yield to the Senator from Iowa.

Mr. HARKIN. I wanted to respond to my friend from Alabama.

It seems to me the argument is, it costs too much money to take care of kids with disabilities. I remind my friend from Alabama, that Supreme Court right across the street, less than 2 months ago, had a case from Iowa, the Garrett F. case. Here was a kid who was on a breathing device in school every day, had to have a nurse with him every day because they had to clean the phlegm out of his throat and his lungs. He was on a breathing device, severely disabled. His mind was fine, mind was great—the kid knew what was going on, a good student.

The school didn't like it because it was costing them a lot of money—I say to my friend from Alabama—so they took the case to the Supreme Court. That Supreme Court over there, in a 7-2 decision, including some of the most conservative Members of that Court, said that under the Constitution of the United States they had to provide that opportunity. We can argue about how we provide it, but, please, don't tell me that somehow, because these kids cost a lot of money, we have to give them less in their lives than kids who are not disabled.

I yield the floor.

Mr. JEFFORDS. I am glad to yield to one of you, and then I am yielding myself off the floor. I yield to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I want to bring the attention of the Senate to what I believe to be the law in this situation, that absent specification in the IDEA law itself, the extension of continuing services is not required according to, I think, the best on-point legal decisions in cases where a person would otherwise have forfeited his right to school because of the disciplinary problem.

The case of Virginia Department of Education v. Riley, from the Fourth Circuit, found that the plain language of IDEA did not condition the receipt of IDEA funds on the continued provision of educational services to expelled children with disabilities and that in order for Congress to place conditions on the State's receipt of funds, Congress must do so clearly and unambiguously. Therefore, that is one of the reasons the law was changed following that.

Mr. HARKIN. What was the date of that case?

Mr. ASHCROFT. That is prior to the change in the law, I say to the Senator from Iowa. I am explaining, that is one of the reasons the law was changed. I think you changed the law, and the source of the mandate that services be provided, according to that case and according to the response of the Congress, was the change of the law.

So the Constitution does not provide a mandate that people have to be given continuing services forever in discipline cases, which has been suggested.

The point is, the Constitution hasn't been so construed, I don't believe. I think what the law has basically said is that that comes from what we did in the amendment of the law a year or two ago. Was that in 1997? Given that, if the source of that responsibility is the law, it becomes clear to me that we can change the law and alter the responsibility.

Now, I think this has been both entertaining and somewhat instructive.

Mr. HARKIN. Mr. President, I want to say to my friend from Missouri—

Mr. JEFFORDS. I want to let the Senator from Missouri finish so I can depart.

Mr. ASHCROFT. How nice.

Mr. HARKIN. I want to tell him he is right.

Mr. ASHCROFT. If the Senator wants to tell me I am right, first of all, I need reinforcements here to catch me when I fall over. But I am delighted.

Mr. HARKIN. I wanted to say that the Senator was right and I misspoke

myself. That Court across the street said the law was clear, that they had to do it. It was not the Constitution.

Mr. ASHCROFT. I want to get back to the fundamental point, and there are about three of them. I will try to make these quickly: One, that the law does provide for differential treatment. If it didn't provide for differential treatment, we wouldn't have the law. As a matter of fact, part of it was in response to this Fourth Circuit opinion, and the Congress acted. In so providing, we created a big loophole for guns and firearms in the school.

We basically provided a basis for differential treatment for people who are the subject of IEPs, these special education students, who might be—I forget what the Senator from Alabama said—emotionally distressed, or troubled, or severely emotionally distressed. They might be able to come to school and have different treatment if they carry a gun to school than if someone else does.

The simple fact is that the Senator from Tennessee and I believe we ought to give authority to school principals to deal with such cases as forthrightly as they do with other cases. This is in light of the fact that when you get out, not in the Chamber of the Senate, not in the theory of the bureaucracy, but when you get out into local schools, the law operates to constrain those school officials to have students come back to school who have carried guns to school and pipe bombs to school. They have carried them in, and it is not in the best interest, according to school officials, to have the students back in, but they are back in.

We simply want to liberate school principals and school officials to say to people who bring guns and pipe bombs, firearms, to school, you can't do that, you are out until we say you can come back, in the same way we say that under the Gun-Free Schools Act, which is the Federal Government's mandate, students are entitled to go to school in a place that is not full of guns and firearms.

I thank the Senator from Vermont for according me this opportunity to make that simple statement, that we want to provide parity for students: No matter who you are, when you bring firearms and guns to school, we want the principal to be able to send you home.

Mr. JEFFORDS. I think that narrows it down to all that I am saying which is, yes, they do that, but they have to provide an alternative educational circumstance, which is something different than other people without disabilities may not have been entitled to.

With that, I yield the floor.

Mr. LEAHY. Will the Senator from Vermont yield to the Senator from Vermont?

The ACTING PRESIDENT pro tempore. The Senator has just yielded the floor.

Mr. LEAHY. The Senator from Vermont thanks the Senator from Vermont. The Senator from Vermont will now take the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, there has been a good debate here by the Senators from Missouri, Iowa, Vermont, Tennessee, and others who have spoken about this. I know these are extremely important amendments, especially to the primary sponsors, and the Senator from Iowa and the Senator from Missouri, and the others.

My perspective is that as ranking member and floor manager on this side of the bill, I look at a whole lot of amendments. At one time, we had a couple hundred amendments. We whittled those down. Dozens of Senators on both sides of the aisle have agreed to withhold their amendments. I spent the weekend talking with Senators, asking them to withhold their amendments. And they did. Others we were able to get in a managers' agreement, a managers' package, something I am still waiting to hear back on from the other side. I assume we will get that. Many Senators on both sides will see the bulk of their amendments in the managers' package. But at some point we have to go on.

I suggest, for whatever it is worth, whatever is done, whatever is passed, whether it is the amendment of the Senator from Missouri, or whether it is the amendment of the Senator from Iowa, this issue will be in conference. The Senator from Utah and the Senator from Vermont, as the two main conferees, will have to try to work out yet another overall compromise. We have had debate for almost 2 hours. We are beyond reasonable to ask that the Senator from Missouri and the Senator from Iowa simply allow the Senate to accept both amendments by a voice vote. They will be in the bill. The practical effect of that, I might say, will not be any different if a vote were to be had on the floor because we still have an issue that will be resolved ultimately in conference. The one difference will be that we have had a debate that extended for almost 2 hours. The debate will then be completed and we could go on to other issues.

I would like to see us finish this bill tonight. I am not propounding this as a unanimous consent request, but I am suggesting it to the Senators. The Senator from Utah is not on the floor, and I don't wish to speak for him, but the Senator from Utah and the Senator from Vermont would find that agreeable.

Mr. FRIST. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. FRIST. When the Senator says accept the two amendments by voice vote, does he mean the Harkin proposal and ours?

Mr. LEAHY. Yes, to accept them both. My reason for doing that is——

Mr. FRIST. That would be unacceptable. We spent a lot of time talking about the fundamentals. We have spent a lot of time debating this. We will object to that.

Mr. LEAHY. I am not doing this as a unanimous consent request. It is just an idea. The Senators have an absolute right, on both sides, to ask for a vote on their amendments. My concern is going forward, especially even if we have votes on them, the practical results will be much the same because we are still going to have to revisit it in the committee of conference.

We can finish this bill tonight. I just throw it out for what it is worth. I have been here 25 years and I know the Senator has a right to get a vote on his amendment. I am just trying to get to the practical result, which will, in the end, still be the same.

Mr. FRIST. Mr. President, I ask unanimous consent to add Senator COLLINS as a cosponsor, along with Senator SESSIONS, if he has not already been added, to the Frist-Ashcroft amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, there is no need for this amendment. IDEA already contains provisions to ensure that schools are able to remove truly dangerous children from the classroom. But it also ensures that these children receive the services they need—not only educational services, but counseling, behavior modification, and other related services—so that their bad behavior will hopefully not happen again. This makes more sense than simply sending kids out of the streets, which is exactly what the Frist-Ashcroft amendment proposes to do.

The worst example of what happens when students are sent home without necessary services happened last year in Springfield, Oregon. When Kip Kinkle brought a weapon to school, he was immediately suspended. He went home with his gun, killed his parents, then returned to school and started firing.

The greatest protection a school can provide to its students and community is to be aware of the warning signs of danger and provide the services that can prevent the student from using violence.

Why would we want to strip th very protections from our schools and communities by amending IDEA to end all services to students with disabilities? In fact, why don't we have these protections in place regarding all children, not just those children served under IDEA?

Although several of our colleagues here today have pointed to all sorts of horror stories allegedly involving IDEA students, I would urge my colleagues to be get the facts straight.

(1) For the vast majority of children with disabilities, most discipline problems can be handled by implementing their individualized educational plan, which now includes behavior management strategies.

(2) IDEA currently allows a school to suspend a child for up to 10 days per incident.

(3) Moreover, IDEA allows a school to discipline a child with a disability just like it would discipline any other child, so long as that child's behavior is not a manifestation of his or her disability.

Mr. President, IDEA took three long years to reauthorize, and was the product of bipartisan negotiations involving both chambers of Congress and the Administration, with extensive public input.

The IDEA regulations have just been issued, and they particularly strengthen the area of disciplinary procedures.

In many places, schools are only starting to use the tools that are available to them under current law in cases where disciplinary actions that could be prevented with early intervention.

In fact, GAO is currently doing a study as to whether schools have enough flexibility to discipline children with disabilities.

In this letter I received dated April 29, they stated that work on this study should be delayed for two reasons:

(1) "Nationwide data on school discipline for special education students is not currently available, but is being collected this year," and

(2) "IDEA regulations have only recently been published, allowing insufficient time for their results to be felt and measured."

I ask that the text of this letter be printed in the RECORD following my remarks.

Mr. President, at this point I believe it is not necessary and in fact it would be unconscionable and premature to amend the IDEA and risk compromising the implementation of this landmark legislation.

Special education students should not be the scapegoats here. And let me state again, not one of the children involved in the tragedies that we have witnessed over the past two years was a special ed. student. We need to focus this legislation on strengthening all schools for all of our children, and stop blaming IDEA.

Mr. President, I want to join with the sheriffs, district attorneys, leaders of police organizations, violence prevention scholars, and school psychologists and counselors, in urging all my colleagues to vote against the Frist-Ashcroft amendment.

Mr. CAMPBELL. Mr. President, I intend to vote in favor of the pending amendment offered by my colleague, Senator ASHCROFT, to enhance school safety. This bill is based in large part on the work of the Republican Juvenile Crime Task Force, on which I served. I am pleased to see that the amendment includes three provisions I proposed to the Task Force to help make our children's schools safer.

The first provision authorizes the use of funds to train school personnel, including custodians and bus drivers. These key people on and near school grounds can be helpful in finding suspicious objects, pipe bombs, or other means of harm if they had the proper training. These personnel can be utilized for identifying potential threats, crisis preparedness, and emergency response. I intend to build on this work in the FY 2000 Treasury appropriations bill by supporting the role of the Bureau of Alcohol, Tobacco and Firearms in training school personnel in the detection of weapons and explosives.

The second provision authorizes the use of funds for the purchase of school security equipment and technologies, such as metal detectors, electronic locks, and surveillance equipment. This provision is based on S. 996, the "Students Learning in Safe Schools Act of 1999" which I introduced on May 11, 1999.

The third provision would invest more resources in School Resource Officers, including community policing officers. This important initiative expands the Cops in Schools program which I was pleased to author as S. 2235 in the 105th Congress. This bill was enacted into law in 1998 and this Spring the Justice Department is making $60 million available for this program in this year alone. School Resource Officers would work in cooperation with children, parents, teachers and principals to identify dangers and potentially dangerous kids before violence erupts and innocent children get hurt.

The Ashcroft Amendment includes many other important provisions to enhance school safety. I urge my colleagues to join me in voting in favor of this amendment.

I thank the chair and yield the floor.

Mr. FRIST. Mr. President, let me briefly comment on what I think is most appropriate. We have spent a couple of hours on the Frist-ASHCROFT amendment. It is a pretty clear and pretty straightforward amendment. We have debated some very useful aspects. I would like a vote on this amendment, because I think it will improve safety in our schools. It closes this loophole. I feel very strongly about not postponing it until later, or deferring it, or handling it in conference. I would like to see an up-or-down vote on it and move on after that.

Mr. ASHCROFT. Mr. President, I ask for the yeas and nays on the amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. Mr. President, we have had a pretty good debate, and it has been said that it has taken 2 hours. That doesn't bother me. I have spent years on this bill. I spent years on it. I spent my entire lifetime with a disabled brother. Do you think 2 hours means anything to me? It doesn't mean anything to me. We spent 3 years on this bill—3 years—bringing IDEA up to date. Do you think 2 hours bothers me? Not a bit.

I am going to say something to my friend from Tennessee. He is a good man; he has a good heart. I am going to read back to my friend from Tennessee his words spoken on the floor May 14, 1997. The issue then was a GORTON amendment, which would basically have turned back to the local school districts the power to basically discipline kids with disabilities. I want to read back to my friend from Tennessee what he said then:

Mr. FRIST. Mr. President, I rise to speak in strong opposition as well to this amendment before the Senate, put forth by the Senator from Washington, an amendment which would instruct local education agencies to set out their own policy—a potentially very different policy—in disciplining students with disabilities. In short, under his amendment, each school district potentially would have its own distinct policy in disciplining disabled children. And with 16 school districts, the potential for conflicting policies is very real. And I am afraid this would be a turn-back to the pre-1975 era before IDEA. Is this a double standard? I say no. Clearly, we have outlined a process whereby students, if there is a manifestation of a disability, would go down one process. And if a discipline problem was not a manifestation of a disability, that student would be treated just like everyone else.

I am continuing to quote from the statement of the Senator from Tennessee on May 14, 1997:

I think this is fair, this is equitable. Remember, if behavior is not a result of that disability, all students are treated the same in this bill. If behavior is secondary to a disability, there is a very clear process which is outlined in detail. Yes, it does take several pages to outline that, but it sets up a balance between the school, between school boards, between parents, and between children.

Senator GORTON claims this amendment is about local control, and I feel that it will be used, I am afraid, to turn back the hands of the clock to the pre-1975 conditions where we know that children with disabilities were excluded from the opportunity to receive a free and appropriate public education.

I say to my friend in Tennessee that he was right then. Mr. President, he was right then. Now we are caught up with the issue of guns and bombs.

Mr. FRIST. Will the Senator yield?

Mr. HARKIN. The Senator was always kind enough to yield to me. I would certainly respond with the same kind of favor in response to the Senator from Tennessee.

Mr. FRIST. Does the Senator from Iowa believe there should be two standards, if one child with a disability walks into a school with a gun and a child without a disability walks in with a gun, if there is a zero tolerance policy for the States, the individual who walks in with the gun should be back in classroom within 45 days when the person without a disability is totally disallowed?

Mr. HARKIN. I say to my friend from Tennessee, I use his own words. He said this is a "double standard." I say no.

Mr. FRIST. Let me also say that in this bill, if you look on page 3, lines 1 through 8, in terms of intentional or not intentional, in terms of whether or not someone brings a gun or a firearm——

Mr. HARKIN. Where is the Senator reading from?

Mr. FRIST. In terms of "intent." We have narrowed this bill so specifically

in terms of an individual bringing a gun or a firearm with intent into the classroom that they should all be treated the same. I think it is important that is what this amendment is all about is equal treatment, fair treatment, the same treatment, whether or not you have a disability, whatever your educational status is, that you are treated the same, if you bring a gun into the classroom or you bring a firearm into the classroom.

Mr. HARKIN. Is the Senator talking about subsection (a)(2) on page 3?

Mr. FRIST. Yes.

Mr. HARKIN. I read that. It says, "Nothing in clause (I)(1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause 1"—that is, expulsion—"from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent."

I ask the Senator, to whom does that child assert the defense?

Mr. FRIST. To whom?

Mr. HARKIN. Yes.

Mr. FRIST. To the people he jeopardizes by bringing into that classroom a gun. Is it intentional or not intentional when you come in? It should not matter other than it is intentional. He needs to be treated the same as everyone else. If you are placed out of the classroom, if you do not have a disability, you ought to be placed out of the classroom for that same period of time whether you have a disability. All children should be treated the same.

Mr. HARKIN. We have already been through that. I don't know if we need to go over it again. We have already decided that if a kid brings a gun to school, the principal can take that kid out of that school immediately, can call the police and have the police come and haul them away.

Does the Senator disagree with that?

Mr. FRIST. That is the not issue. It is who ends up back in the classroom. I pointed out again and again the statistics of individuals with disabilities, because of this special loophole, who end up within 45 days back in the classroom bringing a gun the first time, the second time, and ending up back in the classroom. If you do not have a disability, you cannot end up in the classroom. Let's treat everyone the same if they bring a gun or if they bring a bomb into the classroom. That is what the amendment is about.

Mr. HARKIN. The Senator says a kid can assert a defense that the carrying or possession was unintentional. I ask, to whom? It doesn't spell it out here. They can assert a defense. But assert it to whom? The principal?

Mr. FRIST. Yes. To the local authority, to the principal, to the teacher. That is correct.

Mr. HARKIN. He can assert that defense.

Mr. FRIST. That is correct.

Mr. HARKIN. That it was unintentional. And what kind of process is set up which would ensure that there would be a fair and impartial hearing on that?

Mr. FRIST. The same process that applies to every other student, the other 85 percent of the students in the classroom. That is the whole point. Let's treat everyone the same. If they come into a classroom with a gun or a bomb, you treat them the same. The local authorities do. The principal does. The teachers do. That is the whole point. Let's treat them the same. It is what equity is all about when we are talking about guns in the classroom, or firearms and bombs in the classroom. You treat them the same. They don't end up back in the classroom.

That is the fundamental essence of what this amendment is all about. You treat them the same.

Mr. HARKIN. If I might remind the Senator that he started off talking about the Littleton incident. I am going to get into this, because I think it is important. I ask the Senator—I will start with a statement. I hope it is not disputable that in the last 39 months there have been eight school shootings in which kids have died. How many of those shootings involved a kid with disabilities? I ask the Senator.

Mr. FRIST. I have not seen those statistics. I would be happy to take a look at them.

Mr. HARKIN. I will say it and open it up to any repudiation. There have been eight school shootings in 39 months. Not one of those involved a kid with a disability—not one. Yet we have an amendment going after kids with disabilities. Yet not one involved a kid with a disability. In fact, I will point out that four of the kids killed at Littleton were kids with disabilities.

Mr. FRIST. Will the Senator yield?

Mr. HARKIN. Of course, I yield.

Mr. FRIST. How many people have to die or be murdered before the Senator from Iowa is willing to close this loophole? Do you want to wait? Is that the point of using statistics? Wait until people are murdered? We know people with disabilities who bring a firearm or a bomb to school are ending up back in school when students without disabilities are not. Do you want to wait until statistics show people are murdered?

Mr. HARKIN. No. That is why we changed IDEA 2 years ago, I say to my friend, to provide that whoever brings a gun or weapon to school can be immediately removed by the police and taken down to the police station. That is why we did that.

Mr. FRIST. That gets them out for 10 days?

Mr. HARKIN. No.

Mr. FRIST. Then what?

Mr. HARKIN. During that 45 days, I say to my friend, during the 45 days—he should know this; I am sure he does—during the 45 days there is an Individualized Education Program, an IEP, developed during that 45 days. That IEP will address behavior modification, therapy services, and intervention to make sure the behavior does not occur again. This IEP protects not just the child but protects the school. The only way a school needs to let a kid back in is if that kid is meeting the objectives in the IEP and the school wants them back in. That is the process.

Mr. FRIST. Will the Senator yield?

Mr. HARKIN. Sure. I would be glad to yield.

Mr. FRIST. There were eight students in Tennessee a year and a half ago brought firearms in the school. We have gone through this, I know. Two had no disability and were expelled. They are out. Six of the eight were disabled students, individuals with disabilities, and were in special education. For three of those who brought the gun to the classroom, it was related to a manifestation of their disability. It has to be that the individuals with disabilities have individual needs that have to be addressed. They should be addressed. Constitutionally, they should be addressed. Ethically, they should be addressed.

When it comes to a firearm, or a when it comes to a bomb, after those 45 days, three of those eight students in Tennessee who brought a bomb to the classroom, or a gun, or firearm, firearm, deadly weapon, ended up back in school through this loophole when none of the other students without a disability had that loophole. They entered back into the school.

When you keep saying get them out for 10 days, in truth, whether it is 35 or 45 days, they are back in the classroom and treated in a different way. I say treat them the same.

Mr. HARKIN. Again, I ask my friend from Tennessee, was that under the old law or the new law?

Mr. FRIST. Those eight, may have been under the old law, I am not sure. I gave other statistics with the nine students from this year. I will have to check on that.

I don't want to stress the statistics too much. I keep using them because I have a great fear something bad will happen as a result of the law we created.

I can say on the 45-day period which we have talked about and worked on writing together, if a person is a threat during that 45 days, and your team says you are a threat, the Senator is exactly right, they can be kept out another 45 days. After that 45 days, what? I guess it can keep going on. We have great faith in that.

As someone who has, as the Senator, seen a lot of individuals with disabilities, if somebody brings a gun into the classroom and they are expelled like everybody else for 10 days and go through a manifestation period, I don't know exactly how to know whether that individual is threatening. We have to go through all the disabilities. That will be a tough diagnosis to make in terms of saying, no, you are too threatening to go back when parents are there who are saying go back; teachers, lawyers, who say he hasn't done anything over the last 15 or 20 days, maybe we should let him go back.

That is what our bill gets out. Treat everybody the same, if you have a disability or no disability. If you bring a gun or firearm to school, you should be treated the same. The same applies to cessation of services. You should be subjected to the decisionmaking of the local principals and teachers in terms of services, as well as in terms of expulsion.

Mr. SESSIONS assumed the Chair.

Mr. HARKIN. I say to my friend from Tennessee that the example he keeps using in Tennessee did occur under the old law, not the new law. I hope we can forget about using that example.

Under the new law we passed, we do provide that 45 days can be extended indefinitely if the school officials feel that child is a threat either to himself or herself or to the school.

Again, I just hope that example is not used because it confuses people. We shouldn't be confusing people when the new law is different than the old law.

I take a back seat to no one when it comes to the issue of safety in schools. I just put two daughters through public schools all their lives. One just graduated from college; my second daughter is a senior in public high school—student body president, too, I might add. Why not brag? If you can't brag about your kids, what can you brag about?

Both my wife and I have always been concerned about safety at school. We have talked a lot about it with our daughter, Jenny, so I don't take a back seat to anyone in terms of safety. There are few things as critical to any parent as making sure the kids are safe when they go out the door in the morning and when they come home in the afternoon.

I think the recent tragedies in Colorado are the culmination, the end result, of eight school shootings in 39 months—Oregon, Kentucky, Mississippi. I point out, again, to my friend from Tennessee, the kid in Oregon was expelled, went home, got a gun and came back and shot kids. I don't know if expulsion helped in that case.

If you want to base this on the fact that expulsion will make the kids safer in school, I say look what happened in Oregon. It didn't seem to work there.

I do believe that what has happened during these 39 months and what happened in Littleton is, indeed, a call to action to our families, to our churches, schools and communities.

Mr. HATCH. Will the Senator yield?

Mr. HARKIN. I am just getting on a roll.

Mr. HATCH. Will the Senator yield to his friend on the other side?

Mr. HARKIN. I yield without losing my right to the floor.

Mr. HATCH. I have to ask the Senator, this debate has gone on for quite a well. It has been one of the better debates I have seen or listened to, on both sides.

It is clear we have a difference of opinion. It is clear both sides think they have a legitimate case to make. I know the distinguished Senator is one of the champions for persons with disabilities, as am I. We have worked closely together through the years. I understand the difficulties that are involved here. I understand his sincerity. I also understand the sincerity of the Senator from Missouri and the Senator from Tennessee. They are decent people. They are good men. The Senator from Tennessee is a major force on the Labor Committee, as is the distinguished Senator from Iowa.

We are in the middle of a bill that really needs to be passed now. This is our seventh day on this bill. It is not a full-blown crime bill that took a tremendous amount of time. This is a limited, narrow bill with a lot of provisions that will make a difference with regard to children in our society. I would like to bring it to conclusion.

I guess I am asking my friend from Iowa, can we get an idea of how much time the Senator desires? I will talk to my people on my side to try and shorten our time so we can proceed with the rest of the amendments on this bill and hopefully lock in the final time agreement on all the remaining amendments and a final vote certain so everybody in the Senate will know what we are doing. I just want to ask my colleague if he will cooperate with me and set a time agreement so we can move this bill ahead, rather than have this stay in the logjam it is in.

It is a sincere set of differences. It seems to me the way to resolve those differences is time honored. We go to a vote on this amendment and then I ask unanimous consent that the next amendment be the Senator's amendment which rebuts this amendment. So we go to a vote on the amendment of the Senator from Iowa and let the chips fall where they may.

I don't see any reason to delay this bill when I am willing to make that offer. I will see that the Senator gets an amendment immediately following.

If you win, you win; if you lose on this one, you lose.

Mr. LEAHY. Mr. President, while the Senator is thinking over his offer, and he will yield without losing his right to the floor, during the few moments when the Senator from Utah was otherwise engaged on the Senate floor and I discussed this with him, I made a suggestion that we actually accept both the amendments—the amendment of the Senators from Tennessee and Missouri and the amendment that the Senator from Iowa would have—knowing that it goes to conference, where the distinguished Senator from Utah will be the Chair, I will be the ranking member from the Senate. This whole issue is going to have to be revisited in conference, anyway. I can guarantee from my experience that it will be different from the other body.

I suggest that as a possible way out. I have a couple of reasons for doing that: No. 1, with 25 years experience, it is a pragmatic way to do it; secondly, this is the juvenile justice bill. Earlier this afternoon, I was speaking about crimes against senior citizens. If we stay on this much longer, the juveniles we are talking about today will be senior citizens that we may want to protect tomorrow.

I would like to bring this to an end. We have an agreement. I think there will be time agreements on anything left. The distinguished Senator from Utah and I are going to very soon propose a package of managers' amendments that wipes out a lot of the deadwood and perhaps we could go forward.

I throw that suggestion out again. I know the Senator from Tennessee said he would not find that acceptable, and of course he, as any Senator, has an absolute right—the Senator from Missouri, as any other Member, has an absolute right to have a vote one way or the other on their amendment or in relation to it.

However, I ask the Senators that they might want to consider that.

Mr. HATCH. If the Senator will yield further.

Mr. HARKIN. I yield further without losing my right to the floor.

Mr. HATCH. I can understand why the Senators from Missouri and Tennessee want a vote on their amendment. I can understand why the Senator wants a vote on his amendment. It is a legitimate way to resolve an issue. I don't know which way the votes will go on either issue and I take a great interest in this as well. But there will be a conference and we will probably resolve these issues in the best interests of all.

My position is we have had a lengthy debate. I have deliberately stayed off the floor because I wanted Senators to have a free and open debate on this. But it seems to me we have had the debate. Basically, both sides have really explained their positions. Everybody knows what they are.

My suggestion is we go to a vote on the amendment of the Senator from Tennessee and the Senator from Missouri, up or down, and then if they lose, they lose. Then I will ask unanimous consent, whether they win or lose, that the Senator be entitled to immediately bring up his amendment which would undo everything they are doing and we go up or down on a vote there. And we even could have an additional period of time so people could hear one last explanation on the differences between the two sides.

What I want to avoid is a filibuster. I want to avoid the Senator feeling he has to now delay this whole bill because he feels deeply about this issue. I feel deeply about it, too. I think these Senators on this side feel deeply about it. You feel deeply about it. Frankly, there is still a conference where we can work with both sides to see if we can resolve this as we go to conference. But I would like to be able to push this bill forward, because it is an important bill and every day we delay—we all know once we get it through the Senate, the

bill I to come through the Ho Then we have to go through conference. Then we have to send it down to the President. If he signs it, then it becomes law.

We are talking weeks or months before we can get a juvenile justice bill passed that might prevent more Columbine High School massacres. But we have to get this done.

We also have a supplemental appropriations bill that has to be brought up, because it is important. It is not fair to hold this bill hostage—either side—now. It is not fair to hold this bill hostage because of a dispute that literally is a legitimate dispute on both sides that can be resolved by voting. Let the chips fall where they may. I have had to do that. I have had to eat a lot of stuff here on the floor.

Mr. LEAHY. As have I.

Mr. HATCH. As has the distinguished Senator from Vermont.

As floor managers, we are trying to bring people together. I say to the distinguished Senator from Iowa, I believe he has faith that I will always try to do what is right for persons with disabilities. I will use my optimum good efforts to try to make sure this matter is resolved in a manner that is credible and acceptable to both sides—or at least as acceptable as can be to both sides. But I would like to set a time limit for further debate, which I hope will not be very long because you have been debating now for hours. I think virtually everything has been said that needs to be said. Then let's just go to those votes.

The Senator is not on a list right now, to come up, I do not believe, after this amendment. But I will get you on the list. I will ask unanimous consent you be given that privilege. I think it is fair. I think it is a way of resolving this. I don't want to see a filibuster here at the last minute on a bill of this importance when this could be resolved through voting and when I am giving the Senator a shot at his amendment, which basically rebuts theirs, immediately following it. I think that is fair. It is a reasonable way of doing it.

You are dealing with two managers who have done their utmost to bend over backwards for everybody on the floor. I have even bent over backwards for the Senator from Minnesota, time after time—I finally got a smile out of him. It is the only time he smiled all day.

But I would like to see my friend from Iowa do that. If he would, I would personally appreciate it. I would like to get this bill done, at least pushed forward as far as we can. I believe we can finish this bill tonight if we have time today. We have had 7 days on this bill. I would hate to go on 8 days, but I would even do that if we have time agreements on all these amendments, time agreements on when we vote, and let the chips fall where they may and let's go at it.

I intend to call up an amendment as soon as these two are disposed of, if that is what we do, and we will move ahead on the other amendments and we will try to shorten the time on all the amendments. I am asking the distinguished Senator from Iowa to shorten the time, agree to a time agreement, and I will certainly live up to asking unanimous consent and getting his amendment immediately following the amendment of the distinguished Senators from Tennessee and Missouri.

Will the Senator please help me in that regard—help us, Senator LEAHY and me?

Mr. HARKIN. I will respond to my friend from Utah, and he is my friend and someone I like a lot, and respect a lot.

Mr. HATCH. And vice versa.

Mr. HARKIN. He has made a very impassioned plea here, and I know he feels strongly about the bill.

But I just have to respond this way. This bill may be cited as the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

Mr. HATCH. Right. That is if we ever get it passed.

Mr. HARKIN. Kids with disabilities haven't been shooting anybody. I mean, let's be honest about it. The reason this bill is here on this floor is because of what happened in Littleton, CO. The Senator from Tennessee, when he first started out——

Mr. HATCH. Will the Senator yield on that point, just on that point? I am sorry to interrupt him, but this bill has been in the works for 2 solid years. We have worked with our colleagues on the other side repeatedly. I think the distinguished Senator from Vermont and I are together on the managers' package. It is very comprehensive. This is not some quick thing. We have worked very hard on it. Littleton—yes——

Mr. HARKIN. But what precipitated bringing it to the floor?

Mr. HATCH. I would have brought it to the floor before Littleton, but we didn't have the time to do it. But it certainly helped.

Mr. HARKIN. Everyone hears talk about school shootings and school violence. As I have pointed out, as I said to my friend from Utah, there have been eight school shootings in 39 months and 27 have been killed. Not one of those involved a kid with a disability. Not one. Two years? We spent 3 long years, and I spent years before that, working with IDEA. We spent 3 years hammering out an agreement because there was this clash between the school boards and the principals, and the teachers and the parents of kids with disabilities—3 years we sat in rooms around here.

Mr. HATCH. And I am a strong supporter.

Mr. HARKIN. We finally got it resolved. I can remember as though it was yesterday when we went to the Mansfield Room. It was Newt Gingrich, it was TRENT LOTT, there were Democrats and Republicans and the disability community and representatives of the principals and the school boards. We sat in that room right there, that Mansfield Room, and we all said hallelujah, we all agree. We didn't all get what we wanted. Parents had to give up something. Principals gave up something. But we got a bill we all agreed we were going to live with and work with.

We agreed in that room that we were not going to go back and make changes on this bill. We were going to give it a chance to work. These are the changes we made.

I say again to my friend from Tennessee, he keeps bringing up this example—that happened under the old law, not the new one. The new law, I say to my friend, the regulations for the new IDEA, just went into effect in March of this year. I have been on the Department of Education for a year to get these regs out, but they received them in March. We have not even given it a chance to work. Yet, that great bipartisan effort, that bipartisan solution that we had that culminated in the IDEA amendments of 1997, somehow is now being torn apart.

Why? Because of school shootings—what is going on?—when none of these kids were disabled?

I know the Senator from Missouri is a nice guy. The last thing he would want to do is to be mean to anybody. But I have to tell you, if you back up and see it from where I am coming from, I have to tell you honestly, with all my heart, this is almost scapegoating kids with disabilities. I know you do not mean to do that. But I have talked to so many parents out there. They talked to me about this amendment and said: Why are they scapegoating my kids? My kids didn't shoot anybody. My kids with disabilities haven't done anything. Why are we doing this?

Mr. HATCH. Will the Senator yield without losing the right to the floor?

Mr. HARKIN. Let me please finish. This amendment does not belong in this bill.

If I am going—if I am taking time, I say to my friend, the only reason I am taking time is because I think there are a lot of Senators here who do not understand what is going on. They have not had the privilege I have had of working on disability issues for 25 years. I believe they need to be informed.

It took us 2 hours today simply to get us to agree that if a kid brings a gun to a school, regardless of whether that kid is disabled or not, they can kick him out right away and take him to the police station. It took us 2 hours just to get that agreement.

Now we are onto another phase, and that phase is what happens after they are removed. I do not think it has been fully fleshed out yet as to why there is a process set up for kids with disabilities. Then we have to get to the third stage and that is what happens at that point in time, at the end of 45 days. If I take some time, I say to my friend from Utah, it is because I believe I

have an obligation to my families with kids with disabilities—

Mr. HATCH. I know that.

Mr. HARKIN. To be able to look them in the eye and say: I did everything humanly possible to make sure that every Senator who comes down and casts that vote knows exactly what that vote is about. I do not believe I have done my job yet. I, obviously, have not done my job yet.

Mr. HATCH. Will the Senator yield?

Mr. HARKIN. And I am going to take more time to do my job.

Mr. HATCH. Will the Senator yield without losing his right to the floor?

Mr. HARKIN. I yield without losing my right to the floor.

Mr. HATCH. I am suggesting we take some more time, but that we agree on a time limit so everybody in the Senate knows. What that does for you—you are concerned about Senators learning, knowing what to do and hearing your position—when they know there is a time certain, that is when Senators generally try to listen. I am not asking you not to take more time. I am not asking you to not filibuster. I am asking you—

Mr. HARKIN. I am just not certain how much time it is going to take me. That is why—

Mr. HATCH. I am asking you to set a reasonable time limit. I am also suggesting, as somebody who has been around here as long as the Senator from Iowa, that the time-honored way to resolve these matters when you have a legitimate, honest difference of belief is to vote. Right now, the Senator does not have the right to a vote on his amendment, as I understand it.

Mr. HARKIN. I have my amendment filed.

Mr. HATCH. You cannot bring it up.

Mr. HARKIN. I have my amendment filed.

Mr. HATCH. I want your amendment to come up after this.

Mr. HARKIN. I have my amendment filed.

Mr. HATCH. You cannot get it up in this context without unanimous consent. I will get that for you.

Mr. HARKIN. I can get it up anytime.

Mr. HATCH. Sure you can. What I am saying is, let's vote, but do it after you have a reasonable time to explain your position. But let's set a time limit so 99 Senators are not held up.

Mr. LEAHY. Mr. President, I wonder—

Mr. HARKIN. I still have the right to the floor. I yield, again, without losing my right.

Mr. LEAHY. Mr. President, we are trying to do a number of things. One, the Senator from Utah and I are reflecting our respective parties. We want to get through the bill, get a final vote one way or another and do it in such a way as to protect Senators on both sides of the aisle. He has a responsibility for his side of the aisle, and I have responsibility for my side of the aisle. I take that responsibility strongly. Senators have a right to be heard and a right to vote. But at some point, we have to wrap it up and vote.

Mr. HATCH. That is right.

Mr. LEAHY. May I suggest this: Senators may have good, strong debates on this—and I yield to nobody in my admiration of the Senator from Iowa and what he has done. I have taken his lead on so many issues involving the disabled because he is a recognized national expert on this.

My suggestion, another possibility, is we set this matter aside and start voting on some of the things we have already done. We finished debate, or all but the last couple of minutes of debate, on the Lautenberg amendment. Let's vote on that. Let's vote on something on the chairman's side of the aisle and maybe set it in such a way that those votes will come within a few minutes of each other.

During that time, Senators will be able to talk more. The Senator from Utah and I will be able to bring up the managers' amendment and then see if it is possible to have time agreements, but time agreements in such a way that Senators will know this amendment comes up at this time, this amendment comes up at another time, so there will be more focus.

I suggest that as a possibility. We also know that as much as we talk, oftentimes these things are worked out during a rollcall vote. That is one way we can do it.

Mr. WELLSTONE addressed the Chair.

Mr. LEAHY. The Senator from Iowa has the floor.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Again, I yield without losing my right to the floor.

Mr. WELLSTONE. Mr. President, I will take just a moment. I certainly pay tribute to the—I have not heard more passionate, more heartfelt, more substantive, more powerful oratory and argument on the floor of the Senate than what Senator HARKIN has done. I thank him as a friend.

I say to my colleagues, if I can get their attention for a moment—Senator LEAHY and Senator HATCH—if there is agreement to see what can be resolved in discussions while Senators come to agreement with one another, I would be very pleased, on behalf of myself and Senator KENNEDY, to have the pending amendment laid aside and we will just go right to this disproportionate issue, which is a complicated and important debate. I am ready to do that right now. If you want to try to work this out, I am ready to ask consent to lay the pending amendments aside and go right to this amendment and the debate and we have time set for it. I want to make that clear.

Mr. HATCH. Will the Senator yield again without losing his right to the floor?

Mr. HARKIN. Yes.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator HARKIN be permitted to offer his amendment, and that the regular order be, for voting purposes: the Frist-Ashcroft amendment, then the Harkin amendment—so Senator HARKIN's amendment will immediately follow—then the Wellstone amendment and then the Lautenberg amendment, and then we will have one from our side as well at that point. Is there any objection to that order?

Mr. HARKIN. I reserve the right to object.

Mr. HATCH. I am putting it in the order I think you want to be in.

Mr. HARKIN. I reserve the right to object, and I say this——

Mr. HATCH. This is not the vote. I am just putting the order together.

Mr. HARKIN. I understand. I am saying if there is a vote on the Frist amendment, then what kind of time is allotted to the Senator from Iowa for his amendment?

Mr. HATCH. We have to agree on this. We are not setting time limits.

Mr. HARKIN. You are just setting the order.

Mr. HATCH. I want to set a time——

Mr. HARKIN. Will you read that again?

Mr. HATCH. I am asking unanimous consent that the order of the next group of amendments to be voted upon be Frist-Ashcroft, Harkin, Wellstone and then Lautenberg and then one from our side.

Mr. HARKIN. I think there may be some people here who may want—I don't know what the majority leader's predisposition is on this. Maybe some people want to move to Wellstone and vote on that before they get to this. I hate to preclude that possibility with a unanimous-consent request that this is the only order we will take. I would object to that.

Mr. HATCH. You would object to having yours put into the appropriate order?

Mr. HARKIN. Only if that order is locked in totally.

Mr. HATCH. It is locked in, but it is locked in in a way that protects you—that is what I am trying to do here—so everybody knows what the matter is. I am putting in an order so that you can immediately follow the Frist amendment.

Mr. HARKIN. You say that upon completion of a vote on the Frist-Ashcroft amendment——

Mr. HATCH. Then you have a right to call up your amendment.

Mr. HARKIN. Then I have a right.

Mr. HATCH. That is what I am saying.

Mr. HARKIN. Don't put it in that wording because that locks in the order and because there may be votes before the Frist amendment.

Mr. HATCH. No, there will not be votes before Frist.

Mr. HARKIN. Then I object.

Mr. HATCH. Why? This protects you.

Mr. HARKIN. We may want to lay it aside and go to another amendment.

Mr. HATCH. We can do that. This is to benefit you. You don't give up one

thing other than you get in line; you are not in line now, behind the Frist amendment. To be frank with you, my purpose is to give you a shot at your amendment. If theirs happens to be adopted, you have a shot at yours which does away with theirs.

Mr. HARKIN. Actually, it does not do away with it. It modifies it; it does not do away with it.

Mr. HATCH. But it puts you in a position, and you don't lose a thing.

Mr. LEAHY. Reserving the right to object, and I will not object, I suggest, again, what I suggested earlier: if this can be set aside, go to the Lautenberg amendment and vote on it very quickly, one on your side that can be voted on quickly thereafter, and then go back to the Frist-Ashcroft amendment, partly so that we can talk during the votes. I don't make that as a request, but I suggest that really as a way out of all of this without giving up anything.

Mr. HATCH. With the same understanding that Senator HARKIN has the right to the floor, that is just not acceptable. The Senators from Missouri and Tennessee want a vote on their amendment. They are willing to go ahead with Senator HARKIN's amendment immediately following, if I understand it, and let the chips fall where they may.

I just want to move this ahead. I am trying to protect you so you are in order to come in at that point. If you don't want to, that is fine with me. It is an advantage to you.

Mr. HARKIN. I don't know that it makes a lot of difference.

Mr. HATCH. It keeps the thing focused so people know what you are talking about. To me, that is a reasonable request.

Mr. HARKIN. Well——

Mr. HATCH. Let me withdraw it then. I don't care. What I am trying to do, I say to Senator HARKIN again without you losing the right to the floor, I am trying to move this ahead. I am making a legitimate good-faith effort to move it ahead. It is apparent that we are not going to have a vote until we have the Ashcroft-Frist, Frist-Ashcroft amendment voted on.

I would like, then, to give you the opportunity to have your amendment called up, which modifies their amendment. Then we will have a vote on your amendment. Then we go and just keep going down the line, as we have done. We are not going to move ahead until we vote on this amendment. If you are going to filibuster, that is another matter.

Mr. HARKIN. I say to the Senator that I may still move to table the Frist-Ashcroft amendment.

Mr. HATCH. That is a right the Senator has.

Mr. HARKIN. I have a right to do that.

Mr. HATCH. Sure.

Mr. HARKIN. I may move to table; whereupon, after that motion to table is dispensed with, one way or the other—obviously, I am sure I would lose on that—the bill then becomes open to amendment. I may have some amendments to the Frist-Ashcroft amendment.

Mr. HATCH. Amendments or an amendment?

Mr. HARKIN. Amendments. And that could only occur, if I understand the parliamentary procedure, after a motion to table is dispensed with.

The PRESIDING OFFICER. No amendment is in order at this point.

Mr. HARKIN. At this point.

Parliamentary inquiry. If I move to table the Frist-Ashcroft amendment, and that is disposed of, as I understand the unanimous-consent request, the bill then would be open for amendment—or the amendment would be open then after there is an action on it, on that amendment, on the motion to table.

The PRESIDING OFFICER. If the Frist amendment were tabled, the question would recur on the Lautenberg amendment.

Mr. HARKIN. No. No. What would happen if the Frist amendment were not tabled?

Mr. HATCH. Parliamentary inquiry. I do not think the Lautenberg amendment is next on that list.

Mr. HARKIN. If I might, Mr. President, reclaiming my right to the floor——

Mr. HATCH. Could I have that parliamentary inquiry? I just want to know, what is the order? I do not think Lautenberg is next.

Mr. HARKIN. On the parliamentary inquiry, I just want to read from the unanimous-consent request, Order No. 8.

Ordered further, That the following amendments be the only remaining first degree amendments in order, with relevant second degree amendments in order thereto only after a vote on or in relation to the first degree amendment and the amendments limited to time agreements, where noted, all to be equally divided in the usual form.

So, obviously, a tabling motion would be a vote in relation, and therefore reading that, I submit, that then relevant second-degree amendments would be in order. I make that parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa is correct that a second-degree amendment would be in order if the motion to table Frist fails.

Mr. HARKIN. I thank the Chair.

Mr. HATCH. What I propose does not change that at all. If we put these amendments in order, the Frist-Ashcroft, Harkin and Wellstone and Lautenberg, that still does not take away your right to move to table and then file a second-degree amendment, if you desire to. We would have to dispose of the Frist-Ashcroft amendment first. And you would have every right to do that.

Mr. HARKIN. Again——

Mr. LEAHY. Is that correct?

Mr. HATCH. Is that correct? All I am doing is setting the order in which these things would follow. He would not be deprived of moving to table the Frist-Ashcroft amendment, and if it is not tabled of offering amendments.

Mr. HARKIN. Offering amendments.

The PRESIDING OFFICER. Under the understanding of the unanimous consent request, a vote on Frist would include either a motion to table or an up-or-down.

Mr. HATCH. I do not understand.

The PRESIDING OFFICER. If your interpretation of your consent request is that a vote on Frist includes a vote to table, then we would be correct in that we have agreement on that.

Mr. HATCH. Well, I think we would.

Mr. HARKIN. You want to read that unanimous consent request again? I am still——

Mr. HATCH. I ask unanimous consent that Senator HARKIN be permitted to offer his amendment, and that the regular order be the Frist-Ashcroft amendment, and if there is a motion to table by Senator HARKIN, and it is not tabled, then it would be open for——

Mr. HARKIN. Or any motion to table.

Mr. HATCH. Any motion to table, and it is not tabled, then it would be open for a second-degree amendment. But immediately following the disposition of that would be the Harkin amendment with the same conditions, the Wellstone amendment with the same conditions, and the Lautenberg amendment with the same conditions.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, then under his proposal, how many second-degree amendments could be offered to the Frist-Ashcroft amendment if, in fact, the tabling motion was not agreed to?

The PRESIDING OFFICER. How many angels can dance on a pin?

Mr. LEAHY. I did not hear the response.

Mr. ASHCROFT. How many angels can dance on the head of a pin?

The PRESIDING OFFICER. If the motion to table the Frist amendment fails, then that amendment is open to relevant second-degree amendments.

Mr. HARKIN. Relevant second-degree amendments, in the plural?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Let me ask one other question about this unanimous consent request. Let's say someone wants to set this aside and move on to another amendment. Would that be allowed under this proposal?

Mr. HATCH. With unanimous consent, it would.

Mr. LEAHY. That would require unanimous consent, I would assume.

The PRESIDING OFFICER. It would require unanimous consent.

Mr. HARKIN. Just as it does now.

The unanimous consent request, again, because I really want to protect my rights, and I just want to make sure my rights are fully and adequately protected, I ask the Senator if perhaps it could be reduced to writing or something just so I can take a look at it. I

am going to be here for a while talking anyway.

Mr. HATCH. We will be happy to do that.

Mr. HARKIN. I just want to make sure my rights are protected. That is all. I just want to look at it.

Mr. HATCH. I withdraw my unanimous consent request at this particular point.

The PRESIDING OFFICER. The request is withdrawn.

Mr. HATCH. We may want to set this aside for that purpose. If we do, I will ask the Senator, would the Senator please give some consideration to my request that we have a time agreement—I am not suggesting what time, but that we have a time agreement on the Frist-Ashcroft amendment so that everybody here knows what is going on? Then people will listen to his recitation of what he believes as to the situation. Can you give us a time agreement?

Mr. HARKIN. Not at this time I cannot, I say to my friend. I cannot at this time.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Mr. President, as I said, I take a backseat to no one in my concern for safety in schools, having a daughter who is a senior in high school now and a daughter who just graduated from college, both of whom have attended public schools all of their lives.

I daresay that what has precipitated this bill has been the recent tragedy in Littleton, CO, and the eight shootings over 39 months in our public schools in America. These tragedies have, indeed, called us to action, called us as families, churches, schools, communities, parents, teachers, and, yes, as lawmakers.

I hope these tragedies lead us all to take positive and constructive steps to reduce the likelihood of any recurrence. We want to make sure all of our schools are places of learning, not of fear.

But we should not let this tragedy of Littleton lead us into emotional, unfounded, though well-intentioned actions which can harm the most vulnerable in our society, and those are our kids with disabilities.

I know that the amendment is well-intentioned. The Senator from Tennessee and the Senator from Missouri are good people. But this would amend the Individuals with Disabilities Act, and I believe in the deepest part of my being that this amendment will have just the opposite effect. If enacted, it will do a couple of things. It will make our schools and communities less safe, and it will turn the clock back on all the advances we have made in our country to ensure that kids with disabilities have a fair shot at the American dream.

This amendment targets a group of students who are more likely to be the victims of school violence than the perpetrators. It is the kids with disabilities, now mainstreamed into our schools, who are beat up on, preyed upon, made fun of by nondisabled kids. Time and time again, it is the kids with disabilities who are the victims of the violence. This has been true for a long time, a long time.

Why are we singling them out with this amendment? None, not one, of the eight school shootings in the last 39 months was perpetrated by a child in special education. So why do we have this amendment?

Well, I just want to point out, sadly, four of the students shot in the rampage at Columbine High School were special ed kids —four of them. So why are we singling out kids with disabilities? Why are we changing a law that we passed 2 years ago, that we just got the regulations issued in March of this year, which has not had even an opportunity to work? Why are we doing it?

Well, I forget which Senator it was who said, well, we do not want to wait until something bad happens. My gosh, under that philosophy, what else can we do to our schools? How about all the kids with disabilities? What are we going to do with them if we don't want to wait until something bad happens? That philosophy can take you down a lot of alleys, a lot of dead-end alleys. I think the answer to "we don't want to wait till something bad happens" is exactly why we passed the amendments to the Individuals with Disabilities Education Act 2 years ago. That is why we have said, if a kid is violent, brings a gun to school, they can get them out immediately to protect the school.

I hope everyone heard here today—we finally got an agreement on that point—that if a kid brings a gun to a school, regardless of whether that kid is disabled or not, they can call up the police and have that kid hauled down to the police station immediately, immediately. Now, when there is some thought around here that somehow because a kid is disabled, the principal has to go through all kinds of hoops to get them out of school, I say that is not true. And we finally at least got that nailed down today.

I yield to my friend from Minnesota.

Mr. WELLSTONE. I want to ask the Senator one question.

Mr. HATCH. Would the Senator yield for another inquiry from the manager?

Mr. WELLSTONE. I would be pleased to yield.

Mr. HARKIN. I yield to the Senator.

Mr. HATCH. I have been trying to avoid a filibuster here on a bill that I think everybody admits is very important. The Senator has indicated he is willing to filibuster. And as somebody who has been around here a long time, who knows how to do it, I recognize one when I see one.

Let me make an offer here that I think is superfair. I have tried to make an offer that the Senator get in line right behind this amendment so he has every shot at his amendment.

Let me ask Senators FRIST and ASHCROFT, as well, would both sides be willing—since we know 60 votes is the key, would both sides be willing to do this: That we call up for a vote, after another reasonable time for final debate here, but hopefully a very short time, call up the Ashcroft-Frist/Frist-Ashcroft amendment? And if it does not get 60 votes and we call yours up right after, if neither of them gets 60 votes, we pull them both, rather than have a filibuster here—excuse me, Lautenberg and Frist. OK.

Let me ask, I have to ask the Senator from Vermont. It has been suggested that since we had had problems with this amendment, which is 60 votes, if they don't get 60 votes, they pull it. We do the same with the Lautenberg; if he doesn't get 60 votes, we pull that.

Mr. HARKIN. You are going to have to ask Senator LAUTENBERG that.

Mr. LEAHY. Are you talking about the—

Mr. LAUTENBERG. I didn't hear the question.

Mr. LEAHY. I want to make sure I understand this. If the Senator from Utah is suggesting that if the most hotly contested gun amendment does not get 60 votes, we throw it out—

Mr. HATCH. Right.

Mr. LEAHY. —I don't think anybody is going to accept that.

Mr. HATCH. We throw this one out and that one out.

Mr. LEAHY. I think there is a better way of doing that. I was discussing it with the distinguished Senator from Mississippi. I would like to listen to his suggestion.

Mr. LOTT. Who has the floor?

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Iowa has the floor.

Mr. LOTT. Will the Senator from Iowa yield to me?

Mr. HARKIN. Of course.

Mr. LOTT. I think everybody is trying in good faith to find a way to deal with this issue and move on. I thought that idea just proposed might work, but it looks as if that would be objected to.

What I would like to propose as an alternative—and it is being typed up now, and we want both sides to look at it—is that we go forward. We set aside the pending amendment, and we go forward with a series of votes, including probably the managers' package, which a lot of people have been interested in and concerned about. They would be able to see what it was. And then go to the Lautenberg amendment and have a vote. Then go to a Smith-Jeffords amendment and have a vote. Then go to Wellstone and have a vote, and then to a McConnell.

So we would have a series of stacked votes while we continue to work to how we can resolve other outstanding issues. But rather than just continuing to talk back and forth without making progress, looking at the hour here, if we could have a series of, I believe it would be five votes—six votes now—I think that would be one way to give us time so we could make progress and

give us time to continue to work on these other issues.

Mr. LAUTENBERG. Will the majority leader yield?

Has the Smith-Jeffords amendment been sent up and discussed? We have several amendments that have already been offered, and I do not know why we are—maybe I do know why and I just don't want to realize after this very amiable discussion, Mr. Leader, that we had earlier about how we were going to cooperate and let the public hear what we are really doing here.

I ask—we have several amendments, on both sides—what would the regular order be, Mr. Leader? As I understand it, the Parliamentarian can answer that. There was no Smith-Jeffords in there. We have an order, and it would be nice to not suddenly suggest that perhaps 60 votes would do it. And then we could hear—

Mr. LOTT. Well, 60 votes—it was suggested.

Mr. LAUTENBERG. In good fellowship, I know.

Mr. LOTT. It was suggested. This is not taking everything in the exact order. We have been moving the order around back and forth since Monday. For instance, the managers' amendment—usually you don't do that until the last thing. In a show of good faith, an indication from Senator LEAHY was that Senators would like to have that done and see what is in it. We would put that first in the pecking order, which would not be the way it is always done, but it would be constructive. Then Lautenberg, I think, would be the next pending thing. And these others, I am not sure of the exact order they are in, but I propose that we do them that way so we can move forward.

Mr. LEAHY. Mr. President, I might say, if the Senator from Iowa will yield so I may respond.

Mr. HARKIN. Yes.

Mr. LEAHY. I find much in the proposal—I realize it is going to be typed up and has not been made yet, but the proposal by the Senator from Mississippi is a good one for moving us forward. I am not sure the managers' package would even need a rollcall vote. If that is the case, the first rollcall vote will be on the amendment of the Senator from New Jersey, and the next one would be—well, it would be whatever order the distinguished leader has spoken. Again, based on the experience I have had managing bills, I tend to agree with the distinguished majority leader. This might be a good way to get us moving. I also suggest that it protects the Senator from Iowa, the Senator from Missouri, and the Senator from Tennessee. But it moves us forward.

Mr. LOTT. Right. We are having this typed up now. We will get copies to the managers on both sides and the leadership. But I believe this is one way to keep the bill going. We have had a good lengthy discussion today, and there is a fundamental disagreement on this. At some point, I hope the Senator from Iowa—like on Lautenberg and on these others, we worked through this without second-degreeing, without obstructing. You all have had some amendments you don't like, and we have had a few amendments we don't like, but in the end you vote. If you win, you win; if you lose, you lose. It still has to go to conference and all that. I hope we can get an agreement on this. I don't think anybody is disadvantaged. I think everybody will think they have had a fair shot. Senators FRIST, ASHCROFT and the Senator from Iowa can talk during the votes and see if we can't find a way to bring it to a conclusion.

Mr. WELLSTONE. Mr. President, I ask the Senator from Iowa to yield for a question.

Mr. HARKIN. I still have the floor. I will yield without losing my right to the floor.

Mr. WELLSTONE. My question is really vis-a-vis the Senator from Iowa to my colleague from Utah. The amendment I have been trying to get on the floor is the Wellstone-Kennedy amendment dealing with disproportionate minority confinement. I assume when we listed the amendments that already has a 2-hour limit set.

Mr. LOTT. If the Senator from Iowa will yield, he is getting to be a really good traffic cop here.

Mr. HARKIN. Red light, green light.

Mr. LOTT. If your understanding is that you would like to have your vote maybe earlier in the lineup, I don't see a problem with that. We try to alternate, Republican and Democrat.

Mr. WELLSTONE. That is fine. We already have a 2-hour time limit on that. We agreed on that.

Mr. LOTT. Two hours more debate?

Mr. WELLSTONE. It is on disproportionate minority confinement. It is the amendment I have with Senator KENNEDY.

Mr. LOTT. I think that is another amendment. Don't you have another Wellstone amendment?

Mr. WELLSTONE. I have another one.

Mr. LOTT. This is regarding your other Wellstone amendment.

Mr. WELLSTONE. I have been waiting on the floor forever. I am pleased at what the Senator from Iowa is doing. The one laid aside is going into the managers' package. I have been waiting patiently. When you put it in order, please put in the Wellstone-Kennedy amendment, which deals with a very important question that we have been trying to debate for days.

Mr. LOTT. This one is No. 356, identified as a Wellstone amendment. It is not the amendment you are speaking of. If I understand you correctly, you are talking about a Kennedy-Wellstone amendment, and you need 2 more hours for debate.

Mr. WELLSTONE. This has been agreed to for days. That is right. The amendment, I am assuming, in the sequence that we are talking about is the Wellstone-Kennedy amendment dealing with disproportionate minority confinement. Two hours to be equally divided is the agreement on that. No. 356 has been allegedly put in the managers' amendment. If we can please put this one on the list.

Mr. HATCH. Nobody ever agreed to 2 hours. I don't know if we ever had an agreement on that. Of course you have to have enough time to argue, but I hope it is not 2 hours.

Mr. LEAHY. Mr. President, the Senator from Iowa has the floor, and I ask if he will yield without losing his right to the floor.

Mr. HARKIN. I yield under those conditions.

Mr. LEAHY. I ask if it might be in order to suggest the absence of a quorum, which I am not doing, but to do that under a unanimous consent, that at the completion of it the Senator from Iowa would be allowed to reclaim the floor.

Mr. LOTT. I ask the Senator from Iowa if he will be willing to have a vote on his amendment in the sequence we are talking about here?

Mr. HARKIN. I want to see the lay of the land before I answer a question like that.

Mr. LOTT. I am inquiring because I had nobody to ask that. You all have had a good, full debate. I wondered if you would not be ready to go to a vote now.

Mr. HARKIN. No, I don't feel that I am. I haven't even finished my statement yet. As I said earlier to my friend from Utah, I believe there are a lot of misperceptions out there on this amendment, and being the poor debater that I am and the poor teacher that I am, I don't believe that I have fully and adequately represented what this means to families with kids with disabilities. It will probably take a little longer simply because I am so poor at getting across my point, it seems. So I am going to have to take a look at that before I make any decisions. I am not going to answer hypothetical questions.

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

Mr. HARKIN. I have the floor.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Mr. President, I will yield to the leader to do that. I ask unanimous consent that when the quorum call is dispensed with, this Senator, the Senator from Iowa, be given the right to the floor at that point in time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. If the Senator will yield the floor, you will have the floor when we return, too. That was agreed to. I will put in a quorum call to try to work this out.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that the privileges of the floor be granted to Lucille Zeph for the pendency of the bill.

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

Mr. HARKIN. Under the previous arrangement, I further suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. LOTT. Let me make it clear at the beginning, Mr. President, we don't want to in any way dispossess the Senator from Iowa from his opportunity to be further heard, if he so desires, on his position with regard to the Ashcroft-Frist amendment. I ask in this agreement that that discussion be set aside and we go to four other amendments and have the debate and stacked votes on those amendments.

I will state the agreement which Senator DASCHLE had a chance to review. I ask unanimous consent that the pending amendments be set aside and the Senate proceed immediately to the managers' package, and following that amendment, the following amendments be considered for votes in the following sequence, under time agreements where noted, in the usual form.

I want to emphasize, the managers' package would go first; there would be some description of that. We understand that would probably not require a recorded vote. I further ask consent that the amendments be voted in the order listed below, with 2 minutes for debate prior to each vote for explanation. In other words, we will have 2 hours of debate on the first one, then go to the other amendments, but before the actual votes occur there will be 2 minutes for final explanation, and that all provisions of the consent agreement of May 14 be in place.

The amendments are as follows: The Wellstone disproportionate minority amendment, for 2 hours of debate; the McConnell amendment regarding public schools, 30 minutes; the Boxer amendment regarding afterschool time, 10 minutes; and the Gordon Smith-Jeffords amendment regarding pawnshops. We will specify the time when we have had a chance to review that.

That is the order.

Mr. WELLSTONE. Mr. President, reserving the right to object, there are no second-degrees; is that correct?

Mr. LOTT. It would be the usual agreement of no second-degrees prior to a vote on the motion to table.

Mr. WELLSTONE. Mr. President, a Wellstone-Kennedy amendment is listed?

Mr. LOTT. Yes.

Mr. ASHCROFT. Reserving the right to object, frankly, this is addressing the amendment which is pending, and it is rather complex. I would be grateful for an opportunity to look at this agreement if it is written up. I would like to have a chance to consider it.

Mr. LOTT. As I told the Senator from Iowa—and I believe Senator FRIST has been on the floor most of the time—this is in no way intended or will not disadvantage or eliminate this amendment. It will just set it aside so we can make some progress on amendments where time agreements are already locked in. We will have votes on those amendments at the end of those agreed-to times.

Mr. DASCHLE. Reserving the right to object, let me just remind everyone that we have approximately 24 hours left of this week. In that timeframe we have to do not only the rest of this bill but the supplemental appropriations bill. The only way we are going to finish this is if everybody is willing to cooperate a little bit more and indulge the leadership and the managers of this bill in such a fashion that will allow completion.

It has been difficult, and, I must say, increasingly frustrating, for those who have tried to work through all of this in a way that would allow some reasonable conclusion. It seems the longer we work on it, the more everyone's back is up. It is essential we work together and try to resolve this matter. We have been on this bill now for over a week. It is time to bring it to a successful conclusion.

I ask the cooperation in the remaining hours of this debate on the part of Members on both sides, so that we can finish it.

I have no objection.

Mr. LOTT. I thank Senator DASCHLE for his comments. I very strongly feel the same way. We have come a long way on this bill. The underlying bill was one that had bipartisan support.

We have narrowed down the number of amendments to a finite list. Senator REID has worked very diligently to accomplish that. We must deal with the supplemental appropriations bill before we go. In order to do that, we will have to have some cooperation.

I have been criticized because I have maybe tried to be too fair, everybody has that fair, straight-up shot: No second-degrees, make your point, have the vote, win some, lose some. If we go with that attitude, we can complete this list and the other amendments and complete this bill and do the supplemental.

Mr. LEAHY. Reserving the right to object, and I will not object, I think this is a good step forward. The Senator from Utah and I and the Senator from South Dakota and the Senator from Mississippi have worked very hard, along with appropriate other people, to cut down the list.

I ask one question, because it is one we are obviously going to be asked: Under this agreement, when will we vote on the Lautenberg gun amendment? When would the leader expect we would be voting on the Lautenberg amendment?

Mr. LOTT. There will be an effort for that to be either the first or the second vote. The pending business, I believe, would be the Ashcroft-Frist issue. We would have to dispose of that and then we would go to, I hope, a series of additional stacked amendments which would lead off, I presume, with Lautenberg right at the front.

In order to do that before we did Ashcroft-Frist, we would have to get another agreement. I would like to do it because I think that is an issue that a lot of people feel very strongly about. I would like to do it like the rest. It is time to vote.

Mr. LEAHY. The distinguished leader is saying it would not be voted on tonight?

Mr. LOTT. No, it would not be voted on tonight. What we would do, for these four amendments, is debate and then vote, and the pending business would be the Frist-Ashcroft amendment at the end of that. I want to make that clear so you are not dispositioned by that.

Mr. ASHCROFT. Is it possible to modify this consent request to say the Frist-Ashcroft amendment would be the pending business at the conclusion of this vote, and no later at the onset of the business tomorrow morning?

Mr. LOTT. That is the status. But I would be glad to modify it to that extent, because it just confirms what the status is, procedurally, anyway.

The PRESIDING OFFICER. Is there objection to the unanimous consent as amended?

The Senator from Iowa.

Mr. HARKIN. I agree with Senator ASHCROFT with one provision, if we say "Senator HARKIN retaining the right to the floor when the Senate returns to the Frist-Ashcroft amendment."

I have the right to the floor now. I had the floor. I just want to make sure when this amendment comes back up that I have the right to the floor.

Mr. LOTT. Is that the procedure? Did he have the floor anyway?

I am told you have that right anyway, so I don't think we give anything up by including it in the unanimous consent request.

Mr. HARKIN. OK.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Then I would add we would then pass this amendment by voice vote. I was just kidding, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. That last part was not included.

Mr. LOTT. That was not there.

Mr. LEAHY. That was not included.

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

re: JJ bill

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

June 21, 1999

MEMORANDUM

TO : Mike Smith, ODS
Ann O'Leary, ODS
Mike Cohen, ODS
Judith Johnson, OESE
Tom Corwin, OESE
Judy Heumann, OSERS
Jim Borches, OM
Judith Winston, OGC
Jean Veta, OGC
Steve Winnick, OGC
Ted Sky, OGC
Phil Rosenfelt, OGC
Steve Freid, OGC
Greg March, OSERS
Will Haubert, OGC
Susan Craig, OGC

FROM : Jennifer Orzechowski JO
Division of Legislative Counsel

SUBJECT : Juvenile crime bill

Attached for your review and comment are amendments to the juvenile crime bills passed by the Senate and the House. We are soliciting comments to be utilized in the preparation of a conferee letter. While we will likely defer to the Department of Justice on constitutional issues relating to religion and schools, we would like to receive as much feedback as possible on those and other issues. The amendments include—

Amendments common to both House and Senate bills

- The Teacher Liability Protection Act of 1999 that would provide limited tort immunity for school personnel for certain actions involving school order and discipline (duplicated at S6130-31 and H4539-40);
- Constitutionality of memorial services and memorials at public schools that would allow for a memorial containing religious speech on public school campuses without violating the U.S. Constitution (duplicated at S6135-36 and H4448);

Senate-passed amendments

- §331, alternative education (adding a new subpart to Part D of title I of the ESEA) (duplicated at S6117-18);
- Title III, Subtitle D—Parenting as Prevention (duplicated at S6118-19);
- Title XI—School Safety and Violence Prevention (includes amendments to title IV and XIV of the ESEA) . This would, among other things—
    - Add a §14515 to the ESEA, relating to school uniforms;

- Add a §14604 to the ESEA relating to transfer of school disciplinary records; and
- Amend §4116(b) of the ESEA to permit LEAs to use SDFSC funds to test students for illegal drugs

- Title XIII—Violence Prevention Training for Early Childhood Educators (duplicated at S6131);
- Title XIV—Preventing Juvenile Delinquency Through Character Education –to support the work of CBOs, LEAs, and schools in providing children with alternatives to delinquency through strong school-based and after-school programs (duplicated at S6131-32);
- §1602, safe students (duplicated at S6134-35);
- §1615, caller ID services to elementary and secondary schools as part of universal service obligation (duplicated at S6137);
- §1624, sense of the Senate regarding mentoring programs (duplicated at S6139);
- §1625, Families and Schools Together Program (duplicated at S6139);
- §1636, appropriate services and interventions for expelled students-- the Harkin amendment (duplicated at S6143);
- §1637 which would expand the Gun-Free Schools Act to include possession of "felonious quantities of an illegal drug" on school property (duplicated at S6143);
- §1638, school counseling (duplicated at S6143-44);
- Title XVI, Subtitle E—Safe School Security (duplicated at S6148-49); and
- Title XVI, Subtitle J-School Safety—this would allow school personnel to discipline (including expel or suspend) a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function, in the same manner as school personnel may discipline a child without a disability (duplicated at S6152).

House passed amendments

- The Wise amendment that authorizes block grant funding for confidential toll-free school safety hotlines (duplicated at H4380);
- The Hutchinson amendment that makes it unlawful to transfer any firearm to a juvenile if the transferor has reason to believe it will be used in a school zone or in a serious violent felony (duplicated at H4427);
- The DeMint amendment that disallows attorney fees in any action claiming that a public school or its agent violates the constitutional prohibition against the establishment of religion by permitting, facilitating, or accommodating a student's religious expression (duplicated at H4451);
- The Adherholt amendment that declares that the power to display the Ten Commandments on property owned or administered by States is among the powers reserved to the States (duplicated at H4486);

- The Goodling amendment that adds the provisions of H.R. 1150 to address juvenile delinquency prevention programs including after school programs, mental health services, and a flexible block grant program (duplicated at H4500);
- The Roemer amendment that authorizes block grant funding for projects to improve school security, including the placement and use of metal detectors (duplicated at H4520-21);
- The Norwood amendment that would allow school personnel to discipline (including expel or suspend) children with disabilities who carry or possess weapons in the same manner as those students without disabilities (duplicated at H4523); and
- The Franks of New Jersey amendment that requires schools and libraries to implement filtering or blocking technology for computers with internet access to minors as a condition of the receipt of funding from the universal service fund (duplicated at H4536-37).

Please forward any comments to the attention of **Jennifer Orzechowski** (Rm. 6E111, FOB-6; FAX: 401-9533; or e-mail) **no later than c.o.b. Thursday, June 24th.** Thank you for your prompt attention to this matter.

Attachment

cc: Paul Riddle
Jack Kristy
Leslie Somerville

"(e) FUNDING.—Grants under this section shall be considered an allowable use under section 205(a) and subtitle B.".

SEC. 1109. BACKGROUND CHECKS.

Section 5(9) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(9)) is amended—

(1) in subparagraph (A)(i), by inserting "(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon; and

(2) in subparagraph (B)(i), by inserting "(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon.

SEC. 1110. DRUG TESTS.

(a) SHORT TITLE.—This section may be cited as the "School Violence Prevention Act".

(b) AMENDMENT.—Section 7116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

"(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test; and".

SEC. 1111. SENSE OF THE SENATE.

It is the sense of the Senate that States receiving Federal elementary and secondary education funding should require local educational agencies to conduct, for each of their employees (regardless of when hired) and prospective employees, a nationwide background check for the purpose of determining whether the employee has been convicted of a crime that bears upon his fitness to have responsibility for the safety or well-being of children, to serve in the particular capacity in which he is (or is to be) employed, or otherwise to be employed at all thereby.

TITLE XII—TEACHER LIABILITY PROTECTION ACT

SEC. 1201. SHORT TITLE.

This title may be cited as the "Teacher Liability Protection Act of 1999".

SEC. 1202. FINDINGS AND PURPOSE.

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

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the national scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of the children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

SEC. 1203. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 1204. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (d), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) NO EFFECT ON LIABILITY OF SCHOOL OR GOVERNMENTAL ENTITY.—Nothing in this section shall be construed to affect the liability of any school or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 1205. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of

fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 1206. DEFINITIONS.

For purposes of this title:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term "teacher" means a teacher, instructor, principal, administrator, or other educational professional, that works in a school.

SEC. 1207. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

TITLE XIII—VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

SEC. 1301. SHORT TITLE.

This title may be cited as the "Violence Prevention Training for Early Childhood Educators Act".

SEC. 1302. PURPOSE.

The purpose of this title is to provide grants to institutions that carry out early childhood education training programs to enable the institutions to include violence prevention training as part of the preparation of individuals pursuing careers in early childhood development and education.

SEC. 1303. FINDINGS.

Congress makes the following findings:

(1) Aggressive behavior in early childhood is the single best predictor of aggression in later life.

(2) Aggressive and defiant behavior predictive of later delinquency is increasing among our Nation's youngest children. Without prevention efforts, higher percentages of juveniles are likely to become violent juvenile offenders.

(3) Research has demonstrated that aggression is primarily a learned behavior that develops through observation, imitation, and direct experience. Therefore, children who experience violence as victims or as witnesses are at increased risk of becoming violent themselves.

(4) In a study at a Boston city hospital, 1 out of every 10 children seen in the primary care clinic had witnessed a shooting or a stabbing before the age of 6, with 50 percent of the children witnessing in the home and 50 percent of the children witnessing in the streets.

(5) A study in New York found that children who had been victims of violence within their families were 24 percent more likely to report violent behavior as adolescents, and adolescents who had grown up in families where partner violence occurred were 21 percent more likely to report violent delinquency than individuals not exposed to violence.

(6) Aggression can become well-learned and difficult to change by the time a child reaches adolescence. Early childhood offers a critical period for overcoming risk for violent behavior and providing support for prosocial behavior.

(7) Violence prevention programs for very young children yield economic benefits. By providing health and stability to the individual child and the child's family, the programs may reduce expenditures for medical care, special education, and involvement with the judicial system.

(8) Primary prevention can be effective. When preschool teachers teach young children interpersonal problem-solving skills and other forms of conflict resolution, children are less likely to demonstrate problem behaviors.

(9) There is evidence that family support programs in families with children from birth through 5 years of age are effective in preventing delinquency.

SEC. 1304. DEFINITIONS.

In this title:

(1) AT-RISK CHILD.—The term "at-risk child" means a child who has been affected by violence through direct exposure to child abuse, other domestic violence, or violence in the community.

(2) EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.—The term "early childhood education training program" means a program that—

(A)(i) trains individuals to work with young children in early child development programs or elementary schools; or

(ii) provides professional development to individuals working in early child development programs or elementary schools;

(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider; and

(C) leads to a bachelor's degree or an associate's degree, a certificate for working with young children (such as a Child Development Associate's degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.

(3) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(4) VIOLENCE PREVENTION.—The term "violence prevention" means—

(A) preventing violent behavior in children;

(B) identifying and preventing violent behavior in at-risk children; or

(C) identifying and ameliorating violent behavior in children who act out violently.

SEC. 1305. PROGRAM AUTHORIZED.

(a) GRANT AUTHORITY.—The Secretary of Education is authorized to award grants to institutions that carry out early childhood education training programs and have applications approved under section 1306 to enable the institutions to provide violence prevention training as part of the early childhood education training program.

(b) AMOUNT.—The Secretary of Education shall award a grant under this title in an amount that is not less than $500,000 and not more than $1,000,000.

(c) DURATION.—The Secretary of Education shall award a grant under this title for a period of not less than 3 years and not more than 5 years.

SEC. 1306. APPLICATION.

(a) APPLICATION REQUIRED.—Each institution desiring a grant under this title shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary of Education may require.

(b) CONTENTS.—Each application shall—

(1) describe the violence prevention training activities and services for which assistance is sought;

(2) contain a comprehensive plan for the activities and services, including a description of—

(A) the goals of the violence prevention training program;

(B) the curriculum and training that will prepare students for careers which are described in the plan;

(C) the recruitment, retention, and training of students;

(D) the methods used to help students find employment in their fields;

(E) the methods for assessing the success of the violence prevention training program; and

(F) the sources of financial aid for qualified students;

(3) contain an assurance that the institution has the capacity to implement the plan; and

(4) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution in carrying out the plan.

SEC. 1307. SELECTION PRIORITIES.

The Secretary of Education shall give priority to awarding grants to institutions carrying out violence prevention programs that include 1 or more of the following components:

(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).

(2) Preparation to engage in community outreach or collaboration with other services in the community.

(3) Preparation to use conflict resolution training with children.

(4) Preparation to work in economically disadvantaged communities.

(5) Recruitment of economically disadvantaged students.

(6) Carrying out programs of demonstrated effectiveness in the type of training for which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of the fiscal years 2000 through 2004.

TITLE XIV—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

SEC. 1401. PURPOSE.

The purpose of this title is to support the work of community-based organizations, local educational agencies, and schools in providing children and youth with alternatives to delinquency through strong

in viewing sexually graphic material, and that it will not, quote, "turn kids into sexual deviants." Since repression turns kids into deviants, that is the kind of opposition we are getting from common-sense legislation and amendments that are put forward by our friends from New Jersey and Mississippi, and why I was proud to join these two gentlemen as a cosponsor. That is the real crux of the issue. Is it too much to ask that those filtering processes be there? I think not. Let us support this amendment.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise today to express my strong opposition to the amendment of the gentleman from New Jersey. As a father of two children attending public school systems in New York, and with another child on the way, I am for finding sensible approaches to address what our children are exposed to without infringing on any individual's constitutional rights.

Assuring that children's Internet activity is safe is a goal that we all strive to achieve. However, this amendment is not about addressing child safety at all. What it really is about is an attempt by those Members who fundamentally disagree with the E-rate program and want to eliminate it. This amendment imposes extraordinary financial and administrative burdens on schools and libraries as well as the risk of liability for the technical and constitutional shortcomings of filtering technology.

Before this body looks to find ways to eliminate the E-rate program, let us examine how this program benefits communities across this country, and in schools and libraries in low-income and urban and rural areas. They qualify for the highest discounts to assure that every American, regardless of age, income or location, has access to essential tools of the information age.

In the first year of the E-rate program, 47 percent of the dollars requested of the E-rate program were for schools and libraries serving economically disadvantaged students and library patrons. In addition, discount requests were received from all 50 States and several special jurisdictions, including the District of Columbia, Puerto Rico, the American Samoa, and the Virgin Islands.

This program benefits everyone: children, adults, lifelong learners, everyone. Communities across this country are already working to ensure that children's Internet access is properly guided. They are utilizing every available option and choosing those that conform to local needs and standards.

This amendment is unnecessary. What this technology does, it levels the playing field for the first time in the history of this country.

Mr. SCOTT. Mr. Chairman, I yield the balance of our time to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. PICKERING). The amendment would eliminate E-rate benefits for schools and libraries that fail to implement filtering or blocking technology for computers with Internet access.

Let me be clear. I do not advocate allowing schoolchildren access to pornographic materials, but the scope of this amendment is too broad and undefined. For example, it would require repayment of E-rate funds within 30 days if the school district is unable to comply with FCC rules. Procurement rules for individual school districts make it highly unlikely that schools will be able to comply, even though many are already seeking to do so.

Mr. Chairman, the strange thing about all of this is this: The Congressional Black Caucus went over to the FCC when the vote was taken for E-rate. The only people who voted against it were Republicans, despite the fact we made a lot of pleas with our colleagues about the digital divide, between the haves and the have-nots, and some of the same ones who spoke on this floor today who are against E-rate for poor children, for children who do not have access, are now here trying to set up another roadblock.

The E-rate program is instrumental in closing the digital divide that exists between the haves and the have-nots. The reality is that only 27 percent of America's classrooms are linked to the Internet. In poor and minority communities, only 13 percent of the classrooms are linked to the Internet. Schools in high-minority enrollment areas are almost three times less likely to have Internet access in the classrooms than predominantly white schools. While 78 percent of schools have at least one Internet connection, that connection is often only in the administrative office.

It is for these reasons, among others, that I have been an ardent supporter of the E-rate program. I am among the 74 percent of Americans who recognize that computers improve the quality of education. Let us not sacrifice the access to technology that our children in poor districts need so badly by succumbing to the rhetoric of this poorly drafted amendment. I urge a vote of no.

Let me just say this: For all of those Members who forever talk about how families should raise their children, let me just tell them something. I have a grandson who is a whiz, loves the computer, knows it backwards and forwards. I said to my daughter, do not block anything. You tell your son, my grandchild, what he is to do and what he is not to do, and you discipline him if, in fact, he violates the rules of your house.

For those people who want the government to take over the rearing of their children by dictating, by censuring, where is their ability to raise their children? Where is their will to discipline? Where is their fire to have some faith in their ability to instruct, to rear, and provide the kind of parenting that we all need to see in America, rather than thinking somebody else is going to do it for us?

My grandson will not be censured, and guess what? He is going to do what his mama tells him and what his grandmother tells him, and that is what is going to be the order of the day in their house.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from New Jersey (Mr. FRANKS).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 42 printed in part A of House Report 106-186.

AMENDMENT NO. 42 OFFERED BY MR. MCINT

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

The CHAIRMAN. The Clerk will ignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 42 offered by Mr. MCINTOSH:

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

TITLE ___—TEACHER LIABILITY PROTECTION

SEC. ___01. SHORT TITLE.

This title may be cited as the "Teacher Liability Protection Act of 1999".

SEC. ___02. FINDINGS AND PURPOSE.

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

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain

order, discipline and an appropriate educational environment.

SEC. ___03. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. ___04. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the acts of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (d).

SEC. ___05. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. ___06. DEFINITIONS.

For purposes of this title:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term "teacher" means a teacher, instructor, principal, administrator, or other educational professional that works in a school, a local school board and any member of such board, and a local educational agency and any employee of such agency.

SEC. ___07. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. MCINTOSH) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I yield myself 3 minutes.

I rise today in strong support of this important school safety amendment, and I am pleased to be joined in by my colleagues, the gentleman from Tennessee (Mr. BRYANT) and the gentleman from Texas (Mr. BRADY) in this effort.

Mr. Chairman, it is apparent from the debate over the last 2 days that many different lessons are being drawn from the recent school shooting tragedies that have staggered our Nation. However, I think there is one lesson that is clear to each and every one of us in this body. America's teachers must be freed up to use and to keep discipline in the classroom.

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It is about time that Congress plays its part in protecting our teachers. I have traveled across Indiana and talked to teachers from all parts of that State. They tell me over and over again, they do their job but they do it in fear. They fear physical harm in the classroom from unruly students who may be violent, and educators equally fear lawsuits being brought against them by overzealous trial lawyers, lawsuits filed because a teacher breaks up a fight or because a teacher hugs a child who has fallen on the playground.

In Texas we have a report of a lawsuit of that type. What happened here was a student was throwing fruit in the classroom and being extremely disruptive. The teacher went over to this

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

(g) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Attorney General shall prepare and submit to the appropriate committees of Congress a report concerning the manner in which grantees have used amounts received under a grant under this section.

SEC. 1603. STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry, with respect to children.

(b) ISSUES EXAMINED.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to juveniles, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

SEC. 1604. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term "Internet service provider" means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

SEC. 1605. APPLICATION OF SECTION 923 (j) AND (m).

Notwithstanding any other provision of this Act, section 923 of title 18, United States Code, as amended by this Act, shall be applied by amending in subsections (j) and (m) the following:

(1) In subsection (j) amend—

(A) paragraph (2) (A), (B) and (C) to read as follows:

"(A) IN GENERAL.—A temporary location referred to in paragraph (1) is a location for a gun show, or event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed in accordance with Federal, State, and local laws.

"(B) LOCATIONS OUT OF STATE.—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (7) of this subsection.

"(C) QUALIFIED GUN SHOWS OR EVENTS.—A gun show or an event shall qualify as a temporary location if—

"(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

"(ii) the gun show or event has—

"(I) 20 percent or more firearm exhibitors out of all exhibitors; or

"(II) 10 or more firearms exhibitors.".

(B) paragraph (3)(C) to read as follows:

"(C) shall be retained at the premises specified on the license."; and

(C) paragraph (7) to read as follows:

"(7) NO EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of the Firearms Owners' Protection Act, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.".

(2) In subsection (m), amend—

(A) paragraph (2)(E)(i) to read as follows:

"(i) IN GENERAL.—A person not licensed under this section who desires to transfer a firearm at a gun show in his State of residence to another person who is a resident of the same State, and not licensed under this section, shall only make such a transfer through a licensee who can conduct an instant background check at the gun show, or directly to the prospective transferee if an instant background check is first conducted by a special registrant at the gun show on the prospective transferee. For any instant background check conducted at a gun show, the time period stated in section 922(t)(1)(B)(ii) of this chapter shall be 24 hours in a calendar day since the licensee contacted the system. If the services of a special registrant are used to determine the firearms eligibility of the prospective transferee to possesses a firearm, the transferee shall provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

"(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

"(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C)."; and

(B) paragraph (4) to read as follows:

"(4) IMMUNITY.—

"(A) DEFINITION.—In this paragraph:

"(i) IN GENERAL.—The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

"(ii) EXCLUSIONS.—The term 'qualified civil liability action' shall not include an action—

"(I) brought against a transferor convicted under section 924(h), or a comparable State felony law, by a person directly harmed by the transferee's criminal conduct, as defined in section 924(h); or

"(II) brought against a transferor for negligent entrustment or negligence per se.

"(B) IMMUNITY.—Notwithstanding any other provision of law, a person who is—

"(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

"(ii) a licensee or special licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

"(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii);

shall be entitled to immunity from civil liability action as described in subparagraphs (C) and (D).

"(C) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court.

"(D) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court."

SEC. 1606. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on the campus of a public school in order to honor the memory of any person slain on that campus a part of which includes religious symbols, motifs, or sayings does not

violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fees and costs, notwithstanding any other provision of law, and

(2) the Attorney General of the United States is authorized to provide legal assistance to the school district or other governmental entity that is defending the legality of such memorial service.

SEC. 1607. TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) SHIPMENT OF INTOXICATING LIQUOR INTO STATE IN VIOLATION OF STATE LAW.—The Act entitled "An Act divesting intoxicating liquors of their interstate character in certain cases", approved March 1, 1913 (commonly known as the "Webb-Kenyon Act") (27 U.S.C. 122) is amended by adding at the end the following:

"SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

"(a) DEFINITIONS.—In this section—

"(1) the term 'attorney general' means the attorney general or other chief law enforcement officer of a State, or the designee thereof;

"(2) the term 'intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

"(3) the term 'person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

"(4) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general of a State has reasonable cause to believe that a person is engaged in, is about to engage in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction or other order) against the person, as the attorney general determines to be necessary to—

"(1) restrain the person from engaging, or continuing to engage, in the violation; and

"(2) enforce compliance with the State law.

"(c) FEDERAL JURISDICTION.—

"(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section.

"(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code.

"(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

"(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court shall issue a preliminary or permanent injunction or other order without requiring the posting of a bond.

"(2) NOTICE.—No preliminary or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party.

"(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

"(A) set forth the reasons for the issuance of the order;

"(B) be specific in terms;

"(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

"(D) be binding only upon—

"(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

"(ii) persons in active cooperation or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

"(e) CONSOLIDATION OF HEARING WITH TRIAL ON MERITS.—

"(1) IN GENERAL.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application.

"(2) ADMISSIBILITY OF EVIDENCE.—If the court does not order the consolidation of a trial on the merits with a hearing on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order that would be admissible at the trial on the merits shall become part of the record of the trial and shall not be required to be received again at the trial.

"(f) NO RIGHT TO TRIAL BY JURY.—An action brought under this section shall be tried before the court.

"(g) ADDITIONAL REMEDIES.—

"(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

"(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law."

SEC. 1608. INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.

Chapter 59 of title 18, United States Code, is amended—

(1) in section 1263—

(A) by inserting "a label on the shipping container that clearly and prominently identifies the contents as alcoholic beverages, and a" after "accompanied by"; and

(B) by inserting "and requiring upon delivery the signature of a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made," after "contained therein"; and

(2) in section 1264, by inserting "or to any person other than a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made," after "consignee,".

SEC. 1609. DISCLAIMER ON MATERIALS PRODUCED, PROCURED OR DISTRIBUTED FROM FUNDING AUTHORIZED BY THIS ACT.

(a) All materials produced, procured, or distributed, in whole or in part, as a result of Federal funding authorized under this Act for expenditure by Federal, State or local governmental recipients or other nongovernmental entities shall have printed thereon the following language:

"This material has been printed, procured or distributed, in whole or in part, at the expense of the Federal Government. Any person who objects to the accuracy of the material, to the completeness of the material, or to the representations made within the material, including objections related to this material's characterization of religious beliefs, are encouraged to direct their comments to the office of the Attorney General of the United States.".

(b) All materials produced, procured, or distributed using funds authorized under this Act shall have printed thereon, in addition to the language contained in paragraph (a), a complete address for an office designated by the Attorney General to receive comments from members of the public.

(c) The office designated under paragraph (b) by the Attorney General to receive comments shall, every six months, prepare an accurate summary of all comments received by the office. This summary shall include details about the number of comments received and the specific nature of the concerns raised within the comments, and shall be provided to the Chairmen of the Senate and House Judiciary Committees, the Senate and House Education Committees, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives. Further, the comments received shall be retained by the office and shall be made available to any member of the general public upon request.

SEC. 1610. AIMEE'S LAW.

(a) SHORT TITLE.—This section may be cited as "Aimee's Law".

(b) DEFINITIONS.—In this section:

(1) DANGEROUS SEXUAL OFFENSE.—The term "dangerous sexual offense" means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term "murder" has the meaning given the term under applicable State law.

(3) RAPE.—The term "rape" has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term "sexual abuse" has the meaning given the term under applicable State law.

(5) SEXUALLY EXPLICIT CONDUCT.—The term "sexually explicit conduct" has the meaning given the term under applicable State law.

(c) REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.—

(1) PENALTY.—

(A) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(B) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(C) STATE DESCRIBED.—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(ii) the average term of imprisonment imposed by the State on individuals convicted

see their way cl to voting for an amendment that will take a positive step forward from removing dangerous drugs from the public schools. This is an opportunity to do it. I have submitted the amendment for that purpose. I ask for an aye vote on the amendment.

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

Mr. SCOTT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, first of all, in terms of what amount we are talking about, if it is any amount for sale or even small amounts of something like crack, it could easily constitute a felony. Our community is not better off with students roaming around with nothing to do; no education and no services. These students will not disappear; they are going to be in the community and they are not going to be up to anything constructive. This amendment, if it does anything, will increase the likelihood that our communities will be more dangerous and more crime-ridden. We need to continue educational services for these students and kicking them out on the street will not do anything to reduce the crime rate.

If we are going to be serious about crime, we need to defeat this amendment.

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

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. ROGAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROGAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from California will be postponed.

It is now in order to consider Amendment No. 24 printed in part A of House report 106-186.

AMENDMENT NO. 24 OFFERED BY MR. TANCREDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 24 offered by Mr. TANCREDO:

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

SEC. 3. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music, as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial which includes religious symbols, motifs, or sayings that is placed on the campus of a public school in order to or the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fee and costs, notwithstanding any other provision of law; and

(2) the Attorney General is authorized to provide legal assistance to the school district or other government entity that is defending the legality of such memorial service.

The CHAIRMAN. Pursuant to House resolution 209, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

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

Mr. Chairman, difficult as it is to believe, there are people and organizations that would attempt to prevent parents and students from seeking the comfort of their Creator when dealing with the horror of a situation like the one that we experienced in my hometown of Littleton, Colorado.

The amendment I have sponsored clarifies the position of the Congress with regard to these issues. It declares that a fitting memorial on public school campuses may contain religious speech without violating the Constitution. It puts Congress on record with respect to the constitutionality of a permanent memorial or memorial service that contains religious speech. The amendment does not specify what kind of memorial that would be appropriate. That decision is for local schools and communities.

It states that it is fitting and proper for a school to hold a memorial service when a student or teacher is killed on school grounds, and that it is fitting and proper to include religious references, songs and readings in such a service. Prayer, reading of scripture or the performance of religious music can be included in a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on campus.

The amendment also allows for the construction of a memorial that includes religious symbols or references to God on school property.

Mr. Chairman, there are many examples in our government of proper and constitutional references to religion. Chaplains of the Armed Forces conduct memorial services, yet do not compromise the establishment of religion by the government. Both the House and Senate conduct opening prayers before each legislative day, and Arlington Cemetery has signs identifying it as a Sacred Shrine and Hallowed Ground.

The amendment specifically mentions that religious songs may be sung at such memorials without violating the Constitution. Two Federal appeals courts that have taken up the e both have ruled that school choirs may sing religious music. The Fifth Circuit Court of Appeals held that it was constitutional for a public high school choir to have "The Lord Bless You and Keep You" as a signature song.

In the same way, erecting a memorial that contains religious references such as a quote from the scripture or a religious symbol from the deceased's religious tradition would not violate the Establishment Clause of the Constitution.

This is not the equivalent of a daily school prayer. A memorial service is a very specific response to an unusual and regrettable circumstance.

In either case, if a lawsuit is brought forth, parties are required to pay their own legal fees and costs, and the Attorney General is authorized to provide legal assistance to defenders.

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

The CHAIRMAN. Does the gentleman from New York (Mr. NADLER) seek to control the time in opposition to the amendment?

Mr. NADLER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. NADLER) is recognized for 10 minutes.

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

Mr. Chairman, there are three things wrong with this amendment. First, it is substantively wrong and it is obnoxious to the spirit and the letter of the first amendment of the religious freedom provision of the Constitution.

The Congress of the United States finds that the saying of a prayer or the placing of a memorial which includ religious symbols and motifs on the campus of a public school to honor the memory of someone who was slain does not violate the first amendment.

Well, the first problem is, it may very well violate the first amendment. The courts have held that organ prayer in a school or at a commencement or in a service at a school c violate the first amendment, and certainly the placing of a religious symbol which may offend some people, some future students, maybe even some current students or some future teachers. Imagine if there were a Muslim symbol that may be offensive to Christians or a Jewish symbol or Christian symbol offensive to others or some minority religion. Of course the minority religion would not get its symbol placed there because the local school board would not do that. That is the point. We do not discriminate and we do not make minority religions feel tolerated. They are equally American as anyone else, minority or majority, and that is why the Constitution prohibits an establishment of religion, and the courts have held that precisely what the sponsor of this amendment wants is an establishment of religion, and Congress saying it is not so does not make it not so. That is the first problem with this amendment.

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated pursuant to this subsection may be derived from the Violent Crime Reduction Trust Fund.

SEC. 323. REPEAL OF UNNECESSARY AND DUPLICATIVE PROGRAMS.

(a) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—

(1) TITLE III.—Title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13741 et seq.) is amended by striking subtitles A through C, and subtitles G through S.

(2) TITLE XXVII.—Title XXVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14191 et seq.) is repealed.

(b) REFORM OF GREAT PROGRAM.—Section 32401(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921(a)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) SELECTION OF COMMUNITIES.—

"(A) IN GENERAL.—Each community identified for a GREAT project referred to in paragraph (1) shall be selected by the Secretary of the Treasury on the basis of—

"(i) the level of gang activity and youth violence in the area in which the community is located;

"(ii) the number of schools in the community in which training would be provided under the project;

"(iii) the number of students who would receive the training referred to in clause (ii) in schools referred to in that clause; and

"(iv) a written description from officials of the community explaining the manner in which funds made available to the community under this section would be allocated.

"(B) EQUITABLE SELECTION.—The Secretary of the Treasury shall ensure that—

"(i) communities are identified and selected for GREAT projects under this subsection on an equitable geographic basis (except that this clause shall not be construed to require the termination of any projects selected prior to the beginning of fiscal year 1999); and

"(ii) the communities referred to in clause (i) include rural communities."; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "50 percent" and inserting "85 percent"; and

(B) in subparagraph (B), by striking "50 percent" and inserting "15 percent".

SEC. 324. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

"(1) for fiscal year 2001, $6,025,000,000;

"(2) for fiscal year 2002, $6,169,000,000;

"(3) for fiscal year 2003, $6,316,000,000;

"(4) for fiscal year 2004, $6,458,000,000; and

"(5) for fiscal year 2005, $6,616,000,000.".

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

"SEC. 310002. DISCRETIONARY LIMITS.

"For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 2001—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

"(2) with respect to fiscal year 2002—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays; and

"(3) with respect to fiscal year 2003—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

"(4) with respect to fiscal year 2004—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,458,000 in new budget authority and $6,303,000,000 in outlays; and

"(5) with respect to fiscal year 2005—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,457,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.".

SEC. 325. REIMBURSEMENT OF STATES FOR COSTS OF INCARCERATING JUVENILE ALIENS.

(a) IN GENERAL.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a), by inserting "or illegal juvenile alien who has been adjudicated delinquent and committed to a juvenile correctional facility by such State or locality" before the period;

(2) in subsection (b), by inserting "(including any juvenile alien who has been adjudicated delinquent and has been committed to a correctional facility)" before "who is in the United States unlawfully"; and

(3) by adding at the end the following:

"(f) JUVENILE ALIEN DEFINED.—In this section, the term 'juvenile alien' means an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act) who has been adjudicated delinquent and committed to a correctional facility by a State or locality as a juvenile offender.".

(b) ANNUAL REPORT.—Section 332 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1366) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following:

"(5) the number of illegal juvenile aliens that are committed to State or local juvenile correctional facilities, including the type of offense committed by each juvenile.".

(c) CONFORMING AMENDMENT.—Section 241(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(B)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by adding at the end the following:

"(iv) is a juvenile alien with respect to whom section 501 of the Immigration Reform and Control Act of 1986 applies.".

Subtitle C—Alternative Education and Delinquency Prevention

SEC. 331. ALTERNATIVE EDUCATION.

Part D of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6421 et seq.) is amended by adding at the end the following:

"Subpart 4—Alternative Education Demonstration Project Grants

"SEC. 1441. PROGRAM AUTHORITY.

"(a) GRANTS.—

"(1) IN GENERAL.—From amounts appropriated under section 1443, the Secretary, in consultation with the Administrator, shall make grants to State educational agencies or local educational agencies for not less than 10 demonstration projects that enable the agencies to develop models for and carry out alternative education for at-risk youth.

"(2) CONSTRUCTION.—Nothing in this subpart shall be construed to affect the requirements of the Individuals with Disabilities Education Act.

"(b) DEMONSTRATION PROJECTS.—

"(1) PARTNERSHIPS.—Each agency receiving a grant under this subpart may enter into a partnership with a private sector entity to provide alternative educational services to at-risk youth.

"(2) REQUIREMENTS.—Each demonstration project assisted under this subpart shall—

"(A) accept for alternative education at-risk or delinquent youth who are referred by a local school or by a court with a juvenile delinquency docket and who—

"(i) have demonstrated a pattern of serious and persistent behavior problems in regular schools;

"(ii) are at risk of dropping out of school;

"(iii) have been convicted of a criminal offense or adjudicated delinquent for an act of juvenile delinquency, and are under a court's supervision; or

"(iv) have demonstrated that continued enrollment in a regular classroom—

"(I) poses a physical threat to other students; or

"(II) inhibits an atmosphere conducive to learning; and

"(B) provide for accelerated learning, in a safe, secure, and disciplined environment, including—

"(i) basic curriculum focused on mastery of essential skills, including targeted instruction in basic skills required for secondary school graduation; and

"(ii) emphasis on—

"(I) personal, academic, social, and workplace skills; and

"(II) behavior modification.

"(c) APPLICABILITY.—Except as provided in subsections (c) and (e) of section 1442, the provisions of section 1401(c), 1402, and 1431, and subparts 1 and 2, shall not apply to this subpart.

"(d) DEFINITION OF ADMINISTRATOR.—In this subpart, the term 'Administrator' means the Administrator of the Office of Juvenile Crime Control and Prevention of the Department of Justice.

"SEC. 1442. APPLICATIONS; GRANTEE SELECTION.

"(a) APPLICATIONS.—Each State educational agency and local educational agency seeking a grant under this subpart shall submit an application in such form, and containing such information, as the Secretary,

in consultation with the Administrator, may reasonably require.

"(b) SELECTION OF GRANTEES.—

"(1) IN GENERAL.—The Secretary shall select State educational agencies and local educational agencies to receive grants under this subpart on an equitable geographic basis, including selecting agencies that serve urban, suburban, and rural populations.

"(2) MINIMUM.—The Secretary shall award a grant under this subpart to not less than 1 agency serving a population with a significant percentage of Native Americans.

"(3) PRIORITY.—In awarding grants under this subpart, the Secretary may give priority to State educational agencies and local educational agencies that demonstrate in the application submitted under subsection (a) that the State has a policy of equitably distributing resources among school districts in the State.

"(c) QUALIFICATIONS.—To qualify for a grant under this subpart, a State educational agency or local educational agency shall—

"(1) in the case of a State educational agency, have submitted a State plan under section 1414(a) that is approved by the Secretary;

"(2) in the case of a local educational agency, have submitted an application under section 1423 that is approved by the State educational agency;

"(3) certify that the agency will comply with the restrictions of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974;

"(4) explain the educational and juvenile justice needs of the community to be addressed by the demonstration project;

"(5) provide a detailed plan to implement the demonstration project; and

"(6) provide assurances and an explanation of the agency's ability to continue the program funded by the demonstration project after the termination of Federal funding under this subpart.

"(d) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Grant funds provided under this subpart shall not constitute more than 35 percent of the cost of the demonstration project funded.

"(2) SOURCE OF FUNDS.—Matching funds for grants under this subpart may be derived from amounts available under section 205, or part B of title II, of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) to the State in which the demonstration project will be carried out, except that the total share of funds derived from Federal sources shall not exceed 50 percent of the cost of the demonstration project.

"(e) PROGRAM EVALUATION.—

"(1) IN GENERAL.—Each State educational agency or local educational agency that receives a grant under this subpart shall evaluate the demonstration project assisted under this subpart in the same manner as programs are evaluated under section 1431. In addition, the evaluation shall include—

"(A) an evaluation of the effect of the alternative education project on order, discipline, and an effective learning environment in regular classrooms;

"(B) an evaluation of the project's effectiveness in improving the skills and abilities of at-risk students assigned to alternative education, including an analysis of the academic and social progress of such students; and

"(C) an evaluation of the project's effectiveness in reducing juvenile crime and delinquency, including—

"(i) reductions in incidents of campus crime in relevant school districts, compared with school districts not included in the project; and

"(ii) reductions in recidivism by at-risk students who have juvenile justice system involvement and are assigned to alternative education.

"(2) EVALUATION BY THE SECRETARY.—The Secretary, in cooperation with the Administrator, shall comparatively evaluate each of the demonstration projects funded under this subpart, including an evaluation of the effectiveness of private sector educational services, and shall report the findings of the evaluation to the Committee on Education and the Workforce of the House of Representatives and the Committees on the Judiciary and Health, Education, Labor and Pensions of the Senate not later than June 30, 2005.

"SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $15,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.".

Subtitle D—Parenting as Prevention

SEC. 341. SHORT TITLE.

This subtitle shall be cited as the "Parenting as Prevention Act".

SEC. 342. ESTABLISHMENT OF PROGRAM.

The Secretary of Health and Human Services, in consultation with the Attorney General, the Secretary of Education, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, and the Secretary of Defense shall establish a parenting support and education program as provided in sections 343, 344, and 345.

SEC. 343. NATIONAL PARENTING SUPPORT AND EDUCATION COMMISSION.

(a) ESTABLISH COMMISSION.—The Secretary of Health and Human Services shall establish a National Parenting Support and Education Commission (hereinafter referred to as the "Commission") to identify the best practices for parenting and to provide practical parenting advice for parents and caregivers based on the best available research data. She shall provide the Commission with necessary staff and other resources to fulfill its duties.

(b) MEMBERSHIP OF COMMISSION.—The Secretary shall appoint the Commission after consultation with the cabinet members identified in section 342. The Commission shall consist of the following members—

(1) an adolescent representative;

(2) a parent representative;

(3) an expert in brain research;

(4) experts in child development, youth development, early childhood education, primary education, and secondary education;

(5) an expert in children's mental health;

(6) an expert on children's health and nutrition;

(7) an expert on child abuse prevention, diagnosis, and treatment;

(8) a representative of parenting support programs;

(9) a representative of parenting education;

(10) a representative from law enforcement;

(11) an expert on firearm safety programs;

(12) a representative from a nonprofit organization that delivers services to children and their families which may include a faith based organization; and

(13) such other representatives as the Secretary deems necessary.

(c) DUTIES OF COMMISSION.—The Commission shall—

(1) identify best parenting practices for parents and caregivers of young children on topics including but not limited to brain stimulation, developing healthy attachments and social relationships, anger management and conflict resolution, character development, discipline, controlling access to television and other entertainment including computers, firearms safety, mental health, health care and nutrition including breastfeeding, encouraging reading and lifelong learning habits, and recognition and treatment of developmental and behavioral problems;

(2) identify best parenting practices of adolescents and pre-adolescents on topics including but not limited to methods of addressing peer pressure with respect to underage drinking, sexual relations, illegal drug use, and other negative behavior; developing healthy social and family relationships; exercising discipline; controlling access to television and other entertainment including computers, video games, and movies; firearm safety; encouraging success in school; and other issues of concern to parents of adolescents;

(3) identify best parenting practices and resources available for parents and caregivers of children with special needs including fetal alcohol syndrome, fetal alcohol effect, mental illness, autism, retardation, learning disabilities, behavioral disorders, chronic illness, and physical disabilities; and

(4) review existing parenting support and education programs and the data evaluating them and make recommendations to the Secretary and the Congress on which are most effective and should receive Federal support within 18 months of appointment.

(d) PUBLIC HEARINGS AND TESTIMONY.—The Commission shall conduct four public hearings, shall solicit and receive testimony from national experts and national organizations, shall conduct a comprehensive review of academic and other research literature, and shall seek information from the Governors on existing brain development and parenting programs which have been most successful.

(e) PUBLICATION OF MATERIALS.—If not otherwise available, the Commission shall prepare materials which may include written material, videotapes, CD's, and other audio and visual material on best parenting practices and shall make them available for distribution to parents, caregivers, and others through State and local government programs, hospitals, maternity centers, and other health care providers, adoption agencies, schools, public housing units, child care centers, and social service providers. If such materials are already available, the Commission may print, reproduce, and distribute such materials.

(f) REPORTING REQUIREMENT.—The Commission shall prepare and submit a report of its findings and recommendations to the Secretary and the Congress no later than 18 months after appointment.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated in fiscal year 2000 such sums as may be necessary to support the work of the Commission and to produce and distribute the materials described in subsection (e). Such sum shall remain available until expended. Any fund appropriated pursuant to this section shall remain available until expended.

SEC. 344. STATE AND LOCAL PARENTING SUPPORT AND EDUCATION GRANT PROGRAM.

(a) STATE ALLOTMENTS.—The Secretary shall make allotments to eligible States to support parenting support and training programs. Each State shall receive an amount that bears the same relationship to the amount appropriated as the total number of children in the State bears to the total number of children in all States, but no State shall receive less than one-half of one percent of the state allocation. From the amounts provided to each State with Indian or Alaska Native populations exceeding two percent of its total statewide population, the Governor shall set aside two percent for Indian tribes as that term is defined in section

4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended; 25 U.S.C. 450b(e)) which shall be distributed based on the percentage of Indian children in each tribe except that with respect to Alaska, the funds shall be distributed to the nonprofit entities described in section 419(4)(B) of the Social Security Act pursuant to section 103 of Public Law 104-193 (110 Stat. 2159, 2160; 42 U.S.C. 619(4)(B)) which shall be allocated based on the percentage of Alaska Native children in each region.

(b) STATE PARENTING SUPPORT AND EDUCATION COUNCIL.—To be eligible to receive Federal funding, the Governor of each State shall appoint a State Parenting Support and Education Council (hereinafter referred to as the "Council") which shall include parent representatives, representatives of the State government, bipartisan representation from the State legislature, representatives from local communities, and interested children's organizations, except that the Governor may designate an existing entity that includes such groups. The Council shall conduct a needs and resources assessment of parenting support and education programs in the State to determine where programs are lacking or inadequate and identify what additional programs are needed and which programs require additional resources. It shall consider the findings and recommendations of the Parenting Commission in making those determinations. Upon completion of the assessment, the Council may consider grant applications from the State to provide statewide programs, from local communities including schools, and from nonprofit service providers including faith based organizations.

(c) GRANTS.—Grants may be made for:

(1) Parenting support to promote early brain development and childhood development and education including—

(A) assistance to schools to offer classroom instruction on brain stimulation, child development, and early childhood education;

(B) distribution of materials developed by the Commission or another entity that reflect best parenting practices;

(C) development and distribution of referral information on programs and services available to children and families at the local level, including eligibility criteria;

(D) voluntary hospital visits for postpartum women and in-home visits for families with infants, toddlers, or newly adopted children to provide hands-on training and one-on-one instruction on brain stimulation, child development, and early childhood education;

(E) parenting education programs including training with respect to the best parenting practices identified in subsection (c).

(2) Parenting support for adolescents and youth including funds for services and support for parents and other caregivers of young people being served by a range of education, social service, mental health, health, runaway and homeless youth programs. Programs may include the Boys and Girls Club, YMCA and YWCA, after school programs, 4-H programs, or other community based organizations. Eligible activities may include parent-caregiver support groups, peer support groups, parent education classes, seminars or discussion groups on problems facing adolescents, advocates and mentors to help parents understand and work with schools, the courts, and various treatment programs.

(3) Parenting support and education resource centers including—

(A) development of parenting resource centers which may serve as a single point of contact for the provision of comprehensive services available to children and their families including Federal, State, and local governmental and nonprofit services available to children. Such services may include child care, respite care, pediatric care, child abuse prevention programs, nutrition programs, parent training, infant and child CPR and safety training programs, caregiver training and education, and other related programs;

(B) a national toll free anonymous parent hotline with 24 hour a day consultation and advice including referral to local community based services;

(C) respite care for parents with children with special needs, single mothers, and at-risk youth.

(d) REPORTING.—Each entity that receives a grant under this section shall submit a report every 2 years to the Council describing the program it has developed, the number of parents and children served, and the success of the program using specific performance measures.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amounts received by a State may be used to pay for the administrative expenses of the Council in implementing the grant program.

(f) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for parenting support and education programs.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated such sums as are necessary for fiscal year 2000 and subsequent fiscal years.

SEC. 345. GRANTS TO ADDRESS THE PROBLEM OF VIOLENCE RELATED STRESS TO PARENTS AND CHILDREN.

(a) FINDINGS.—The Congress finds that a child's brain is wired between the ages of 0-3. A child's ability to learn, develop healthy family and social relationships, resist peer pressure, and control violent impulses depends on the quality and quantity of brain stimulation he receives. Research shows that children exposed to negative brain stimulation in the form of physical and sexual abuse and violence in the family or community causes the brain to be miswired making it difficult for the child to be successful in life. Intervention early in a child's life to correct the miswiring is much more successful than adult rehabilitation efforts.

(b) IN GENERAL.—The Secretary shall award grants, enter into contracts or cooperative agreements to public and nonprofit private entities, as well as to Indian tribes, Native Hawaiians, and Alaska Native nonprofit corporations to establish national and regional centers of excellence on psychological trauma response and to identify the best practices for treating psychiatric and behavioral disorders resulting from children witnessing or experiencing such stress.

(c) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the identifying best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school, and community violence, and disasters.

(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts, or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

(e) EVALUATION.—The Secretary shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan as part of his application for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

(f) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under this section, the period during which payments under such an award will be made to the recipient may not be less than 3 years. Such grants, contract or agreement may be renewed.

(g) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2000 and subsequent fiscal years.

TITLE IV—VOLUNTARY MEDIA AGREEMENTS FOR CHILDREN'S PROTECTION

Subtitle A—Children and the Media

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Children's Protection Act of 1999".

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) Television is seen and heard in nearly every United States home and is a uniquely pervasive presence in the daily lives of Americans. The average American home has 2.5 televisions, and a television is turned on in the average American home 7 hours every day.

(2) Television plays a particularly significant role in the lives of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Hundreds of studies have proven conclusively that children who are consistently exposed to violence on television have a higher tendency to exhibit violent and aggressive behavior, both as children and later in life.

(6) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(7) A growing body of social science research indicates that sexual content on television can also have a significant influence on the attitudes and behaviors of young viewers. This research suggests that heavy exposure to programming with strong sexual content contributes to the early commencement of sexual activity among teenagers.

(8) Members of the National Association of Broadcasters (NAB) adhered for many years to a comprehensive code of conduct that was based on an understanding of the influence exerted by television and on a widely held sense of responsibility for using that influence carefully.

(9) This code of conduct, the Television Code of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) "In selecting program subjects and themes, great care must be exercised to be

SEC. 1 PURPOSES.

The purposes of this title are as follows:

(1) To promote the safe storage and use of handguns by consumers.

(2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one of the circumstances provided for in the Youth Handgun Safety Act.

(3) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 1003. FIREARMS SAFETY.

(a) UNLAWFUL ACTS.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under the provisions of this chapter, unless the transferee is provided with a secure gun storage or safety device, as described in section 921(a)(35) of this chapter, for that handgun.

"(2) EXCEPTIONS.—Paragraph (1) does not apply to the—

"(A)(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

"(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

"(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

"(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

"(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): *Provided*, That the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

"(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

"(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, where—

"(i) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

"(ii) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device.

A 'qualified civil liability act shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.".

(b) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

"(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

"(1) IN GENERAL.—

"(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

"(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

"(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this title shall be construed to—

(A) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this title shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

SEC. 1004. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE XI—SCHOOL SAFETY AND VIOLENCE PREVENTION

SEC. 1101. SCHOOL SAFETY AND VIOLENCE PREVENTION.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"PART I—SCHOOL SAFETY AND VIOLENCE PREVENTION

"SEC. 14851. SCHOOL SAFETY AND VIOLENCE PREVENTION.

"Notwithstanding any other provision of titles IV and VI, funds made available under such titles may be used for—

"(1) training, including in-service training, for school personnel (including custodians and bus drivers), with respect to—

"(A) identification of potential threats, such as illegal weapons and explosive devices;

"(B) crisis preparedness and intervention procedures; and

"(C) emergency response;

"(2) training for parents, teachers, school personnel and other interested members of the community regarding the tification and responses to early warning signs of troubled and violent youth;

"(3) innovative research-based delinquency and violence prevention programs, including—

"(A) school anti-violence programs; and

"(B) mentoring programs;

"(4) comprehensive school security assessments;

"(5) purchase of school security equipment and technologies, such as—

"(A) metal detectors;

"(B) electronic locks; and

"(C) surveillance cameras;

"(6) collaborative efforts with community-based organizations, including faith-based organizations, statewide consortia, and law enforcement agencies, that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school aged children;

"(7) providing assistance to States, local educational agencies, or schools to establish school uniform policies;

"(8) school resource officers, including community policing officers; and

"(9) other innovative, local responses that are consistent with reducing incidents of school violence and improving the educational atmosphere of the classroom.".

SEC. 1102. STUDY.

(a) STUDY.—The Comptroller General shall carry out a study regarding school safety issues, including examining—

(1) incidents of school-based violence in the United States;

(2) impediments to combating school-based violence, including local, state, and Federal education and law enforcement impediments;

(3) promising initiatives for addressing school-based violence;

(4) crisis preparedness of school personnel;

(5) preparedness of local, State, and Federal law enforcement to address incidents of school-based violence; and

(6) evaluating current school violence prevention programs.

(b) REPORT.—The Comptroller General shall prepare and submit to Congress a report regarding the results of the study conducted under paragraph (1).

SEC. 1103. SCHOOL UNIFORMS.

Part E of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8891 et seq.) is amended by adding at the end the following:

SEC. 14515. SCHOOL UNIFORMS.

"(a) CONSTRUCTION.—Nothing in this Act shall be construed to prohibit any State, local educational agency, or school from establishing a school uniform policy.

"(b) FUNDING.—Notwithstanding any other provision of law, funds provided under titles IV and VI may be used for establishing a school uniform policy.".

SEC. 1104. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended by adding after section 14603 (20 U.S.C. 8923) the following:

"SEC. 14604. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

"(a) NONAPPLICATION OF PROVISIONS.—The provisions of this section shall not apply to any disciplinary records transferred from a private, parochial, or other nonpublic school, person, institution, or other entity, that provides education below the college level.

"(b) DISCIPLINARY RECORDS.—Not later than 2 years after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, each State receiving Federal funds under this Act shall provide an assurance to

the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.

SEC. 1105. SCHOOL VIOLENCE RESEARCH.

The Attorney General shall establish at the National Center for Rural Law Enforcement in Little Rock, Arkansas, a research center that shall serve as a resource center or clearinghouse for school violence research. The research center shall conduct, compile, and publish school violence research and otherwise conduct activities related to school violence research, including—

(1) the collection, categorization, and analysis of data from students, schools, communities, parents, law enforcement agencies, medical providers, and others for use in efforts to improve school security and otherwise prevent school violence;

(2) the identification and development of strategies to prevent school violence; and

(3) the development and implementation of curricula designed to assist local educational agencies and law enforcement agencies in the prevention of or response to school violence.

SEC. 1106. NATIONAL CHARACTER ACHIEVEMENT AWARD.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to individuals under the age of 18, on behalf of the Congress, a National Character Achievement Award, consisting of medal of appropriate design, with ribbons and appurtenances, honoring those individuals for distinguishing themselves as a model of good character.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall design and strike a medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) ELIGIBILITY.—

(1) IN GENERAL.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall establish procedures for processing recommendations to be forwarded to the President for awarding National Character Achievement Award under subsection (a).

(2) RECOMMENDATIONS BY SCHOOL PRINCIPALS.—At a minimum, the recommendations referred to in paragraph (1) shall contain the endorsement of the principal (or equivalent official) of the school in which the individual under the age of 18 is enrolled.

SEC. 1107. NATIONAL COMMISSION ON CHARACTER DEVELOPMENT.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Character Development (referred to in this section as the "Commission").

(b) MEMBERSHIP.—

(1) APPOINTING AUTHORITY.—The Commission shall consist of 36 members, of whom—

(A) 12 shall be appointed by the President;

(B) 12 shall be appointed by the Speaker of the House of Representatives; and

(C) 12 shall be appointed by the President pro tempore of the Senate, on the recommendation of the majority and minority leaders of the Senate.

(2) COMPOSITION.—The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall each appoint as members of the Commission—

(A) 1 parent;

(B) 1 student;

(C) 2 representatives of the entertainment industry (including the segments of the industry relating to audio, video, and multimedia entertainment);

(D) 2 members of the clergy;

(E) 2 representatives of the information or technology industry;

(F) 1 local law enforcement official;

(G) 2 individuals who have engaged in academic research with respect to the impact of cultural influences on child development and juvenile crime; and

(H) 1 representative of a grassroots organization engaged in community and child intervention programs.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall study and make recommendations with respect to the impact of current cultural influences (as of the date of the study) on the process of developing and instilling the key aspects of character, which include trustworthiness, honesty, integrity, an ability to keep promises, loyalty, respect, responsibility, fairness, a caring nature, and good citizenship.

(2) REPORTS.—

(A) INTERIM REPORTS.—The Commission shall submit to the President and Congress such interim reports relating to the study as the Commission considers to be appropriate.

(B) FINAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit a final report to the President and Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study, together with recommendations for such legislation and administrative actions as the Commission considers to be appropriate.

(d) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(g) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2000 and 2001.

SEC. 1108. JUVENILE ACCESS TO TREATMENT.

(a) COORDINATED JUVENILE SERVICES GRANTS.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after section 205 the following:

"SEC. 205A. COORDINATED JUVENILE SERVICES GRANTS.

"(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, working in conjunction with the Center for Substance Abuse of the Substance Abuse and Mental Health Services Administration, may make grants to a consortium within a State of State or local juvenile justice agencies or State or local substance abuse and mental health agencies, and child service agencies to coordinate the delivery of services to children among these agencies. Any public agency may serve as the lead entity for the consortium.

"(b) USE OF FUNDS.—A consortium described in subsection (a) that receives a grant under this section shall use the grant for the establishment and implementation of programs that address the service needs of adolescents with substance abuse or mental health treatment problems, including those who come into contact with the justice system by requiring the following:

"(1) Collaboration across child serving systems, including juvenile justice agencies, relevant public and private substance abuse and mental health treatment providers, and State or local educational entities and welfare agencies.

"(2) Appropriate screening and assessment of juveniles.

"(3) Individual treatment plans.

"(4) Significant involvement of juvenile judges where appropriate.

"(c) APPLICATION FOR COORDINATED JUVENILE SERVICES GRANT.—

"(1) IN GENERAL.—A consortium described in subsection (a) desiring to receive a grant under this section shall submit an application containing such information as the Administrator may prescribe.

"(2) CONTENTS.—In addition to guidelines established by the Administrator, each application submitted under paragraph (1) shall provide—

"(A) certification that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

"(B) for the regular evaluation of the program funded by the grant and describe the methodology that will be used in evaluating the program;

"(C) assurances that the proposed program or activity will not supplant similar programs and activities currently available in the community; and

"(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

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

"(d) REPORT.—Each recipient of a grant under this section during a fiscal year shall submit to the Attorney General a report regarding the effectiveness of programs established with the grant on the date specified by the Attorney General.

of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) EXCEPTION.—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

SEC. 1611. DRUG TESTS AND LOCKER INSPECTIONS.

(a) SHORT TITLE.—This section may be cited as the "School Violence Prevention Act".

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

"(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and".

SEC. 1612. WAIVER FOR LOCAL MATCH REQUIREMENT UNDER COMMUNITY POLICING PROGRAM.

Section 1701(i) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding at the end of the first sentence the following:

"The Attorney General shall waive the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity that hires law enforcement officers for placement in public schools by a jurisdiction that demonstrates financial need or hardship.".

SEC. 1613. CARJACKING OFFENSES.

Section 2119 of title 18, United States Code, is amended by striking ", with the intent to cause death or serious bodily harm".

SEC. 1614. SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME.

Section 3681 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) FORFEITURE OF PROCEEDS.—Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense described in paragraph (2), and after notice to any interested party, the court shall order the defendant to forfeit all or any part of proceeds received or to be received by the defendant, or a transferee of the defendant, from a contract relating to the transfer of a right or interest of the defendant in any property described in paragraph (3), if the court determines that—

"(A) the interests of justice or an order of restitution under this title so require;

"(B) the proceeds (or part thereof) to be forfeited reflect the enhanced value of the property attributable to the offense; and

"(C) with respect to a defendant convicted of an offense against a State—

"(i) the property at issue, or the proceeds to be forfeited, have travelled in interstate or foreign commerce or were derived through the use of an instrumentality of interstate or foreign commerce; and

"(ii) the attorney general of the State has declined to initiate a forfeiture action with respect to the proceeds to be forfeited.

"(2) OFFENSES DESCRIBED.—An offense is described in this paragraph if it is—

"(A) an offense under section 794 of this title;

"(B) a felony offense against the United States or any State; or

"(C) a misdemeanor offense against the United States or any State resulting in physical harm to any individual.

"(3) PROPERTY DESCRIBED.—Property is described in this paragraph if it is any property, tangible or intangible, including any—

"(A) evidence of the offense;

"(B) instrument of the offense, including any vehicle used in the commission of the offense;

"(C) real estate where the offense was committed;

"(D) document relating to the offense;

"(E) photograph or audio or video recording relating to the offense;

"(F) clothing, jewelry, furniture, or other personal property relating to the offense;

"(G) movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind depicting the offense or otherwise relating to the offense;

"(H) expression of the thoughts, opinions, or emotions of the defendant regarding the offense; or

"(I) other property relating to the offense.".

SEC. 1615. CALLER IDENTIFICATION SERVICES TO ELEMENTARY AND SECONDARY SCHOOLS AS PART OF UNIVERSAL SERVICE OBLIGATION.

(a) CLARIFICATION.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by inserting after "under subsection (c)(3)," the following: "including caller identification services with respect to elementary and secondary schools,".

(b) OUTREACH.—The Federal Communications Commission shall take appropriate actions to notify elementary and secondary schools throughout the United States of—

(1) the availability of caller identification services as part of the services that are within the definition of universal service under section 254(h)(1)(B) of the Communications Act of 1934; and

(2) the procedures to be used by such schools in applying for such services under that section.

SEC. 1616. PARENT LEADERSHIP MODEL.

(a) IN GENERAL.—The Administrator of the Office of Juvenile Crime Control and Prevention is authorized to make a grant to a national organization to provide training, technical assistance, best practice strategies, program materials and other necessary support for a mutual support, parental leadership model proven to prevent child abuse and juvenile delinquency.

(b) AUTHORIZATION.—There are authorized to be appropriated out of the Violent Crime Trust Fund, $3,000,000.

SEC. 1617. NATIONAL MEDIA CAMPAIGN AGAINST VIOLENCE.

There is authorized to be appropriated to the National Crime Prevention Council not to exceed $25,000,000, to be expended without fiscal-year limitation, for a 2-year national media campaign, to be conducted in consultation with national, statewide or community based youth organizations, Boys and Girls Clubs of America, and to be targeted to parents (and other caregivers) and to youth, to reduce and prevent violent criminal behavior by young Americans: *Provided*, That none of such funds may be used—(1) to propose, influence, favor, or oppose any change in any statute, rule, regulation, treaty, or other provision of law; (2) for any partisan political purpose; (3) to feature any elected officials, persons seeking elected office, cabinet-level officials, or Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213; or (4) in any way that otherwise would violate section 1913 of title 18 of the United States Code: *Provided further*, That, for purposes hereof, "violent criminal behavior by young Americans" means behavior, by minors residing in the United States (or in any jurisdiction under the sovereign jurisdiction thereof), that both is illegal under Federal, State, or local law, and involves acts or threats of physical violence, physical injury, or physical harm: *Provided further*, That not to exceed 10 percent of the funds appropriated pursuant to this authorization shall be used to commission an objective accounting, from a licensed and certified public accountant, using generally-accepted accounting principles, of the funds appropriated pursuant to this authorization and of any other funds or in-kind donations spent or used in the campaign, and an objective evaluation both of the impact and cost-effectiveness of the campaign and of the campaign-related activities of the Council and the Clubs, which accounting and evaluation shall be submitted by the Council to the Committees on Appropriations and the Judiciary of each House of Congress by not later than 9 months after the conclusion of the campaign.

fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 1206. DEFINITIONS.

For purposes of this title:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term "teacher" means a teacher, instructor, principal, administrator, or other educational professional, that works in a school.

SEC. 1207. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

TITLE XIII—VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

SEC. 1301. SHORT TITLE.

This title may be cited as the "Violence Prevention Training for Early Childhood Educators Act".

SEC. 1302. PURPOSE.

The purpose of this title is to provide grants to institutions that carry out early childhood education training programs to enable the institutions to include violence prevention training as part of the preparation of individuals pursuing careers in early childhood development and education.

SEC. 1303. FINDINGS.

Congress makes the following findings:

(1) Aggressive behavior in early childhood is the single best predictor of aggression in later life.

(2) Aggressive and defiant behavior predictive of later delinquency is increasing among our Nation's youngest children. Without prevention efforts, higher percentages of juveniles are likely to become violent juvenile offenders.

(3) Research has demonstrated that aggression is primarily a learned behavior that develops through observation, imitation, and direct experience. Therefore, children who experience violence as victims or as witnesses are at increased risk of becoming violent themselves.

(4) In a study at a Boston city hospital, 1 out of every 10 children seen in the primary care clinic had witnessed a shooting or a stabbing before the age of 6, with 50 percent of the children witnessing in the home and 50 percent of the children witnessing in the streets.

(5) A study in New York found that children who had been victims of violence within their families were 24 percent more likely to report violent behavior as adolescents, and adolescents who had grown up in families where partner violence occurred were 21 percent more likely to report violent delinquency than individuals not exposed to violence.

(6) Aggression can become well-learned and difficult to change by the time a child reaches adolescence. Early childhood offers a critical period for overcoming risk for violent behavior and providing support for prosocial behavior.

(7) Violence prevention programs for very young children yield economic benefits. By providing health and stability to the individual child and the child's family, the programs may reduce expenditures for medical care, special education, and involvement with the judicial system.

(8) Primary prevention can be effective. When preschool teachers teach young children interpersonal problem-solving skills and other forms of conflict resolution, children are less likely to demonstrate problem behaviors.

(9) There is evidence that family support programs in families with children from birth through 5 years of age are effective in preventing delinquency.

SEC. 1304. DEFINITIONS.

In this title:

(1) AT-RISK CHILD.—The term "at-risk child" means a child who has been affected by violence through direct exposure to child abuse, other domestic violence, or violence in the community.

(2) EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.—The term "early childhood education training program" means a program that—

(A)(i) trains individuals to work with young children in early child development programs or elementary schools; or

(ii) provides professional development to individuals working in early child development programs or elementary schools;

(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider; and

(C) leads to a bachelor's degree or an associate's degree, a certificate for working with young children (such as a Child Development Associate's degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.

(3) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(4) VIOLENCE PREVENTION.—The term "violence prevention" means—

(A) preventing violent behavior in children;

(B) identifying and preventing violent behavior in at-risk children; or

(C) identifying and ameliorating violent behavior in children who act out violently.

SEC. 1305. PROGRAM AUTHORIZED.

(a) GRANT AUTHORITY.—The Secretary of Education is authorized to award grants to institutions that carry out early childhood education training programs and have applications approved under section 1306 to enable the institutions to provide violence prevention training as part of the early childhood education training program.

(b) AMOUNT.—The Secretary of Education shall award a grant under this title in an amount that is not less than $500,000 and not more than $1,000,000.

(c) DURATION.—The Secretary of Education shall award a grant under this title for a period of not less than 3 years and not more than 5 years.

SEC. 1306. APPLICATION.

(a) APPLICATION REQUIRED.—Each institution desiring a grant under this title shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary of Education may require.

(b) CONTENTS.—Each application shall—

(1) describe the violence prevention training activities and services for which assistance is sought;

(2) contain a comprehensive plan for the activities and services, including a description of—

(A) the goals of the violence prevention training program;

(B) the curriculum and training that will prepare students for careers which are described in the plan;

(C) the recruitment, retention, and training of students;

(D) the methods used to help students find employment in their fields;

(E) the methods for assessing the success of the violence prevention training program; and

(F) the sources of financial aid for qualified students;

(3) contain an assurance that the institution has the capacity to implement the plan; and

(4) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution in carrying out the plan.

SEC. 1307. SELECTION PRIORITIES.

The Secretary of Education shall give priority to awarding grants to institutions carrying out violence prevention programs that include 1 or more of the following components:

(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).

(2) Preparation to engage in community outreach or collaboration with other services in the community.

(3) Preparation to use conflict resolution training with children.

(4) Preparation to work in economically disadvantaged communities.

(5) Recruitment of economically disadvantaged students.

(6) Carrying out programs of demonstrated effectiveness in the type of training for which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of the fiscal years 2000 through 2004.

TITLE XIV—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

SEC. 1401. PURPOSE.

The purpose of this title is to support the work of community-based organizations, local educational agencies, and schools in providing children and youth with alternatives to delinquency through strong

school-based and after school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $15,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out school-based programs under section 1403; and

(2) $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the after school programs under section 1404.

(b) SOURCE OF FUNDING.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

SEC. 1403. SCHOOL-BASED PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to schools, or local educational agencies that enter into a partnership with a school, to support the development of character education programs in the schools in order to—

(1) reduce delinquency, school discipline problems, and truancy; and

(2) improve student achievement, overall school performance, and youths' positive involvement in their community.

(b) APPLICATIONS.—Each school or local educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(1) CONTENTS.—Each application shall include—

(A) a description of the community to be served and the needs that will be met with the program in that community;

(B) a description of how the program will reach youth at-risk of delinquency;

(C) a description of the activities to be assisted, including—

(i) how parents, teachers, students, and other members of the community will be involved in the design and implementation of the program;

(ii) the character education program to be implemented, including methods of teacher training and parent education that will be used or developed; and

(iii) how the program will coordinate activities assisted under this section with other youth serving activities in the larger community;

(D) a description of the goals of the program;

(E) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(F) an assurance that the school or local educational agency will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 1404. AFTER SCHOOL PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to community-based organizations to enable the organizations to provide youth with alternative activities, in the after school or out of school hours, that include a strong character education component.

(b) ELIGIBLE COMMUNITY-BASED ORGANIZATIONS.—The Secretary only shall award a grant under this section to a community-based organization that has a demonstrated capacity to provide after school or out of school programs to youth, including youth serving organizations, businesses, and other community groups.

(c) APPLICATIONS.—Each community-based organization desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(1) a description of the community to be served and the needs that will be met with the program in that community;

(2) a description of how the program will identify and recruit at-risk youth for participation in the program, and will provide continuing support for their participation;

(3) a description of the activities to be assisted, including—

(A) how parents, students, and other members of the community will be involved in the design and implementation of the program;

(B) how character education will be incorporated into the program; and

(C) how the program will coordinate activities assisted under this section with activities of schools and other community-based organizations;

(4) a description of the goals of the program;

(5) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(6) an assurance that the community-based organization will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 1405. GENERAL PROVISIONS.

(a) DURATION.—Each grant under this title shall be awarded for a period of not to exceed 5 years.

(b) PLANNING.—A school, local educational agency or community-based organization may use grant funds provided under this title for not more than 1 year for the planning and design of the program to be assisted.

(c) SELECTION OF GRANTEES.—

(1) CRITERIA.—The Secretary, in consultation with the Attorney General, shall select, through a peer review process, community-based organizations, schools, and local educational agencies to receive grants under this title on the basis of the quality of the applications submitted and taking into consideration such factors as—

(A) the quality of the activities to be assisted;

(B) the extent to which the program fosters in youth the elements of character and reaches youth at-risk of delinquency;

(C) the quality of the plan for measuring and assessing the success of the program;

(D) the likelihood the goals of the program will be realistically achieved;

(E) the experience of the applicant in providing similar services; and

(F) the coordination of the program with larger community efforts in character education.

(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this title in a manner that ensures, to the extent practicable, that programs assisted under this title serve different areas of the United States, including urban, suburban and rural areas, and serve at-risk populations.

(d) USE OF FUNDS.—Grant funds under this title shall be used to support the work of community-based organizations, schools, or local educational agencies in providing children and youth with alternatives to delinquency through strong school-based, after school, or out of school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

(d) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this Act have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) CHARACTER EDUCATION.—The term "character education" means an organized educational program that works to reinforce core elements of character, including caring, civic virtue and citizenship, justice and fairness, respect, responsibility, and trustworthiness.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

TITLE XV—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

SEC. 1501. SHORT TITLE.

This title may be cited as the "Violent Offender DNA Identification Act of 1999".

SEC. 1502. ELIMINATION OF CONVICTED OFFENDER DNA BACKLOG.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, and after consultation with representatives of State and local forensic laboratories, shall develop a voluntary plan to assist State and local forensic laboratories in performing DNA analyses of DNA samples collected from convicted offenders.

(2) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to effectively eliminate the backlog of convicted offender DNA samples awaiting analysis in State or local forensic laboratory storage, including samples that need to be reanalyzed using upgraded methods, in an efficient, expeditious manner that will provide for their entry into the Combined DNA Indexing System (CODIS).

(b) PLAN CONDITIONS.—The plan developed under subsection (a) shall—

(1) require that each laboratory performing DNA analyses satisfy quality assurance standards and utilize state-of-the-art testing methods, as set forth by the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice; and

(2) require that each DNA sample collected and analyzed be accessible only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) IMPLEMENTATION OF PLAN.—Subject to the availability of appropriations under subsection (d), the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, shall implement the plan developed pursuant to subsection (a) with State and local forensic laboratories that elect to participate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this

(2) to the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 232(a) of the Balanced Budget Act of 1997 (as appropriate), such sums as may be necessary for each of fiscal years 2000 through 2004; and

"(3) to the Department of Defense to carry out subsection (e)—

"(A) $600,000 for fiscal year 2000; and

"(B) $300,000 for each of fiscal years 2001 through 2004.".

(c) CONDITIONS OF RELEASE.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (7), by striking "and" at the end;

(B) in paragraph (8), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (8) the following:

"(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(2) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before "The court shall also order" the following: "The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(3) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release pursuant to a conviction or adjudication of delinquency under the law of any jurisdiction (including an individual on parole pursuant to chapter 311 of title 18, United States Code, as in effect on October 30, 1997) is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and the sample has not otherwise been collected, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

(d) REPORT AND EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs of the Department of Justice and the Director of the Federal Bureau of Investigation, shall—

(1) conduct an evaluation to—

(A) identify criminal offenses, including offenses other than qualifying offenses (as defined in section 210304(d)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(d)(1)), as added by this section) that, if serving as a basis for the mandatory collection of a DNA sample under section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) or under State law, are likely to yield DNA matches, and the relative degree of such likelihood with respect to each such offense; and

(B) determine the number of investigations aided (including the number of suspects cleared), and the rates of prosecution and conviction of suspects identified through DNA matching; and

(2) submit to Congress a report describing the results of the evaluation under paragraph (1).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual".

(2) DNA IDENTIFICATION GRANTS.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk-2(3)) is amended by striking ", at regular intervals not exceeding 180 days," and inserting "semiannual".

(3) FEDERAL BUREAU OF INVESTIGATION.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual".

TITLE XVI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1601. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting "(A)" after "(20)";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

"(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3) shall not apply to this subparagraph).";" and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking "What constitutes" and all that follows through "this chapter," and inserting the following:

"(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,".

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) has committed an act of violent juvenile delinquency."; and

(2) in subsection (g)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the comma at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) who has committed an act of violent juvenile delinquency,".

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

SEC. 1602. SAFE STUDENTS.

(a) SHORT TITLE.—This section may be cited as the "Safe Students Act."

(b) PURPOSE.—It is the purpose of this section to maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs.

(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, award grants to local education agencies and to law enforcement agencies to assist in the planning, establishing, operating, coordinating and evaluating of school violence prevention and school safety programs.

(d) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), an entity shall—

(A) be a local education agency or a law enforcement agency; and

(B) prepare and submit to the Attorney General an application at such time, in such manner and containing such information as the Attorney General may require, including—

(i) a detailed explanation of the intended uses of funds provided under the grant; and

(ii) a written assurance that the schools to be served under the grant will have a zero tolerance policy in effect for drugs, alcohol, weapons, truancy and juvenile crime on school campuses.

(2) PRIORITY.—The Attorney General shall give priority in awarding grants under this section to applications that have been submitted jointly by a local education agency and a law enforcement agency.

(e) ALLOWABLE USES OF FUNDS.—Amounts received under a grant under this section shall be used for innovative, local responses, consistent with the purposes of this Act, which may include—

(1) training, including in-service training, for school personnel, custodians and bus drivers in—

(A) the identification of potential threats (such as illegal weapons and explosive devices);

(B) crisis preparedness and intervention procedures; and

(C) emergency response;

(2) training of interested parents, teachers and other school and law enforcement personnel in the identification and responses to early warning signs of troubled and violent youth;

(3) innovative research-based delinquency and violence prevention programs, including mentoring programs;

(4) comprehensive school security assessments;

(5) the purchase of school security equipment and technologies such as metal detectors, electronic locks, surveillance cameras;

(6) collaborative efforts with law enforcement agencies, community-based organizations (including faith-based organizations) that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school age children;

(7) providing assistance to families in need for the purpose of purchasing required school uniforms;

(8) school resource officers, including community police officers; and

(9) community policing in and around schools.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

(g) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Attorney General shall prepare and submit to the appropriate committees of Congress a report concerning the manner in which grantees have used amounts received under a grant under this section.

SEC. 1603. STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry, with respect to children.

(b) ISSUES EXAMINED.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to juveniles, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

SEC. 1604. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term "Internet service provider" means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

SEC. 1605. APPLICATION OF SECTION 923 (j) AND (m).

Notwithstanding any other provision of this Act, section 923 of title 18, United States Code, as amended by this Act, shall be applied by amending in subsections (j) and (m) the following:

(1) In subsection (j) amend—

(A) paragraph (2) (A), (B) and (C) to read as follows:

"(A) IN GENERAL.—A temporary location referred to in paragraph (1) is a location for a gun show, or event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

"(B) LOCATIONS OUT OF STATE.—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (7) of this subsection.

"(C) QUALIFIED GUN SHOWS OR EVENTS.—A gun show or an event shall qualify as a temporary location if—

"(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

"(ii) the gun show or event has—

"(I) 20 percent or more firearm exhibitors out of all exhibitors; or

"(II) 10 or more firearms exhibitors.".

(B) paragraph (3)(C) to read as follows:

"(C) shall be retained at the premises specified on the license."; and

(C) paragraph (7) to read as follows:

"(7) NO EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of the Firearms Owners' Protection Act, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.".

(2) In subsection (m), amend—

(A) paragraph (2)(E)(i) to read as follows:

"(i) IN GENERAL.—A person not licensed under this section who desires to transfer a firearm at a gun show in his State of residence to another person who is a resident of the same State, and not licensed under this section, shall only make such a transfer through a licensee who can conduct an instant background check at the gun show, or directly to the prospective transferee if an instant background check is first conducted by a special registrant at the gun show on the prospective transferee. For any instant background check conducted at a gun show, the time period stated in section 922(t)(1)(B)(ii) of this chapter shall be 24 hours in a calendar day since the licensee contacted the system. If the services of a special registrant are used to determine the firearms eligibility of the prospective transferee to possesses a firearm, the transferee shall provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

"(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

"(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C)."; and

(B) paragraph (4) to read as follows:

"(4) IMMUNITY.—

"(A) DEFINITION.—In this paragraph:

"(i) IN GENERAL.—The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

"(ii) EXCLUSIONS.—The term 'qualified civil liability action' shall not include an action—

"(I) brought against a transferor convicted under section 924(h), or a comparable State felony law, by a person directly harmed by the transferee's criminal conduct, as defined in section 924(h); or

"(II) brought against a transferor for negligent entrustment or negligence per se.

"(B) IMMUNITY.—Notwithstanding any other provision of law, a person who is—

"(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

"(ii) a licensee or special licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

"(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii);

shall be entitled to immunity from civil liability action as described in subparagraphs (C) and (D).

"(C) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court.

"(D) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.".

SEC. 1606. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on the campus of a public school in order to honor the memory of any person slain on that campus a part of which includes religious symbols, motifs, or sayings does not

of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) EXCEPTION.—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

SEC. 1611. DRUG TESTS AND LOCKER INSPECTIONS.

(a) SHORT TITLE.—This section may be cited as the "School Violence Prevention Act".

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

"(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and".

SEC. 1612. WAIVER FOR LOCAL MATCH REQUIREMENT UNDER COMMUNITY POLICING PROGRAM.

Section 1701(i) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding at the end of the first sentence the following:

"The Attorney General shall waive the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity that hires law enforcement officers for placement in public schools by a jurisdiction that demonstrates financial need or hardship.".

SEC. 1613. CARJACKING OFFENSES.

Section 2119 of title 18, United States Code, is amended by striking ", with the intent to cause death or serious bodily harm".

SEC. 1614. SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME.

Section 3681 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) FORFEITURE OF PROCEEDS.—Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense described in paragraph (2), and after notice to any interested party, the court shall order the defendant to forfeit all or any part of proceeds received or to be received by the defendant, or a transferee of the defendant, from a contract relating to the transfer of a right or interest of the defendant in any property described in paragraph (3), if the court determines that—

"(A) the interests of justice or an order of restitution under this title so require;

"(B) the proceeds (or part thereof) to be forfeited reflect the enhanced value of the property attributable to the offense; and

"(C) with respect to a defendant convicted of an offense against a State—

"(i) the property at issue, or the proceeds to be forfeited, have travelled in interstate or foreign commerce or were derived through the use of an instrumentality of interstate or foreign commerce; and

"(ii) the attorney general of the State has declined to initiate a forfeiture action with respect to the proceeds to be forfeited.

"(2) OFFENSES DESCRIBED.—An offense is described in this paragraph if it is—

"(A) an offense under section 794 of this title;

"(B) a felony offense against the United States or any State; or

"(C) a misdemeanor offense against the United States or any State resulting in physical harm to any individual.

"(3) PROPERTY DESCRIBED.—Property is described in this paragraph if it is any property, tangible or intangible, including any—

"(A) evidence of the offense;

"(B) instrument of the offense, including any vehicle used in the commission of the offense;

"(C) real estate where the offense was committed;

"(D) document relating to the offense;

"(E) photograph or audio or video recording relating to the offense;

"(F) clothing, jewelry, furniture, or other personal property relating to the offense;

"(G) movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind depicting the offense or otherwise relating to the offense;

"(H) expression of the thoughts, opinions, or emotions of the defendant regarding the offense; or

"(I) other property relating to the offense.".

SEC. 1615. CALLER IDENTIFICATION SERVICES TO ELEMENTARY AND SECONDARY SCHOOLS AS PART OF UNIVERSAL SERVICE OBLIGATION.

(a) CLARIFICATION.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by inserting after "under subsection (c)(3)," the following: "including caller identification services with respect to elementary and secondary schools,".

(b) OUTREACH.—The Federal Communications Commission shall take appropriate actions to notify elementary and secondary schools throughout the United States of—

(1) the availability of caller identification services as part of the services that are within the definition of universal service under section 254(h)(1)(B) of the Communications Act of 1934; and

(2) the procedures to be used by such schools in applying for such services under that section.

SEC. 1616. PARENT LEADERSHIP MODEL.

(a) IN GENERAL.—The Administrator of the Office of Juvenile Crime Control and Prevention is authorized to make a grant to a national organization to provide training, technical assistance, best practice strategies, program materials and other necessary support for a mutual support, parental leadership model proven to prevent child abuse and juvenile delinquency.

(b) AUTHORIZATION.—There are authorized to be appropriated out of the Violent Crime Trust Fund, $3,000,000.

SEC. 1617. NATIONAL MEDIA CAMPAIGN AGAINST VIOLENCE.

There is authorized to be appropriated to the National Crime Prevention Council not to exceed $25,000,000, to be expended without fiscal-year limitation, for a 2-year national media campaign, to be conducted in consultation with national, statewide or community based youth organizations, Boys and Girls Clubs of America, and to be targeted to parents (and other caregivers) and to youth, to reduce and prevent violent criminal behavior by young Americans: *Provided*, That none of such funds may be used—(1) to propose, influence, favor, or oppose any change in any statute, rule, regulation, treaty, or other provision of law; (2) for any partisan political purpose; (3) to feature any elected officials, persons seeking elected office, cabinet-level officials, or Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213; or (4) in any way that otherwise would violate section 1913 of title 18 of the United States Code: *Provided further*, That, for purposes hereof, "violent criminal behavior by young Americans" means behavior, by minors residing in the United States (or in any jurisdiction under the sovereign jurisdiction thereof), that both is illegal under Federal, State, or local law, and involves acts or threats of physical violence, physical injury, or physical harm: *Provided further*, That not to exceed 10 percent of the funds appropriated pursuant to this authorization shall be used to commission an objective accounting, from a licensed and certified public accountant, using generally-accepted accounting principles, of the funds appropriated pursuant to this authorization and of any other funds or in-kind donations spent or used in the campaign, and an objective evaluation both of the impact and cost-effectiveness of the campaign and of the campaign-related activities of the Council and the Clubs, which accounting and evaluation shall be submitted by the Council to the Committees on Appropriations and the Judiciary of each House of Congress by not later than 9 months after the conclusion of the campaign.

the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

"(ii) the Attorney General approves the petition.

"(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.".

SEC. 1622. DISTRICT JUDGES FOR DISTRICTS IN THE STATES OF ARIZONA, FLORIDA, AND NEVADA.

(a) SHORT TITLE.—This section may be cited as the "Emergency Federal Judgeship Act of 1999".

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the district of Arizona;

(2) 4 additional district judges for the middle district of Florida; and

(3) 2 additional district judges for the district of Nevada.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

"Arizona ..... 11";

(2) the item relating to Florida in such table is amended to read as follows:

"Florida:

Northern	4
Middle	15
Southern	16";

and

(3) the item relating to Nevada in such table is amended to read as follows:

"Nevada ..... 6".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

SEC. 1623. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

SEC. 1624. SENSE OF THE SENATE REGARDING MENTORING PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) the well-being of all people of the United States is preserved and enhanced when young people are given the guidance they need to live healthy and productive lives;

(2) adult mentors can play an important role in ensuring that young people become healthy, productive, successful members of society;

(3) at-risk young people with mentors are 46 percent less likely to begin using illegal drugs than at-risk young people without mentors;

(4) at-risk young people with mentors are 27 percent less likely to begin using alcohol than at-risk young people without mentors;

(5) at-risk young people with mentors are 53 percent less likely to skip school than at-risk young people without mentors;

(6) at-risk young people with mentors are 33 percent less likely to hit someone than at-risk young people without mentors;

(7) 73 percent of students with mentors report that their mentors helped raise their goals and expectations; and

(8) there are many employees of the Federal Government who would like to serve as youth or family mentors but are unable to leave their jobs to participate in mentoring programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should issue an Executive Order allowing all employees of the Federal Government to use a maximum of 1 hour each week of excused absence or administrative leave to serve as mentors in youth or family mentoring programs.

SEC. 1625. FAMILIES AND SCHOOLS TOGETHER PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency in the Department of Justice.

(2) FAST PROGRAM.—The term "FAST program" means a program that addresses the urgent social problems of youth violence and chronic juvenile delinquency by building and enhancing juveniles' relationships with their families, peers, teachers, school staff, and other members of the community by bringing together parents, schools, and communities to help—

(A) at-risk children identified by their teachers to succeed;

(B) enhance the functioning of families with at-risk children;

(C) prevent alcohol and other drug abuse in the family; and

(D) reduce the stress that their families experience from daily life.

(b) AUTHORIZATION.—In consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services, the Administrator shall carry out a Family and Schools Together program to promote FAST programs.

(c) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services shall develop regulations governing the distribution of the funds for FAST programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $9,000,000 for each of the fiscal years 2000 through 2004.

(2) ALLOCATION.—Of amounts appropriated under paragraph (1)—

(A) 83.33 percent shall be available for the implementation of local FAST programs; and

(B) 16.67 percent shall be available for research and evaluation of FAST programs.

SEC. 1626. AMENDMENTS RELATING TO VIOLENT CRIME IN INDIAN COUNTRY AND AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

(a) ASSAULTS WITH MARITIME AND TERRITORIAL JURISDICTION.—Section 113(a)(3) of title 18, United States Code, is amended by striking "with intent to do bodily harm, and".

(b) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "an offense for which the maximum statutory term of imprisonment under section 1363 is greater than 5 years," after "a felony under chapter 109A,"; and

(2) by adding at the end the following:

"(c) Nothing in this section shall limit the inherent power of an Indian tribe to exercise criminal jurisdiction over any Indian with respect to any offense committed within Indian country, subject to the limitations on punishment under section 202(7) of the Civil Rights Act of 1968 (25 U.S.C. 1302(7))."

(c) RACKETEERING ACTIVITY.—Section 1961(1)(A) of title 18, United States Code, is amended by inserting "(or would have been so chargeable except that the act or threat was committed in Indian country, as defined

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

"931. Regulation of firearms transfers at gun shows.";

and

(B) in the first sentence of section 923(j), by striking "a gun show or event" and inserting "an event"; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

"(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.".

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

"(B) If the violation described in subparagraph (A) is in relation to an offense—

"(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

"(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.".

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking "subsection (s) or (t) of section 922" and inserting "section 922(s)"; and

(B) by adding at the end the following:

"(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.".

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking "and, at the time" and all that follows through "State law".

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: ", as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer".

(h) EFFECTIVE DATE.—This section (other than subsection (i)) and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

(i) INAPPLICABILITY OF OTHER PROVISIONS.—Notwithstanding any other provision of this Act, the provisions of the title headed "GENERAL FIREARM PROVISIONS" (as added by the amendment of Mr. Craig number 332) and the provisions of the section headed "APPLICATION OF SECTION 923 (j) AND (m)" (as added by the amendment of Mr. Hatch number 344) shall be null and void.

SEC. 1636. APPROPRIATE INTERVENTIONS AND SERVICES; CLARIFICATION OF FEDERAL LAW.

(a) APPROPRIATE INTERVENTIONS AND SERVICES.—School personnel shall ensure that immediate appropriate interventions and services, including mental health interventions and services, are provided to a child removed from school for any act of violence, including carrying or possessing a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency, in order to—

(1) to ensure that our Nation's schools and communities are safe; and

(2) maximize the likelihood that such child shall not engage in such behaviors, or such behaviors do not reoccur.

(b) CLARIFICATION OF FEDERAL LAW.—Nothing in Federal law shall be construed—

(1) to prohibit an agency from reporting a crime committed by a child, including a child with a disability, to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to a crime committed by a child, including a child with a disability.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to pay the costs of the interventions and services described in subsection (a) such sums as may be necessary for each of the fiscal years 2000 through 2004.

(2) DISTRIBUTION.—The Secretary of Education shall provide for the distribution of the funds made available under paragraph (1)—

(A) to States for a fiscal year in the same manner as the Secretary makes allotments to States under section 4011(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111(b)) for the fiscal year; and

(B) to local educational agencies for a fiscal year in the same manner as funds are distributed to local educational agencies under section 4113(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7113(d)(2)) for the fiscal year.

SEC. 1637. SAFE SCHOOLS.

(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

(1) SHORT TITLE.—Section 14601(a) is amended by replacing "Gun-Free" with "Safe", and "1994" with "1999".

(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after "determined" the following: "to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or".

(3) DEFINITIONS.—Section 14601(b)(4) is amended by replacing "Definition" with "Definitions" in the catchline, by replacing "section" in the matter under the catchline with "part", by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semicolon, and by adding new subparagraphs (B), (C), and (D) as follows:

"(B) the term 'illegal drug' means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

"(C) the term 'illegal drug paraphernalia' means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)', before the period.

"(D) the term 'felonious quantities of an illegal drug' means any quantity of an illegal drug—

"(i) possession of which quantity would, under Federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

"(ii) that is possessed with an intent to distribute.".

(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting "illegal drugs or" before "weapons".

(5) REPEALER.—Section 14601 is amended by striking subsection (f).

(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by replacing "served by" with "under the jurisdiction of", and by inserting after "who" the following: "is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who".

(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended by inserting "current" before "policy", by striking "in effect on October 20, 1994", by striking all the matter after "schools" and inserting a period thereafter, and by inserting before "engaging" the following: "possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or".

(b) COMPLIANCE DATE; REPORTING.—(1) States shall have 2 years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

(2) Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities.

SEC. 1638. SCHOOL COUNSELING.

Section 10102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8002) is amended to read as follows:

"SEC. 10102. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING DEMONSTRATION.

"(a) COUNSELING DEMONSTRATION.—

"(1) IN GENERAL.—The Secretary may award grants under this section to local educational agencies to enable the local educational agencies to establish or expand elementary school counseling programs.

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

"(A) demonstrate the greatest need for new or additional counseling services among the children in the schools served by the applicant;

"(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

"(C) show the greatest potential for replication and dissemination.

"(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

"(4) DURATION.—A grant under this section shall be awarded for a period not to exceed three years.

"(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application for a grant under this section shall—

"(A) describe the school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

"(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

"(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

"(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of school counselors, school psychologists, and school social workers;

"(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

"(G) describe how any diverse cultural populations, if applicable, would be served through the program;

"(H) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

"(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Grant funds under this section shall be used to initiate or expand school counseling programs that comply with the requirements in paragraph (2).

"(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

"(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

"(B) use a developmental, preventive approach to counseling;

"(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

"(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

"(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decision-making, or academic and career planning, or to improve social functioning;

"(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

"(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

"(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

"(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration;

"(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

"(K) ensure a team approach to school counseling by maintaining a ratio in the elementary schools of the local educational agency that does not exceed 1 school counselor to 250 students, 1 school social worker to 800 students, and 1 school psychologist to 1,000 students; and

"(L) ensure that school counselors, school psychologists, or school social workers paid from funds made available under this section spend at least 85 percent of their total worktime at the school in activities directly related to the counseling process and not more than 15 percent of such time on administrative tasks that are associated with the counseling program.

"(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 14701, but in no case later than January 30, 2003.

"(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

"(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

"(2) the term 'school psychologist' means an individual who—

"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1 clock hours in a supervised school psychology internship, of which hours shall be in the school setting;

"(B) possesses State licensure or certification in the State in which the individual works; or

"(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board;

"(3) the term 'school social worker' means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

"(4) the term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years ".

SEC. 1639. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(p) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

"(1) DEFINITIONS.—In this subsection:

"(A) The term 'destructive device' has the same meaning as in section 921(a)(4).

"(B) The term 'explosive' has the same meaning as in section 844(j).

"(C) The term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

"(2) PROHIBITION.—It shall be unlawful for any person—

"(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

"(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.".

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "person who violates any of subsections" and inserting the following: "person who—

"(1) violates any of subsections";

(2) by striking the period at the end and inserting "; and";

(3) by adding at the end the following:

"(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned not more than 20 years, or both."; and

(4) in subsection (j), by striking "and (i)" and inserting "(i), and (p)".

a correctional facility set apart from the general population of the correctional facility, if those activities are—

"(A) directed at the substance abuse problems of prisoners; and

"(B) intended to develop the cognitive, behavioral, social, vocational, and other skills of prisoners in order to address the substance abuse and related problems of prisoners; and

"(2) the term 'local correctional facility' means any correctional facility operated by a unit of local government.

"(b) AUTHORIZATION.—

"(1) IN GENERAL.—Not less than 10 percent of the total amount made available to a State under section 1904(a) for any fiscal year may be used by the State to make grants to local correctional facilities in the State for the purpose of assisting jail-based substance abuse treatment programs established by those local correctional facilities.

"(2) FEDERAL SHARE.—The Federal share of a grant made by a State under this section to a local correctional facility may not exceed 75 percent of the total cost of the jail-based substance abuse treatment program described in the application submitted under subsection (c) for the fiscal year for which the program receives assistance under this section.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—To be eligible to receive a grant from a State under this section for a jail-based substance abuse treatment program, the chief executive of a local correctional facility shall submit to the State, in such form and containing such information as the State may reasonably require, an application that meets the requirements of paragraph (2).

"(2) APPLICATION REQUIREMENTS.—Each application submitted under paragraph (1) shall include—

"(A) with respect to the jail-based substance abuse treatment program for which assistance is sought, a description of the program and a written certification that—

"(i) the program has been in effect for not less than 2 consecutive years before the date on which the application is submitted; and

"(ii) the local correctional facility will—

"(I) coordinate the design and implementation of the program between local correctional facility representatives and the appropriate State and local alcohol and substance abuse agencies;

"(II) implement (or continue to require) urinalysis or other proven reliable forms of substance abuse testing of individuals participating in the program, including the testing of individuals released from the jail-based substance abuse treatment program who remain in the custody of the local correctional facility; and

"(III) carry out the program in accordance with guidelines, which shall be established by the State, in order to guarantee each participant in the program access to consistent, continual care if transferred to a different local correctional facility within the State;

"(B) written assurances that Federal funds received by the local correctional facility from the State under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available for jail-based substance abuse treatment programs assisted with amounts made available to the local correctional facility under this section; and

"(C) a description of the manner in which amounts received by the local correctional facility from the State under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services provided to the local correctional facility by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

"(d) REVIEW OF APPLICATIONS.—

"(1) IN GENERAL.—Upon receipt of an application under subsection (c), the State shall—

"(A) review the application to ensure that the application, and the jail-based residential substance abuse treatment program for which a grant under this section is sought, meet the requirements of this section; and

"(B) if so, make an affirmative finding in writing that the jail-based substance abuse treatment program for which assistance is sought meets the requirements of this section.

"(2) APPROVAL.—Based on the review conducted under paragraph (1), not later than 90 days after the date on which an application is submitted under subsection (c), the State shall—

"(A) approve the application, disapprove the application, or request a continued evaluation of the application for an additional period of 90 days; and

"(B) notify the applicant of the action taken under subparagraph (A) and, with respect to any denial of an application under subparagraph (A), afford the applicant an opportunity for reconsideration.

"(3) ELIGIBILITY FOR PREFERENCE WITH AFTERCARE COMPONENT.—

"(A) IN GENERAL.—In making grants under this section, a State shall give preference to applications from local correctional facilities that ensure that each participant in the jail-based substance abuse treatment program for which a grant under this section is sought, is required to participate in an aftercare services program that meets the requirements of subparagraph (B), for a period of not less than 1 year following the earlier of—

"(i) the date on which the participant completes the jail-based substance abuse treatment program; or

"(ii) the date on which the participant is released from the correctional facility at the end of the participant's sentence or is released on parole.

"(B) AFTERCARE SERVICES PROGRAM REQUIREMENTS.—For purposes of subparagraph (A), an aftercare services program meets the requirements of this paragraph if the program—

"(i) in selecting individuals for participation in the program, gives priority to individuals who have completed a jail-based substance abuse treatment program;

"(ii) requires each participant in the program to submit to periodic substance abuse testing; and

"(iii) involves the coordination between the jail-based substance abuse treatment program and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

"(I) educational and job training programs;

"(II) parole supervision programs;

"(III) half-way house programs; and

"(IV) participation in self-help and peer group programs; and

"(iv) assists in placing jail-based substance abuse treatment program participants with appropriate community substance abuse treatment facilities upon release from the correctional facility at the end of a sentence or on parole.

"(e) COORDINATION AND CONSULTATION.—

"(1) COORDINATION.—Each State that makes 1 or more grants under this section in any fiscal year shall, to the maximum extent practicable, implement a statewide communications network with the capacity to track the participants in jail-based substance abuse treatment programs established by local correctional facilities in the State as those participants move between local correctional facilities within the State.

"(2) CONSULTATION.—Each State described in paragraph (1) shall consult with the Attorney General and the Secretary of Health and Human Services to ensure that each jail-based substance abuse treatment program assisted with a grant made by the State under this section incorporates applicable components of comprehensive approaches, including relapse prevention and aftercare services.

"(f) USE OF GRANT AMOUNTS.—

"(1) IN GENERAL.—Each local correctional facility that receives a grant under this section shall use the grant amount solely for the purpose of carrying out the jail-based substance abuse treatment program described in the application submitted under subsection (c).

"(2) ADMINISTRATION.—Each local correctional facility that receives a grant under this section shall carry out all activities relating to the administration of the grant amount, including reviewing the manner in which the amount is expended, processing, monitoring the progress of the program assisted, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"(3) RESTRICTION.—A local correctional facility may not use any amount of a grant under this section for land acquisition or a construction project.

"(g) REPORTING REQUIREMENT; PERFORMANCE REVIEW.—

"(1) REPORTING REQUIREMENT.—Not later than March 1 of each year, each local correctional facility that receives a grant under this section shall submit to the Attorney General, through the State, a description and evaluation of the jail-based substance abuse treatment program carried out by the local correctional facility with the grant amount, in such form and containing such information as the Attorney General may reasonably require.

"(2) PERFORMANCE REVIEW.—The Attorney General shall conduct an annual review of each jail-based substance abuse treatment program assisted under this section, in order to verify the compliance of local correctional facilities with the requirements of this section.

"(h) NO EFFECT ON STATE ALLOCATION.—Nothing in this section shall be construed to affect the allocation of amounts to States under section 1904(a).".

(c) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the matter relating to part S, by adding at the end the following:

"1906. Jail-based substance abuse treatment.".

Subtitle E—Safe School Security

SEC. 1655. SHORT TITLE.

This subtitle may be cited as the "Safe School Security Act of 1999".

SEC. 1656. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the "School Security Technology Center". The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development,

technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school violence, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $3,700,000 fo. fiscal year 2000;

(2) $3,800,000 for fiscal year 2001; and

(3) $3,900,000 for fiscal year 2002.

SEC. 1657. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

"SEC. 4118. LOCAL SCHOOL SECURITY PROGRAMS.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

"(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

"(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.".

SEC. 1658. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

Subtitle F—Internet Prohibitions

SEC. 1661. SHORT TITLE.

This subtitle may be cited as the "Internet Firearms and Explosives Advertising Act of 1999".

SEC. 1662. FINDINGS; PURPOSE.

Congress finds the following:

(1) Citizens have an individual right, under the Second Amendment to the United States Constitution, to keep and bear arms. The Gun Control Act of 1968 and the Firearms Owners Protection Act of 1986 specifically state that it is not the intent of Congress to frustrate the free exercise of that right in enacting Federal legislation. The free exercise of that right includes law abiding firearms owners buying, selling, trading, and collecting guns in accordance with Federal, State, and local laws for whatever lawful use they deem desirable.

(2) The Internet is a powerful information medium, which has and continues to be an excellent tool to educate citizens on the training, education and safety programs available to use firearms safely and responsibly. It has, and should continue to develop, as a 21st century tool for "e-commerce" and marketing many products, including firearms and sporting goods. Many web sites related to these topics are sponsored in large part by the sporting firearms and hunting community.

(3) It is the intent of Congress that this legislation be applied where the Internet is being exploited to violate the applicable explosives and firearms laws of the United States.

SEC. 1663. PROHIBITIONS ON USES OF THE INTERNET.

(a) In General.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Criminal firearms and explosives solicitations

"(a)(1) IN GENERAL.—Any person who, in a circumstance described in paragraph (2), knowingly makes, prints, or publishes, or causes to be made, printed, or published, any notice or advertisement seeking or offering to receive, exchange, buy, sell, produce, distribute, or transfer—

"(A) a firearm knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d), (g), or (x) of section 922 of this chapter, or

"(B) explosive materials knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d), and (i) of section 842 of this title,

shall be punished as provided under subsection (b).

"(2) The circumstance referred to in paragraph (1) is that—

"(A) such person knows or has reason to know that such notice or advertisement will be transported in interstate or foreign commerce by computer; or

"(B) such notice or advertisement is transported in interstate or foreign commerce by computer.

"(b) PENALTIES.—Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title or imprisoned not more than 1 year, and both, but if such person has one prior conviction under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned for not more than 5 years, but if such person has 2 or more prior convictions under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned not less than 10 years nor more than 20 years. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a juvenile, herein defined as an individual who has not yet attained the age of 18 years, shall be punished by death, or imprisoned for any term of years or for life.

"(c) DEFENSES.—It is an affirmative defense against any proceeding involving this section if the proponent proves by a preponderance of the evidence that—

"(1) the advertisement or notice came from—

"(A) a web site, notice or advertisement operated or created by a person licensed—

"(i) as a manufacturer, importer, or dealer under section 923 of this chapter; or

"(ii) under chapter 40 of this title; and

"(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that sales or transfers of the product or information will be made in accord with Federal, State and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, additional information that firearms transfers will only be made through a licensee, and that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; or

"(2) the advertisement or notice came from—

"(A) a web site, notice or advertisement is operated or created by a person not licensed as stated in paragraph (1); and

"(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that the sales or transfers of the product or information—

"(i) will be made in accord with Federal, State and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; and

"(ii) as a term or condition for posting or listing the firearm for sale or exchange on the web site for a prospective transferor, the web site, advertisement or notice requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition through a Federal firearms licensee, where the Gun Control Act of 1968 requires the transfer to be made through a Federal firearms licensee.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 930 the following:

"931. Criminal firearms and explosives solicitations.".

SEC. 1664. EFFECTIVE DATE.

The amendments made by sections 1661-1663 shall take effect beginning on the date that is 180 days after the enactment of this Act.

Subtitle G—Partnerships for High-Risk Youth

SEC. 1671. SHORT TITLE.

This subtitle may be cited as the "Partnerships for High Risk Youth Act".

SEC. 1672. FINDINGS.

Congress finds that—

(1) violent juvenile crime rates have been increasing in United States schools, causing many high-profile deaths of young, innocent school children;

(2) in 1994, there were 2,700,000 arrests of persons under age 18 (a third of whom were under age 15), up from 1,700,000 in 1991;

(3) while crime is generally down in many urban and suburban areas, crime committed by teenagers has spiked sharply over the past few years;

(4) there is no single solution, or panacea, to the problem of rising juvenile crime;

(5) there will soon be over 34,000,000 teenagers in the United States, which is 26 percent higher than the number of such teenagers in 1990 and the largest number of teenagers in the United States to date;

(6) in order to ensure the safety of youth in the United States, the Nation should begin to explore innovative methods of curbing the rise in violent crime in United States schools, such as use of faith-based and grassroots initiatives; and

(7)(A) a strong partnership among law enforcement, local government, juvenile and family courts, schools, businesses, charitable

Neighborhood Enterprise" means a not-for-profit organization incorporated in the District of Columbia.

SEC. 1688. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

(1) $5,000,000 for fiscal year 2000;

(2) $5,000,000 for fiscal year 2001;

(3) $5,000,000 for fiscal year 2002;

(4) $5,000,000 for fiscal year 2003; and

(5) $5,000,000 for fiscal year 2004.

(b) RESERVATION.—The National Center for Neighborhood Enterprise may use not more than 20 percent of the amounts appropriated pursuant to subsection (a) in any fiscal year for administrative costs, technical assistance and training, comprehensive support services, and evaluation of participating grassroots organizations.

Subtitle I—National Youth Violence Commission

SEC. 1691. SHORT TITLE.

This subtitle may be cited as the "National Youth Violence Commission Act".

SEC. 1692. NATIONAL YOUTH VIOLENCE COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this subtitle as the "Commission"). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this subtitle.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2) (C)(ii) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission under section 1693. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(2) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—

(i) the Surgeon General of the United States;

(ii) the Attorney General of the United States;

(iii) the Secretary of the Department of Health and Human Services; and

(iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies; and

(iv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of child or adolescent psychology.

(C) Two shall be appointed by the Minority Leader of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement; and

(ii) 1 member who is a recognized religious leader.

(D) Four shall be appointed by the Majority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the social sciences; and

(iv) 1 member who is a recognized religious leader.

(E) Two shall be appointed by the Minority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling; and

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The appointing authorities under paragraph (2) shall jointly designate 1 member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 45 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this subtitle or other applicable law.

SEC. 1693. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of youth violence to determine the root causes of such violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including any illegal means by which youth acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) any impact upon incidents of youth violence of the failure to execute existing laws designed to restrict youth access to certain firearms, and the illegal purchase, possession, or transfer of certain firearms;

(F) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(G) the availability to youth of information regarding the construction of weapons, including explosive devices, and any impact of such information on incidents of youth violence.

(3) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 1694(a), take the testimony of parents and students to learn and memorialize their views and experiences regarding incidents of youth violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence. If the Surgeon General issues any report on media and violence, the Commission shall consider the findings and conclusions of such report in making recommendations under this subsection.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the Commission's findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 1694(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

SEC. 1694. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 1693.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote request the Attorney General of the United States to require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out the Commission's duties under section 1693. The Commission shall transmit to the Attorney General a confidential, written request for the issuance of any such subpoena. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 1693. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), request the Attorney General to issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 1693. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Attorney General pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Attorney General the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Attorney General under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Attorney General under paragraph (1) or (2), the Attorney General may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 1693. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (e) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this Act and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (e) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(e) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the Commission's duties under section 1693.

SEC. 1695. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 1696. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 1697. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 1693(c).

Subtitle J—School Safety

SEC. 1698. SHORT TITLE.

This subtitle may be cited as the "School Safety Act of 1999".

SEC. 1699. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting "(other than a gun or firearm)" after "weapon";

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new section:

"(10) DISCIPLINE WITH REGARD TO GUNS OR FIREARMS.—

"(A) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO GUNS OR FIREARMS.—

"(i) Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability.

"(ii) Nothing in clause (i) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause (i) from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.

"(B) FREE APPROPRIATE PUBLIC EDUCATION.—

"(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continued educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child, if the local educational agency so chooses to continue to provide the services—

"(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

"(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(C) RELATIONSHIP TO OTHER REQUIREMENTS.—

"(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

"(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.

"(D) FIREARM.—The term 'firearm' has the meaning given the term under section 921 of title 18, United States Code.".

(b) CONFORMING AMENDMENT.—Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking "Whenever" and inserting the following: "Except as provided in section 615(k)(10), whenever".

Both of these kids were good, law-abiding citizens who were willing to step forth and do something many adults are not ready to do, stand up against crime in their community.

Our State and local prosecutors should be encouraged to develop programs to support such kids when they do the right thing. This amendment will do just that, and I hope it is adopted.

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

The CHAIRMAN. Does the gentleman from Florida (Mr. MCCOLLUM) seek recognition?

Mr. MCCOLLUM. Mr. Chairman, I ask to claim the time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes in opposition.

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

Mr. Chairman, I do not oppose this amendment, I support it. I just want to clarify a few things about it.

First of all, it is a big problem right now in this country, witness intimidation. It is a problem not only with juveniles, but across-the-board. A significant section in my amendment, a larger comprehensive amendment I am going to offer in a few minutes, deals with witness intimidation, bribery, crossing State lines. It even has a death penalty if you murder somebody in a witness intimidation setting under those circumstances.

□ 1400

What the gentleman is offering here perhaps is included in our already existing No. 5 provision in our grant program, the underlying 1501 use provisions; that is, what the States can use the money for. But I think it amplifies and makes it very clear that we are not just doing what provision No. 5 says; that is, States may do more than simply provide funds to enable prosecutors to address drug, gang and youth violence problems more effectively, and for the technology, equipment and training to assist the prosecutors in identifying and expediting the prosecution of violent juvenile offenders, which No. 5 provides for in the existing bill, but it also will now, with the gentleman's amendment that I support, make certain that States can use the money to provide funding to prosecutors for the purpose of establishing and maintaining juvenile witness assistance programs.

That might have been interpreted to be included in the one I read earlier, No. 5, but it is not clear, as clear as now with this amendment. So I think this is a good amendment. We should be helping prosecutors protect witnesses in juvenile programs.

I encourage the adoption of this amendment.

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

Mr. CAPUANO. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, following the gentleman from Florida (Mr. MCCOLLUM), this amendment I think if we had had an opportunity to consider it in committee, although we did not have an opportunity but had we had an opportunity, I think it certainly would have been included because this kind of activity was anticipated to be covered by the bill.

I thank the gentleman for offering it and only wish that we had had an opportunity to consider it in committee, but we did not have a full committee consideration so the gentleman had to introduce it on the floor, and I thank him for that.

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

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

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

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part A of House Report 106-186.

AMENDMENT NO. 5 OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, on behalf of the gentleman from Michigan (Mr. STUPAK) and myself, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. Wise:

Page 4, line 18, strike "and" at the end.

Page 4, line 21, strike the period at the end and insert a semicolon.

Page 4, after line 21, insert the following (and make such technical and conforming changes as may be appropriate):

"(14) supporting the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

"(15) ensuring proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (14);

"(16) assisting in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (14), including the utilization of Internet webpages or resources;

"(17) enhancing State efforts to offer appropriate counseling services to individuals who call a hotline described in paragraph (14) threatening to do harm to themselves or others; and

"(18) furthering State efforts to publicize the services offered by the hotlines described in paragraph (14) and to encourage individuals to utilize those services.

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

The Chair recognizes the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. STUPAK), the cosponsor of the amendment.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from West Virginia (Mr. WISE) for yielding me this time.

Mr. Chairman, I rise today to support my amendment to create new school violence hotlines. Both the gentleman from West Virginia (Mr. WISE) and I have been working on this important amendment to help our communit prevent acts of violence at schools. I thank my colleague, the gentleman from West Virginia (Mr. WISE) for his efforts and his hard work on this and urge my colleagues to adopt this amendment.

Our amendment allows States to create and operate confidential, toll free, telephone hotlines that operate 24 hours a day, 7 days per week, in order to provide students, parents, school officials and others the opportunity to report specific threats of imminent school violence to appropriate State and law enforcement entities.

Our amendment also ensures that the States properly train people to answer and respond to telephone calls and assist States in the acquisition of technology to administer the hotlines.

Mr. Chairman, hotlines will provide parents and students an important tool in our effort to reduce school violence. As chair of the Democratic Crime and Drug Task Force, we have met over the last year with school officials and they have detailed to us how these hotlines are particularly valuable because they allow students to report anonymously, avoiding much of the peer pressure that so often affects their behavior.

No kid wants to be considered a snitch in their school and many times potential acts of violence go unreported because of the pressure students feel from their peers.

Additionally and most importantly, students often fail to report potential violence because of fear that the weapons or the violence that they are to report may be used against them if they are found out to be the one who reported to authorities. These hotli will eliminate the pressure and allow kids to come forward without fear of retaliation.

Mr. Chairman, I urge my colleagues to support this important amendment. The Senate adopted a similar provision sponsored by Senators ROBB and SESSIONS. We can make this easier for our children to report potential violent acts at school and we can provide a valuable tool to our communities to help reduce school violence.

I would like to thank my staff, in particular Dave Buchanan, for all of his hard work on this.

Mr. MCCOLLUM. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

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

There was no objection.

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

Mrs. KELLY. Mr. Chairman, quite frankly, I cannot give the gentleman that information because I did not bring it to the floor with me. It may be important for the gentleman to recognize the fact that this amendment that I am offering passed the floor of the House last year. It passed not only with the membership of the Republican Party but also with a number of Members of the Democratic Party supporting this bill, as they again do this year.

Mr. SCOTT. Reclaiming my time, Mr. Chairman, I am sure it would probably pass. I just wanted to know what we were doing. Apparently we will not find out.

Mrs. KELLY. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Mr. Chairman, I rise to make a strong statement for the protection of America's children. Time and time again we speak of our children as our Nation's most precious possession. This amendment, the Kelly amendment, sends that message to our children. I commend the gentlewoman from New York (Mrs. KELLY) for introducing this legislation.

Just this month two fugitives were arrested after kidnapping a five-month-old boy from a Georgia trailer park to escape capture. After fleeing for 4 days across half a dozen States, the fugitives were finally apprehended in Quebec. Fortunately, the child was unharmed and returned to his parents.

Crimes like this must not be taken lightly. This Kelly amendment toughens penalties against any person who dares to take a child hostage in order to evade arrest. This amendment provides any criminal bringing a child as a hostage into a crime will spend 10 years in prison; harm that child, he serves 20 years in prison; and should the child die, the perpetrator will serve life or be subject to the death penalty.

Today Congress is considering sending a message to America's communities about safety for our Nation's children. We are considering legislation that will give communities the tools, the opportunity and protection they want to give their children, a safe environment in which to grow up. However, this legislation must also send a message to those communities that America will not take any threat to their children lightly. This amendment clarifies that message.

Accordingly, I urge our colleagues to support the Kelly amendment.

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

Mr. Chairman, this proposal is similar to those that are imposed upon adult offenders of the drug and firearms laws, but what we are doing is promoting the use of mandatory minimums because it is concerned with punishment and not prevention.

We have yet to realize that prevention is indeed the best way to address violence.

So I want to suggest to the committee that mandatory minimums, as this is, are not good policy; that they are, in fact, misguided because they create unfairness and require judicial and correctional expenditures disproportionate to any deterrent or rehabilitative effect that they may have.

That is taken directly from a Drug Policy Research Center study of 1997.

I do not think it is inappropriate to suggest that judges in individual cases are still in the best position to determine what sentences are appropriate for individual offenders. Mandatory minimums take discretion away from the Court to utilize other problem-solving approaches to crime prevention.

What about the U.S. attorneys? When a mandatory minimum crime is involved, this makes any attempt at plea bargaining, if they are moving up a chain of crime figures, literally impossible. In this decade, the U.S. Sentencing Commission reported that over one-third of the Federal defendants whose criminal conduct should have triggered application of a mandatory minimum provision have somehow even yet escaped the effects of such provisions.

So here for the third time in a single evening we have criminal laws named after some poor victim for whom our sympathies are overflowing, but whether or not this is the best way for us to proceed as a matter of process still remains much in doubt.

We are still legislating with no committee of original jurisdiction, that I can recall, having had anything to do with what might be an otherwise well meaning amendment, to impose severe penalties on people who take children as hostage to evade arrest.

Why this was not able to come through the committee in an orderly way is not clear to me. This is not gun legislation. It is the meat and potatoes of the Subcommittee on Crime of the Committee on the Judiciary.

So I am again sorry that this could not have been taken up in a more orderly way.

Mrs. KELLY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the subcommittee.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentlewoman from New York (Mrs. KELLY) for yielding me this time.

Mr. Chairman, I strongly support this amendment. It is a great bill that she introduced last year that we passed here in the House, and I believe this is the perfect case for a minimum mandatory sentence.

If someone is going to take a child as a hostage to try to avoid a judicial writ or court process or to try to compel an agency of the government to do something, they ought to have a minimum mandatory sentence. It is a deterrent message. That is what a minimum mandatory sentence is. It takes a really bad apple off the street and takes them off the street for a period of time.

I commend the gentlewoman from New York (Mrs. KELLY) for offering the bill. It is a good proposal and it should be adopted.

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

Mr. Chairman, once again, the passage of this amendment would give law enforcement across the country a new and powerful weapon in the fight against violent criminals. As I mentioned earlier, there are disturbing examples of hostage situations involving children. I hope my colleagues will join me and pass these new protections and protect children from crime in America.

Mr. Chairman, I want to also point out that in the last Congress, this bill did pass through the committee process. So I believe the gentleman from Michigan (Mr. CONYERS) did have a chance to look at it.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in part A of House Report 106–186.

AMENDMENT NO. 14 OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer amendment No. 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 14 offered by Mr. HUTCHINSON:

At the end of the bill, insert the following:

SEC. ___. PROHIBITION ON TRANSFERRING TO JUVENILE A FIREARM THAT TRANSFEROR KNOWS OR HAS REASON TO BELIEVE WILL BE USED IN A SCHOOL ZONE OR IN A SERIOUS VIOLENT FELONY.

(a) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer any firearm to a person who the transferor knows or has reasonable cause to believe is a juvenile, and knowing or having reasonable cause to believe that the juvenile intends to possess, discharge, or otherwise use the firearm in a school zone.

"(2) It shall be unlawful for a person to sell, deliver, or otherwise transfer any firearm to a person who the transferor knows or has reasonable cause to believe is a juvenile, and knowing or having reasonable cause to believe that the juvenile intends to possess, discharge, or otherwise use the firearm in the commission of a serious violent felony.

"(3) For purposes of this subsection, the term 'juvenile' means an individual who has not attained 18 years of age.".

(b) PENALTIES.—Section 924(a) of such title is amended by adding at the end the following:

"(7)(A) A person, other than a juvenile, who violates section 922(z)(1) shall be fined under this title, imprisoned as provided in section 924(a)(6)(B)(ii), or both.

"(B) A person, other than a juvenile, who violates section 922(z)(2) shall be fined under this title, imprisoned as provided in section 924(a)(6)(B)(iii), or both.".

Court would actually carry the weight of the debate with regard to separation of powers and the importance of the issue of the Supreme Court and the judicial system.

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

The gentlewoman from California (Ms. WATERS) said something with which I can agree. She referenced the first amendment, and she said that it guarantees freedom of religion, freedom of religion.

What does that mean? How much more clear could it have been put: Freedom to express one's own religious ideas, freedom to practice one's religion.

□ 2245

It is a statement so clear that it is difficult for me to understand how people can put obstacles in the way of that freedom, and yet that is exactly what has been done. Even in Colorado, that is what has been suggested should be done in cases where the most horrific tragedies have occurred, that we should put obstacles in the way of people expressing their own religious preference and seek God's help.

This amendment hopes to change that experience.

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

Mr. Chairman, the memory of the victims' religious beliefs can certainly be commemorated and eulogized without offending the Constitution.

The prayer can be said at a memorial on school property after school hours if attendance is voluntary but not if attendance is compulsory.

The legal fees clause of this amendment is clearly aimed at biasing the legal systems against people with a different view of the First Amendment than that held by the sponsor of this amendment. For these reasons, especially the last one, this amendment offends the Constitution, offends the Bill of Rights, offends religious liberty and ought to be defeated.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

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

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

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

It is now in order to consider amendment No. 25 printed in Part A of House Report 106-186.

It is now in order to consider amendment No. 26 printed in part A of House Report 106-186.

AMENDMENT NO. 26 OFFERED BY MR. DEMINT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 26 offered by Mr. DEMINT:

Add at the end the following:

TITLE __—LIMITATION ON RECOVERY OF ATTORNEYS FEES IN CERTAIN CASES

SEC. __. LIMITATION ON RECOVERY OF ATTORNEYS FEES IN CERTAIN CASES.

Section 722(b) of the Revised Statutes of the United States (42 U.S.C. 1988(b)) is amended—

(1) by striking "In" and inserting "Except as otherwise provided in this subsection, in";

(2) by striking ", except that" and inserting ". However,"; and

(3) by adding at the end the following:"Attorneys' fees under this section may not be allowed in any action claiming that a public school or its agent violates the constitutional prohibition against the establishment of religion by permitting, facilitating, or accommodating a student's religious expression.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from South Carolina (Mr. DEMINT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. DEMINT).

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

Mr. Chairman, the purpose of my freedom of expression in schools amendment is to ensure that a student's First Amendment right to freedom of religious expression is protected. This amendment is important to school safety, because what we value and believe, as children and adults, directly impacts how we act. It is, therefore, essential that students not be discouraged from participating in positive, faith-based activities or exercising their freedom of religious expression.

As many of us know, public schools are being intimidated into suppressing religious expression by the threat of costly litigation. This litigation often arises from a confusion between a school allowing religious expression by a student, which is protected, and a school sanctioning and endorsing religion, which violates the establishment clause.

Only a few weeks ago, with graduation exercises having been completed around the country, there were valedictorians and class presidents who were actually physically removed from the stage, their speech censored, not because it contained vulgarity or obscenity but because it contained constitutionally protected, student- initiated religious expression.

This has taken place in both California and Minnesota this year. The Indiana Civil Liberties Union wrote a letter threatening to sue any high school or college in the State if they allowed prayer at graduation ceremonies. The letter said, you will pay your own and our attorney's fees, an amount that could run as high as $250,000.

How can schools take this risk? It is much easier just to tell the students not to pray than to risk spending this amount of money.

In cases from Michigan to Maryland to Indiana, so-called civil liberties groups have threatened principals and school boards with lawsuits because of legitimate student religious expression. This is happening because such cases were made exempt by Congress from the common legal practice of each side paying its own attorney's cost. Schools that are accused must face the additional threat, if they l that they must also pay the ot side's legal fees. This provides a perverse incentive for schools to silence the speech of students rather than to face a punitive lawsuit.

Congress created the one side l pays exception to the normal practice in order to encourage the defe ise of civil liberties. However, this exception is now being used as a weapon to suppress these very liberties. The current incentive is for schools to silence student religious expression rather than fight for student constitutional rights. My amendment simply corrects the mistake and returns such cases to the normal practice of each side paying its own fees. Such cases should be decided on the merits, on a level playing field, not by threats and bullying.

Mr. Chairman, Congress has set a clear precedent for this amendment. In 1996, Congress passed and the Presi t signed the Federal Courts Improvement Act. This bill included a provision that exempted certain cases brought against judicial officers from the attorney's fees requirement. It amended the identical section I am amending. The bill passed the Senate by unanimous consent, was brought to the House floor by unanimous consent and passed on a voice vote.

Let me quote a portion of the rationale provided by the Senate Committee on the Judiciary report on the bill. The risk to judges of burdensome litigation creates a chilling effect that threatens judicial independence and may impair day-to-day decisions of the judiciary in close or controversial cases. The same risk of burdensome litigation is threatening our public schools and more. It is threatening the First Amend t rights of our students.

I urge my colleagues to support this reasonable and well-crafted amendment.

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

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

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. SCOTT. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment has a very clear and nicious purpose. Put simply, if one agrees with the sponsor of this amendment on the role government should

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

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

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

Revised May 1998.

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

Religious Action Center of Reform Judaism

Name: Rabbi David Saperstein, Address: 2027 Massachusetts Ave., NW, Washington, DC 20036, Phone: (202) 387-2800, Fax: (202) 667-9070, E-Mail: rac@uahc.org, Web site: www.cdinet.com/RAC/.

American Jewish Congress

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

Christian Legal Society

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

National School Boards Association

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

American Association of School Administrators

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

National PTA

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

National Association of Evangelicals

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

Freedom Forum

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

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

The amendment was agreed to.

JENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

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

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

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

AMENDMENT NO. 28 OFFERED BY MR. ADERHOLT

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

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

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

Add at the end the following new title:

TITLE ___—RIGHTS TO RELIGIOUS LIBERTY

SEC. ___. FINDINGS.

The Congress finds the following:

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

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

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

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

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

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

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

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

SEC. ___. RELIGIOUS LIBERTY RIGHTS DECLARED.

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

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

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

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

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

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 248, noes 1, not voting 6, as follows:

[Roll No. 221]

AYES—248

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

Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—9

Barr
Berkley
Bonilla
Goode
Hulshof
Paul
Peterson
Shadegg
Stump

NOT VOTING—8

Brown (CA)
Carson
Houghton
Mollohan
Nussle
Rahall
Smith (NJ)
Thomas

□ 1413

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 36 printed in Part A of House Report 106-186.

AMENDMENT NO. 36 OFFERED BY MR. GOODLING

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 36 offered by Mr. GOODLING:

Page 1, after line 2, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juvenile Justice Reform Act of 1999".

Page 1, strike line 3 and insert the following:

TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS

SEC. 101. SHORT TITLE.

Page 1, line 4, strike "Act" and insert "title".

Page 2, line 1, redesignate section 2 as section 102.

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

TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

SEC. 200. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Juvenile Crime Control and Delinquency Prevention Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

Sec. 200. Short title; table of contents.

SUBTITLE A—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Sec. 201. Findings.
Sec. 202. Purpose.
Sec. 203. Definitions.
Sec. 204. Name of office.
Sec. 205. Concentration of Federal effort.
Sec. 206. Coordinating Council on Juvenile Justice and Delinquency Prevention.
Sec. 207. Annual report.
Sec. 208. Allocation.
Sec. 209. State plans.
Sec. 210. Juvenile delinquency prevention block grant program.
Sec. 211. Research; evaluation; technical assistance; training.
Sec. 212. Demonstration projects.
Sec. 213. Authorization of appropriations.
Sec. 214. Administrative authority.
Sec. 215. Use of funds.
Sec. 216. Limitation on use of funds.
Sec. 217. Rule of construction.
Sec. 218. Leasing surplus Federal property.
Sec. 219. Issuance of Rules.
Sec. 220. Content of materials.
Sec. 221. Technical and conforming amendments.
Sec. 222. References.

SUBTITLE B—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

Sec. 231. Runaway and homeless youth.

SUBTITLE C—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 241. Repealer.

SUBTITLE D—AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT

Sec. 251. National center for missing and exploited children.

SUBTITLE E—STUDIES AND EVALUATIONS

Sec. 261. Study of school violence.
Sec. 262. Study of mental health needs of juveniles in secure and nonsecure placements in the juvenile justice system.
Sec. 263. Evaluation by General Accounting Office.
Sec. 264. General Accounting Office Report.
Sec. 265. Behavioral and social science research on youth violence.

SUBTITLE F—GENERAL PROVISIONS

Sec. 271. Effective date; application of amendments.

Subtitle A—Amendments to Juvenile Justice and Delinquency Prevention Act of 1974

SEC. 201. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

"FINDINGS

"SEC. 101. (a) The Congress finds the following:

"(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fast : growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅛ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

"(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

"(A) quality prevention programs that—

"(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

"(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

"(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

"(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for t r acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming) when the number of juveniles is expected to increase by 30 percent.".

SEC. 202. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

"PURPOSES

"SEC. 102. The purposes of this title title II are—

"(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

"(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

"(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.".

SEC. 203. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking "to help prevent juvenile delinquency" and inserting "designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior",

(2) in paragraph (4) by inserting "title I of" before "the Omnibus" each place it appears,

(3) in paragraph (7) by striking "the Trust Territory of the Pacific Islands,",

(4) in paragraph (9) by striking "justice" and inserting "crime control",

(5) in paragraph (12)(B) by striking ", of any nonoffender,",

(6) in paragraph (13)(B) by striking ", any non-offender,",

(7) in paragraph (14) by inserting "drug trafficking," after "assault,",

(8) in paragraph (16)—

(A) in subparagraph (A) by adding "and" at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking "and" at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

"(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

"(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training,

"(B) regular, remedial, special, and vocational education; and

"(C) counseling and treatment for substance abuse and other health and mental health problems;

"(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their lawabiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

"(25) the term 'violent crime' means—

"(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

"(B) aggravated assault committed with the use of a firearm;

"(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

"(27) the term 'related complex of buildings' means 2 or more buildings that share—

"(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

"(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.".

SEC. 204. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

"PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION",

(2) in section 201(a) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(3) in subsections section 299A(c)(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention".

SEC. 205. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking "and of the prospective" and all that follows through "administered",

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking "and reports" and all that follows through "this part", and inserting "as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency",

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

SEC. 206. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

SEC. 207. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting "and" after "priorities,", and

(B) by striking ", and recommendations of the Council",

(2) by striking paragraphs (4) and (5), and inserting the following:

"(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.", and

(3) by redesignating such section as section 206.

SEC. 208. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "amount, up to $400,000," and inserting "amount up to $400,000",

(II) by inserting a comma after "1992" the 1st place it appears,

(III) by striking "the Trust Territory of the Pacific Islands,", and

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000",

(ii) in subparagraph (B)—

(I) by striking "(other than part D)",

(II) by striking "or such greater amount, up to $600,000" and all that follows through "section 299(a) (1) and (3)",

(III) by striking "the Trust Territory of the Pacific Islands,",

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000", and

(V) by inserting a comma after "1992",

(B) in paragraph (3) by striking "allot" and inserting "allocate", and

(2) in subsection (b) by striking "the Trust Territory of the Pacific Islands,".

SEC. 209. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking "challenge" and all that follows through "part E", and inserting ", projects, and activities",

(B) in paragraph (3)—

(i) by striking ", which—" and inserting "that—",

(ii) in subparagraph (A)—

(I) by striking "not less" and all that follows through "33", and inserting "the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and",

(II) by inserting ", in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws" after "State",

(III) in clause (i) by striking "or the administration of juvenile justice" and inserting ", the administration of juvenile justice, or the reduction of juvenile delinquency",

(IV) in clause (ii) by striking "include—" and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

"represent a multidisciplinary approach to addressing juvenile delinquency and may include—

"(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agen concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

"(II) such other individuals as the chief executive officer considers to be appropriate; and", and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking "justice" and inserting "crime control",

(iv) in subparagraph (D)—

(I) in clause (i) by inserting "and" at the end,

(II) in clause (ii) by striking "paragraphs" and all that follows through "part E", and inserting "paragraphs (11), (12), and (13)", and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking "title—" and all that follows through "(ii)" and inserting "title,",

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking ", other than" and inserting "reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding" after "section 222", and

"(ii) in subparagraph (C) by striking "paragraphs (12)(A), (13), and (14)" and inserting "paragraphs (11), (12), and (13)",

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting ", including in rural areas" before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking "for (i)" and all that follows through "relevant jurisdiction", and inserting "for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State",

(II) by striking "justice" the second place it appears and inserting "crime control", and

(III) by striking "of the jurisdiction; (ii)" and all that follows through the semicolon at the end, and inserting "of the State; and",

(ii) by amending subparagraph (B) to read as follows:

"(B) contain—

"(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in the such system who are in greatest need of such services services;", and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

"(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;",

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking ", specifically" and inserting "including",

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) in subparagraph (C) by striking "juvenile justice" and inserting "juvenile crime control",

(iv) by amending subparagraph (D) to read as follows:

"(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;",

(iv) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking "juveniles, provided" and all that follows through "provides; and", and inserting the following:

"juveniles—

"(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

"(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and",

(v) by amending subparagraph (F) to read as follows:

"(F) expanding the use of probation officers—

"(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(ii) to ensure that juveniles follow the terms of their probation;",

(vi) by amending subparagraph (G) to read as follows:

"(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime are and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;",

(vii) in subparagraph (H) by striking "handicapped youth" and inserting "juveniles with disabilities",

(viii) by amending subparagraph (K) to read as follows:

"(K) boot camps for juvenile offenders;",

(ix) by amending subparagraph (L) to read as follows:

"(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;",

(x) by amending subparagraph (N) to read as follows:

"(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;",

(xi) in subparagraph (O)—

(I) in striking "cultural" and inserting "other", and

(II) by striking the period at the end and inserting a semicolon, and

(xii) by adding at the end the following:

"(P) programs designed to prevent and to reduce hate crimes committed by juveniles; and

"(Q) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities.",

(I) by amending paragraph (12) to read as follows:

"(12) shall, in accordance with rules issued by the Administrator, provide that—

"(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

"(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

"(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

"(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

"(B) juveniles—

"(i) who are not charged with any offense; and

"(ii) who are—

"(I) aliens; or

"(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;",

(J) by amending paragraph (13) to read as follows:

"(13) provide that—

"(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have tra and tified to work with juveniles;",

(K) by amending paragraph (14) to read as follows:

"(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

"(A) juveniles who are accused of non-status offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

"(i) for processing or release;

"(ii) while awaiting transfer to a juvenile facility; or

"(iii) in which period such juveniles make a court appearance;

"(B) juveniles who are accused of status offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

"(i) in which—

"(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

"(ii) that—

"(I) is located outside a metropolitan statistical area (as defined by the Office of agement and Budget) and has no existing acceptable alternative placement available;

"(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

"(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

"(C) juveniles who are accused of non-status offenses and who are detained in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

"(i) such jail or lockup—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

"(II) has no existing acceptable alternative placement available;

"(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved, in consultation with the counsel representing the juvenile, consents to detaining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

"(iii) the juvenile has counsel, and the counsel representing such juvenile—

"(I) consults with the parents of the juvenile to determine the appropriate placement of the juvenile; and

"(II) has an opportunity to present the juvenile's position regarding the detention involved to the court before the court approves such detention;;

"(iv) the court has an opportunity to from the juvenile before court approval of such placement; and

"(v) detaining such juvenile in accordance with this subparagraph is—

"(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

"(II) required to be reviewed odically and in the presence of the juvenile, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention; and

"(III) for a period preceding the sentencing (if any) of such juvenile, but not to exceed a 20-day period;",

(L) in paragraph (15)—

(i) by striking "paragraph (12)(A), paragraph (13), and paragraph (14)" and inserting "paragraphs (11), (12), and (13)", and

(ii) by striking "paragraph (12)(A) and paragraph (13)" and inserting "paragraphs (11) and (12)",

(M) in paragraph (16) by striking "mentally, emotionally, or physically handicapping conditions" and inserting "disability",

(N) by amending paragraph (19) to read as follows:

"(19) provide assurances that—

"(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

"(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

"(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;",

(O) in paragraph (22) by inserting before the semicolon, the following:

"; and that the State will not expend funds to carry out a program referred to in subparagraph (A), (B), or (C) of paragraph (5) if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted such recipient to the State agency",

(P) by amending paragraph (23) to read as follows:

"(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;",

(Q) by amending paragraph (24) to read as follows:

"(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

"(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

"(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

"(C) not later than 48 hours during which such juvenile is so held—

"(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

"(ii) such court shall conduct a hearing to determine—

"(I) whether there is reasonable cause to believe that such juvenile violated such order; and

"(II) the appropriate placement of such juvenile pending disposition of the violation alleged;",

(R) in paragraph (25) by striking the period at the end and inserting a semicolon,

(S) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(T) by adding at the end the following:

"(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

"(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.", and

(2) by amending subsection (c) to read as follows:

"(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (23) of subsection (a) in any fiscal year beginning after September 30, 1999, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

"(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

"(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.", and

(3) in subsection (d)—

(A) by striking "allotment" and inserting "allocation", and

(B) by striking "subsection (a) (12)(A), (13), (14) and (23)" each place it appears and inserting "paragraphs (11), (12), (13), and (23) of subsection (a)".

SEC. 210. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

"PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

"SEC. 241. AUTHORITY TO MAKE GRANTS.

"The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

"(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

"(2) educational projects or supportive services for delinquent or other juveniles—

"(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

"(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

"(C) to assist in identifying ning difficulties (including learning disabilities);

"(D) to prevent unwarranted and arbitrary suspensions and expulsions;

"(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

"(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

"(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

"(H) to provide services to juvenile with serious mental and emotional disturbances (SED) in need of mental health services;

"(3) projects which expand the use of probation officers—

"(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(B) to ensure that juveniles follow the terms of their probation;

"(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened trained;

"(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from ilies with limited English-speaking proficiency, their parents, their siblings, other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

"(6) projects designed to provide for the treatment (including mental health servi of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

"(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

"(8) projects which provide for an initial intake screening of each juvenile taken into custody—

"(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

"(B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subseq t offenses;

"(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other wea s, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activi conducted under such projects;

"(10) comprehensive juvenile justice and delinquency prevention projects that meet

the i of juveniles through the collaboration of the i y local vice systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, private nonprofit agencies, and public recreation agencies offering services to juveniles;

"(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

"(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

"(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

"(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

"(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

"(16) projects which provide for—

"(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

"(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

"(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

"(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

"(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

"(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

"(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals, school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations; and

"(20) other activities that are likely to prevent juvenile delinquency.

"SEC. 242. ALLOCATION.

"Funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

"SEC. 243. ELIGIBILITY OF STATES.

"(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

"(1) An assurance that the State will use—

"(A) not more than 5 pe t of such grant, in the aggregate, for—

"(i) the costs incurred by the State to carry out this part; and

"(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

"(B) the remainder of such grant to make grants under section 244.

"(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

"(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

"(4) An assurance that each eligible entity described in section 244 that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

"(5) Such other information and assurances as the Administrator may reasonably require by rule.

"(b) APPROVAL OF APPLICATIONS.—

"(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

"(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

"(A)(i) the State submitted a plan under section 223 for such fiscal year; and

"(ii) such plan is approved by the Administrator for such fiscal year; or

"(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

"SEC. 244. GRANTS FOR LOCAL PROJECTS.

"(a) GRANTS BY STATES.—Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State to carry out projects and activities described in section 241.

"(b) SPECIAL CONSIDERATION.—For purposes of making grants under subsection (a), the State shall give special consideration to eligible entities that—

"(1) propose to carry out such projects in geographical areas in which there is—

"(A) a disproportionately high level of serious crime committed by juveniles; or

"(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

"(2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or

"(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involve-

t in activit gned to pre t juvenile delinquency; and

"(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

"SEC. 245. ELIGIBILITY OF ENTITIES.

"(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant under section 244, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that tains the following:

"(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

"(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

"(3) A statement identifying the research (if any) such entity relied on in preparing such application.

"(b) LIMITATION.—If an eligible entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.".

SEC. 211. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

"PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

"SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

"(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

"(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

"(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

"(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

"(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

"(iv) successful efforts to prevent recidivism;

"(v) the juvenile justice system;

"(vi) juvenile violence;

"(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;

"(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups; and

"(ix) other purposes consistent with the purposes of this title and title I.

"(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

"(b) STATISTICAL ANALYSES.—The Administrator may—

"(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

"(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

"(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

"(e) INFORMATION DISSEMINATION.—The Administrator may—

"(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

"(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

"(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

"SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

"(a) TRAINING.—The Administrator may—

"(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

"(b) TECHNICAL ASSISTANCE.—The Administrator may—

"(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.

"(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.".

SEC. 212. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

"PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

"SEC. 281. GRANTS AND PROJECTS.

"(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

"(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

"SEC. 282. GRANTS FOR TECHNICAL ASSISTANCE.

"The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

"SEC. 283. ELIGIBILITY.

"To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

"SEC. 284. REPORTS.

"Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.".

SEC. 213. AUTHORIZATION OF APPROPRIATI

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATI FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2000, 2001, [illegible], and 2003.

"(2) Of such sums as are appropriated for a fiscal year to carry out this title (other [illegible] parts C and E)—

"(A) not more than 5 percent shall be available to carry out part A;

"(B) not less than 80 percent shall be available to carry out part B; and

"(C) not more than 15 percent shall be available to carry out part D.

"(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2000, [illegible], 2002, and 2003.

"(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal [illegible]s 2000, 2001, 2002, and 2003.".

SEC. 214. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking "as are consistent with the purpose of this Act" and inserting "only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance", and

(2) by adding at the end the following:

"(e) If a State requires by law compliance with the requirements described in [illegible]graphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.".

SEC. 215. USE OF FUNDS.

Section 299C of the Juvenile Justice Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking "may be used for",

(B) in paragraph (1) by inserting "may be used for" after "(1)", and

(C) by amending paragraph (2) to read as follows:

"(2) may not be used for the cost of construction of any facility, except not than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.",

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

SEC. 216. LIMITATION ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by tion 210, is amended adding at the end the following:

"SEC. LIMITATION ON USE OF FUNDS.

"None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.".

SEC. 217. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by section 216, is amended adding at the end the following:

"SEC. 299G. RULES OF CONSTRUCTION.

"Nothing in this title or title I shall be construed—

"(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

"(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.".

SEC. 218. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216 and 217, is amended adding at the end the following:

"SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

"The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.".

SEC. 219. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, and 218, is amended adding at the end the following:

"SEC. 299I. ISSUANCE OF RULES.

"The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.".

SEC. 220. CONTENT OF MATERIALS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, 218, and 219, is amended by adding at the end the following:

"SEC. 299J. CONTENT OF MATERIALS.

"Materials produced, procured, or distributed using funds appropriated to carry out this Act, for the purpose of preventing hate crimes should be respectful of the diversity of deeply held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance.".

SEC. 221. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking "prescribed for GS-18 of the General Schedule by section 5332" and inserting "payable under section 5376",

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93-415 (88 Stat. 1132-1143).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(2) Section 4351(b) of title 18 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(3) Subsections (a), (b), and (c) of section 3220 of title 39 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(B) in section 214A(c)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(C) in sections 217 and 222 by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention", and

(D) in section 223(c) by striking "section 262, 293, and 296" and inserting "sections 262, 299B, and 299E".

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking "section 313" and inserting "section 331".

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking "sections 262, 293, and 296 of subpart II of title II" and inserting "sections 299B and 299E", and

(B) in section 223(c) by striking "section 262, 293, and 296 of title II" and inserting "sections 299B and 299E".

SEC. 222. REFERENCES.

In any Federal law (excluding this title and the Acts amended by this title), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

Subtitle B—Amendments to the Runaway and Homeless Youth Act

SEC. 231. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking "accurate reporting of the problem nationally and to develop" and inserting "an accurate national reporting system to report the problem, and to assist in the development of"; and

(2) by striking paragraph (8) and inserting the following:

"(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;".

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GRANTS FOR CENTERS AND SERVICES.—

"(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entit to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.";

(2) in subsection (b)(2), by striking "the Trust Territory of the Pacific Islands,";

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking ' graph (6)" and inserting "paragraph (7)";

(B) in paragraph (10), by striking "and" at the end;

(C) in paragraph (11), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

"(A) information regarding the activi carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project."; and

(2) by striking subsections (c) and (d) inserting the following:

"(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) r- ances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home- services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"SEC. 313. APPROVAL OF APPLICATIONS.

"(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than $200,000.".

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-1) is amended—

(1) in the section heading, by striking "PURPOSE AND";

(2) in subsection (a), by striking "(a)"; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-21) is amended to read as follows:

"SEC. 341. COORDINATION.

"With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

"(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

"(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.".

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-23) is amended—

(1) in the section heading, by inserting "EVALUATION," after "RESEARCH,";

(2) in subsection (a), by inserting "evaluation," after "research,"; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) STUDY.—Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5731 et seq.) is amended by adding after section 344 the following:

"SEC. 345. STUDY

"The Secretary shall conduct a study of a representative sample of runaways to determine the percent who leave home because of sexual abuse. The report on the study shall include—

"(1) in the case of sexual abuse , the relationship of the assaulter to the runaway; and

"(2) recommendations on how Federal laws may be changed to reduce sexual assaults on children.

The study shall be completed to enable the Secretary to make a report to the committees of Congress with jurisdiction over this Act, and to make such report available to the public, within one year of the date of the enactment of this section."

(j) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(k) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"SEC. 381. REPORTS.

"(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.".

(l) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"SEC. 386. EVALUATION AND INFORMATION.

"(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

"(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

"(2) collecting additional information for the report required by section 384; and

"(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the ters, projects, and activities for which such grants are made.

"(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.".

(m) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to as follows:

"SEC. 388. AUTHORIZATION OF APPROPRIATI

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—There is author to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

"(2) ALLOCATION.—

"(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not than 90 percent to carry out parts A and B.

"(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 cent, and not more than 30 percent, shall be reserved to carry out part B.

"(3) PARTS C AND D.—In each fiscal after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

"(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of bining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

(n) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

"PART E—SEXUAL ABUSE PREVENTION PROGRAM

"SEC. 351. AUTHORITY TO MAKE GRANTS.

"(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

"(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (m) of this section, is amended by adding at the end the following:

"(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.".

(o) CONSOLIDATED REVIEW OF APPLICATIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 383 the following:

"SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.

"With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

"(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

"(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.".

(p) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (l) of this section, the following:

"SEC. 387. DEFINITIONS.

"In this title:

"(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) HOME-BASED SERVICES.—The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not less than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) STREET-BASED SERVICES.—The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexual exploitation;

"(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(IV) physical and sexual assault.

"(5) STREET YOUTH.—The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

"(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B)(i) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.".

(q) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 380, 381, 382, 383, and 384, respectively.

(r) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking "With" and all that follows through "the Secretary", and inserting "The Secretary"; and

(2) in section 344(a)(1), by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

Subtitle C—Repeal of Title V Relating to Incentive Grants for Local Delinquency Prevention Programs

SEC. 241. REPEALER.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102-586, is repealed.

Subtitle D—Amendments to the Missing Children's Assistance Act

SEC. 251. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(9) for 14 years, the National Center for Missing and Exploited Children has—

"(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

"(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

"(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1-800-THE-LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from

50 States and Guam at its Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.".

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'Center' means the National Center for Missing and Exploited Children.".

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

"(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

"(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714-11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

"(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

"(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

"(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

"(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.".

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting "the Center and with" before "public agencies".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking "1997 through 2001" and inserting "2000 through 2003".

Subtitle E—Studies and Evaluations

SEC. 261. STUDY OF SCHOOL VIOLENCE.

(a) CONTRACT FOR STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall enter into a contract with the National Academy of Sciences for the purposes of conducting a study regarding the antecedents of school violence in urban, suburban, and rural schools, including the incidents of school violence that occurred in Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado; and Conyers, Georgia. Under the terms of such contract, the National Academy of Sciences shall appoint a panel that will—

(1) review the relevant research about adolescent violence in general and school violence in particular, including the existing longitudinal and cross-sectional studies on youth that are relevant to examining violent behavior,

(2) relate what can be learned from past and current research and surveys to specific incidents of school shootings,

(3) interview relevant individuals, if possible, such as the perpetrators of such incidents, their families, their friends, their ers, mental health providers, others, and

(4) give particular attention to such issues as—

(A) the perpetrators' early development, the relationship with their families, community and school experiences, and utilization of mental health services,

(B) the relationship between perpetrators and their victims,

(C) how the perpetrators gained access to firearms,

(D) the impact of cultural influences and exposure to the media, video games, and the Internet, and

(E) such other issues as the panel deems important or relevant to the purpose of the study.

The National Academy of Sciences shall utilize professionals with expertise in such issues, including psychiatrists, social workers, behavioral and social scientists, practitioners, epidemiologists, statisticians, and methodologists.

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) APPROPRIATION.—Of the funds made available under Public Law 105-277 for the Department of Education, $2.1 million shall be made available to carry out this section.

SEC. 262. STUDY OF THE MENTAL HEALTH NEEDS OF JUVENILES IN SECURE OR NONSECURE PLACEMENTS IN THE JUVENILE JUSTICE SYSTEM.

(a) STUDY.—The Administrator of the Office of Juvenile Crime Control and Delinquency Prevention, in collaboration with the National Institute of Mental Health, shall conduct a study that includes, but is limited to, all of the following:

(1) Identification of the scope and nature of the mental health problems or disorders of—

(A) juveniles who are alleged to be or adjudicated delinquent and who, as a result of such status, have been placed in secure detention or confinement or in nonsecure dential placements, and

(B) juveniles on probation after having been adjudicated delinquent and having received a disposition as delinquent.

(2) A comprehensive survey of the types of mental health services that are currently being provided to such juveniles by States and units of local government.

(3) Identification of governmental entities that have developed or implemented model or promising screening, assessment, or treatment programs or innovative mental health delivery or coordination systems, that address and meet the mental health needs of such juveniles.

(4) A review of the literature that analyzes the mental health problems and needs of juveniles in the juvenile justice system and that documents innovative and promising models and programs that address such needs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Congress, and broadly disseminate to individuals and entities engaged in fields that provide services for the benefit of juveniles or that have policy relating to juveniles, a report containing the results of the study conducted

under subsection (a) and documentation identifying promising or innovative models or programs referred to in such subsection.

SEC. 263. EVALUATION BY GENERAL ACCOUNTING OFFICE.

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

(1) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Pub. Law 103-62; 107 Stat. 285).

(2) The outcome and results of the programs carried out by the Office of Juvenile Justice and Delinquency Prevention and those administered -through grants by Office of Juvenile Justice and Delinquency Prevention.

(3) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(4) Whether less restrictive or alternative methods exists to carry out the functions of the agency. Whether present functions or operations are impeded or enhanced by existing statutes, rules, and procedures.

(5) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(6) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(7) The number and types of beneficiaries or persons served by programs carried out under the Act.

(8) The extent to which any trends, developments, or emerging conditions that are likely to affect the future nature and the extent of the problems or needs the programs carried out by the Act are intended to address.

(9) The manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency.

(10) Whether the agency has worked to enact changes in the law intended to benefit the public as a whole rather than the specific businesses, institutions, or individuals the agency regulates or funds.

(11) The extent to which the agency grants have encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(12) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act").

(13) The impact of any regulatory, privacy, and paperwork concerns resulting from the programs carried out by the agency.

(14) The extent to which the agency has coordinated with state and local governments in performing the functions of the agency.

(15) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(16) Whether greater oversight is needed of programs developed with grants made by the Office of Juvenile Justice and Delinquency Prevention.

(b) REPORT.—The report required by subsection (a) shall—

(1) include recommendations for legislative changes, as appropriate, based on the evaluation conducted under subsection (a), to be made to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), and

(2) shall be submitted, together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and made available to the public .

SEC. 264. GENERAL ACCOUNTING OFFICE REPORT.

Not later than 1 year after the date of the enactment of this Act, the General Accounting Office shall transmit to Congress a report containing the following:

(1) For each State, a description of the types of after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, and athletic and other programs operated by public schools and other State and local agencies.

(2) For 15 communities selected to represent a variety of regional, population, and demographic profiles, a detailed analysis of all of the after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, mentoring programs, athletic programs, and programs operated by public schools, churches, day care centers, parks, recreation centers, family day care, community organizations, law enforcement agencies, service providers, and for-profit and nonprofit organizations.

(3) For each State, a description of significant areas of unmet need in the quality and availability of after-school programs.

(4) For each State, a description of barriers which prevent or deter the participation of children in after-school programs.

(5) For each State, a description of barriers to improving the quality and availability of after-school programs.

(6) A list of activities, other than after-school programs, in which students in kindergarten through grade 12 participate when not in school, including jobs, volunteer opportunities, and other non-school affiliated programs.

(7) An analysis of the value of the activities listed pursuant to paragraph (6) to the well-being and educational development of students in kindergarten through grade 12.

SEC. 265. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and governmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

Subtitle F—General Provisions

SEC. 271. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to fiscal years beginning after September 30, 1999.

Amend the title so as to read: "A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Pennsylvania (Mr. GOODLING) and a Member opposed each will control 45 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

given the resources they need to design solutions best suited to combat violence in their streets.

It accomplishes this by streamlining current law, reducing burdensome State regulations and providing States and local communities greater flexibility in addressing juvenile crime.

The Goodling amendment begins with a basic acknowledgment that prevention is the key to stopping juvenile crime for most youth. It also puts teeth into this statement by combining current discretionary programs into a prevention block grant to States and local authorities allowing them broad discretion in how they use these funds.

Mr. Chairman, this amendment is based on a bipartisan bill, H.R. 1150, that I am a proud cosponsor of. This legislation and now this amendment will provide States and local governments the ability to be flexible in their approach while still maintaining a strong preventive record against juvenile crime. I urge my colleagues to support this amendment, and I thank the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their leadership and for bringing this amendment to the floor.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT), in yet another demonstration of the bipartisan nature of this work.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding the time, and I apologize for being late to get into the debate.

Mr. Chairman, this amendment I am sure is going to pass almost unanimously, and I intend to vote for it. I think it is a good idea, but I did want to point out that this approach is just absolutely inconsistent with what we did yesterday under the McCollum amendment, when we federalized juvenile crime on the punishment side, and I rose on the floor yesterday to say, look, these are issues that are better dealt with at the local level.

We should not be federalizing juvenile justice. We ought to be localizing juvenile justice. It is ironic that a number of the same people who will be voting for this amendment, which is a good amendment, and recognizing the fact that juvenile justice and prevention is best done at the local level, many of those same people were the folks who voted for the McCollum amendment yesterday, which essentially substantially federalized juvenile justice on the penalty side.

I think that amendment was shortsighted and counterproductive and I think this amendment is a good amendment and is worthy of support. I just wish that more of my colleagues had had this same kind of States' rights spirit and local initiative spirit yesterday when we were debating the McCollum amendment, which should have failed and should have failed by the same margin that this amendment deserves to pass by.

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

Mr. Chairman, let me add one word of personal thanks. Members on both sides of the aisle have congratulated our staff on both sides of the aisle on the committee and personal staff, and I would like to take that opportunity as well. Judy Borger, my legislative director, has worked day and night on this issue for many months, not only this year but last year.

So often the American public has negative thoughts about what happens here in Washington, and I only wish they had a fuller understanding of the gargantuan and Herculean efforts that our staff make when they devote their long evenings, well past midnight and often their weekends, and Judy Borger on my staff has been as instrumental as anyone in the process of perfecting this legislation, and I want to personally thank her.

Mr. Chairman, not only have we provided a bipartisan product but we have done it in less than the time allotted to the debate.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

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

Mr. GREENWOOD. Mr. Chairman, I demand a recorded vote.

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

It is now in order to consider amendment No. 37 printed in part A of House Report 106-186.

AMENDMENT NO. 37 OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 37 offered by Mr. ROEMER:

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

SEC. 3. AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) in subparagraph (N) by striking "and" at the end,

(2) in subparagraph (O) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(P) programs that provide for improved security at schools and on school grounds, including the placement and use of metal detectors and other deterrent measures.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. ROEMER), and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER).

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

□ 1530

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

Mr. Chairman, first of all, I want to thank our leaders, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Virginia (Mr. SCOTT) and also acknowledge the very important work of the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Pennsylvania (Mr. GREENWOOD).

I want to thank the Committee on Rules for allowing this amendment to be considered on the House floor. I want to thank the gentleman from New Jersey (Mr. ROTHMAN), my cosponsor, who is continually and constantly concerned about school safety and children's issues. I want to thank him for his help and his dedication in helping put together this amendment.

Mr. Chairman, this is a very easy amendment. I am going to ask, hopefully, that both sides accept it. The language in this amendment simply states that, under the bill's juvenile delinquency prevention block grants, that they permit as an allowable use certain school security improvement projects, including the placement and use of metal detectors.

I say this for three or four reasons, Mr. Chairman. First of all, I think all of us agree that the local community and the local school is the best place to decide how to use, in hopefully preventive, in proactive ways, these monies. That is what this amendment says. Let us give the flexibility to the local school to decide if the placement and use of metal detectors is helpful and appropriate.

Secondly, metal detectors have been an effective deterrent in schools. They have worked for the most part effectively in airports. A lot of schools want to use them. Let us have that be an allowable expense.

Thirdly, we have seen from Littleton to Jonesboro, Springfield, Paducah, Pearl, and Conyers, Georgia, that many parents are saying in national polls and in our town meetings they do not feel like our schools are safe enough. This amendment helps provide some of that safety and maintains the local use, the local flexibility to determine that.

Lastly, although this is not scientific, I recently received a letter from 30 of my students back home in South Bend, Indiana. Every single one of those students advocated that we have the option to use metal detectors. So I would hope that, in a bipartisan way, with bipartisan spirit, that this body would accept the Roemer-Rothman amendment.

Mr. Chairman, I yield the remaining time to the gentleman from New Jersey (Mr. ROTHMAN), the cosponsor of the amendment.

Mr. ROTHMAN. Mr. Chairman, I thank the gentleman from Indiana (Mr. ROEMER) for yielding me this time. It has been a great privilege and pleasure to have worked with the gentleman from Indiana on this amendment. He has been a leader on so many issues of concern to parents and schoolchildren, and his expertise and his dedication to the area of education is unparalleled in this House, and it has been an honor to work with him. I thank the gentleman from Indiana for allowing me to join with him as a cosponsor of this amendment. I thank the Committee on Rules for allowing our amendments to be joined together.

Mr. Chairman, I rise in support of the Roemer-Rothman amendment. It is very straightforward. This amendment would allow a State or a local government to use this Federal grant money to purchase or lease metal detectors for their public elementary or secondary schools if they so choose.

It is a terrible reality today that our schools are not as safe as they once were. Many children are afraid to go to school because they are afraid they are going to be shot. Tragically, these fears are not unfounded. The school shootings in Conyers, Littleton, Jonesboro, Springfield, Paducah, and Pearl have taught us that children are bringing guns to school. Worse, they are using them to shoot and kill other children.

The schools in America are trying their best to deal with this problem in a variety of ways, but I believe that the only way to ensure that guns are kept out of schools is to install metal detectors.

But as the gentleman from Indiana (Mr. ROEMER) said, not every school will wish to exercise this option, and that is their right and their judgment as a local school district making this kind of local decision. But other school districts may feel that metal detectors are the way to go and are necessary for their districts.

One thing we have learned is that metal detectors work. They have worked in the airports for the last 25 years. When the Federal Aviation Administration, in response to a horrific wave of terrorism that terrorized our Nation, decided to install metal detectors in our airports, they have worked. The amount of guns and terrorism brought on our airplanes has declined dramatically. We can and should have the same result for our schools and schoolchildren.

Did they eliminate terrorism? No. Did they address the root causes of airplane hijackings? No. And so metal detectors in schools will not on their own address all the problems of gun violence or eliminate the root causes of juvenile crime. They will not even force parents or compel parents to spend more time with their children or to take more of an interest in their children's lives, or even to find ways to keep guns out of the hands of their children in the first place. But what metal detectors will do is keep guns out of our schools.

We have, as a body, and as a Democratic Party, tried to address the whole host of reasons for gun violence and juvenile crime. But this amendment deals with keeping guns out of schools.

I will just tell my colleagues a little bit about Elizabeth, New Jersey, my State, where 4 years ago they decided to install metal detectors in the middle schools and the high school. There has not been one single gun brought into those schools since metal detectors were installed.

Why has every school in America that has wished to install metal detectors not done so? Because it is expensive. Walk-through metal detectors can cost up to $8,000 apiece. Hand-held metal detectors can cost several hundred dollars.

Now, as the gentleman from Indiana (Mr. ROEMER) says, this is not a Federal mandate. It is an option for local school districts to make the choice whether to use this Federal grant money for metal detectors or some other safety devices in their own judgment for their own school need.

Some schools will not apply for metal detectors, but those who will should know that they will then have the ability to get some of this Federal grant money for metal detectors which will be effective in keeping guns out of their schools.

Metal detectors are one effective way to make our schools safer, and local school districts should have this choice. I urge the adoption of this amendment.

Mr. GREENWOOD. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for a Member in opposition.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania (Mr. GREENWOOD) is recognized for 10 minutes.

There was no objection.

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

Mr. Chairman, I simply rise to support the amendment of the two gentlemen. It is consistent with the flexible provisions and with the other provisions that encourage cooperation between communities and schools. We support it heartily and look forward to its passage.

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

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

Mr. Chairman, I just would conclude by thanking again the gentleman from Pennsylvania (Mr. GREENWOOD) for his helpful suggestions during the course of the last couple of weeks when our bill made its way to the floor. I again thank the Committee on Rules and the gentleman from New Jersey (Mr. ROTHMAN) for his hard work on this issue.

I encourage the body to show their bipartisan support for this amendment. It is not going to be a panacea for school violence everywhere. Our families are going to do that. Parental involvement in schools are going to help with that. Some preventive school safety measures in this bill might help. Some measures forward on video violence might help. But this is a step in the right direction. I would appeal to both sides to support this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 38 printed in part A of House Report 106-186.

AMENDMENT NO. 38 OFFERED BY MRS. WILSON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 38 offered by Mrs. WILSON:

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

SEC. 3. AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) in subparagraph (N) by striking "and" at the end,

(2) in subparagraph (O) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(P)(i) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained; or

"(ii) programs to promote or develop partnerships with established mentoring programs, including programs operated by nonprofit, faith-based, business, or community organizations to provide positive adult role models and meaningful activities for juveniles offenders, including violent juvenile offenders.".

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from New Mexico (Mrs. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. WILSON).

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

Mr. Chairman, I have listened to the debate over the last 2 days, and we have read the underlying bills and the amendments. They do a lot of the things that government does well. We have enhanced sanctions and built prisons. We have authorized States to use this $1.5 billion in block grant money to hire judges, more probation and parole officers and prosecutors, and buy metal detectors and buy computers and computer systems and all of the things that government is pretty good at.

Millender-McDonald	Reyes	Stenholm
Miller (FL)	Reynolds	Strickland
Miller, George	Riley	Stump
Minge	Rivers	Stupak
Mink	Rodriguez	Sununu
Moakley	Roemer	Sweeney
Mollohan	Rogan	Talent
Moore	Rogers	Tancredo
Moran (KS)	Rohrabacher	Tanner
Moran (VA)	Ros-Lehtinen	Tauscher
Morella	Rothman	Tauzin
Murtha	Roukema	Taylor (MS)
Myrick	Roybal-Allard	Taylor (NC)
Nadler	Royce	Terry
Napolitano	Rush	Thompson (CA)
Neal	Ryan (WI)	Thompson (MS)
Nethercutt	Ryun (KS)	Thornberry
Ney	Sabo	Thune
Northup	Salmon	Thurman
Norwood	Sanchez	Tiahrt
Nussle	Sanders	Tierney
Oberstar	Sandlin	Toomey
Obey	Sanford	Towns
Olver	Sawyer	Traficant
Ortiz	Saxton	Turner
Ose	Scarborough	Udall (CO)
Owens	Schaffer	Udall (NM)
Oxley	Schakowsky	Upton
Packard	Scott	Velazquez
Pallone	Sensenbrenner	Vento
Pascrell	Serrano	Visclosky
Pastor	Sessions	Vitter
Payne	Shadegg	Walden
Pease	Shaw	Walsh
Pelosi	Sherman	Wamp
Peterson (MN)	Sherwood	Waters
Peterson (PA)	Shimkus	Watkins
Petri	Shows	Watt (NC)
Phelps	Shuster	Watts (OK)
Pickering	Simpson	Weiner
Pickett	Sisisky	Weldon (FL)
Pitts	Skeen	Weldon (PA)
Pombo	Skelton	Weller
Pomeroy	Slaughter	Wexler
Porter	Smith (MI)	Weygand
Portman	Smith (NJ)	Whitfield
Price (NC)	Smith (TX)	Wicker
Pryce (OH)	Smith (WA)	Wilson
Quinn	Snyder	Wise
Radanovich	Souder	Wolf
Rahall	Spence	Woolsey
Ramstad	Spratt	Wu
Rangel	Stabenow	Wynn
Regula	Stark	Young (AK)
	Stearns	Young (FL)

NOES—2

Bereuter	Paul

NOT VOTING—8

Brown (CA)	Houghton	Thomas
Carson	Miller, Gary	Waxman
Evans	Shays	

□ 1609

Messrs. JACKSON of Illinois, UDALL of New Mexico, and GUTIERREZ changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BEREUTER. Mr. Chairman, on rollcall No. 226, the Goodling amendment, I inadvertently pushed the "no" button on the voting box; it was my intention to vote "aye" and I want the RECORD to reflect my intent.

The CHAIRMAN. It is now in order to consider Amendment No. 39 printed in Part A of House Report 106-186.

AMENDMENT NO. 39 OFFERED BY MR. NORWOOD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 39 offered by Mr. NORWOOD:

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

SEC. ___ AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following:

"(10) DISCIPLINE WITH REGARD TO WEAPONS.—

"(A) AUTHORITY OF SCHOOL PERSONNEL.—Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a weapon to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability. Such personnel may modify the disciplinary action on a case-by-case basis.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under subparagraph (A) from asserting a defense that the carrying or possession of the weapon was unintentional or innocent.

"(C) FREE APPROPRIATE PUBLIC EDUCATION.—

"(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continue educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

"(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

"(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(D) RELATIONSHIP TO OTHER REQUIREMENTS.—

"(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

"(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.".

(b) CONFORMING AMENDMENTS.—(1) Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking "Whenever" and inserting the following: "Except as provided in section 615(k)(10), whenever".

(2) Section 615(k)(1)(A)(ii) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)) is amended by striking "but for not more than 45 days if—" and all that follows through "(II) the child knowingly possesses or uses illegal drugs" and inserting "but for not more than 45 days if the child knowingly possesses or uses illegal drugs".

Mr. CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Georgia (Mr. NORWOOD) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, to the chagrin of some of my colleagues, I yield myself as much time as I may consume.

Mr. Chairman, I say that because I have had so much help in support of this amendment from the gentleman from Missouri (Mr. TALENT) the gentleman from Georgia (Mr. BARR) the gentleman from Wisconsin (Mr. PETRI) the gentleman from Montana (Mr. HILL) the gentleman from Arizona (Mr. SHADEGG) the gentleman from Iowa (Mr. NUSSLE) the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Tennessee (Mr. BRYANT) and the list goes on. I thank them greatly for their support and help in bringing this to the floor.

Mr. Chairman, I rise today to begin the debate on a very important reform that will help ensure safety in our school classrooms. When I talk to teachers and principals and superintendents at home, and I talk to t a lot, just like many of my colleagues do, I find that school safety is one of the greatest topics of concern. They are very, very concerned for the safety of themselves and the students, and they are very specific with me about one of the ways we can help them improve school safety at home.

Schools must be allowed to have a consistent policy for disciplining children who bring weapons to school. As it stands now, Federal law requires schools to have two different discipline policies for those who do bring a v on into the classroom, one policy for disabled students and another policy for non-disabled students.

Current Federal law requires the student who brings a gun to school be suspended from school for a year. We rightly and should have a zero-tolerance policy for guns at school. However, for disabled children, that rule simply does not apply. Schools are not allowed to have the same discipline rule for disabled students.

A disabled student receives preferential treatment when it comes to being punished for bringing weapons to school. For all practical purposes, a disabled student would be suspended for no longer than 55 days and even then must be provided educational services.

My amendment begins the change. It allows schools to have a consistent discipline policy for students who bring weapons into the classroom. It allows students with disabilities who bring a weapon to school to be disciplined under the same policy as a non-disabled student in the exact same situation. It ends the two-tiered discipline policy that is in current law. It sends a message that weapons at school will not be tolerated.

Additionally, this amendment clarifies that school personnel may modify

schools may present the best opportunity to instill an appreciation and respect for the values that, in fact, have made this country great, and enable us to live within a civil society.

□ 1800

I have seen this Character Counts program. I was impressed with it. I did not think I would be as impressed as I was. It works, the amendment is a good idea, let us include it.

Mr. FLETCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in support of the Fletcher-Hayes character education amendment. Our children spend at least 7 hours a day, 5 days a week in their schools. It is a large part of their day away from their parents. When parents entrust their sons and daughters to our Nation's schools, they hope that their children will continue to be taught things like honesty, citizenship, courage, respect, personal responsibility and trustworthiness. That is what this amendment attempts to ensure, by giving local communities the freedom to develop a character education program consistent with local values.

I have with me an example of the type of character education that could be taught to our children. This is a lesson on attentiveness. The goal is to teach children to look at people when they speak to them, ask questions if they do not understand, sit or stand up straight, not draw attention to themselves, keep their eyes, ears, hands, feet and mouth from distractions. These sound like good lessons for all of us.

In April of this year, the Florida legislature passed a law requiring character development in elementary schools. One of the supporters of that law said, "This is Florida's answer to the tragedy in Littleton, Colorado."

While I do not believe that character education will solve all the problems of our Nation's youth, I do believe that the character of our Nation's youth is worth investing in. I urge support for the amendment

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

Mr. FLETCHER. Mr. Chairman, I yield myself such time as I may consume. I really appreciate the gentleman from Virginia (Mr. SCOTT) and the others that have spoken in bipartisan support for this bill. I think it is just crucial as we look at what has happened recently with these tragedies in the schools that we have a national focus on character education. What this amendment does is provide for grants that can be used for character education curriculum and for other activities. For those students also that are identified as having problems, troubled students, that they can provide activities that build character for them, also.

I think with this national attention, and let me make the point this is not a mandate and this is not a national curriculum. This gives the flexibility and the resources and the encouragement of local communities, schools, with parents and teachers and a partnership that they can implement character education, have the resources to implement that program to certainly encourage the character of our youths.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Kentucky (Mr. FLETCHER).

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

Mr. FLETCHER. Mr. Chairman, I demand a recorded vote.

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

It is now in order to consider amendment No. 41 printed in part A of House Report 106-186.

AMENDMENT NO. 41 OFFERED BY MR. FRANKS OF NEW JERSEY

Mr. FRANKS of New Jersey. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. FRANKS of New Jersey:

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

TITLE ___—CHILDREN'S INTERNET PROTECTION

SEC. ___01. SHORT TITLE.

This title may be cited as the "Children's Internet Protection Act".

SEC. ___02. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING TECHNOLOGY FOR COMPUTERS WITH INTERNET ACCESS.

(a) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end thereof the following:

"(l) IMPLEMENTATION OF AN INTERNET FILTERING OR BLOCKING TECHNOLOGY.—

"(1) IN GENERAL.—An elementary school, secondary school, or library that fails to provide the certification required by paragraph (2) or (3), respectively, is not eligible to receive or retain universal service assistance provided under subsection (h)(1)(B).

"(2) CERTIFICATION FOR SCHOOLS.—To be eligible to receive universal service assistance under subsection (h)(1)(B), an elementary or secondary school shall certify to the Commission that it has—

"(A) selected a technology for computers with Internet access to filter or block—

"(i) child pornographic materials, which shall have the meaning of that term as used in sections 2252, 2252A, 2256 of title 18, United States Code;

"(ii) obscene materials, which shall have the meaning of that term as used in section 1460 of title 18, United States Code; and

"(iii) materials deemed to be harmful to minors, which shall have the meaning of that term as used in section 231 of the Communications Act of 1934 (47 U.S.C. 231); and

"(B) installed, or will install, and uses or will use, as soon as it obtains computers with Internet access, a technology to filter or block such material.

"(3) CERTIFICATION FOR LIBRARIES.—To be eligible to receive universal service assistance under subsection (h)(1)(B), a library shall certify to the Commission that it has—

"(A) selected a technology for computers with Internet access to filter or block—

"(i) child pornographic materials, which shall have the meaning of that term as used in sections 2252, 2252A, 2256 of title 18, United States Code;

"(ii) obscene materials, which shall have the meaning of that term as used in section 1460 of title 18, United States Code; and

"(iii) materials deemed to be harmful to minors, which shall have the meaning of that term as used in section 231 of the Communications Act of 1934 (47 U.S.C. 231); and

"(B) installed, or will install, and uses or will use, as soon as it obtains compu with Internet access, a technology to filter or block such material.

"(4) TIME FOR CERTIFICATION.—The certification required by paragraph (2) or (3) shall be made within 30 days of the date that rules are promulgated by the Federal Communications Commission, or, if later, within 10 days of the date on which any computer with access to the Internet is first made available in the school or library for its intended use.

"(5) NOTIFICATION OF CESSATION; ADDITIONAL INTERNET-ACCESSING COMPUTER.—

"(A) CESSATION.—A school or library that has filed the certification required by paragraph (3)(A) shall notify the Commission within 10 days after the date on which it ceases to use the filtering or blocking technology to which the certification related.

"(B) ADDITIONAL INTERNET-ACCESSING COMPUTER.—A school or library that has filed the certification required by paragraph (3)(B) that adds another computer with Inte access intended for use by the public (including minors) shall make the certification required by paragraph (3)(A) within 10 days after that computer is made available for by the public.

"(6) POSTING OF NOTICE.—A school or library that has filed a certification under paragraph (2) or (3) shall post within view of the computers which are the subject of that certification a notice that contains—

"(A) a copy of the filter or block certification;

"(B) a statement of such school's or library's filtering or block policy; and

"(C) information on the specific technology in use.

"(7) PENALTY FOR FAILURE TO COMPLY.—A school or library that fails to meet the requirements of this subsection is liable to repay immediately the full amount of all universal service assistance the school or library received under subsection (h)(1)(B) after the date the failure began.

"(8) LOCAL DETERMINATION OF MATERIAL TO BE FILTERED.—For purposes of paragraphs (2) and (3), the determination of what material is to be deemed harmful to minors shall be made by the school, school board, library or other authority responsible for making the required certification. No agency or instrumentality of the United States Government may—

"(A) establish criteria for making that determination;

"(B) review the determination made by the certifying school, school board, library, or other authority; or

"(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).

"(9) NO PREEMTION OR OTHER EFFECT.—Nothing in this subsection shall be construed—

"(A) to preempt, supersede, or limit any requirements that imposed by a school or library, or by a political authority for a school or library, that are more stringent than the requirements of this subsection; or

"(B) to supersede or limit otherwise applicable Federal or State child pornography or obscenity laws.".

(b) CONFORMING CHANGE.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by striking "All telecommunications" and inserting "Except as provided by subsection (l), all telecommunications".

SEC. ___3. FCC TO ADOPT RULES WITHIN 4 MONTHS.

The Federal Communications Commission shall adopt rules implementing section 254(l) of the Communications Act of 1934 (as added by this Act) within 120 days after the date of enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Virginia (Mr. SCOTT) each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

MODIFICATION TO AMENDMENT NO. 41 OFFERED BY MR. FRANKS OF NEW JERSEY

Mr. FRANKS of New Jersey. Mr. Chairman, I ask unanimous consent that the amendment be modified by the modification placed at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 41 offered by Mr. FRANKS of New Jersey:

On page 2 of the amendment on line 18 before the word "materials" insert "during use by minors," and on page 3 of the amendment on line 17 before the word "materials" insert "during use by minors.".

The CHAIRMAN pro tempore. Without objection, the amendment is modified.

There was no objection.

Mr. FRANKS of New Jersey. Mr. Chairman, I yield myself such time as I may consume. The Internet has opened up an exciting world of discovery for our children. Today across America an estimated 15 million kids have access to the Internet. According to the Department of Education, more than half the classrooms in the Nation are now wired to the net. Within seconds, our children can find up-to-date information on every conceivable topic that they are studying in school.

But this extraordinarily powerful learning tool can also have a dark and threatening side. Pedophiles and other criminals are using the Internet to contact our children in those places where we want to believe they are most secure, in our homes, our schools and our libraries. The reality is that materials breeding hate, violence, child pornography and even personal danger can be waiting only a few clicks away.

The group Cyber Angels, a computer savvy affiliate of the Guardian Angels, has documented more than 17,000 Internet sites devoted to child pornography and pedophilia. Moreover, the FBI reports that pornography sites are now the most frequently accessed sites on the Internet.

And our children do not have to be actively looking for pornographic web sites to be exposed to adult-only material. For example, a child researching the presidency of the United States for a school report would probably turn to the White House web site, whitehouse.gov, but if they mistakenly typed in whitehouse.com, they would find themselves exposed to hard-core pornography. In fact, a recent study conducted by the Internet monitoring group Cyvelliance found that operators of pornographic sites frequently use brand names that are popular with kids in an effort to draw unsuspecting children to their web sites. The most popular names invoked by the pornography industry relate to Disney, Nintendo and Barbie.

Yet in spite of all these potential dangers, I believe every child in America should have access to these amazing learning tools, provided we take special precautions to protect our youngest, most vulnerable citizens.

The amendment that I am offering would require schools and libraries to use filtering technology if they accept Federal subsidies to connect to the Internet. Filtering technology, which many parents have already installed on their home computers, would keep materials designed for adults only out of the reach of our children.

I recognize that some in the educational community, including some in the American Library Association, believe that all Americans, regardless of age, should have unlimited, unfettered access to all the material on the Internet. But the concept of placing restrictions on the kind of information available to our children is nothing new. For generations, schools and libraries have routinely decided what books are appropriate for our children to read.

This amendment would merely require that these institutions use that same standard of care when it comes to the latest advances of the information age.

Lastly, it is important to note that while this amendment requires schools and libraries to use blocking technology, it leaves it up to the local school district and library board to determine the type of filtering technology to use. It is important that parents and educators in our local communities set their own standards. In light of the Federal Government's important continuing role in supporting Internet access to schools and libraries, this amendment is prudent and necessary. It will ensure that our children can take advantage of this revolutionary learning tool without being assaulted by materials that are not only inappropriate but dangerous for our children.

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

Mr. SCOTT. Mr. Chairman, I yield 2-3/4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, we all want to protect children and provide them with safe communities in which to grow. To achieve this worthy goal, we must work with local governments, schools and libraries. The amendment before us is not helpful. A new mandate would set regulations that would be nearly impossible to meet and would deprive schools of sorely needed funds.

The most important action Congress has taken to promote both the goal of quality education and connections to the broader world through the Internet is to be found in the Telecommunications Act of 1996. This special education rate, known as the E-rate, is part of the Federal Universal Service Fund providing important discounts of 20 to 90 percent on telecommunications services, Internet access and internal communications for public schools, public and private, as well as our library systems. It enjoys broad bipartisan support.

No one advocates allowing children access to pornographic materials, but this amendment is simply too draconian. Assuring that the children's Internet activity is safe is most appropriately made at the local level, not one by a new Federal mandate. There is no need for the amendment. We should recognize that students accessing the Internet from their local library or schools typically are receiving as much or more supervision than what occurs commonly in some homes.

This amendment imposes extraordinary financial and administrative burdens on schools and libraries as well as the risk of liability for the technical and constitutional shortcomings of filtering technology. The purchasing, installing and maintenance of this software is expensive and administratively burdensome at a time when most schools and libraries are struggling just to connect to the Internet. It allows only 30 days for districts and libraries to comply with the law after the FCC has promulgated the rules. With every State setting different procurement laws, there is no possible way schools and libraries all across the country could come up to speed, write an RFP, wait the allotted time for incoming bids, choose a provider, install the software, and provide the training, all within 30 days.

After giving us an impossible deadline, the amendment requires schools that fail to meet the requirements repay the full amount of universal service assistance back to the date the failure began. Retroactive repayment of universal service support for noncompliance is unrealistic.

Across the Nation, communities are already working to assure that children's Internet access is properly guided. They are utilizing all the options available to them and choosing that best meet the needs of those local communities. We ought to trust our local library boards and school boards. Imposing a Federal mandate is inappropriate and unnecessary.

Re: JJ bill

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

May 21, 1999

NOTE TO: Ann O'Leary, ODS
Tom Kelley, OLCA
Tom Corwin, OESE
Bill Modzeleski, OESE
Phil Rosenfelt
Mari Colvin
Jack Kristy
Jennifer Orzechowski

FROM: Paul Riddle

RE: Juvenile-crime bill: Senate adoption of Hatch (for Helms) #369 and Hatch (for Harkin) #370

Attached, FYI, is yesterday's floor debate on, and the text of, the two amendments cited above. The Senate adopted these two amendments before approving the bill by a vote of 73-25.

Amendment #369 would revise the Gun-Free Schools Act of 1994 to require LEAs to treat possession, on school property, of felonious quantities of illegal drugs in the same manner as gun possession.

Amendment #370 would revise §10102 of the ESEA to enable LEAs to establish or expand school counseling programs.

Attachment

cc: Leslie Somerville

106 S. 254: SENATE, MAY ⓒ
APPROVED, 73-25

Thursday, May 20, 1999

Daily Digest

HIGHLIGHTS

Senate agreed to Emergency Supplemental Appropriation conference report.

Senate passed Juvenile Justice bill.

House agreed to the Senate amendment to H.R. 4, Declaration of Policy to Deploy a national Missile Defense—clearing the measure for the President.

House Committee ordered reported the Legislative appropriations for Fiscal Year 2000.

Senate

Chamber Action

Routine Proceedings, pages S5633–S5785

~~Measures Introduced: Sixteen bills and one resolution~~ were introduced, as follows: S. 1086–1101, and S. Res. 104. **Pages S5738–39**

Measures Reported: Reports were made as follows:

S. 303, to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, with an amendment in the nature of a substitute. (S. Rept. No. 106–51) **Page S5738**

Measures Passed:

Juvenile Justice: By 73 yeas to 25 nays (Vote No. 140), Senate passed S. 254, to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, and punish and deter violent gang crime, after taking action on the following amendments proposed thereto:

Pages S5633–42, S5683–S5732

Adopted:

By 79 yeas to 21 nays (Vote No. 133), Lott (for Smith (of Oregon)/Jeffords) Modified Amendment No. 366, to clarify provisions relating to pawn shops and special licensees. **Pages S5633–42**

By 51 yeas to 50 nays (Vote No. 134), Lautenberg/Kerrey Amendment No. 362, to regulate the sale of firearms at gun shows. **Page S5642**

By 75 yeas to 24 nays (Vote No. 137), Frist/Ashcroft Amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms. **Pages S5684–91**

Harkin Amendment No. 368, to provide appropriate interventions and services to children who are removed from school, and to clarify Federal law with respect to reporting a crime committed by a child. **Pages S5691–95**

Hatch (for Helms) Amendment No. 369, to amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to treat possession, on school property, of felonious quantities of illegal drugs the same as gun possession on such property. **Pages S5700–02**

Hatch (for Harkin) Amendment No. 370, to amend section 10102 of the Elementary and Secondary Education Act of 1965 to enable local educational agencies to establish or expand school counseling programs. **Pages S5700–02**

Rejected:

By 41 yeas to 56 nays (Vote No. 138), Bond Modified Amendment No. 345, to establish a commission to study the motion picture industry and make recommendations to Congress and the President to promote accountability in the motion picture industry in order to reduce juvenile access to violent, pornographic, or other harmful material in motion pictures. **Pages S5695–S5700, S5709**

By 48 yeas to 50 nays (Vote No. 139), Biden Amendment No. 371, to establish a 21st century community policing initiative. **Pages S5702–09**

I think we have to look at these matters and see what we can do to change the culture in this society, because that is what is wrong. It is a lot more important than guns or anything else.

We have made it possible for these kids to see all kinds of filth and violence coming out of their ears. After a while they get so that it becomes part of their lives. That is why this bill is so important. It is a lot more important than some of the assertions by some people on behalf of their amendments. But this is an amendment that I think we ought to vote for.

The PRESIDING OFFICER. The time has expired.

The Senator from Vermont has 2½ minutes remaining.

Mr. LEAHY. Mr. President, this side has how many minutes?

The PRESIDING OFFICER. Two and a half minutes.

Mr. LEAHY. We yield back the time.

The PRESIDING OFFICER. The Senator yields back the remainder of their time.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent that we stack this amendment along with the Biden amendment to be voted upon at a time to be determined by the two leaders.

Mr. LEAHY. I agree.

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

Mr. EDWARDS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

CHANGE OF VOTE

Mr. EDWARDS. On rollcall vote No. 137, I voted "no." It was my intention to vote "aye." I ask unanimous consent that I be permitted to change my vote. This would in no way change the outcome of the vote.

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

The foregoing tally has been changed to reflect the above order.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENTS NOS. 369 AND 370, EN BLOC

Mr. HATCH. Mr. President, I send a Helms amendment on safe schools and a Harkin-Lincoln amendment to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes amendments numbered 369 and 370, en bloc.

Mr. HATCH. I ask unanimous consent reading of the amendments be dispensed with.

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

The amendments, en bloc, are as follows:

AMENDMENT NO. 369

(Purpose: To amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to treat possession, on school property, of felonious quantities of illegal drugs the same as gun possession on such property)

At the appropriate place, insert the following:

"SEC . SAFE SCHOOLS.

"(a) AMENDMENTS.—Part F of title XVI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

"(1) SHORT TITLE.—Section 14601(a) is amended by replacing "Gun-Free" with "Safe", and "1994" with "1999".

"(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after "determined" the following: "to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or".

"(3) DEFINITIONS.—Section 14601(b)(4) is amended by replacing "Definition" with "Definition" in the catchline with "part", by redesignating the matter under the catchline with "part", by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semi-colon, and by adding new subparagraphs (B), (C), and (D) as follows:

"(B) the term "illegal drug" means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

"(C) the term "illegal drug paraphernalia" means drug paraphernalia, as define in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 915 et seq.)' before the period.

"(D) the term "felonious quantities of an illegal drug" means any quantity of an illegal drug—

"(i) possession of which quantity would, under federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

"(ii) that is possessed with an intent to distribute.".

"(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting "illegal drugs or" before "weapons".

"(5) REPEALER.—Section 14601 is amended by striking subsection (f).

"(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by replacing "served by" with "under the jurisdiction of", and by inserting after "who" the following: "is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who".

"(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended by inserting "current" before "policy", by striking "in effect on October 20, 1994", by striking all the matter after "schools" and inserting a period thereafter, and by inserting before "engaging" the following: "possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local education agencies, or".

"(b) COMPLIANCE DATE; REPORTING.—

"(1) States shall have two years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

"(2) Not later than three years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

"(3) Not later than two years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities."

AMENDMENT NO. 370

(Purpose: To amend section 10102 of the Elementary and Secondary Education Act of 1965 regarding elementary school and secondary school counseling)

At the end, add the following:

SEC. ___. SCHOOL COUNSELING.

Section 10102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8002) is amended to read as follows:

"SEC. 10102. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING DEMONSTRATION.

"(a) COUNSELING DEMONSTRATION.—

"(1) IN GENERAL.—The Secretary may award grants under this section to local educational agencies to enable the local educational agencies to establish or expand elementary school counseling programs.

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

"(A) demonstrate the greatest need for new or additional counseling services among the children in the schools served by the applicant;

"(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

"(C) show the greatest potential for replication and dissemination.

"(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

"(4) DURATION.—A grant under this section shall be awarded for a period not to exceed three years.

"(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application for a grant under this section shall—

"(A) describe the school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

"(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

"(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

"(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of school counselors, school psychologists, and school social workers;

"(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

"(G) describe how any diverse cultural populations, if applicable, would be served through the program;

"(H) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

"(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Grant funds under this section shall be used to initiate or expand school counseling programs that comply with the requirements in paragraph (2).

"(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

"(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

"(B) use a developmental, preventive approach to counseling;

"(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

"(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

"(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decision-making, or academic and career planning, or to improve social functioning;

"(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

"(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

"(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

"(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration;

"(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

"(K) ensure a team approach to school counseling by maintaining a ratio in the elementary schools of the local educational agency that does not exceed 1 school counselor to 250 students, 1 school social worker to 800 students, and 1 school psychologist to 1,000 students; and

"(L) ensure that school counselors, school psychologists, or school social workers paid from funds made available under this section spend at least 85 percent of their total worktime at the school in activities directly related to the counseling process and not more than 15 percent of such time on administrative tasks that are associated with the counseling program.

"(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 14701, but in no case later than January 30, 2003.

"(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

"(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

"(2) the term 'school psychologist' means an individual who—

"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

"(B) possesses State licensure or certification in the State in which the individual works; or

"(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board;

"(3) the term 'school social worker' means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

"(4) the term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

Mr. HATCH. With respect to the amendment offered today by Senator HELMS, which amends the Gun Free Schools Act of 1994, I must say that I support this effort to make our schools gun and drug free.

The amendment would require an educational agency that receives federal funds to expel for not less than one year a student determined to be in possession of felonious quantities of illegal drugs. We're talking about quantities that indicate hard-core drug use, or drug trafficking. We're talking about dangerous, and predatory, behavior. We've simply got to get the people who bring these things into our schools out of our schools.

Now, I know that some of my colleagues may be concerned with the consequences of turning disruptive students out onto the streets for one year. I assure everyone that I understand that concern and direct their attention to the Alternative Education Grant provision found in the underlying bill. This demonstration grant provides funding to state and local education agencies to set up alternative education in appropriate settings for disruptive or delinquent students. These services are designed to improve the academic and social performance of these students and to improve the safety and learning environment of regular classrooms. This three-year demonstration project will provide alternative education to juveniles in trouble with or at risk of getting in trouble with the law, such as students who are expelled for carrying firearms or drugs to school.

I applaud the efforts of Senator HELMS for continuing to seek effective ways to curb the spiraling increase in drug abuse among our nation's youth. Anyone familiar with my record on combating illegal drug use knows that I am in favor of stiff penalties designed to deter criminal behavior, and never more so than when we are talking about behavior that harms our school children. I think this amendment, which contains a specific exception to the one-year expulsion rule by allowing the chief administering officer of the local educational agency to modify the expulsion requirement for students on a case-by-case basis, is a measured and principled response to the scourge of drugs in our schools.

Like the original Gun Free Schools Act, this amendment is motivated not only by a desire to punish those who bring illegal objects into schools, but also to address the immediate threat to the entire student population created by the presence of those objects. As with guns, felonious quantities—drug-trafficking quantities—of illegal drugs present a direct and serious hazard, both to the individual possessors, and to the other students as well. For this reason, it is appropriate that sanctions be the same in both cases.

Mr. HATCH. I ask unanimous consent that the amendments be accepted en bloc and that any statements relating to the amendments be printed at the appropriate place in the RECORD.

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

The amendments (Nos. 369 and 370), en bloc, were agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

Re: JJ bill

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

May 20, 1999

NOTE TO: Ann O'Leary, ODS
Tom Kelley, OLCA
Tom Corwin, OESE
Bill Modzeleski, OESE
Phil Rosenfelt
Mari Colvin
Jack Kristy
Jennifer Orzechowski

FROM: Paul Riddle

RE: Hatch-Leahy amendment #363 to S. 254, the juvenile-crime bill

Attached, FYI, is the floor debate on, and text of, the Hatch-Leahy amendment #363 to S. 254. This amendment, which the Senate approved yesterday, would, among other things—

- o direct the Attorney General and the Secretaries of Education and Energy to establish a School Security Technology Center (§_2, pp. S5608) (duplicated at S5626);
- o add a §4119 to the ESEA, authorizing competitive grants to LEAs for local school security programs (§_3, p. S5608) (duplicated at S5626);
- o require the Attorney General, in consultation with the Secretaries of Education and Energy, to send Congress a proposal to further improve school security (§_4, pp. S5608-09) (duplicated at S5626);
- o amend §4116(b) of the ESEA, to permit LEAs to use SDFSC funds to test students for illegal drugs and to inspect student lockers for drugs and weapons (unnumbered section, p. S5609);
- o create a program for violence-prevention training for early childhood educators, to be administered by ED (pp. S5609-10);
- o create a program, also to be administered by ED, to prevent juvenile delinquency through character education (p. S5610);

- require telecommunications carriers, as part of their "universal service" obligations, to make caller ID services available to elementary and secondary schools at a discount (§402, p. S5611);

- state the sense of the Senate that the President should issue an Executive Order allowing Federal employees to use up to 1 hour a week to serve as youth mentors (p. S5619);

- authorize the "families and schools together (FAST)" program, to be administered by the Department of Justice, in consultation with the Secretary, among others (p. S5619-20);

- establish the National Youth Violence Commission, of which the Secretary would be a member (§§431 - 437, pp. S5621-23);

- authorize the Administrator of DOJ's Office of Juvenile Justice and Delinquency to make grants to States for toll-free hotlines on which people could confidentially report imminent school violence or other suspicious or criminal conduct; and

- authorize the Secretary of HHS, in consultation with the Secretary of Education and others, to administer a "Parenting as Prevention" program (pp. S5626-28).

Attachments

cc: Leslie Somerville

106 S.254 : SENATE, DAY (7)

Wednesday, May 19, 1999

Daily Digest

HIGHLIGHTS

House Committees ordered reported 18 sundry measures, including the Agriculture, Rural Development, FDA, and Related Agencies appropriation for Fiscal Year 2000 and the National Defense Authorization Act for Fiscal Years 2000 and 2001.

Senate

Chamber Action

Routine Proceedings, pages S5507–S5632

Measures Introduced: Twelve bills were introduced, as follows: S. 1074–1085. **Pages S5586–87**

Juvenile Justice: Senate continued consideration of S. 254, to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, and punish and deter violent gang crime, taking action on the following amendments proposed thereto: **Pages S5507–83**

Adopted:

By 56 yeas to 43 nays (Vote No. 127), Sessions/Inhofe Amendment No. 357, relating to the placement of a disclaimer on materials produced, procured or disseminated as a result of funds made available under this Act. **Pages S5522–23, S5527–28**

By 81 yeas to 17 nays (Vote No. 129), Hatch (for Santorum) Amendment No. 360, to encourage States to incarcerate individuals convicted of murder, rape, or child molestation. **Pages S5525–29**

Ashcroft Amendment No. 361, to provide for school safety and violence prevention and teacher liability protection measures. **Pages S5524–25, S5529**

Hatch/Leahy Amendment No. 363, to make certain additions and modifications to the bill, including the establishment of a School Security Technology Center to provide resources to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security, and to provide funding for school security programs and to address drug, gang, and youth violence problems. **Pages S5549–59**

By 66 yeas to 34 nays (Vote No. 131), McConnell Amendment No. 365, to discourage the promotion of violence in motion pictures and television productions. **Pages S5574–78, S5582**

Rejected:

Wellstone Modified Amendment No. 358, to provide for additional mental health and student service providers. (By 61 yeas to 38 nays (Vote No. 128), Senate tabled the amendment.) **Pages S5523–24, S5528**

Wellstone/Kennedy Amendment No. 364, to provide for juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of racial minority groups who come into contact with the juvenile justice system. (By 52 yeas to 48 nays (Vote No. 130), Senate tabled the amendment.) **Pages S5559–74, S5582**

Boxer Amendment No. 319, to reduce both juvenile crime and the risk that youth will become victims of crime and to improve academic and social outcomes for students by providing productive activities during after school hours. (By 53 yeas to 47 nays (Vote No. 132), Senate tabled the amendment.) **Pages S5578–82**

Pending:

Frist Amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms. **Pages S5529–49**

Wellstone Amendment No. 356, to improve the juvenile delinquency prevention challenge grant program. **Page S5507**

Lautenberg/Kerrey Amendment No. 362, to regulate the sale of firearms at gun shows. **Pages S5508–22**

Lott (for Smith (of Oregon)/Jeffords) Amendment No. 366, to reverse provisions relating to pawn and other gun transactions. **Page S5583**

Mr. LOTT. Mr. President, we are now anxiously awaiting the comments of the Senator from Minnesota. We hope he will feel free to condense his time. Oh, the managers' amendment would be first. We expect there would be stacked votes in sequence between 7:30 and 8.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have a managers' amendment which has been cleared on both sides as far as I know. This amendment is a compilation of amendments by Members on both sides.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Utah has the floor.

Mr. HATCH. I now ask unanimous consent that any pending amendments be temporarily set aside.

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

AMENDMENT NO. 363

Mr. HATCH. Mr. President, I send a managers' amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. LEAHY, proposes en bloc an amendment numbered 363.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LEAHY. Mr. President, the Chairman and I have been able to put together a managers' amendment and a package of amendments that improve S. 254 in a number of ways that should please Members from both sides of the aisle. We have accomplished this task by finding the middle ground, and the bill will be a better one for it.

I said last week during the Senate's consideration of this bill that we should not care whether a proposal comes from the Republican or Democratic side of the aisle. A good proposal that works should get the support of all of us. Our first question should be whether a program or proposal will help our children effectively, not whether it is a Democratic or Republican proposal.

This managers' amendment and package of amendments reflects that philosophy. It shows that when this body rolls up its sleeves and gets to work, we can make significant progress. I commend the Chairman for his leadership in this effort and I am glad we were able to work together constructively to improve this bill.

Many Members had good additions and modifications to make to this bill, and we have agreed to accept them in the managers' package of amendments.

In addition to the amendments included in the package, the chairman and I have worked together on a managers' amendment to address a number of my longstanding concerns with the underlying bill. Let me explain what those changes accomplish.

I noted my concern at the beginning of this debate that the State prerogative to handle juvenile offenders would be undermined by this bill. The changes we made to the underlying bill in the managers' amendment satisfies my concerns. For example, S. 254 as introduced would repeal 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 repeal that provision, the managers' amendment retains it in slightly modified form.

In addition, the original S. 254 would require 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 fix this in the managers' amendment, and clarify 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 would permit such judicial review, except in cases involving serious violent or serious drug offenses.

Another area of concern has been the ease with which S. 254 would allow 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. 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 last year. The managers' amendment makes important improvements to that provision.

First, S. 254 gives a juvenile defendant only 20 days to file a reverse waiver motion after the date of the juvenile's first appearance. This time is too short, and could lapse before the juvenile is indicted and is aware of the actual charges. The managers' amendment extends 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 requires the juvenile defendant to show by "clear and convincing" 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 changes this standard to a "preponderance" of the evidence.

As initially introduced, S. 254 would require 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 makes important changes to this record requirement. The juvenile records sent to the FBI will be limited to acts that would be felonies if committed by an adult. In addition, under the managements' 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 can show 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 does not apply to juveniles convicted of rape, murder, or certain other serious felonies.

Much of the debate over reforming our juvenile justice system has focused on how we treat juvenile offenders who are held in State custody. The Federal government for years has required States, in order to qualify for certain grant funds, to provide certain core protections, including separating juveniles from adult inmates, keeping status offenders out of secure facilities, and focusing prevention efforts to reduce disproportionate confinement of minority youth.

In the last Congress, S. 10 either eliminated or gutted each of these core protections. The chairman and Senator SESSIONS significantly improved S. 254 in this regard, and I commend them for that. The managers' amendment continues to make progress on the "sight and sound separation" protection and the "jail removal" protection.

Specifically, the managers amendment would make 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 clarifies 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

(*) S5608-5628

appropriate juvenile facilities are too far away to make the court appearance or travel is unsafe to undertake.

The managers' amendment contains a significant improvement in the sight and sound separation requirement for juvenile offenders in both Federal and State custody. S. 254 has been criticized for allowing "brief and incidental" proximity between juveniles and adult inmates. This amendment fixes that by incorporating 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, inadvertent or accidental" proximity in non-residential areas, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

I am pleased we were able to make this progress. I appreciate that a number of Members remain concerned, as do I, about how S. 254 changes the disproportionate minority confinement protection in current law. This will be an important debate, and I continue to believe we should support an amendment intended to correct that part of S. 254.

S. 254 includes a $200 million per year Juvenile Delinquency Prevention Challenge Grant to fund both primary prevention and intervention uses after juveniles have had contact 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 have included in the managers' amendment a clear earmark that 80 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 20 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.

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 only exacerbate the backlog in juvenile justice systems rather than helping it.

The managers' amendment fixes that by providing $50 million per year available in grant funds to be used for increased resources to State juvenile court judges, juvenile prosecutors, juvenile public defenders, and other juvenile court system personnel.

I mentioned before that S. 254 includes a sense-of-the-Senate resolution urging States to try juveniles 10 to 14 years old as adults for crimes such as murder, that would carry the death penalty if committed by an adult—the resolution does not urge the death penalty for such children. While Vermont is probably one of the few States that expressly allows for the trial of juveniles 10 years and older as adults for certain crimes, I do not believe that this is a matter on which the Senate must or should opine. The managers' amendment correctly deletes that sense-of-the-Senate from the bill.

These improvements to S. 254 in both the managers' amendment and in the managers' package of amendments make this bill worthy of our support, and I am glad to do so.

The chairman and I have agreed that Members from both sides of the aisle had good additions and modifications to make to this bill, and we have agreed to accept them in the managers' amendment. Let me give some examples of amendments we have agreed to incorporate into the bill.

Senators LANDRIEU and SCHUMER proposed amendments to the Juvenile Delinquency Prevention Challenge Grant program to help abused, foster, and adopted children so they will not fall through the cracks and become at-risk for delinquency;

Senator DURBIN sponsored an amendment to help schools use caller-ID to deal with bomb threats;

Senator FEINGOLD sponsored an important amendment to clarify the intent requirement in the new gang crime so it has a better chance of withstanding a constitutional challenge;

Senators SESSIONS, ROBB, ALLARD, and BYRD joined together on an amendment to authorize a national hotline for confidential reporting of people who have threatened school violence. This important proposal was first proposed by Senator ROBB in a more comprehensive amendment that was tabled in a party line vote;

Senators KOHL, BIDEN, DORGAN, DODD, and others from both sides of the aisle, including Senator HATCH, have made a number of good proposals for prevention and intervention of juvenile crime.

Mr. DOMENICI. Mr. President, I rise today with my colleague from Connecticut, Senator DODD, to talk a little bit about a program we understand has been accepted by the Senate for inclusion in this bill.

Five years ago, during the last re-authorization of the Elementary and Secondary Education Act, Senator DODD, Senator Nunn and I included a provision in that Act to allow for several pilot projects around the nation centered on increasing character education in our schools.

That legislation helped foster the growth of the Character Counts movement across a few schools in a few states.

The amendment that the Senate has agreed to accept today will expand upon that effort. The bill provides $25 million in funding for character education through the Department of Education, including $15 million for schools and $10 million for after-school programs.

My colleagues have heard me talk before about the Character Counts program, where children and teachers use six pillars of character and incorporate them into their daily lessons. Things like trustworthiness, respect, responsibility, fairness, caring, and citizenship.

After five years, I believe that I can say that the effort to bring character education to our schools has been a success. In New Mexico, 200,000 kids and 90 percent of our schools participate in some form of character education. Teachers tell me that character education has empowered them in a fabulous way to teach and reinforce positive behavior by their students.

Schools which have utilized Character Counts report lower instances of truancy, classroom disruptions and student violence. Character Counts makes schools better places to learn for our children, and teaches them values in the process.

And it's not just the teachers who want to bring this program to our nation's children. Parents believe that it is important too. A recent survey by the Superintendent of the Albuquerque Public Schools found that 84 percent of parents felt that strengthening education programs which teach character and integrity should be a high priority for their schools. Improving character education is the number three overall concern parents express about the quality of their children's education in Albuqerque. The amendment accepted today will allow more schools to address this concern.

I have heard colleagues say that six percent of all juvenile criminals commit 60% of all of the violent crime in America. This bill will encourage states to treat this small percentage of violent juvenile offenders like adults and get them off of the streets.

It is obvious that there are a lot of very good kids out there, working hard every day to go to school, study hard and improve their lives. Character education will help the adults in their lives to teach them to make good decisions, based on things like respect, caring, and responsibility.

I understand that the Senate also has accepted two other Domenici amendments to allow states to use some of their portion of the $450 million Accountability block grant program and part of the $200 million Delinquency Prevention Challenge grant program to fund character education initiatives. This will provide states with additional resources to incorporate character education in their schools, if they choose to do so.

I have seen this work in New Mexico, and I am pleased that the Senate has

agreed to help bring Character Counts to other areas of the country where maybe it has not caught on quite as well as it has in my state or Connecticut. I thank the Senate for accepting my amendments and I yield the floor.

PREVENTING DELINQUENCY THROUGH CHARACTER EDUCATION

Mr. DODD. Mr. President, I am pleased to join with the distinguished Senator from New Mexico in offering this amendment to provide support for character education projects in schools and in after-school programs. These programs, organized around character education, would provide alternatives to youth at risk of delinquency and work specifically to reduce delinquency, school discipline problems and truancy and to improve student achievement, overall school performance, and youths' positive involvement in their community. Our amendment—which I understand will be considered as part of the managers' package—would authorize no less than $25 million per year for character education in schools and in after-school settings.

I am not here today to claim that character education is the answer to all the questions that have been posed to us as policy makers, parents and community members in the wake of the tragedy at Littleton, CO.

But character education is part of the answer. Today's children have so many obstacles to overcome, including violence, drug use, peer and cultural influences, and too much unsupervised time on their hands. As a society, we must find ways to help these children become responsible citizens, to distinguish between right and wrong. To do this, we must build on traditional education by nurturing students' character.

That is fundamentally what character education is about—it is about reinforcing those elements of character which bind us together into communities and into this great nation. Ideas like—trustworthiness, respect, responsibility, fairness, caring and citizenship—underlie all of our government and civic organizations. We must reinforce these beliefs with our children at every opportunity.

Parents have the primary responsibility here. Churches and other community organizations support these efforts. Schools are a key part of the equation. And these ideas must be a part of a child's day—after school—when they are often unsupervised and most risk of negative behaviors.

And that is what this amendment does. It would set aside $25 million for school-based and after-school programs in character education. Schools could use these funds to work with parents and develop a character education program for their schools. We have seen so many successful programs in schools in my state; indeed, over 10,000 students currently participate in these activities. And the schools report amazing turn-around with reduced absenteeism, discipline problems, graffiti and fighting and improved student achievement and student participation in positive extra-curricular activities.

In addition, this amendment would support afterschool programs that are organized around character education. These out of school hours are a key opportunity for our youth. We can provide enriched academic activities, sports and the arts. Or we can leave them to the alternatives—smoking, drug use, teen pregnancy, delinquency, and crime. I believe the better route is supervised, quality after school programs—and these programs will be even stronger with the inclusion of a character education focus, such as provided in this amendment.

I commend my friend and colleague from New Mexico for his dedication to our children and to character education. I am pleased to be here with him again today to move forward this critical initiative that truly gets at the core of delinquency.

Mr. KERREY. Mr. President, I thank the managers of this bill for accepting the mentoring amendment that I offered, and I want to thank my colleague Mr. DORGAN for cosponsoring this amendment.

I believe that youth mentoring is an important piece of our effort to decrease violence among our young people. This amendment encourages us to take youth mentoring seriously. It asks states to develop criteria for assessing the quality and effectiveness of mentoring programs and to reward those programs that do a good job. It also asks the Departments of Justice and Education to disseminate information on best mentoring practices, so that mentors can receive guidance on how to make the best use of their time with students.

Since the school shooting in Littleton, Colorado, a few weeks ago, Congress and the nation have been grappling with the question "How do we prevent such a terrible tragedy?" The answer to this question is complex, and, as we know from our debate here on the floor of the Senate, there are many different points of view as to what more we should do to keep our kids healthy and safe.

I believe that one of the things we must do is increase the amount of quality time our young people have with caring, responsible adults. Without a doubt, the most important adult in a child's life is that child's parent. But even the most committed, well-intentioned parents cannot be with their children 24 hours a day. And often young people, especially teenagers, feel uncomfortable talking to their parents about sensitive or troubling issues.

That is why it is important that young people have someone in their lives they can turn to in troubling times. Now, some kids are fortunate enough to have a trusted aunt, uncle, or family friend in whom they can confide. But some are not so lucky. Fortunately there are caring adults who volunteer their time to become that trusted friend—we call them mentors.

We cannot know for certain that having mentors would have stopped the two teenagers in Littleton from harming their classmates. But we know that the young men were troubled. And if we can increase the number of individuals who are close enough to a young person to detect problems when they arise, we increase our chances of keeping those problems from spiraling out of control.

Mr. President, we know that mentoring works. In 1995 a Big Brothers/Big Sisters of America Impact Study showed that at-risk young people with mentors were 46% less likely to begin using illegal drugs; 27% less likely to begin using alcohol; 53% less likely to skip school; 37% less likely to skip a class; and 33% less likely to hit someone than at-risk children without mentors.

In a 1989 Louis Harris poll, 73% of students said their mentors helped raise their goals and expectations.

And a Partners for Youth study completed in 1993 revealed that out of 200 non-violent juvenile offenders who participated in a mentoring relationship, nearly 80% avoided re-arrest.

I believe in the power of mentoring, because I've seen it firsthand in my own state of Nebraska. In Nebraska, we have a fantastic program run by Tom and Nancy Osborne called TeamMates. TeamMates is a school-based program that pairs adult volunteers one-on-one with middle and high school students.

The Osbornes created TeamMates quite simply because they saw an unmet need. They realized that there are a lot of bright and capable young people out there who receive too little support and encouragement. In order to reach their potential to become good citizens and productive members of their community, these young men and women just need a helping hand.

Tom and Nancy started TeamMates in 1991, and the success they saw in that first year inspired them to continue. They started out with 25 matches, and of the students in those matches, 20 graduated from high school and 18 pursued postsecondary education.

The response to TeamMates has been highly encouraging. Principals and administrators have commented on the positive attitude change they see in students in just the first year of their relationship with a mentor. And 99% of the mentors choose to continue their relationship with their students after the first year.

Right now there are 475 TeamMate matches throughout Nebraska. And they hope to have a total of 900 a year from now.

We have another terrific mentoring program in Omaha called All Our Kids, which began in 1989 at McMillan Junior High School. At present, nearly 80 mentors are providing guidance to at-risk junior and senior high school students.

And All Our Kids enjoys a strong relationship with the Omaha Public Schools System. OPS staff work closely with All Our Kids staff to identify students who need the services provided by its long-term mentoring and scholarship program.

With our help, TeamMates, All Our Kids, and other promising mentoring programs throughout the nation will be able to expand the horizons of more young people by providing them with caring adults to show them the way.

I also want to thank the managers for accepting my Sense of the Senate urging the President of the United States to allow each Federal employee to take one hour a week to serve as a mentor to a young person in need.

Recently, Jim Otto, Nebraska State Director of the U.S. Department of Agriculture, called me and said, "I read what you said about the importance of youth mentoring, and I want to let you know that I'm a mentor in the TeamMates mentoring program in Lincoln. I want you to know it's been a great experience."

Jim said he was fortunate that his employer allowed him to take one hour a week of administrative leave to spend time with his student. But he also said that some of his colleagues in other Federal agencies and departments were not so fortunate. Many employees would like to become mentors, but they just can't take time away from work.

Now, we have a lot of dedicated individuals throughout the nation who serve as mentors. Several members of my own staff participate in the Everybody Wins program in the D.C. Public Schools. And, as I mentioned earlier, we have great mentoring programs in Nebraska. But we need more adults to say, "I want to make a difference."

The purpose of this legislation is to enable more adults to take the time to contribute to the well-being of their communities. It's just one hour a week, but in a child's life it can make a world of difference.

Mr. President, whether it's helping a student take an interest in schoolwork, helping build a young person's self-esteem, or helping a young man or woman communicate more effectively with parents, friends, and teachers, a mentor can be that invaluable safety net that keeps a child from falling into despair.

Now, there are many steps we can take to try to prevent violent acts once an individual reaches that point of desperation, but it is better for all of us if we intervene before that point—and it is also less costly.

With additional support for good mentoring programs we will be able to reach more young people before they become lost to substance abuse, isolation, or any other destructive behavior that leads them to commit acts of violence against themselves or others. In helping these programs continue their good work, we raise the hopes of more of our children. And when our children's hopes are high, we all benefit.

Mr. DORGAN. Mr. President, I am glad to be a cosponsor of the mentoring amendment offered by my colleague from Nebraska, Mr. KERREY, and I commend him for his work on this issue. I also want to thank the managers of this bill for accepting our amendment.

When it comes to juvenile delinquency, I subscribe to the notion that "an ounce of prevention is worth a pound of cure." I think it makes a great deal of sense to spend a dollar now to try and prevent young people from becoming criminals in order to save the thousands of dollars it would cost later to incarcerate and rehabilitate them.

I believe one of the most effective forms of prevention is mentoring. I have seen firsthand that mentoring can make an important difference in a child's life through my participation in a wonderful program started by Senator JEFFORDS called Everybody Wins. Every week, I have the privilege of spending an hour or so with a boy named Jamal. It has been a pleasure to watch him learn and grow into a fine, confident, young man.

I would encourage any of my colleagues who want to make a real difference to become a mentor. At-risk young people with mentors are 46 percent less likely to use illegal drugs and half as likely to skip school than at-risk youth without mentors. Nearly three-quarters of young people with mentors indicate that their mentors have helped to raise their goals and expectations.

Unfortunately, there are too many at-risk youth who do not have an adult willing or able to give them the regular, individual attention they need. The amendment offered by Senator KERREY and I would help to ensure that exemplary youth or family mentoring programs in each of our states are funded by the Juvenile Delinquency Prevention Challenge Grant program established in this bill. I believe this would be a good investment in our young people, and I again thank my colleagues for their support of this amendment.

Mr. KOHL. Mr. President, I rise to express my appreciation to the managers of this bill for agreeing to include in the manager's package my amendment to authorize the FAST (Families and Schools Together) program.

Over the last few weeks, we have all spent much time mourning lost children—whether they are lost to bullets or to the lure of a violent culture, whether they end their lives holding a gun or facing one. And we have spent much time discussing the many factors that can lead our young people to become lost. We can blame guns, or mindless T.V., or savage movies, or violent video games, or illegal drugs. But we know that a child is most likely to be lost—most likely to fall under the influence of these evils—when he or she is alone, cut off from parents, teachers, and the community.

FAST is a successful program that finds troubled youth and reconnects them with their schools and families. FAST brings at-risk children, parents, and educators together to help them learn to succeed at home, in school, and in their communities. FAST helps ensure that youth violence does not proliferate to our schools and communities by empowering parents, helping to improve children's behavior and performance in school, preventing substance abuse, and providing support and networking for families by linking them to community resources and services.

Currently, the FAST program—which was created in my home state of Wisconsin—is being implemented in 484 schools in 34 States and five countries. It has received numerous national honors and awards, and is supported by the Department of Education, Department of Justice, Office of Juvenile Justice Delinquency Prevention, Department of Health and Human Services, Office of National Drug Control Policy, Substance Abuse and Mental Health Services Administration, National Institute of Mental Health, Head Start, the Harvard/Ford Foundation, and the United Way of America.

My amendment is simple and effective. It authorizes $12 million a year for the next five years to the Office of Juvenile Justice and Delinquency Programs in the Department of Justice for FAST sites and programs. Of this amount, $10 million will go toward the implementation of local FAST sites and programs and $2 million will be used for research and evaluation of FAST. This amendment will allow more communities across the nation to reap the benefits of FAST—and will go a long way toward preventing youth violence in this country.

Mr. President, one of the best ways to prevent youth violence is by building and preserving close, healthy relationships within families. The FAST program is instrumental in achieving this goal, and has been proven to work in reducing behavioral problems among troubled youth. I am pleased that Senators HATCH and LEAHY have recognized the importance of this small, yet vitally important program by including the FAST amendment in the manager's package. I thank them for their efforts in working with me on this amendment.

I yield the floor.

BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE

Mr. KENNEDY. Mr. President, today we are offering an amendment to the juvenile justice bill to authorize funding for the National Institutes of Health to carry out a broad-based initiative for basic research into youth violence. This research will look into the fundamental cause of such violence and will be linked to research on the most effective ways to prevent it.

Clearly, we must do more to enhance our understanding of the fundamental psychological, behavioral, and social factors that contribute to violence by young people.

NIH currently provides modest support for behavioral research related to violence, but the research is seriously under-funded in light of the obvious magnitude of the problem. In addition, the current funding is spread across many NIH Institutes and some important areas are not funded at all.

This coordinated initiative, relying on the Office of Behavioral and Social Sciences Research at NIH, will enable NIH to respond more quickly to the crisis of youth violence, eliminate the gaps in current knowledge, and focus more effectively on the important high priority questions that scientists in the field have identified.

Violence is also a public health problem, and it is as perilous as any epidemic. The tragic shooting rampage by the two students in Colorado shocked the country into a greater sense of urgency about youth violence. Many elements contribute to violent behavior, and it is seldom traced to any single cause.

These causes need to be better understood if we are to design effective methods for treatment and prevention. We also need a greater understanding of how to apply the knowledge that we already have.

More effective school, family and community prevention activities can be designed on the basis of what we learn from research and from the practical experience of clinicians, educators, and social scientists. The goal of part of this research effort will be to develop better organizational models of effective partnerships among scientists, public agencies, and community members. The research will also address the psychological impact of violence on the victims, since many perpetrators of violence were themselves victims of violence earlier in their lives.

Our proposal for greater NIH research is an essential part of the answer we are seeking to the tragedies of juvenile violence, and I urge the Senate to support it.

FAST PROGRAM

Mr. FEINGOLD. Mr. President, I rise today to support Senator KOHL's amendment which was included into the Juvenile Justice bill's Manager's Package. Mr. President, Senator KOHL's amendment would expand the Families and Schools Together or FAST program to reach the many at-risk students in need. FAST is an award winning drug abuse prevention program that supports and empowers parents to be the best line of defense between their children and the dangers of drug abuse. The program uses a cooperative approach that gives parents professional support to prevent and confront drug abuse in the home.

I am proud to report, Mr. President, that the FAST program, which has received many awards and honors since its development 10 years ago, was founded in my home state of Wisconsin by Dr. Lynn McDonald. Dr. McDonald is one of the nation's experts on the prevention of drug abuse by young people. The unique FAST program is today being used in 484 schools in 34 states and five countries.

Research indicates that to be most effective, substance abuse prevention education should be initiated when children are young. Researchers also believe that prevention efforts that focus on family and peer relationships can greatly reduce risk factors for our children. While no one solution will rid our country of the problem of youth drug abuse, it is critical that we make available to students, parents and schools successful programs that can make a difference. FAST has a proven track record: it has been tried, adapted, implemented and studied. It is clearly a program that has proven successful and should be expanded to reach more families in need.

It is important to note, Mr. President, that we are not powerless to help prevent destructive behaviors, such as drug abuse, in our children. The FAST program requires a strong, committed partnership between schools and families to help the students at risk and to intervene successfully to prevent the downward cycle of drug abuse, which too often leads to youth violence.

I support this amendment, Mr. President, because I know that FAST is a prevention program which helps young children at risk for developing problems later on—by working with them and their families early on. Senator KOHL's amendment is a wise investment at the front end to catch students before their risky behavior results in tragic consequences for themselves and their families. With assistance from the FAST program, families become their own child's best prevention resource.

WORKER PROTECTION

Mr. KENNEDY. Mr. President, we have been engaged over the last week in the important, and at times difficult, task of defining how the nation will address the problem of youth violence and crime. Our goal is to develop steps that will be more effective in protecting society against juvenile crime and enabling youth to become productive and successful members of our society.

We must also protect the rights of the men and women in the criminal system responsible for working with juvenile offenders. It is in the nation's interest to ensure that states which receive federal dollars for their juvenile justice programs administer these programs in a manner that protects the worker, the juvenile offender, and ultimately, the taxpayers and citizens.

This amendment will ensure that workers who provide juvenile justice services do not lose their jobs, their existing bargaining rights, or a loss of benefits if their program receives federal funds.

This is not a new concept. Since enactment of the Juvenile Justice and Delinquency Prevention Act in 1974, Congress has recognized the importance of making sure that the rights of state workers are protected in juvenile justice programs funded with federal money. Current law provides that the distribution of federal funds for state juvenile justice programs will not displace workers, negatively reduce their wages, or impair existing collective bargaining agreements.

The intent of the current law, and of this amendment, is two-fold: to protect workers' rights, and to protect the safety of juvenile offenders. For almost 25 years, the law has protected the employment rights of tens of thousands of state workers in the court system and the juvenile justice system. These men and women, whose jobs are funded through grants to the states, are at the core of our juvenile justice system. They perform vital work, supervising and training troubled youths in the courts and in the parole system. Even with the protections under current law; and even when workers are covered by collective bargaining agreements, these are not high paying jobs. Salaries go from the high teens to the low thirty thousand dollar range.

The law also ensures the quality of the services provided by these workers. Protecting the rights of current, experienced workers maintains the stability of the workforce and ensures that well-trained, qualified personnel are staffing the juvenile justice system. If we are serious about protecting society against violent youth—if we are serious about rehabilitating young people and safely returning them to society, then we need well-trained and experienced workers and a stable workforce with adequate skills and training in our juvenile justice system.

This amendment will make sure that existing collective bargaining agreements, and the rights under those agreements, would not be disturbed when a state program receives a federal grant. The amendment will prevent displacement of current workers when a program receives a federal grant. For workers who are not covered by a collective bargaining agreement, this amendment may be the only job protection they have when their program is funded under a federal grant.

We all agree that the juvenile justice system must be improved. Let's also agree that preserving the existing rights of state juvenile justice workers, and preventing disruption of existing employment relationships, are essential components that must be part of an improved system. I urge my colleagues to vote for this amendment.

DEMONSTRATION PROGRAM FOR HIGH RISK YOUTH

Mr. GREGG. Mr. President, America is struggling with a disturbing and growing trend of youth violence. While it is true that crime is generally down in many urban and suburban areas, it is equally true that crime committed by teens has risen sharply over the past few years and it is expected to continue to rise. Crime experts who study demographics warn of a coming crime wave

based on the number of children who currently are younger than 10 years old. These experts warn that if current trends are not changed, we might someday look back at our current juvenile crime epidemic as "the good old days."

Thirty years ago, DANIEL PATRICK MOYNIHAN, then an official of the Johnson Administration, wrote that when a community's families are shattered, crime, violence and rage "are not only to be expected, they are virtually inevitable." He wrote those words in 1965. Since then, arrests of violent juvenile criminals have tripled.

If we have learned anything from this debate and from all the research that has been done on juvenile violence, it is that there is no magic bullet, no single solution or panacea to the problem of rising juvenile crime. Juvenile crime is a complex problem that demands a myriad of responses. It is a problem that demands a partnership solution involving family, community, religious institutions, the media, the schools and law enforcement.

The amendment I am offering today with Senator LIEBERMAN is a multi-tiered approach. First, the proposal targets youth who are at the highest risk of leading lives that are unproductive and negative: youth who have been or are likely to be incarcerated. Second, it brings together representatives of local government, juvenile detention providers, local law enforcement, probation officers, youth street workers, local educational agencies, and religious institutions to provide highly intensive, coordinated, and effective intervention services to high risk youth.

We provide seed money ($4 million a year with a 30% match) to enable the establishment of a collaborative partnership in 12 cities: Boston, New York, Philadelphia, Pittsburgh, Detroit, Denver, Seattle, Cleveland, San Francisco, Austin, Memphis, and Indianapolis. We also provide grants to grass roots entities in 8 cities to fund intervention models that establish violence-free zones through mediation, mentoring, coordination with law enforcement and local agency partnerships and the development of long term intervention strategies.

Research has documented that this is the approach that yields sustainable results. According to Public Private Ventures, Inc., which has been engaged in the study of programs for children, youth and families, interventions for seriously at-risk older youth and youth who have already become involved with the juvenile justice system require an innovative joining of youth development and crime reduction strategies. This amendment does just that.

At the same time we must recognize that government solutions are limited. Government is ultimately powerless to form the human conscience that chooses between right and wrong. Locking away juveniles might prevent them from committing further crimes, but it does not address the fact that violence is symptomatic of a much deeper, moral and spiritual void in our Nation.

In the battle against violent crime, solid families are America's strongest line of defense. But government can be an effective tool if it joins private institutions (families, churches, schools, community groups, and non-profit organizations) in preventing and confronting juvenile crime with the moral ideals that defeat despair and nurture lives.

This amendment is a step in that direction and I urge its adoption.

"PARTNERSHIPS FOR HIGH-RISK YOUTH"

Mr. KENNEDY. Mr. President, I support GREGG's "Partnerships for High Risk Youth" amendment. This amendment establishes a national demonstration project to identify the most effective practices and programs for reducing youth violence. This initiative will provide 12 high-risk cities across the nation with funds to carry out local demonstration projects. These initiatives will help us learn much more about the best programs for reducing youth violence. Communities across the country will benefit from the knowledge.

The most successful violence prevention programs take a comprehensive approach to youth violence. The goal is to reach out to youth and their families on a variety of levels. Diverse groups—law enforcement, schools, mental health professionals, religious organizations, parents, and teachers—all need to join forces. This amendment supports this vital type of cooperation. The knowledge we gain will save lives. Communities across the country will be able to learn from these successful models and develop similar programs in their own towns and cities.

Boston has long understood the importance of community cooperation, and many of the ideas we have discussed have proven effective there. Boston's strategy is based on three strong commitments—tough law enforcement, heavy emphasis on crime prevention (including drug treatment), and effective gun control. Neglect of any one of these commitments undermines the whole strategy.

Several years ago, concerned groups in Boston joined forces to develop community-based solutions that made youth violence "everyone's business." Successful partnerships have included the pairing of mental health professionals, police and probation officers and school administrators with clergy, community leaders, and even gang members themselves. Statistics show that this strategy works. During the period from July 1995 through December 1997, there was only one juvenile death in Boston that involved a firearm.

Boston's Ten Point Coalition has received national acclaim for its work with troubled youth. This is exactly the type of program that Senator GREGG's amendment will support. The Ten Point Coalition which was founded by Rev. Eugene Rivers, is an ecumenical group of clergy and lay leaders who are working to mobilize the community on issues affecting African-American youth—especially those at risk. The Coalition is committed to helping at-risk children reach their full potential, and it offers training, technical assistance, resource development, and networking opportunities to churcl and other community groups interested in mentoring, advocacy, economic alternatives, and violence prevention. Its goal is to build a coalition of churches nationwide, united in their commitment to changing children's lives and reducing violence.

This amendment will help outstanding initiatives like this across the country, and I urge the Senate to support it.

VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

Mr. DODD. Mr. President, one of the best ways to approach juvenile justice is to prevent violent offenses from occurring in the first place. Therefore, I am pleased to offer the "Violence Prevention Training for Early Childhood Educators" amendment to S. 254, which is aimed at preventing the development of violence in children at the earliest ages so that they never grow up to become juvenile offenders. This amendment—which I understand will be contained in the Managers' amendment at the conclusion of consideration of the bill—would authorize no less than $15 million in grants for teachers to learn violence prevention skills.

All of us have been shaken by the tragedy at Littleton, CO. Americans are left searching for answers to many questions. How could these teenagers have committed such brutality? What happened to the innocence and joy of youth? How can society help prevent such violent, deadly behavior from happening again?

One of the most effective solutions is to begin violence prevention at an early age. This program is a carefully thought-out program aimed at true prevention. It is designed to help early childhood educators—the people who work directly with young children in preschools, child care centers, and elementary schools—learn the skills necessary to prevent violent behavior in young children. This amendment would provide support to programs that prepare these professionals so that early childhood teachers, child care providers, and counselors are able to teach children how to resolve conflicts without violence. In addition, these professionals are in the perfect position to reach out and extend these lessons to parents and help whole families adopt these powerful skills.

Research has demonstrated that aggressive behavior in early childhood is the single best predictor of aggression in later years. Children observe and imitate aggressive behavior over the course of many years. They certainly

have plenty of exposure to violence, both in the streets and at home. A Boston hospital found that 1 out of every 10 children seen in their primary care clinic had witnessed a shooting or stabbing before the age of 6.

I am disheartened to report that in my home State of Connecticut, 1 in 10 teens have been physically abused. Alarmingly, more than a third of teenage boys report that they have guns or could get one in less than a day. In these circumstances, aggression becomes very well-learned by the time a child reaches adolescence.

We must provide children with strategies for altering the negative influences of exposure to violence. Early childhood offers a critical period for overcoming the risk of violent behavior and later juvenile delinquency. And the proper training of professionals who work with young children offers one of the most effective avenues for reaching these kids.

This is not to suggest that early childhood professionals would replace parents as a source of teaching social skills and acceptable behavior. Instead, these teachers should demonstrate these skills with the children in their care and be encouraged to work with the whole family to address conflict without violence and aggression.

In 1992, Congress enacted similar legislation to provide grants for programs that train professionals in early childhood education and violence counseling. These grants funded some remarkable programs. In my home state, a program at Eastern Connecticut State University trained students—half of whom were minority, low-income individuals—to be teachers in their own communities, and trained child care providers in violence prevention with young children.

Unfortunately, just as these efforts were getting off the ground and starting to show promising results, the funding for the program was rescinded as part of the major 1994 rescission bill. Looking back, after the horrible events in Littleton, CO, Springfield, OR, and too many other communities, I think we can clearly see that was a mistake. Hindsight is always clearer—but let's not make the same mistake going forward. Let's reinvest in these efforts so that we can prevent our children from developing into violent juvenile offenders.

Preventing future acts of violence is an issue that rises above partisan politics. I think we can all agree that steps need to be taken to reduce the development of violent behavior in children. Please join me in this effort to begin creating a safer society for everyone, especially our children.

TRUANCY PREVENTION

Mr. DODD. As many of my colleagues know, I have worked consistently for the last several years to address what I believe is one of the key "gateway" offenses leading to delinquency and serious crime among our youth—Truancy. Working with Senator Sessions, we have been able to include language encouraging states and local communities to pursue truancy prevention programs with the assistance they will receive under this bill. I want to thank Senator Sessions for working with me on this effort.

Truancy is a dangerous and growing trend in our nation's schools. It not only prevents our children from receiving the education they need, but it is often the first warning of more serious problems to come. Truant students are at greater risk of falling into substance abuse, gangs, and violent behavior. For many students, truancy is the beginning of a lifetime of problems.

It is estimated that, in the past ten years, truancy has increased by as much as 67 percent. On an average school day, in the United States, as many as 15 percent of junior and senior high school students are not in school. In some urban schools, absentee rates approach 50 percent. Alarmingly, the problem is becoming increasingly prevalent in our elementary schools. Almost one quarter of Connecticut's truants were 13 or younger.

By some estimates, truants cost our nation more than $240 billion in lost earnings and forgone taxes over their lifetimes. Yet this sum does not include the billions more in dollars spent on law enforcement, foster care, prisons, public assistance, health care and other social services.

Fortunately, truancy is a solvable problem. Many communities, including many in Connecticut, have set up early intervention programs—to reach out and prevent truancy before it leads to delinquency and more serious criminal behavior. A number of Connecticut cities have brought back truant officers, hired drop-out prevention workers, held parents accountable for their students absences, denied credit to students with unexecused absences, and have created truancy courts.

These programs are showing signs of success. Several towns have reported dramatic drops in daytime burglary rates—some as much as 75 percent—after instituting truancy prevention initiatives.

Unfortunately, communities have had difficulty implementing these programs as truancy is considered an educational rather than a criminal justice issue, and, with growing classroom enrollments, many financially-strapped schools simply do not have the resources to adequately address this problem.

The provision that Senator Sessions and I are adding to the juvenile justice bill will ensure that communities have the wherewithal they need to respond to this increasingly serious problem. The legislation's goal is to promote anti-truancy partneships between law enforcement agencies, schools, parents, and, community organizations. While each community must create a program which works for it, I believe that there are certain key components of successful programs.

First, parents must be involved in all truancy prevention activities and they must be given incentives to face up to their own responsibilities. Second, students must understand that they will face firm sanctions for truancy. Third, all hubs of this partnership wheel—law enforcement, educational agencies, parents, and youth serving organizations—must work together to help solve this problem.

Truancy is an early warning that a child is heading in the wrong direction. I am hopeful that states and communities will use this new authority to support high quality truancy partnership projects. And we can move on to spend more time celebrating the accomplishments of our children than grieving over lost opportunities to stop the cycle leading to violent crime.

FEDERAL SON OF SAM LEGISLATION

Mr. DORGAN. Mr. President, last year, I introduced a bill to correct problems with the Federal Son of Sam Law, as those problems were perceived by the United States Supreme Court. Today, I am reintroducing this legislation, which deals with a continuing problem. The New York statute analyzed by the Supreme Court, as well as the Federal statute which I seek to amend, forfeited the proceeds from any expressive work of a criminal, and dedicated those proceeds to the victims of the perpetrators crime. Because of constitutional deficiencies cited by the Court, the Federal statute has never been applied, and without changes, it is highly unlikely that it ever will be. Without this bill, criminals can become wealthy from the fruits of their crimes, while victims and their families are exploited.

The bill I now introduce attempts to correct constitutional deficiencies cited by the Supreme Court in striking down New York's Son of Sam law. In its decision striking down New York's law, the Court found the statute to be both over inclusive and under inclusive: Over inclusive because the statute included all expressive works, no matter how tangentially related to the crime; under inclusive because the statute included only expressive works, not other forms of property.

To correct the deficiencies perceived by the Court, this bill changes significantly the concepts of the Federal statute. Because the Court criticized the statute for singling out speech, this bill is all encompassing: It includes various types of property related to the crime from which a criminal might profit. Because the Court criticized the statute for being over inclusive, including the process from all works, no matter how remotely connected to the crime, this bill limits the property to be forfeited to the enhanced value of property attributable to the offense. Because the Court found fault with the statute for not requiring a conviction, this bill requires a conviction.

The bill also attempts to take advantage of the long legal history of forfeiture. Pirate ships and their contents

were once forfeited to the government. More recent case law addresses the concept of forfeiting any property used in the commission of drug related crimes, or proceeds from those crimes. I hope that courts interpreting this statute will look to this legal history and find it binding or persuasive.

The bill utilizes the Commerce Clause authority of Congress to forfeit property associated with State crimes. This means that if funds are transferred through banking channels, if UPS or FedEx are used, if the airwaves are utilized, or if the telephone is used to transfer the property, to transfer funds, or to make a profit, the property can be forfeited. In State cases, this bill allows the State Attorney General to proceed first. We do not seek to preempt State law, only to see that there is a law in place which will ensure that criminals do not profit at the expense of their victims and the families of victims.

One last improvement which this bill makes over the former statutes: The old statue include only crimes which resulted in physical harm to another, this bill includes other crimes. Examples of crimes probably not included under the old statute, but included here are terrorizing, kidnaping, bank robbery, and embezzlement.

Mr. President, our Federal statute, enacted to ensure that criminals not profit at the expense of their victims and victim's families, is not used today because it is perceived to be unconstitutional. I believe victims of crime deserve quick action on this bill, drafted to ensure that they are not the source of profits to those who committed crimes against them. I ask for your support.

AMENDMENT NO. 352

Mr. CHAFEE. I just want to be clear about the civil liability provisions. Does this bill create civil liability immunity for gun manufacturers, dealers of guns accessed in the home, or manufacturers or distributors of safety devices?

Mr. KOHL. No. It creates civil liability immunity only for gun owners.

Mr. CHAFEE. Does this bill create civil liability immunity only for gun owners who use a safety device?

Mr. KOHL. That is correct.

Mr. CHAFEE. Does that immunity apply if the gun owner is negligent—even if he doesn't actually give anyone permission to use the gun, but for example leaves the key to the lock sitting next to the gun?

Mr. KOHL. No.

Mr. CHAFEE. And is it correct that this section does not change in any way existing product liability law?

Mr. KOHL. That is correct.

Mr. CHAFEE. And, finally, is it correct that any pending suits against gun owners would be allowed to continue?

Mr. KOHL. That is correct.

Mr. CHAFEE. I thank the Senator once again. On another matter, I want to make equally clear for the record exactly what a "secure gun storage or safety device" is and is not. Specifically, would the Senator from Wisconsin agree with me that the definition of such devices in our amendment is intended solely to include personalized guns, lockable devices which either are affixed to a firearm directly, or to secure locked containers or safes.

Mr. KOHL. I would agree.

Mr. CHAFEE. Finally, would you further concur with me that our definition of a "secure gun storage or safety device" is not intended to include a permanent feature of a home or motor vehicle, such as a closet or glove box, even though such environments also may be locked?

Mr. KOHL. I would agree.

Mr. KENNEDY. Mr. President, for the past several days, we have debated the best practices and programs for preventing youth violence. We have disagreed on a number of issues including the need to restrict guns, invest in after-school care, and expand counseling services and mental health services for troubled youths and children. But there is one issue that members on both sides of the aisle agree on—parents play an important role in their children's lives.

Everywhere we look, children are under assault: from violence and neglect; from the break-up of families; from the temptations of alcohol, tobacco, sex, and drug abuse; from greed, materialism, and the media. These are not new problems, but in our time, they have become increasingly serious. Against this bleak backdrop, the struggle to raise children and to support families, emotionally as well as practically, has become more difficult.

Parents bear the first and primary responsibility for their sons and daughters—to feed them, to shelter them, to talk to them, to teach them to ride a bike, to encourage their talents, to help them develop physically and emotionally, and to make countless daily decisions that influence their growth and development.

Parents are the most important influence in their children's lives, but they are being pulled in many different directions. Healthy development depends on strong parental guidance. Spending time together is an essential part of building positive parent-child relationships. Yet time together is increasingly scarce.

Parents are eating fewer meals and having fewer conversations with their children. Between 1988 and 1995, a significant drop took place in parent-child activities. Sixty-two percent of mothers reported eating dinner with their child on a daily basis in 1988, but only 55% reported doing so in 1995. Fifty percent ate dinner with their child in 1988, but this rate dropped to 42% in 1995.

We need to support parents, not attack and blame them. Sylvia Hewlett and Cornel West said it best in the title of their recent book, "The War Against Parents." That's exactly how it feels for many of today's parents. Like parents before them, they struggle to k children at the center of their lives. But major obstacles stand in their way, undermining their efforts.

Over the course of the last thirty years, public policy and private decision-making have often tilted heavily against the activities that comprise the essence of parenting. A myopic government increasingly fails to protect or support parents, while the competitive forces in the marketplace are allowed to take up more and more time. We talk as though we value families but act as though families are a last priority. Sooner or later, worn-out parents get the message that devoting their best time to raising children is a lonely, thankless undertaking that cuts against the grain of other activities that are apparently valued more highly by society.

Last week, I spent time in Boston talking to students about violence and other issues affecting their lives. I asked them whether they felt their parents were too busy to talk to them—and 3/4ths of the students raised their hands.

Parents need to spend more time listening to children—and the nation agrees. A recent Newsweek poll asked, "How important is it for the country to pay more attention to teenagers and their problems?" Eighty-nine percent of those polled replied that it is very important. If parents are not raising their children, we need to worry about who is.

The wrong kind of parenting can cause problems as well. Inconsistent or overly harsh discipline, may lead children to develop aggressive behavior. Inconsistent discipline is often associated with poor behavior in school and at home. These children also tend to have more trouble establishing strong relationships with their family, their teachers and their fellow students.

Parenting and coaching classes can make a significant difference in avoiding such problems. A recent study published in the American Psychological Association's Journal of Consulting and Clinical Psychology found that mothers who participated in Head Start parenting programs showed a decrease in their use of harsh criticism and an increase in their use of positive and competent discipline. The children were happier and their behavior was more satisfactory than children whose mothers did not receive parenting education.

When parents have the skills to deal effectively with their children, they are less likely to be abusive. Unfortunately, too many parents lack these essential skills. Each year over 3 million children are identified as victims of abuse or neglect. The consequences are devastating. Traumatized children are more likely to have alcohol and substance abuse problems and learning problems. They are also more likely to be arrested as juveniles and to engage in abusive behavior toward their own children when they become parents.

We know that suffering abuse as a child is strongly related to subsequent delinquency and abusive behavior later in life. But improved parenting skills can help break this vicious cycle. Parenting support and education have been proven to reduce abuse. In the Prenatal and Early Infancy Project, high-risk mothers were randomly assigned to one of two groups. One group received visits by specially trained nurses who provided coaching in parenting skills and other advice and support. The other group received no services. For those who received the assistance, child abuse was reduced by 80% in the first 2 years. 15 years after the services ended, these mothers had only one-third as many arrests, and their children were only half as likely to be delinquent.

Law enforcement officials also recognize the benefits of training parents. More than 9 out 10 police chiefs (92%) agreed with the statement, "America could sharply reduce crime if government invested more in programs to help children and youth get off to a good start" by "fully funding Head Start for infants and toddlers, preventing child abuse, providing parenting training for high-risk families, improving schools, and providing after school programs and mentoring."

These law enforcement officers are right. Parenting classes in conjunction with early education programs improve caregiver skills they also reduce crime dramatically and they reduce the likelihood of later delinquent behavior. A High/Scope Foundation study at the Perry Preschool in Michigan provided at-risk 3 and 4 year-olds with a quality Head Start-style preschool program, supplemented by weekly in-home coaching for parents. Two decades later years later, by age 27, those who had been denied the services as toddlers were five times more likely to be chronic lawbreakers.

A similar program in Syracuse provided child development and health services for at-risk infants and toddlers and parenting support for their mothers and fathers. The study found that kids denied the services were ten times more likely to be delinquent by age 16.

We pay a high price for abuse and neglect. In addition to its damaging psychological consequences, it is estimated that $22 billion is spent each year on services for abused children, their families, and foster care families. Investing in prevention programs, particularly parent support and education, will significantly reduce these abuse-related expenditures.

There is no question that investing in parents will pay-off. When we don't make this investment, we all pay more later, not just in terms of lives and fear, but also in tax dollars.

The "Parenting As Prevention" Act, which Senator STEVENS and I are proposing, will fund several initiatives that will improve parenting skills.

To identify the best parenting practices, a National Parenting Support and Education Commi lon will be established. The Commission will identify the most effective parenting practices, including the best strategies for disciplining children and youth, the best approaches for building integrity and character, and the best techniques for ensuring healthy brain development.

The Commission will also conduct a review of existing parenting support and education programs, and will provide Congress and the Administration with a detailed report of its findings. Perhaps, most important, essential parenting information will also be provided to parents—no new family will leave a hospital or adoption agency without information on how to best care for a baby. In Massachusetts, such an initiative is already underway.

Our amendment also supports the establishment of a grant program to strenghthen state initiatives for supporting and educating parents. Block grants will go directly from the Department of Health and Human Services to the states. Each state will establish their own Parenting Support and Education Council to award local grants. States will use their funds to establish support and education resource centers for parents and to strengthen support programs for children and teenagers. The grant program will support a wide variety of parental support initiatives including: home visitation for mothers of new babies; the distribution of parenting and early childhood development materials; the development of support programs for parents of young children and teenagers; respite care for parents of children with special needs; and the creation of a national toll free number that will offer counseling and referral services for parents.

Finally, our amendment will improve mental health services for violence-related stress. Regional centers around the country will be established to provide special training and research in psychological counseling and treatment. We know that the early years are essential to healthy development and that inadequate care during this critical period can have a devastating impact on future behavior. To reverse the impact of negative early experiences, regional centers on psychological and trauma response will identify the best practices for dealing with these problems. In the long run, successful early intervention is the best way to modify the culture of violence instilled in so many youth.

I urge my colleagues to support this amendment. Investing in parents and children is one of the best ways to prevent youth violence and we clearly need to do more in order to achieve this important goal.

I ask unanimous consent that letters of support for this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MIT,
FAMILY RESOURCE CENTER,
Cambridge, MA, May 18, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: It is with pleasure that I write to express my full and enthusiastic support for your Amendment to S. 254 entitled "PARENTING AS PREVENTION."

The provision of the Amendment, including the establishment of a Parenting Support and Education Commission, a State and Local Parenting Support and Education Grant Program, and Grants to Address the Problems of Violence Related Stress to Parents and Children, could not be more needed, or more timely. I am confident that the Amendment will make a major contribution in addressing the pressing needs of parents in our country, and thus in preventing the tragic problems among children and youth that confront our nation today.

You are to be commended for your leadership in bringing forward this critically important legislative initiative.

In addition to serving as Administrator of Parenting Programs at MIT, I am Chief Consultant to the Harvard Parenting Projects and Director of the Harvard Project on the Parenting of Adolescents at the Harvard School of Public Health. I am also Founding Chair and National Liaison for the National Parenting Education Network.

If there is any assistance that I can provide to the new Commission, I would be very happy to do so.

Respectfully yours,
A. RAE SIMPSON, Ph.D.,
Administrator, Parenting Programs.

THE LATIN SCHOOL OF CHICAGO,
Chicago, IL, May 18, 1999.

DEAR SENATOR KENNEDY: I am writing to support your efforts at adding The Stevens-Kennedy Amendment to S. 254—the, Parenting as Prevention Act. I have working at parenting education for two decades. I have taught parent education to lawyers, social workers, teachers, parents and students in k-12 settings in some of the most violent neighborhoods in Chicago. I have been able to prove that it does help children and parents to have more options, to understand the needs of children and others and to choose non-violent solutions to problems.

I have also been working for several years on parent advocacy groups to professionalize parent education and get some consensus regarding best practices. We need support and resources to do this. Many of us have been doing this for years at our own expense because we know how important parent education and support is to parents and future parents. Thank you for your efforts and please call upon me in any way I can to support your good work. We need this Act to do our good work.

Very sincerely yours,
DANA MCDERMOTT MURPHY,
Adjunct Professor, Family Studies Program—Loyola of Chicago; Coordinator, Parent Education Initiative, The Latin School of Chicago; Member, Advisory Council of the National Parent Education Network; and Member, Advisory Board of the Parenting Project-Boca Raton, FL.

WEBSTERS INTERNATIONAL, INC.,
May 18, 1999.

Senator EDWARD KENNEDY,
c/o Parenting Coalition International,
Washington, DC.

DEAR SENATOR KENNEDY: I am in support of the Stevens/Kennedy Amendment to S. 254 subtitled; PARENTING AS PREVENTION.

This is a most critical time in America's history. All of us need to realize, recognize,

and support the premise that parents are the single most important factor in determining the success or failure of their child. Beyond a doubt, based on the very latest research, parents are their child's most influential teachers. Therefore, it stands to reason that parents truly desire to learn the skills and attitudes they need in order to be the best parent they can be for their child. Those skills and attitudes do not come naturally; they are learned. We need programs that will ensure that parents are taught those skills and attitudes using the most positive methods available. Too many of them have learned negative parenting through the bad examples of their own parents.

We must start sending positive messages to our children instead of the poor, often confusing scenarios, we present to them now. I believe providing the states with funds to help them implement such programs would be most desirable, but only if we have a true method of determining that the monies are being spent correctly on parenting materials that have been proven to make a difference in the lives of both parents and their children, and that such programs are making a difference.

Sincerely,

GRETCHEN GLEAVES,
Vice President.

THE HEATHS,
Haverford, PA, May 18, 1999.

BELINDA ROLLINS,
President, Parenting Coalition International, Inc., Washington, DC.

DEAR BELINDA: Thank you for the privilege of reviewing and commenting on the provocative Stevens-Kennedy Amendment to S. 254.

Establishing a Parenting Support and Education Commission must be a component of any effort to improve the lives of America's children. Parents, defined broadly as anyone who has made a commitment to care for a child from now until the child reaches adulthood, provide their children with continuity of understanding and love as those children move through their growing years. That continuity is vital given the complexity of the society in which our children live, the range of experiences that they have and the vast number of choices which they have to make.

Senator Kennedy and his staff are to be congratulated for incorporating into the existing bill this additional component that will provide a means of strengthening parents' ability to nurture their children.

My experience of over thirty years of working with parents as well as consulting with parent programs world wide has led me to recognize the need for a Commission that focuses on the role of parents in the lives of their children, the effects of that role on the parents themselves and how to support parents that they may more effectively nurture their children. The Commission to be created by this bill will address these needs in at least three ways.

(1) Establishing such a commission will give recognition to the importance of parents in the lives of their children. No educational or social agency provides the continuity of love and care that parents give to children. This commission will keep in the national consciousness the unique role of the parent.

(2) The Commission will provide a means for investigating in depth social issues related to parenting. For example, rather than the public argument over whether or not mothers should work the commission could investigate the conditions that allow parents to have the time they need with their children while also carrying on their own lives and earning an income for their families.

(3) Having state and local initiatives, as described in the bill, will provide a means for raising issues from the local level to national attention as well as a means of passing down current research and information.

This amendment to S. 254 adds a significant component to the national agenda of supporting children by recognizing the important role that parents have in the lives of their children and by providing support and information to parents that will enhance their ability to nurture their children.

Again let me thank you for giving me an opportunity to respond to this innovative amendment.

Sincerely,

HARRIET HEATH, Ph.D.,
Director, The Parent Center, Bryn Mawr College.

BELINDA: Thank you so much for giving me the opportunity to review this amendment. I am amazed that you were able to get it put together and through the channels to be added to the bill!. Congratulations.

I hope my letter supports the amendment is the way you had hoped.

I do have some comments on the amendment itself, as I think you were also asking for. I find it fascinating the groups you have included and see the political reasons for doing so. Your political savvy is amazing and so necessary if you are going to achieve your goals. And I am so glad that you are there working towards the betterment of parents.

A few comments: In your list of Commission members you need people knowledgeable about parental development and about the role of the parent in child development. I am not sure I am saying this very clearly but the writing on parents tends to focus on what parents do with and to their children, not on the determinants of the parental behavior themselves. Parenting tends not be discussed as it affects the parent except for specific periods such as the early adjustments to parenthood and parenting the adolescent when the mother may be menopausal and the father seeing limits to what he may accomplish.

I am uneasy about the dichotomy that seems to exist in the 8th and 9th listing. A good parenting education program, not including that produced through the media, has a strong supportive component.

In 8 are you speaking of family support programs that provide social and medical services as well as parenting education and support or are you referring to parent programs that are defined as totally emotionally supportive of parents without a content component except what the parents offer each other?

Speaking of "best practices" gives me visions of a cook book. It implies there are good recipes and all we have to do is identify them. I have not yet figured out how to write these sections but so much of parenting is developing plans for specific situations. Planning involves considering several key factors which include obvious such as the developmental level of the child, the temperament pattern, the needs, and the less often mentioned factors such as what are the parents' values and beliefs. The fact that parents deal with the issues they face by considering key factors must be recognized, and supported because, as we all know, one approach does not meet the needs of all children. But maybe all this is too complex for a bill.

One other issue—for future consideration. You pass over the elementary school years. They are a time when parents can delight in their children as those children are old enough to explore new skills, discuss ideas and just enjoy each other. These are also the years parents can do so much in preparing their children for the adolescence. It is a time of giving them that factual information they can use when making decisions about drugs, sex, etc. It is the time for developing decision making skills. And maybe most of all it is the time of deepening the loving relationship that will carry them both through the teen ages.

All of this may be too much for the bill. I look forward to the continuation of the discussion.

Again, thank you Belinda for the work you are doing and for including me in it.

I will send you a paper copy of the letter. Should it go somewhere else also?

Best wishes. See you Friday.

HARRIET.

FIGHT CRIME; INVEST IN KIDS,
May 18, 1999.

Re Stevens-Kennedy Amendment to Juvenile Crime Legislation.

DEAR SENATOR: As an organization led by over 500 police chiefs, sheriffs, prosecutors, victims of violence, leaders of police organizations, and violence prevention scholars, we write in support of the Stevens-Kennedy "Parenting as Prevention Act" amendment to S. 254.

Today, kids are being raised in households where both parents must work. In many cases, single, working parents raise children on their own. These new stresses are compounded by our increasingly mobile society. Parents often lack nearby grandparents and other close relatives to share the work of raising a child as well as provide coaching and emotional support.

The Stevens-Kennedy amendment recognizes that we must help parents face today's challenges in raising a child from the toddler to teen years. We all have a vital stake in seeing that children are provided with the best quality parenting because it is a critical factor in determining if a child will grow up to be a criminal or a contributing citizen and good neighbor.

Programs that help parent raise infants and toddlers supporting parents have been shown to dramatically reduce child abuse and neglect and other factors that increase the chances for kids to later engage in criminal behavior. For example, the Prenatal and Early Infancy Project (PEIP) randomly assigned half of a group of at-risk mothers to receive visits by specially trained nurses who provide coaching in parenting skills and other advice and support. Rigorous stud show the program not only reduced child abuse by 80% in the first two years, but that fifteen years after the services ended, these mothers had only one-third as many arrests, and their children were only half as likely to be delinquent.

The amendment would also help parents who struggle in the volatile teen years by offering advice, family counseling, and other services. Research demonstrates that parental involvement is critical in the teen years for the healthy development of kids, and to help troubled kids get back on track. For example, the Multi-Systemic Therapy program for teens already involved in serious crime works closely with the teens' parents and in replications around the country it has been shown to cut long-term rates of re-arrest by up to 70%.

The Stevens-Kennedy amendment provides much needed resources to treat victims of abuse and neglect, sexual abuse, violence, and other traumas. Research shows that when children are directly abused, or even when they witness violence in their lives, their developing brain's anatomy and chemistry is altered—a sound, or some other stimulus can "flip the switch" and their heart races as their mind becomes concentrated on flight . . . or fight. As opposed to the myth that children are infinitely resilient, Bruce

Perry of Baylor College of Medicine says, "If anything we now know that children are more vulnerable to trauma than adults." Perry estimates that over 5 million children in the United States witness or experience traumatizing violence every year, including 1 million who are victims of abuse or neglect.

Programs that help parents raise responsible, healthy adults save lives and money. For example, a RAND cost-benefit estimate of the PEIP program concluded that the savings to the government alone (excluding other benefits to society at large) were four times the costs, and that figure did not include many savings, such as expected lower welfare costs for the children beyond age 15, nor the extra taxes they may pay as adults. RAND found that government savings from the program exceeded program costs by the time the kids were four years old.

If we can be of further help as you consider this amendment, please don't hesitate to call us.

Sincerely,

SANFORD A. NEWMAN,
President.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a summary of the Parenting As Prevention Act be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE STEVENS AMENDMENT—PARENTING AS PREVENTION ACT

The Parenting as Prevention Act addresses youth violence and juvenile delinquency by providing support and training to parents and potential parents to improve their parenting skill and focusing attention on brain stimulation to improve early childhood development.

A Rand study shows that for every dollar invested in parenting and improving early childhood education through brain stimulation, at least $4 are saved in later prison costs, rehabilitation costs, special education expense, welfare payments, etc. GAO puts the savings at above $7 for every dollar invested.

This state block grant program would be administered by the Secretary of Health and Human Services and developed in cooperation with the Attorney General who has responsibility for juvenile justice prevention programs such as the Boys and Girls Club, the Secretary of Education who provides some support to early childhood learning, the Secretary of Housing and Urban Development who would help distribute materials on parenting through public housing programs, the Secretary of Labor who offers parent training to welfare mothers as part of the Welfare to Work program, the Secretary of Agriculture who operates the WIC program and distributes information to rural America through the Cooperative Extension Service, and the Department of Defense who runs child care centers and provides other services to children of military families.

A National Parenting Support and Education Commission would be established to identify the best practices for parenting on issues ranging from discipline to character development to brain development to gun safety (Eddie Eagle). It would review existing parenting support and education programs and report back to Congress and the Administration on which ones are most effective.

The Commission would publish materials for parents in various formats on parenting practices and brain stimulation or distribute already available materials. No new family would come home from the hospital or adoption agency without information on how to raise the baby. Referral information on existing federal, state, and local programs would also be collated on one sheet of paper for distribution which would include eligibility criteria, phone numbers, and addresses.

The Commission must wrap up its work within 18 months. Such funds as are necessary are authorized for appropriation.

A State and Local Parenting Support and Education Grant Program is established which would provide a block grant to states with a small state minimum: States with Indian populations over 2% would provide 2% of the money to tribes.

The State would establish a State Parenting Support and Education Council to award grants at the local level which would include state government, bipartisan representation from the state legislation, and interested groups to be appointed by the Governor. If a state had an existing group, it could use that.

The State Council could award grants for:

(1) Parenting support programs for young children including distribution of parenting materials on brain development and best parenting practices; one on one visits to mothers of new babies on brain development and best parenting practices (cited as the best way to reduce child abuse, a leading cause of juvenile delinquency and violent crime); and parent training programs.

(2) Parenting support for teenagers including providing parenting materials in conjunction with existing programs such as Boys and Girls Clubs, YMCA, after school programs, and parent training classes, support groups, and mentors.

(3) Parenting support and education resource centers including a national 800 toll free number offer counseling, parenting advice, and referral to existing programs; and respite care for parents with children with special needs (retarded, mentally ill, behavior disorders, FAS/FAE).

A state which got a grant to provide a statewide program or a local group would only have to report back every two years, but would have to use specific performance measures, i.e. things like improvement in IQ scores, school achievement tests.

No more than 5% of the money could be used for administrative costs. The typical rate is 18–30 percent.

A state would have to maintain its existing effort, i.e. it can't cut its existing state program and replace it with a federal grant.

The program is authorized at such sums as are necessary.

Finally, the bill creates a program to reverse bad brain wiring caused by exposure to physical or sexual abuse or family/community violence. Research shows early intervention to be much more effective than later rehabilitation efforts as an adult.

Again, best practices for dealing with these problems would be identified by regional centers of excellence on psychological trauma and response.

Indian tribes, Native Hawaiians and other non-profits would be eligible for grants which would last for 3 years.

This program is authorized at such sums as are necessary.

Mr. HATCH. Mr. President, I ask unanimous consent the amendment be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 363) was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

The Senator will withhold. The Senate is not in order. The Senator from Minnesota.

AMENDMENT NO. 364

(Purpose: To make an amendment with respect to disproportionate minority confinement)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk on behalf of myself, Senator KENNEDY, Senator FEINGOLD, and Senator FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. FEINSTEIN, proposes an amendment numbered 364.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 129, strike lines 6 through 14, and insert the following:

"(24) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of racial minority groups who come into contact with the juvenile justice system."

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, let me talk in a general way about this. This legislation deals with juvenile justice. This amendment focuses on the justice part. We speak to what is called disproportionate minority confinement. What that really means, in concrete terms, to use one example, is African American kids ages 10 to 17 make up 15 percent of the population, but 26 percent of all juvenile arrests, 32 percent of delinquency referrals to juvenile court, 46 percent of juveniles in public long-term institutions, and 52 percent of cases judicially waived to criminal court; that is, adult court.

In the current legislation, what we have done is we turn the clock back a long ways. In the past, since the late 1980s, we have always tried to deal with this question of disproportionate minority confinement. What this legislation does is to essentially reverse this progress. I think, roughly speaking, about 33 percent of the population, ages 10 to 17, are minority youth. They represent about 66 percent, of thereabouts, of kids who are now incarcerated. The question is, Why?

There are lots of different reasons. Let me just list some that come from Department of Justice reports, some lessons that have been learned from some five different States. Some of the factors that can contribute to minority overrepresentation can be: racial ethnic bias, insufficient diversion options, system labeling, barriers to parental advocacy, poor juvenile justice/community integration, low-income jobs, few job opportunities, few community support services, inadequate health and

"(i) the office specified on the form described in subparagraph (A); and

"(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

"(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

"(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(1) shall be in a form specified by the Secretary by regulation;

"(2) shall not include the name of or other identifying information relating to the transferee; and

"(3) shall not duplicate information provided in any report required under subsection (e)(4).

"(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

"(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

"(2) does not include the mere exhibition of a firearm.".

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(C) Whoever willfully violates section 931(d), shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

"(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

"(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

"(ii) impose a civil fine in an amount equal to not more than $10,000.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

"931. Regulation of firearms transfers at gun shows."; and

(B) in the first sentence of section 923(j), by striking "a gun show or event" and inserting "an event"; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

"(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purpose of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.".

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

"(B) If the violation described in subparagraph (A) is in relation to an offense—

"(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

"(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.".

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking "subsection (s) or (t) of section 922" and inserting "section 922(s)"; and

(B) by adding at the end the following:

"(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.".

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking "and, at the time" and all that follows through "State law".

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: ", as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer".

(h) EFFECTIVE DATE.—This section (other than subsection (i)) and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

(i) INAPPLICABILITY OF OTHER PROVISIONS.—Notwithstanding any other provision of this Act, the provisions of the title headed "**GENERAL FIREARM PROVISIONS**" (as added by the amendment of Mr. Craig number 332) and the provisions of the section headed "**APPLICATION OF SECTION 923(j) AND (m)**" (as added by the amendment of Mr. Hatch number 344) shall be null and void.

HATCH AND LEAHY AMENDMENT NO. 363

Mr. HATCH (for himself and Mr. LEAHY) proposed an amendment to the bill S. 254, supra; as follows:

At the end of title IV, add the following:

Subtitle ___— : Sc Security

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the "Safe School Security Act of 1999".

SEC. ___2. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the "School Security Technology Center". The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school violence, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $3,700,000 for fiscal year 2000;

(2) $3,800,000 for fiscal year 2001; and

(3) $3,900,000 for fiscal year 2002.

SEC. ___3. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

"SEC. 4118. LOCAL SCHOOL SECURITY PROGRAMS.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

"(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

"(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.".

SEC. ___4. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

At the end, insert the following:

SEC. ___. DRUG TESTS AND LOCKER INSPECTIONS.

(a) SHORT TITLE.—This section may be cited as the "School Violence Prevention Act".

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

"(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and".

At the appropriate place, insert the following:

SEC. . WAIVER FOR LOCAL MATCH REQUIREMENT UNDER COMMUNITY POLICING PROGRAM.

Section 1701(i) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding at the end of the first sentence the following: "The Attorney General shall waive the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity that hires law enforcement officers for placement in public schools by a jurisdiction that demonstrates financial need or hardship."

On page 93, line 19, strike "and".

On page 93, after line 19, insert the following:

"(16) projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers; and

On page 93, line 20, strike "(16)" and insert "(17)".

On page 129, line 5, strike "and".

On page 129, after line 5, insert the following:

"(24) provide for projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers; and

On page 129, line 6, strike "(24)" and insert "(25)".

At the appropriate place, insert the following:

SEC. _. CARJACKING OFFENSES.

Section 2119 of title 18, United States Code, is amended by striking ", with the intent to cause death or serious body harm".

On page 90, after line 7, insert and renumber the following paragraphs:

"(5) to develop, implement or operate projects for the prevention or reduction of truancy through partnerships between local education agencies, local law enforcement, and, as appropriate, other community groups."

At the end, add the following:

TITLE ___—VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

SEC. ___01. SHORT TITLE.

This title may be cited as the "Violence Prevention Training for Early Childhood Educators Act".

SEC. ___02. PURPOSE.

The purpose of this title is to provide grants to institutions that carry out early childhood education training programs to enable the institutions to include violence prevention training as part of the preparation of individuals pursuing careers in early childhood development and education.

SEC. ___03. FINDINGS.

Congress makes the following findings:

(1) Aggressive behavior in early childhood is the single best predictor of aggression in later life.

(2) Aggressive and defiant behavior predictive of later delinquency is increasing among our Nation's youngest children. Without prevention efforts, higher percentages of juveniles are likely to become violent juvenile offenders.

(3) Research has demonstrated that aggression is primarily a learned behavior that develops through observation, imitation, and direct experience. Therefore, children who experience violence as victims or as witnesses are at increased risk of becoming violent themselves.

(4) In a study at a Boston city hospital, 1 out of every 10 children seen in the primary care clinic had witnessed a shooting or a stabbing before the age of 6, with 50 percent of the children witnessing in the home and 50 percent of the children witnessing in the streets.

(5) A study in New York found that children who had been victims of violence within their families were 24 percent more likely to report violent behavior as adolescents, and adolescents who had grown up in families where partner violence occurred were 21 percent more likely to report violent delinquency than individuals not exposed to violence.

(6) Aggression can become well-learned and difficult to change by the time a child reaches adolescence. Early childhood offers a critical period for overcoming risk for violent behavior and providing support for prosocial behavior.

(7) Violence prevention programs for very young children yield economic benefits. By providing health and stability to the individual child and the child's family, the programs may reduce expenditures for medical care, special education, and involvement with the judicial system.

(8) Primary prevention can be effective. When preschool teachers teach young children interpersonal problem-solving skills and other forms of conflict resolution, children are less likely to demonstrate problem behaviors.

(9) There is evidence that family support programs in families with children from birth through 5 years of age are effective in preventing delinquency.

SEC. ___04. DEFINITIONS.

In this title:

(1) AT-RISK CHILD.—The term "at-risk child" means a child who has been affected by violence through direct exposure to child abuse, other domestic violence, or violence in the community.

(2) EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.—The term "early childhood education training program" means a program that—

(A)(i) trains individuals to work with young children in early child development programs or elementary schools; or

(ii) provides professional development to individuals working in early child development programs or elementary schools;

(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider; and

(C) leads to a bachelor's degree or an associate's degree, a certificate for working with young children (such as a Child Development Associate's degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.

(3) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(4) VIOLENCE PREVENTION.—The term "violence prevention" means—

(A) preventing violent behavior in children;

(B) identifying and preventing violent behavior in at-risk children; or

(C) identifying and ameliorating violent behavior in children who act out violently.

SEC. ___05. PROGRAM AUTHORIZED.

(a) GRANT AUTHORITY.—The Secretary of Education, is authorized to award grants to institutions that carry out early childhood education training programs and have applications approved under section ___06 to enable the institutions to provide violence prevention training as part of the early childhood education training program.

(b) AMOUNT.—The Secretary of Education shall award a grant under this title in an amount that is not less than $500,000 and not more than $1,000,000.

(c) DURATION.—The Attorney General shall award a grant under this title for a period of not less than 3 years and not more than 5 years.

SEC. ___06. APPLICATION.

(a) APPLICATION REQUIRED.—Each institution desiring a grant under this title shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary of Education may require.

(b) CONTENTS.—Each application shall—

(1) describe the violence prevention training activities and services for which assistance is sought;

(2) contain a comprehensive plan for the activities and services, including a description of—

(A) the goals of the violence prevention training program;

(B) the curriculum and training that will prepare students for careers which are described in the plan;

(C) the recruitment, retention, and training of students;

(D) the methods used to help students find employment in their fields;

(E) the methods for assessing the success of the violence prevention training program; and

(F) the sources of financial aid for qualified students;

(3) contain an assurance that the institution has the capacity to implement the plan; and

(4) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution in carrying out the plan.

SEC. ___07. SELECTION PRIORITIES.

The Secretary of Education shall give priority to awarding grants to institutions carrying out violence prevention programs that include 1 or more of the following components:

(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).

(2) Preparation to engage in community outreach or collaboration with other services in the community.

(3) Preparation to use conflict resolution training with children.

(4) Preparation to work in economically disadvantaged communities.

(5) Recruitment of economically disadvantaged students.

(6) Carrying out programs of demonstrated effectiveness in the type of training for

which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

SEC. ___08. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of the fiscal years 2000 through 2004.

On page 227, line 11, strike "and" and all that follows through the period on line 19 and insert the following:

"(11) partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: caring, citizenship, fairness, respect responsibility and trustworthiness; and

(12) for programs to seek to target, curb and punish adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime, including programs that specifically provide for additional punishments or sentence enhancements for adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime."

On page 93, line 19, strike "and" and all that follows through line 21 and insert the following:

"(16) partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: caring, citizenship, fairness, respect responsibility and trustworthiness; and

(17) other activities that are likely to prevent juvenile delinquency."

At the end, add the following:

TITLE___—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

SEC. ___01. PURPOSE.

The purpose of this title is to support the work of community-based organizations, local educational agencies, and schools in providing children and youth with alternatives to delinquency through strong school-based and after school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

SEC. ___02. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $15,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out school-based programs under section ___03; and

(2) $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the after school programs under section ___04.

(b) SOURCE OF FUNDING.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

SEC. ___03. SCHOOL-BASED PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to schools, or local educational agencies that enter into a partnership with a school, to support the development of character education programs in the schools in order to—

(1) reduce delinquency, school discipline problems, and truancy; and

(2) improve student achievement, overall school performance, and youths' positive involvement in their community.

(b) APPLICATIONS.—Each school or local educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(1) CONTENTS.—Each application shall include—

(A) a description of the community to be served and the needs that will be met with the program in that community;

(B) a description of how the program will reach youth at-risk of delinquency;

(C) a description of the activities to be assisted, including—

(i) how parents, teachers, students, and other members of the community will be involved in the design and implementation of the program;

(ii) the character education program to be implemented, including methods of teacher training and parent education that will be used or developed; and

(iii) how the program will coordinate activities assisted under this section with other youth serving activities in the larger community;

(D) a description of the goals of the program;

(E) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(F) an assurance that the school or local educational agency will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. ___04. AFTER SCHOOL PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to community-based organizations to enable the organizations to provide youth with alternative activities, in the after school or out of school hours, that include a strong character education component.

(b) ELIGIBLE COMMUNITY-BASED ORGANIZATIONS.—The Secretary only shall award a grant under this section to a community-based organization that has a demonstrated capacity to provide after school or out of school programs to youth, including youth serving organizations, businesses, and other community groups.

(c) APPLICATIONS.—Each community-based organization desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(1) a description of the community to be served and the needs that will be met with the program in that community;

(2) a description of how the program will identify and recruit at-risk youth for participation in the program, and will provide continuing support for their participation;

(3) a description of the activities to be assisted, including—

(A) how parents, students, and other members of the community will be involved in the design and implementation of the program;

(B) how character education will be incorporated into the program; and

(C) how the program will coordinate activities assisted under this section with activities of schools and other community-based organizations;

(4) a description of the goals of the program;

(5) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(6) an assurance that the community-based organization will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. ___05. GENERAL PROVISIONS.

(a) DURATION.—Each grant under this title shall be awarded for a period of not to exceed 5 years.

(b) PLANNING.—A school, local educational agency or community-based organization may use grant funds provided under this title for not more than 1 year for the planning and design of the program to be assisted.

(c) SELECTION OF GRANTEES.—

(1) CRITERIA.—The Secretary, in consultation with the Attorney General, shall select, through a peer review process, community-based organizations, schools, and local educational agencies to receive grants under this title on the basis of the quality of the applications submitted and taking into consideration such factors as—

(A) the quality of the activities to be assisted;

(B) the extent to which the program fosters in youth the elements of character and reaches youth at-risk of delinquency;

(C) the quality of the plan for measuring and assessing the success of the program;

(D) the likelihood the goals of the program will be realistically achieved;

(E) the experience of the applicant in providing similar services; and

(F) the coordination of the program with larger community efforts in character education.

(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this title in a manner that ensures, to the extent practicable, that programs assisted under this title serve different areas of the United States, including urban, suburban and rural areas, and serve at-risk populations.

(d) USE OF FUNDS.—Grant funds under this title shall be used to support the work of community-based organizations, schools, or local educational agencies in providing children and youth with alternatives to delinquency through strong school-based, after school, or out of school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

(d) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this Act have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) CHARACTER EDUCATION.—The term "character education" means an organized educational program that works to reinforce core elements of character, including caring, civic virtue and citizenship, justice and fairness, respect, responsibility, and trustworthiness.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

At the appropriate place, insert the following:

SEC. ___. SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME.

Section 3681 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) FORFEITURE OF PROCEEDS.—Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense described in paragraph (2), and after notice to any interested party, the court shall order the defendant to forfeit all or any part of proceeds received or to be received by the defendant, or a transferee of the defendant, from a contract relating to

the transfer of a right or interest of the defendant in any property described in paragraph (3), if the court determines that—

"(A) the interests of justice or an order of restitution under this title so require;

"(B) the proceeds (or part thereof) to be forfeited reflect the enhanced value of the property attributable to the offense; and

"(C) with respect to a defendant convicted of an offense against a State—

"(i) the property at issue, or the proceeds to be forfeited, have travelled in interstate or foreign commerce or were derived through the use of an instrumentality of interstate or foreign commerce; and

"(ii) the attorney general of the State has declined to initiate a forfeiture action with respect to the proceeds to be forfeited.

"(2) OFFENSES DESCRIBED.—An offense is described in this paragraph if it is—

"(A) an offense under section 794 of this title;

"(B) a felony offense against the United States or any State; or

"(C) a misdemeanor offense against the United States or any State resulting in physical harm to any individual.

"(3) PROPERTY DESCRIBED.—Property is described in this paragraph if it is any property, tangible or intangible, including any—

"(A) evidence of the offense;

"(B) instrument of the offense, including any vehicle used in the commission of the offense;

"(C) real estate where the offense was committed;

"(D) document relating to the offense;

"(E) photograph or audio or video recording relating to the offense;

"(F) clothing, jewelry, furniture, or other personal property relating to the offense;

"(G) movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind depicting the offense or otherwise relating to the offense;

"(H) expression of the thoughts, opinions, or emotions of the defendant regarding the offense; or

"(I) other property relating to the offense.".

On page 265, after line 20, add the following:

SEC. 402. CALLER IDENTIFICATION SERVICES TO ELEMENTARY AND SECONDARY SCHOOLS AS PART OF UNIVERSAL SERVICE OBLIGATION.

(a) CLARIFICATION.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by inserting after "under subsection (c)(3)," the following: "including caller identification services with respect to elementary and secondary schools,".

(b) OUTREACH.—The Federal Communications Commission shall take appropriate actions to notify elementary and secondary schools throughout the United States of—

(1) the availability of caller identification services as part of the services that are within the definition of universal service under section 254(h)(1)(B) of the Communications Act of 1934; and

(2) the procedures to be used by such schools in applying for such services under that section.

On page 44, strike lines 13 through 18, and insert the following:

"(a) PROHIBITED ACT.—It shall be unlawful for any person, to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded or caused to be or remain a member of such gang participant in an offense described in section 521(c) of this title."

On page 265, after line 20, insert the following:

SEC. ___. PARENT LEADERSHIP MODEL.

(a) IN GENERAL.—The Administrator of the Office of Juvenile Crime Control and Prevention is authorized to make a grant to a national organization to provide training, technical assistance, best practice strategies, program materials and other necessary support for a mutual support, parental leadership model proven to prevent child abuse and juvenile delinquency.

(b) AUTHORIZATION.—There are authorized to be appropriated out of the Violent Crime Trust Fund, $3,000,000.

On page 167, line 23, strike "The" and insert "(a) LOCAL EDUCATIONAL GRANTS.—The".

On page 169, after line 3 insert the following:

"(b) FAMILY-TO-FAMILY MENTORING GRANTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) FAMILY-TO-FAMILY MENTORING PROGRAM.—The term 'family-to-family mentoring program' means a mentoring program that—

"(i) utilizes a 2-tier mentoring approach that matches volunteer families with at-risk families allowing parents to directly work with parents and children to work directly with children; and

"(ii) has an afterschool program for volunteer and at-risk families.

"(B) POSITIVE ALTERNATIVES PROGRAM.—The term 'positive alternatives program' means a positive youth development and family-to-family mentoring program that emphasizes drug and gang prevention components.

"(C) QUALIFIED POSITIVE ALTERNATIVES PROGRAM.—The term 'qualified positive alternatives program' means a positive alternatives program that has established a family-to-family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

"(2) AUTHORITY.—The Administrator shall make and enter into contracts with a qualified positive alternatives program.

On page 171, strike lines 20 through 22 and insert the following:

"(3) An assurance that no mentor or mentoring family will be assigned a number of youths that would undermine their ability to be an effective mentor and ensure a one-to-one relationship with mentored youths."

On page 170, line 19, strike "youth" and insert "youths."

At the end of title IV, add the following:

Subtitle ___—Partnerships for High-Risk Youth

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the "Partnerships for High-Risk Youth Act".

SEC. ___2. FINDINGS.

Congress finds that—

(1) violent juvenile crime rates have been increasing in United States schools, causing many high-profile deaths of young, innocent school children;

(2) in 1994, there were 2,700,000 arrests of persons under age 18 (a third of whom were under age 15), up from 1,700,000 in 1991;

(3) while crime is generally down in many urban and suburban areas, crime committed by teenagers has spiked sharply over the past few years;

(4) there is no single solution, or panacea, to the problem of rising juvenile crime;

(5) there will soon be over 34,000,000 teenagers in the United States, which is 26 percent higher than the number of such teenagers in 1990 and the largest number of teenagers in the United States to date;

(6) in order to ensure the safety of youth in the United States, the Nation should begin to explore innovative methods of curbing the rise in violent crime in United States schools, such as use of faith-based and grassroots initiatives; and

(7)(A) a strong partnership among law enforcement, local government, juvenile and family courts, schools, businesses, charitable organizations, families, and the religious community can create a community environment that supports the youth of the Nation and reduces the occurrence of juvenile crime; and

(B) the development of character and strong moral values will—

(i) greatly decrease the likelihood that youth will fall victim to the temptations of crime; and

(ii) improve the lives and future prospects of high-risk youth and their communities.

SEC. ___3. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a national demonstration project to promote learning about successful youth interventions, with programs carried out by institutions that can identify and employ effective approaches for improving the lives and future prospects of high-risk youth and their communities.

(2) To document best practices for conducting successful interventions for high-risk youth, based on the results of local initiatives.

(3) To produce lessons and data from the operating experience from those local initiatives that will—

(A) provide information to improve policy in the public and private sectors; and

(B) promote the operational effectiveness of other local initiatives throughout the United States.

SEC. ___4. ESTABLISHMENT OF DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to Public-Private Ventures, Inc. to enable Public-Private Ventures, Inc. to award grants to eligible partnerships to pay for the Federal share of the cost of carrying out collaborative intervention programs for high-risk youth, described in section ___6, in the following 12 cities:

(1) Boston, Massachusetts.
(2) New York, New York.
(3) Philadelphia, Pennsylvania.
(4) Pittsburgh, Pennsylvania.
(5) Detroit, Michigan.
(6) Denver, Colorado.
(7) Seattle, Washington.
(8) Cleveland, Ohio.
(9) San Francisco, California.
(10) Austin, Texas.
(11) Memphis, Tennessee.
(12) Indianapolis, Indiana.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 70 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash.

SEC. ___5. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under section ___4, a partnership—

(1) shall submit an application to Public-Private Ventures Inc. at such time, in such manner, and containing such information as Public-Private Ventures, Inc. may require;

(2) shall enter into a memorandum of understanding with Public-Private Ventures, Inc.; and

(3)(A) shall be a collaborative entity that includes representatives of local government, juvenile detention service providers, local law enforcement, probation officers, youth street workers, and local educational

agencies, and religious institutions that have resident-to-membership percentages of at least 40 percent; and;

(B) shall serve a city referred to in section ___4(a).

(b) SELECTION CRITERIA.—In making grants under section ___4, Public-Private Ventures, Inc. shall consider—

(1) the ability of a partnership to design and implement a local intervention program for high-risk youth;

(2) the past experience of the partnership, and key participating individuals, in intervention programs for youth and similar community activities; and

(3) the experience of the partnership in working with other community-based organizations.

SEC. ___6. USES OF FUNDS.

(a) PROGRAMS.—

(1) CORE FEATURES.—An eligible partnership that receives a grant under section ___4 shall use the funds made available through the grant to carry out an intervention program with the following core features:

(A) TARGET GROUP.—The program will target a group of youth (including young adults) who—

(i) are at high risk of—

(I) leading lives that are unproductive and negative;

(II) not being self-sufficient; and

(III) becoming incarcerated; and

(ii) are likely to cause pain and loss to other individuals and their communities.

(B) VOLUNTEERS AND MENTORS.—The program will make significant use of volunteers and mentors.

(C) LONG-TERM INVOLVEMENT.—The program will feature activities that promote long-term involvement in the lives of the youth (including young adults).

(2) PERMISSIBLE SERVICES.—The partnership, in carrying out the program, may use funds made available through the grant to provide, directly or through referrals, comprehensive support services to the youth (including young adults).

(b) EVALUATION AND RELATED ACTIVITIES.—Using funds made available through its grant under section ___4, Public-Private Ventures, Inc. shall—

(1) prepare and implement an evaluation design for evaluating the programs that receive grants under section ___4;

(2) conduct a quarterly evaluation of the performance and progress of the programs;

(3) organize and conduct national and regional conferences to promote peer learning about the operational experiences from the programs;

(4) provide technical assistance to the partnerships carrying out the programs, based on the quarterly evaluations; and

(5) prepare and submit to the Attorney General a report that describes the activities of the partnerships and the results of the evaluations.

(c) LIMITATION.—Not more than 20 percent of the funds appropriated under section ___7 for a fiscal year may be used—

(1) to provide comprehensive support services under subsection (a)(2);

(2) to carry out activities under subsection (b); and

(3) to pay for the administrative costs of Public-Private Ventures, Inc., related to carrying out this subtitle.

SEC. ___7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $4,000,000 for each of the fiscal years 2000 through 2004.

Subtitle ___—National Youth Crime Prevention

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the "National Youth Crime Prevention Demonstration Act".

SEC. ___2. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a demonstration project that establishes violence-free zones that would involve successful youth intervention models in partnership with law enforcement, local housing authorities, private foundations, and other public and private partners.

(2) To document best practices based on successful grassroots interventions in cities, including Washington, District of Columbia; Boston, Massachusetts; Hartford, Connecticut; and other cities to develop methodologies for widespread replication.

(3) To increase the efforts of the Department of Justice, the Department of Housing and Urban Development, and other agencies in supporting effective neighborhood mediating approaches.

SEC. ___3. ESTABLISHMENT OF NATIONAL YOUTH CRIME PREVENTION DEMONSTRATION PROJECT.

The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to the National Center for Neighborhood Enterprise (referred to in this subtitle as the "National Center") to enable the National Center to award grants to grassroots entities in the following 8 cities:

(1) Washington, District of Columbia.

(2) Detroit, Michigan.

(3) Hartford, Connecticut.

(4) Indianapolis, Indiana.

(5) Chicago (and surrounding metropolitan area), Illinois.

(6) San Antonio, Texas.

(7) Dallas, Texas.

(8) Los Angeles, California.

SEC. ___4. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a grassroots entity referred to in section ___3 shall submit an application to the National Center to fund intervention models that establish violence-free zones.

(b) SELECTION CRITERIA.—In awarding grants under this subtitle, the National Center shall consider—

(1) the track record of a grassroots entity and key participating individuals in youth group mediation and crime prevention;

(2) the engagement and participation of a grassroots entity with other local organizations; and

(3) the ability of a grassroots entity to enter into partnerships with local housing authorities, law enforcement agencies, and other public entities.

SEC. ___5. USES OF FUNDS.

(a) IN GENERAL.—Funds received under this subtitle may be used for youth mediation, youth mentoring, life skills training, job creation and entrepreneurship, organizational development and training, development of long-term intervention plans, collaboration with law enforcement, comprehensive support services and local agency partnerships, and activities to further community objectives in reducing youth crime and violence.

(b) GUIDELINES.—The National Center will identify local lead grassroots entities in each designated city.

(c) TECHNICAL ASSISTANCE.—The National Center, in cooperation with the Attorney General, shall also provide technical assistance for startup projects in other cities.

SEC. ___6. REPORTS.

The National Center shall submit a report to the Attorney General evaluating the effectiveness of g oots agencies and other public entities involved in the demonstration project.

SEC. ___7. DEFINITIONS.

In this subtitle:

(1) GRASSROOTS ENTITY.—The term "grassroots entity" means a not-for-profit community organization with demonstrated effectiveness in mediating and addressing youth violence by empowering at-risk youth to become agents of peace and community restoration.

(2) NATIONAL CENTER FOR NEIGHBORHOOD ENTERPRISE.—The term "National Center for Neighborhood Enterprise" means a not-for-profit organization incorporated in the District of Columbia.

SEC. ___8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

(1) $5,000,000 for fiscal year 2000;

(2) $5,000,000 for fiscal year 2001;

(3) $5,000,000 for fiscal year 2002;

(4) $5,000,000 for fiscal year 2003; and

(5) $5,000,000 for fiscal year 2004.

(b) RESERVATION.—The National Center for Neighborhood Enterprise may use not more than 20 percent of the amounts appropriated pursuant to subsection (a) in any fiscal year for administrative costs, technical assistance and training, comprehensive support services, and evaluation of participating grassroots organizations.

On page 119, line 16, strike "and".

On page 119, line 18, insert "and" at the end.

On page 119, between lines 18 and 19, insert the following:

"(R) court supervised initiatives that address the illegal possession of firearms by juveniles;".

On page 129, line 5, strike "and".

On page 129, line 14, strike "individual." and insert "individual; and".

On page 129, between lines 14 and 15, insert the following:

"(25) demonstrate that the State has in effect a policy or practice that requires State or local law enforcement agencies to—

"(A) present before a judicial officer any juvenile who unlawfully possesses a firearm in a school; and

"(B) detain such juvenile in an appropriate juvenile facility or secure community-based placement for not less than 24 hours for appropriate evaluation, upon a finding by the judicial officer that the juvenile may be a danger to himself or herself, to other individuals, or to the community in which that juvenile resides.".

On page 131, line 11, strike "or (24)" and insert "(24), or (25)".

On page 131, line 12, strike "1999" and insert "2000".

On page 131, line 15, strike "12.5" and insert "10".

At the appropriate place, insert the following:

"SEC. . NATIONAL MEDIA CAMPAIGN AGAINST VIOLENCE.

There is authorized to be appropriated to the National Crime Prevention Council not to exceed $25,000,000, to be expended without fiscal-year limitation, for a 2-year national media campaign, to be conducted in consultation with national, statewide or community based youth organization, Boys and Girls Clubs of America, and to be targeted to parents (and other caregivers) and to youth, to reduce and prevent violent criminal behavior by young Americans: *Provided*, That none of such funds may be used—(1) to propose, influence, favor, or oppose any change in any statute, rule, regulation, treaty, or other provision of law; (2) for any partisan political purpose; (3) to feature any elected

officials, persons seeking elected office, cabinet-level officials, or Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213, or (4) in any way that otherwise would violate section 1913 of title 18 of the United States Code: *Provided further*, That, for purposes hereof, "violent criminal behavior by young Americans" means behavior, by minors residing in the United States (or in any jurisdiction under the sovereign jurisdiction thereof), that both is illegal under federal, state, or local law, and involves acts or threats of physical violence, physical injury, or physical harm Code: *Provided further*, That not to exceed 10% of the funds appropriated pursuant to this authorization shall be used to commission an objective accounting, from a licensed and certified public accountant, using generally-accepted accounting principles, of the funds appropriated pursuant to this authorization and of any other funds or in-kind donations spent or used in the campaign, and an objective evaluation both of the impact and cost-effectiveness of the campaign and of the campaign-related activities of the Council and the Clubs, which accounting and evaluation shall be submitted by the Council to the Committees on Appropriations and the Judiciary of each House of Congress by not later than 9 months after the conclusion of the campaign.

Strike sections 303 and 304 and insert the following:

SEC. 303. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking "accurate reporting of the problem nationally and to develop" and inserting "an accurate national reporting system to report the problem, and to assist in the development of"; and

(2) by striking paragraph (8) and inserting the following:

"(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;".

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GRANTS FOR CENTERS AND SERVICES.—

"(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.";

(2) in subsection (b)(2), by striking "the Trust Territory of the Pacific Islands,"; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking "paragraph (6)" and inserting "paragraph (7)";

(B) in paragraph (10), by striking "and" at the end;

(C) in paragraph (11), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"SEC. 313. APPROVAL OF APPLICATIONS.

"(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than $200,000.".

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-1) is amended—

(1) in the section heading, by striking "PURPOSE AND";

(2) in subsection (a), by striking "(a)"; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-21) is amended to read as follows:

"SEC. 341. COORDINATION.

"With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

"(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

"(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.".

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-23) is amended—

(1) in the section heading, by inserting "EVALUATION," after "RESEARCH,";

(2) in subsection (a), by inserting "evaluation," after "research,"; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Home Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(j) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"SEC. 381. REPORTS.

"(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education

and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.".

(k) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"SEC. 386. EVALUATION AND INFORMATION.

"(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

"(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

"(2) collecting additional information for the report required by section 383; and

"(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

"(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.".

(l) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

"SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.

"(2) ALLOCATION.—

"(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

"(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

"(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

"(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

(m) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

"PART E—SEXUAL ABUSE PREVENTION PROGRAM

"SEC. 351. AUTHORITY TO MAKE GRANTS.

"(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

"(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (l) of this section, is amended by adding at the end the following:

"(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.".

(n) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (k) of this section, the following:

"SEC. 387. DEFINITIONS.

"In this title:

"(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) HOME-BASED SERVICES.—The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not more than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) STREET-BASED SERVICES.—The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexual exploitation;

"(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(IV) physical and sexual assault.

"(5) STREET YOUTH.—The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

"(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B)(i) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.".

(o) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b-5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, and 385, respectively.

(p) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking "With" and all that follows through "the Secretary", and inserting "The Secretary"; and

(2) in section 344(a)(1), by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

SEC. 304. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) for 14 years, the National Center for Missing and Exploited Children has—

"(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

"(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

"(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1-800-THE-LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.".

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'Center' means the National Center for Missing and Exploited Children.".

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

"(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

"(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714-11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

"(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

"(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

"(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

"(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.".

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting "the Center and with" before "public agencies".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking "1997 through 2001" and inserting "2000 through 2004".

On page 7, strike lines 7 through 18, and insert the following:

SEC. 101. SURRENDER TO STATE AUTHORITIES.

Section 5001 of title 18, United States Code, is amended by striking the first undesignated paragraph and inserting the following:

"Whenever any person who is less than 18 years of age is been arrested and charged with the commission of an offense (or an act of delinquency that would be an offense were it committed by an adult) punishable in any court of the United States or of the District of Columbia, the United States Attorney for the district in which such person has been arrested may forego prosecution pursuant to section 5032(a)(2) if, after investigation by the United States Attorney, it appears that—

"(1) such person has committed an act that is also an offense or an act of delinquency under the law of any State or the District of Columbia;

"(2) such State or the District of Columbia, as applicable, can and will assume jurisdiction over such juvenile and will take such juvenile into custody and deal with the juvenile in accordance with the law of such State or the District of Columbia, as applicable; and

"(3) it is in the best interests of the United States and of the juvenile offender.".

On page 8, line 14, insert ", except as provided in subsection (d)(2)" after "court".

On page 9, line 2, insert ", except as provided in subsection (d)(2)" after "court".

On page 10, beginning on line 1, strike "of concurrent jurisdiction between the Federal Government and a State or Indian tribe over both the offense and the juvenile" and insert "in which both the Federal Government and a State or Indian tribe have penal provisions that criminalize the conduct at issue and both have jurisdiction over the juvenile".

On page 10, line 15, strike "the offense" and insert "the conduct".

On page 10, strike line 20 and all that follows through page 11, line 5, and insert the following:

"(C) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

On page 12, line 13, insert "or for referral" after "defendant".

On page 12, line 16, strike "20" and insert "30".

On page 12, line 18, strike "initially appears through counsel" and insert "appears through counsel to answer an indictment".

On page 12, line 24, strike "clear and convincing" and insert "a preponderance of the".

On page 14, line 20, strike "not".

On page 15, line 19, insert "and subject to subparagraph (C) of this paragraph," after "chapter,".

On page 23, line 9, insert "committed while an adult" after "charges".

On page 24, beginning on line 10, strike "brief and incidental or accidental" and insert "brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways".

On page 30, line 17, strike "the guidelines" and insert "any guidelines".

On page 35, line 1, insert "felony" after "any".

On page 36, beginning on line 14, strike "purpose of making an admission determination" and insert "sole purpose of denying admission".

On page 36, line 21, add after "juvenile." the following: "Any juvenile may petition the court after a period of 5 years to have a record relating to such juvenile and described in this section (except a record relating to an offense described in subsection (b)(2)(A)) removed from the Federal Bureau of Investigation database if that juvenile can establish by clear and convincing evidence that the juvenile is no longer a danger to the community.".

On page 38, beginning on line 2, strike "or ordered to pay restitution or a special assessment under section 3013".

On page 47, between lines 21 and 22, insert the following:

(3) STATE.—The term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

On page 54, line 1, strike "by paragraph (3)" and insert "in paragraph (3)".

On page 62, line 2, strike "and".

On page 62, line 5, strike the period and insert a semicolon.

On page 62, between lines 5 and 6, insert the following:

"(D) supervision by properly screened staff, who are trained and experienced in working with juveniles or young adults, in highly structured, disciplined surroundings, characteristic of a military environment; and

"(E) participation in community service programs, such as counseling sessions, mentoring, community service, or restitution projects, and a comprehensive aftercare plan developed through close coordination with Federal, State, and local agencies, and in cooperation with business and private organizations, as appropriate.

On page 65, line 12, insert ", and in which there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender" before the period.

On page 68, line 24, insert "violent and unlawful acts of animal cruelty," after "gangs,".

On page 69, beginning on line 24, strike "brief and incidental or accidental" and insert "brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways".

On page 71, line 10, strike "forcible".

On page 92, line 15, insert ", including youth violence courts targeted to juveniles aged 14 and younger" before the semicolon.

On page 93, strike lines 20 and 21, and insert the following:

"(16) programs for positive youth development that provide youth at risk of delinquency with—

"(A) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

"(B) safe places and structured activities during nonschool hours;

"(C) a healthy start;

"(D) a marketable skill through effective education; and

"(E) an opportunity to give back through community service.

On page 119, line 16, strike "and".

On page 119, between lines 18 and 19, insert the following:

"(R) programs for positive youth development that provide delinquent youth and youth at-risk of delinquency with—

"(i) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

"(ii) safe places and structured activities during nonschool hours;

"(iii) a healthy start;

"(iv) a marketable skill through effective education; and

"(v) an opportunity to give back through community service;

On page 121, beginning on line 5, strike "in collocated facilities" and insert ", including in collocated facilities,".

On page 122, beginning on line 8, strike "in collocated facilities" and insert ", including in collocated facilities,".

On page 123, strike lines 20 through 24, and insert the following:

"(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and the parent has the right to revoke such consent at any time;

On page 124, line 6, insert "finds that such detention or confinement is in the best interest of such juvenile and" before "approves".

On page 124, line 18, insert ", which review may be in the presence of the juvenile" before the semicolon.

On page 127, beginning on line 22, strike "(if any), not to exceed 5 percent," and insert ", if any,".

On page 225, line 25, insert ", including programs designed and operated to further the goal of providing eligible offenders with an alternative to adjudication that emphasizes restorative justice" before the semicolon.

On page 227, line 11, strike "and".

On page 227, line 19, strike the period and insert "; and".

On page 227, between lines 19 and 20, insert the following:

"(12) for programs that drug test juveniles who are arrested, including follow-up testings.

On page 253, strike line 23 and all that follows through page 255, line 22.

On page 103, line 12, strike "206" and insert "207".

On page 103, between lines 11 and 12, insert the following:

"SEC. 206. GRANTS TO YOUTH ORGANIZATIONS.

"(a) GRANT PROGRAM.—The Administrator may make grants to Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act) and national, Statewide, or community-based, nonprofit organizations in crime prone areas, (such as Boys and Girls Clubs, Police Athletic Leagues, 4-H Clubs, YWCA, YMCA, Big Brothers and Big Sisters, and Kids 'N Kops programs) for the purposes of—

"(1) providing constructive activities to youth during after school hours, weekends, and school vacations;

"(2) providing supervised activities in safe environments to youth in those areas, including activities through parks and other recreation areas; and

"(3) providing anti-alcohol and other drug education to prevent alcohol and other drug abuse among youth.

"(b) APPLICATIONS.—

"(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the governing body of the Indian tribe or the chief operating officer of a national, Statewide, or community-based nonprofit organization shall submit an application to the Administrator, in such form and containing such information as the Administrator may reasonably require.

"(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

"(A) a request for a grant to be used for the purposes of this section;

"(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

"(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

"(D) written assurances that all activities funded under this section will be supervised by an appropriate number of responsible adults;

"(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs; and

"(F) any additional statistical or financial information that the Administrator may reasonably require.

"(c) GRANT AWARDS.—In awarding grants under this section, the Administrator shall consider—

"(1) the ability of the applicant to provide the intended services;

"(2) the history and establishment of the applicant in providing youth activities; and

"(3) the extent to which services will be provided in crime prone areas, including efforts to achieve an equitable geographic distribution of the grant awards.

"(d) ALLOCATION.—Of the amounts made available to carry out this section—

"(1) 20 percent shall be for grants to national or Statewide nonprofit organizations; and

"(2) 80 percent shall be for grants to community-based, nonprofit organizations.

"(e) CONTINUED AVAILABILITY.—Amounts made available under this section shall remain available until expended.

On page 107, line 20, strike "207" and insert "208".

On page 122, lines 15 and 16, strike the semicolon and "(II)" and insert "and".

On page 122, line 18, strike "(III)" and insert "(II)".

On page 123, line 1, strike "(IV)" and insert "(III)".

On page 57, line 24, insert "public recreation agencies," after "schools,".

On page 89, line 21, insert "public recreation," after "justice,".

On page 90, line 23, insert "public recreation staff," after "businesses,".

On page 92, line 22, insert "public recreation agencies," after "agencies,".

On page 95, line 3, insert "public recreation agencies," after "schools,".

On page 99, line 25, insert "local recreation agency," after "authority),".

On page 115, line 22, insert "public recreation agencies," after "care agencies,".

On page 145, line 18, insert "public recreation personnel," after "education,".

On page 152, line 14, insert ", recreation," after "education".

On page 155, line 9, insert "or other appropriate site" after "project".

On page 159, line 16, insert "recreation," after "ployment,".

On page 243, line 18, strike "and".

On page 243, line 19, strike "(x)" and insert "(xi)".

On page 243, between lines 18 and 19, insert the following:

"(x) local recreation agencies; and".

At the appropriate place, insert the following:

SEC. ___. VICTIMS OF TERRORISM.

(a) IN GENERAL.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended to read as follows:

"SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

"(a) DEFINITIONS.—In this section—

"(1) the term 'eligible crime victim compensation program' means a program that meets the requirements of section 1402(b);

"(2) the term 'eligible crime victim assistance program' means a program that meets the requirements of section 1404(b);

"(3) the term 'public agency' includes any Federal, State, or local government or nonprofit organization; and

"(4) the term 'victim'—

"(A) means an individual who is citizen or employee of the United States, and who is injured or killed as a result of a terrorist act or mass violence, whether occurring within or outside the United States; and

"(B) includes, in the case of an individual described in subparagraph (A) who is deceased, the family members of the individual.

"(b) GRANTS AUTHORIZED.—The Director may make grants, as provided in either section 1402(d)(4)(B) or 1404—

"(1) to States, which shall be used for eligible crime victim compensation programs and eligible crime victim assistance programs for the benefit of victims; and

"(2) to victim service organizations, and public agencies that provide emergency or ongoing assistance to victims of crime, which shall be used to provide, for the benefit of victims—

"(A) emergency relief (including compensation, assistance, and crisis response) and other related victim services; and

"(B) training and technical assistance for victim service providers.

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supplant any compensation available under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.".

(b) APPLICABILITY.—The amendment made by this section applies to any terrorist act or mass violence occurring on or after December 20, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

At the appropriate place, insert the following:

SEC. ___. TRUTH-IN-SENTENCING INCENTIVE GRANTS.

(a) QUALIFICATION DATE.—Section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)(3)) is amended by striking "on April 26, 1996" and inserting "on or after April 26, 1996."

(b) MINIMUM AMOUNT.—Section 20106 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706) is amended by striking subsection (b) and inserting the following:

"(b) FORMULA ALLOCATION.—The amount made available to carry out this section for any fiscal year under section 20104 shall be allocated as follows:

"(1) .75 percent shall be allocated to each State that meets the requirements of section 20104, except that the United States Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent; and

"(2) The amount remaining after the application of paragraph (1) shall be allocated to each State that meets the requirements of section 20104 in the ratio that the average annual number of part 1 violent crimes reported by that State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 20104 to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.".

At the end, insert the following:

SEC. ___. APPLICATION OF PROVISION RELATING TO A SENTENCE OF DEATH FOR AN ACT OF ANIMAL ENTERPRISE TERRORISM.

Section 3591 of title 18, United States Code (relating to circumstances under which a defendant may be sentenced to death), shall apply to sentencing for a violation of section 43 of title 18, United States Code, as amended by this Act to include the death penalty as a possible punishment.

At the appropriate place, insert the following:

SEC. ___. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

"(1) is less than 21 years of age;

"(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or has been committed to any mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship;

"(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

"(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

"(1) is less than 21 years of age;

"(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship; or

"(9) is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct

that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

"(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

"(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

"(2) EXCEPTIONS.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

"(A) admitted to the United States for lawful hunting or sporting purposes;

"(B) a foreign military personnel on official assignment to the United States;

"(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

"(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

"(3) WAIVER.—

"(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

"(ii) the Attorney General approves the petition.

"(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.".

On page 175, line 14, strike "$1,000,000,000" and insert "$1,100,000,000".

On page 175, strike lines 19 through 22 and insert the following:

"(1) $500,000,000 shall be for programs under sections 1801 and 1803 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), of which $50,000,000 shall be for programs under section 1803;".

On page 241, line 15, strike "applies."." and insert "applies.".

On page 241, after line 15, insert the following:

"SEC. 1803. GRANTS TO COURTS FOR STATE JUVENILE JUSTICE SYSTEMS.

"(a) IN GENERAL.—The Attorney General may make grants in accordance with this section to States and units of local government to assist State and local courts with juvenile offender dockets.

"(b) GRANT PURPOSES.—Grants under this section may be used—

"(1) for technology, equipment, and training for judges, probation officers, and other court personnel to implement an accountability-based juvenile justice system that provides substantial and appropriate sanctions that are graduated in such manner as to reflect (for each delinquent act or criminal offense) the severity or repeated nature of that act or offense;

"(2) to hire additional judges, probation officers, other necessary court personnel, victims counselors, and public defenders for juvenile courts or adult courts with juvenile offender dockets, including courts with specialized juvenile drug offense or juvenile firearms offense dockets to reduce juvenile court backlogs, and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders.

"(3) to provide funding to enable juvenile courts and juvenile probation officers to address drug, gang, and youth violence problems more effectively; and

"(45) to provide funds to—

(A) effectively supervise and monitor juvenile offenders sentenced to probation or parole; and

(B) enforce conditions of probation and parole imposed on juvenile offenders, including drug testing and payment of restitution.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each State or unit of local government that applies for a grant under this section shall submit an application to the Attorney General, in such form and containing such information as the Attorney General may reasonably require.

"(2) REQUIREMENTS.—In submitting an application for a grant under this part, a State or unit of local government shall provide assurances that the State or unit of local government will—

"(A) give priority to the prosecution of violent juvenile offenders;

"(B) seek to reduce any backlogs in juvenile justice cases and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

"(C) give adequate consideration to the rights and needs of victims of juvenile offenders; and

"(D) use amounts received under this section to supplement (and not supplant) State and local resources.

"(d) ALLOCATION OF GRANTS.—

"(1) IN GENERAL.—

"(A) ALLOCATION TO STATES.—

"(I) IN GENERAL.—In awarding grants under this part, the Attorney General may award grants provided for a State (including units of local government in that State) an aggregate amount equal to 0.75 percent of the amount made available to the Attorney General by appropriations for this section made pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (reduced by amounts reserved under subsection (e)).

"(ii) ADJUSTMENT.—If the Attorney General determines that an insufficient number of applications have been submitted for a State, the Attorney General may adjust the aggregate amount awarded for a State under clause (i).

"(b) REMAINING AMOUNTS.—Of the adjusted amounts available to the Attorney General to carry out the grant program under this section referred to in subparagraph (A) that remain after the Attorney General distributes the amounts specified in that subparagraph (referred to in this subparagraph as the 'remaining amount') the Attorney General may award an additional aggregate amount to each State (including any political subdivision thereof) that (or with respect to which a political subdivision thereof) submits an application that is approved by the Attorney General under this section that bears the same ratio to the remaining amount as the population of juveniles residing in that State bears to the populace of juveniles residing in all States.

"(2) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that the distribution of grant amounts made available for a State (including units of local government in that State) under this section is made on an equitable geographic basis, to ensure that—

"(A) an equitable amount of available funds are directed to rural areas, including those justifications serving smaller urban and rural communities located along interstate transportation routes that are adversely affected by interstate criminal gang activity, such as illegal drug trafficking; and

"(B) the amount allocated to a State is equitably divided between the State, counties, and other units of government to reflect the relative responsibilities of each such unit of local government.

"(e) ADMINISTRATION; TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Attorney General may reserve for each fiscal year not more than 2 percent of amounts appropriated for this section pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974—

"(A) for the administration of this section; and

"(B) for the provision of technical assistance to recipients of or applicants for grant awards under this section.

"(2) CARRYOVER PROVISION.—Any amounts reserved for any fiscal year pursuant to paragraph (1) that are not expended during that fiscal year shall remain available until expended, except that any amount reserved under this subsection for the succeeding fiscal year from amounts made available by appropriations shall be reduced by an amount equal to the amount that remains available.

"(f) AVAILABILITY OF FUNDS.—Any grant amounts awarded under this section shall remain available until expended.".

At the appropriate place, insert the following:

SEC. ___. DISTRICT JUDGES FOR DISTRICTS IN THE STATES OF ARIZONA, FLORIDA, AND NEVADA.

(a) SHORT TITLE.—This section may be cited as the "Emergency Federal Judgeship Act of 1999".

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the district of Arizona;

(2) 4 additional district judges for the middle district of Florida; and

(3) 2 additional district judges for the district of Nevada.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

"Arizona ..... 11";

(2) the item relating to Florida in such table is amended to read as follows:

"Florida:

Northern	4
Middle	15
Southern	16";

and

(3) the item relating to Nevada in such table is amended to read as follows:

"Nevada ..... 6".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

At the appropriate place, insert the following:

SEC. ___. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with state and federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

On page 90, strike line 25 and insert the following: properly screened and trained and that—

"(A) the State establish criteria to assess the quality of those one-on-one mentoring projects;

"(B) the Administrator develop an annual report on the best mentoring practices in those projects; and

"(C) the State choose exemplary projects, designated Gold Star Mentoring Projects, to receive preferential access to funding;

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING MENTORING PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) the well-being of all people of the United States is preserved and enhanced when young people are given the guidance they need to live healthy and productive lives;

(2) adult mentors can play an important role in ensuring that young people become healthy, productive, successful members of society;

(3) at-risk young people with mentors are 46 percent less likely to begin using illegal drugs than at-risk young people without mentors;

(4) at-risk young people with mentors are 27 percent less likely to begin using alcohol than at-risk young people without mentors;

(5) at-risk young people with mentors are 53 percent less likely to skip school than at-risk young people without mentors;

(6) at-risk young people with mentors are 33 percent less likely to hit someone than at-risk young people without mentors;

(7) 73 percent of students with mentors report that their mentors helped raise their goals and expectations; and

(8) there are many employees of the Federal Government who would like to serve as youth or family mentors but are unable to leave their jobs to participate in mentoring programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should issue an Executive Order allowing all employees of the Federal Government to use a maximum of 1 hour each week of excused absence or administrative leave to serve as mentors in youth or family mentoring programs.

On page 85, line 6, strike "and" after the semicolon.

On page 85, line 10, strike the period and insert a semicolon and "and".

On page 85, insert between lines 10 and 11 the following:

"(9) provide technical and financial assistance to an organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to carry out activities under this paragraph, if such an organization agrees to carry out activities that include—

"(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

"(B) disseminating information, data, standards, advanced techniques, and programs models developed through the Institute and through programs funded under section 261;

"(D) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

On page 110, line 22, insert after the period "A portion of any allocation of formula grants to a State shall be available to develop a State plan or for other activities associated with such State plan which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position.".

On page 129, line 23, strike ", consisting" and insert "The State Advisory Group shall consist".

On page 130, strike lines 15 through 19 and insert the following:

"(i) IN GENERAL.—The State Advisory Group established under subparagraph (A) shall—

"(I) participate in the development and review of the State plan under this section before submission to the supervisory agency for final action; and

"(II) be afforded an opportunity to review and comment, not later than 30 days after the submission to the State Advisory Group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under subsection (a)(1).

On page 131, lines 2, 3, and 4, strike "shall make available to the State Advisory Group such sums as may be necessary".

On page 85, line 6, strike "and" at the end.

On page 85, line 10, insert the following at the end:

SEC. 204. NATIONAL PROGRAM.

(b) DUTIES OF ADMINISTRATOR—In carrying out this title, the Administrator shall—

(9) provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to assist such organization to carry out the functions specified under (A).

(A) To be eligible to receive such assistance such organization shall agree to carry out activities that include—

(i) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups; and

(ii) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 261.

On page 265, after line 20, add the following:

SEC. 4. FAMILIES AND SCHOOLS TOGETHER PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency in the Department of Justice.

(2) FAST PROGRAM.—The term "FAST program" means a program that addresses the urgent social problems of youth violence and chronic juvenile delinquency by building and enhancing juveniles' relationships with their families, peers, teachers, school staff, and other members of the community by bringing together parents, schools, and communities to help—

(A) at-risk children identified by their teachers to succeed;

(B) enhance the functioning of families with at-risk children;

(C) prevent alcohol and other drug abuse in the family; and

(D) reduce the stress that their families experience from daily life.

(b) AUTHORIZATION.—In consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services, the Administrator shall carry out a Family and Schools Together program to promote FAST programs.

(c) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services shall develop

regulations governing the distribution of the funds for FAST programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $12,000,000 for the each of fiscal years 2000 through 2004.

(2) ALLOCATION.—Of amounts appropriated under paragraph (1)—

(A) 83.33 percent shall be available for the implementation of local FAST programs; and

(B) 16.67 percent shall be available for research and evaluation of FAST programs.

At the end of the bill, insert the following:

TITLE V—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

SEC. 501. SHORT TITLE.

This title may be cited as the "Violent Offender DNA Identification Act of 1999".

SEC. 502. ELIMINATION OF CONVICTED OFFENDER DNA BACKLOG.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, and after consultation with representatives of State and local forensic laboratories, shall develop a voluntary plan to assist State and local forensic laboratories in performing DNA analyses of DNA samples collected from convicted offenders.

(2) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to effectively eliminate the backlog of convicted offender DNA samples awaiting analysis in State or local forensic laboratory storage, including samples that need to be reanalyzed using upgraded methods, in an efficient, expeditious manner that will provide for their entry into the Combined DNA Indexing System (CODIS).

(b) PLAN CONDITIONS.—The plan developed under subsection (a) shall—

(1) require that each laboratory performing DNA analyses satisfy quality assurance standards and utilize state-of-the-art testing methods, as set forth by the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice; and

(2) require that each DNA sample collected and analyzed be accessible only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) IMPLEMENTATION OF PLAN.—Subject to the availability of appropriations under subsection (d), the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, shall implement the plan developed pursuant to subsection (a) with State and local forensic laboratories that elect to participate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $15,000,000 for each of fiscal years 2000 and 2001.

DNA IDENTIFICATION OF FEDERAL, DISTRICT OF COLUMBIA, AND MILITARY VIOLENT OFFENDERS.

(a) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

"(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include information on DNA identification records and analyses related to criminal offenses and acts of juvenile delinquency under Federal law, the Uniform Code of Military Justice, and the District of Columbia Code, in accordance with section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(b) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1), by striking "persons convicted of crimes" and inserting "individuals convicted of criminal offenses or adjudicated delinquent for acts of juvenile delinquency, including qualifying offenses (as defined in subsection (d)(1))";

(2) in subsection (b)(2), by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual"; and

(3) by adding at the end the following:

"(d) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT OFFENDERS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'crime of violence' has the meaning given such term in section 924(c)(3) of title 18, United States Code; and

"(B) the term 'qualifying offense' means a criminal offense or act of juvenile delinquency included on the list established by the Director of the Federal Bureau of Investigation under paragraph (2)(A)(i).

"(2) REGULATIONS.—

"(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, and at the discretion of the Director thereafter, the Director of the Federal Bureau of Investigation, in consultation with the Director of the Bureau of Prisons, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), and the Chief of Police of the Metropolitan Police Department of the District of Columbia, shall by regulation establish—

"(i) a list of qualifying offenses; and

"(ii) standards and procedures for—

"(I) the analysis of DNA samples collected from individuals convicted of or adjudicated delinquent for a qualifying offense;

"(II) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in subclause (I); and

"(III) with respect to juveniles, the expungement of DNA identification records and DNA analyses described in subclause (II) from the index established by this section in any circumstance in which the underlying adjudication for the qualifying offense has been expunged.

"(B) OFFENSES INCLUDED.—The list established under subparagraph (A)(i) shall include—

"(i) each criminal offense or act of juvenile delinquency under Federal law that—

"(I) constitutes a crime of violence; or

"(II) in the case of an act of juvenile delinquency, would, if committed by an adult, constitute a crime of violence;

"(ii) each criminal offense under the District of Columbia Code that constitutes a crime of violence; and

"(iii) any other felony offense under Federal law or the District of Columbia Code, as determined by the Director of the Federal Bureau of Investigation.

"(3) FEDERAL OFFENDERS.—

"(A) COLLECTION OF SAMPLES FROM FEDERAL PRISONERS.—

"(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who, before or after this subsection takes effect, has been convicted of or adjudicated delinquent for a qualifying offense.

"(ii) TIME AND MANNER.—The Director of the Bureau of Prisons shall specify the time and manner of collection of DNA samples under this subparagraph.

"(B) COLLECTION OF SAMPLES FROM FEDERAL OFFENDERS ON SUPERVISED RELEASE, PAROLE, OR PROBATION.—

"(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the agency responsible for the supervision under Federal law of an individual on supervised release, parole, or probation (other than an individual described in paragraph (4)(B)(i)) shall collect a DNA sample from each individual who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

"(ii) TIME AND MANNER.—The Director of the Administrative Office of the United States Courts shall specify the time and manner of collection of DNA samples under this subparagraph.

"(4) DISTRICT OF COLUMBIA OFFENDERS.—

"(A) OFFENDERS IN CUSTODY OF DISTRICT OF COLUMBIA.—

"(i) IN GENERAL.—The Government of the District of Columbia may—

"(I) identify 1 or more categories of individuals who are in the custody of, or under supervision by, the District of Columbia, from whom DNA samples should be collected; and

"(II) collect a DNA sample from each individual in any category identified under clause (i).

"(ii) DEFINITION.—In this subparagraph, the term 'individuals in the custody of, or under supervision by, the District of Columbia'—

"(I) includes any individual in the custody of, or under supervision by, any agency of the Government of the District of Columbia; and

"(II) does not include an individual who is under the supervision of the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997.

"(B) OFFENDERS ON SUPERVISED RELEASE, PROBATION, OR PAROLE.—

"(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Court Services and Offender Supervision Agency for the District of Columbia, or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997, as appropriate, shall collect a DNA sample from each individual under the supervision of the Agency or Trustee, respectively, who is on supervised release, parole, or probation and who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

"(ii) TIME AND MANNER.—The Director or the Trustee, as appropriate, shall specify the time and manner of collection of DNA samples under this subparagraph.

"(5) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, a person or agency responsible

for the collection of DNA samples under this subsection may—

"(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected such a sample from the individual under this subsection or subsection (e); and

"(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

"(e) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT MILITARY OFFENDERS.—

"(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the Secretary of Defense shall prescribe regulations that—

"(A) specify categories of conduct punishable under the Uniform Code of Military Justice (referred to in this subsection as 'qualifying military offenses') that are comparable to qualifying offenses (as defined in subsection (d)(1)); and

"(B) set forth standards and procedures for—

"(i) the analysis of DNA samples collected from individuals convicted of a qualifying military offense; and

"(ii) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in clause (i).

"(2) COLLECTION OF SAMPLES.—

"(A) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Secretary of Defense shall collect a DNA sample from each individual under the jurisdiction of the Secretary of a military department who has, before or after this subsection takes effect, been convicted of a qualifying military offense.

"(B) TIME AND MANNER.—The Secretary of Defense shall specify the time and manner of collection of DNA samples under this paragraph.

"(3) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, the Secretary of Defense may—

"(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected or will collect such a sample from the individual under subsection (d); and

"(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

"(f) CRIMINAL PENALTY.—

"(1) IN GENERAL.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (d) who fails to cooperate in the collection of that sample shall be—

"(A) guilty of a class A misdemeanor; and

"(B) punished in accordance with title 18, United States Code.

"(2) MILITARY OFFENDERS.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (e) who fails to cooperate in the collection of that sample may be punished as a court martial may direct as a violation of the Uniform Code of Military Justice.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) to the Department of Justice to carry out subsection (d) of this section (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such subsection, as determined by the Attorney General) and section 3(d) of the Violent Offender DNA Identification Act of 1999—

"(A) $6,600,000 for fiscal year 2000; and

"(B) such sums as may be necessary for each of fiscal years 2001 through 2004;

"(2) to the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), such sums as may be necessary for each of fiscal years 2000 through 2004; and

"(3) to the Department of Defense to carry out subsection (e)—

"(A) $600,000 for fiscal year 2000; and

"(B) $300,000 for each of fiscal years 2001 through 2004.".

(c) CONDITIONS OF RELEASE.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (7), by striking "and" at the end;

(B) in paragraph (8), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (8) the following:

"(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(2) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before "The court shall also order" the following: "The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(3) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release pursuant to a conviction or adjudication of delinquency under the law of any jurisdiction (including an individual on parole pursuant to chapter 311 of title 18, United States Code, as in effect on October 30, 1997) is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and the sample has not otherwise been collected, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

(d) REPORT AND EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs of the Department of Justice and the Director of the Federal Bureau of Investigation, shall—

(1) conduct an evaluation to—

(A) identify criminal offenses, including offenses other than qualifying offenses (as defined in section 210304(d)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(d)(1)), as added by this section) that, if serving as a basis for the mandatory collection of a DNA sample under section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) or under State law, are likely to yield DNA matches, and the relative degree of such likelihood with respect to each such offense; and

(B) determine the number of investigations aided (including the number of suspects cleared), and the rates of prosecution and conviction of suspects identified through DNA matching; and

(2) submit to Congress a report describing the results of the evaluation under paragraph (1).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual".

(2) DNA IDENTIFICATION GRANTS.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk-2(3)) is amended by striking ", at regular intervals not exceeding 180 days," and inserting "semiannual".

(3) FEDERAL BUREAU OF INVESTIGATION.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual".

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS RELATING TO VIOLENT CRIME IN INDIAN COUNTRY AND AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

(a) ASSAULTS WITH MARITIME AND TERRITORIAL JURISDICTION.—Section 113(a)(3) of title 18, United States Code, is amended by striking "with intent to do bodily harm, and".

(b) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "an offense for which the maximum statutory term of imprisonment under section 1363 is greater than 5 years," after "a felony under chapter 109A,"; and

(2) by adding at the end the following:

"(c) Nothing in this section shall limit the inherent power of an Indian tribe to exercise criminal jurisdiction over any Indian with respect to any offense committed within Indian country, subject to the limitations on punishment under section 202(7) of the Civil Rights Act of 1968 (25 U.S.C. 1302(7)).".

(c) RACKETEERING ACTIVITY.—Section 1961(1)(A) of title 18, United States Code, is amended by inserting "(or would have been so chargeable except that the act or threat was committed in Indian country, as defined in section 1151, or in any other area of exclusive Federal jurisdiction)" after "chargeable under State law".

(d) MANSLAUGHTER WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES.—Section 1112(b) of title 18, United States Code, is amended by striking "ten years" and inserting "20 years".

(e) EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—The second undesignated paragraph of section 1163 of title 18, United States Code, is amended by striking "so embezzled," and inserting "embezzled,".

On page 129, strike lines 5 and 6, and insert the following: "ernment or combination thereof;

"(24) provide for the establishment of youth tribunals and peer 'juries' in school districts in the State to promote zero tolerance policies with respect to misdemeanor offenses, acts of juvenile delinquency, and other antisocial behavior occurring on school grounds, including truancy, vandalism, underage drinking, and underage tobacco use; and

At the end of title IV add the following new subtitle:

Subtitle C—National Youth Violence Commission

SEC. 431. SHORT TITLE.

This subtitle may be cited as the "National Youth Violence Commission Act".

SEC. 432. NATIONAL YOUTH VIOLENCE COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this subtitle as the "Commission"). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this subtitle.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2) (C)(ii) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission under section 433. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(2) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—

(i) the Surgeon General of the United States;

(ii) the Attorney General of the United States;

(iii) the Secretary of the Department of Health and Human Services; and

(iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies; and

(iv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of child or adolescent psychology.

(C) Two shall be appointed by the Minority Leader of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement; and

(ii) 1 member who is a recognized religious leader.

(D) Four shall be appointed by the Majority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the social sciences; and

(iv) 1 member who is a recognized religious leader.

(E) Two shall be appointed by the Minority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling; and

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The appointing authorities under paragraph (2) shall jointly designate 1 member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 45 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish, by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this subtitle or other applicable law.

SEC. 433. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of youth violence to determine the root causes of such violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including any illegal means by which youth acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) any impact upon incidents of youth violence of the failure to execute existing laws designed to restrict youth access to certain firearms and the illegal purchase, possession, or transfer of certain firearms;

(F) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(G) the availability to youth of information regarding the construction of weapons, including explosive devices, and any impact of such information on incidents of youth violence.

(3) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 434(a), take the testimony of parents and students to learn and memorialize their views and experiences regarding incidents of youth violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence. If the Surgeon General issues any report on media and violence, the Commission shall consider the findings and conclusions of such report in making recommendations under this subsection.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the Commission's findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 434(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

SEC. 434. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 433.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote request the Attorney General of the United States to require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out the Commission's duties under section 433. The Commission shall transmit to the Attorney General a confidential, written request for the issuance of any such subpoena. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 433. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), request the Attorney General to issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 433. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Attorney General pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Attorney General the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Attorney General under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United

States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Attorney General under paragraph (1) or (2), the Attorney General may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 433. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (e) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this Act and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (e) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(e) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the Commission's duties under section 433.

SEC. 435. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 436. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 437. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 433(c).

On page 134, strike lines 9 through 12.

On page 134, line 13, strike "(2)" and insert "(1)".

On page 134, line 16, add "and" at the end.

On page 134, line 17, strike "(3)" and insert "(2)".

On page 134, strike line 20 and all that follows through page 135, line 7, and insert "linquency.".

On page 138, strike lines 2 through 4, and insert the following:

"The Administrator, in consultation with the Director, shall—

On page 138, line 9, strike "data and".

On page 138, after line 23, add the following:

"SEC. 242A. STATISTICAL ANALYSIS.

"The Administrator, under the supervision of the Assistant Attorney General for the Office of Justice Programs, and in consultation with the Director, may—

"(1) transfer funds to and enter into agreements with the Bureau of Justice Statistics or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile crime, the juvenile justice system, and youth violence, and for other purposes, consistent with the Violent and Repeat Juvenile Offender Accountability Act of 1999; and

"(2) plan and identify, in consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of each grant made or contract or other agreement entered into under this title.

On page 143, strike lines 19 through 21, and insert the following:

"The Administrator may—

On page 145, lines 3 and 4, strike "within the National Institute for Crime Control and Delinquency Prevention".

On page 219, between lines 23 and 24, insert the following:

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the authority under section 242A or 243 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by this Act.

On page 90, strike lines 3 through 7, and insert the following:

"(3) projects that provide support and treatment to—

"(A) juveniles who are at risk of delinquency because they are the victims of child abuse or neglect; and

"(B) juvenile offenders who are victims of child abuse or neglect and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

On page 108, strike lines 17 through 24, and insert the following:

"(b) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts allocated under section 291 to carry out section 205 and part B in each fiscal year—

"(1) the Administrator shall reserve an amount equal to the amount which all Indian tribes that qualify for a grant under section 206 would collectively be entitled, if such tribes were collectively treated as a State for purposes of subsection (a); and

"(2) the Administrator shall reserve 5 percent to make grants to States under section 208.

On page 109, between lines 9 and 10, insert the following:

"SEC. 208. CONFIDENTIAL REPORTING OF INDIVIDUALS SUSPECTED OF IMMINENT SCHOOL VIOLENCE.

"(a) IN GENERAL.—Grants under this section shall be known as 'CRISIS Grants'.

"(b) AUTHORITY TO MAKE GRANTS.—From the amounts reserved by the Administrator under section 207(b)(2), the Administrator shall make a grant to each State in an amount determined under subsection (d), for use in accordance with subsection (c).

"(c) USE OF GRANT AMOUNTS.—Amounts made available to a State under a grant under this section may be used by the State—

"(1) to support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

"(2) to ensure proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (1);

"(3) to assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet webpages or resources;

"(4) to enhance State efforts to offer appropriate counseling services to individuals who call a hotline described in paragraph (1) threatening to do harm to themselves or others; and

"(5) to further State efforts to publicize the services offered by the hotlines described in paragraph (1) and to encourage individuals to utilize those services.

"(d) ALLOCATION TO STATES.—The total amount reserved to carry out this section in each fiscal year shall be allocated to each State based on the proportion of the population of the State that is less than 18 years of age.".

On page 265, after line 20, insert the following:

SEC. ___. FEDERAL JUDICIARY PROTECTION ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the "Federal Judiciary Protection Act of 1999".

(b) ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "three" and inserting "8"; and

(2) in subsection (b), by striking "ten" and inserting "20".

(c) INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.—Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking "five" and inserting "10"; and

(2) by striking "three" and inserting "6".

(d) MAILING THREATENING COMMUNICATIONS.—Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both."; and

(3) in subsection (d), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.".

(e) AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(2) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in paragraph (1)—

(A) any expression of congressional intent regarding the appropriate penalties for the offense;

(B) the range of conduct covered by the offense;

(C) the existing sentences for the offense;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(E) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factors that the Commission considers to be appropriate.

At the appropriate place insert the following new section:

"SEC. . LOCAL ENFORCEMENT OF LOCAL ALCOHOL PROHIBITIONS THAT REDUCE JUVENILE CRIME IN REMOTE ALASKA VILLAGES.

(a) CONGRESSIONAL FINDING.—The Congress finds the following:

(1) Villages in remote areas of Alaska lack local law enforcement due to the absence of a tax base to support such services and to small populations that do not secure sufficient funds under existing state and federal grant program formulas.

(2) State troopers are often unable to respond to reports of violence in remote villages if there is inclimate weather, and often only respond in reported felony cases.

(3) Studies conclude that alcohol consumption is strongly linked to the commission of violent crimes in remote Alaska villages and that youth are particularly susceptible to developing chronic criminal behaviors associated with alcohol in the absence of early intervention.

(4) Many remote villages have sought to limit the introduction of alcohol into their communities as a means of early intervention and to reduce criminal conduct among juveniles.

(5) In many remote villages, there is no person with the authority to enforce these local alcohol restrictions in a manner consistent with juridical standards of due process required under the state and federal constitutions.

(6) Remote Alaska villages are experiencing a marked increase in births and the number of juveniles residing in villages is expected to increase dramatically in the next five years.

(7) Adoption of alcohol prohibitions by voters in remote villages represents a community-based effort to reduce juvenile crime, but this local policy choice requires local law enforcement to be effective.

(b) GRANT OF FEDERAL FUNDS.

(1) The Attorney General is authorized to provide to the State of Alaska funds for state law enforcement, judicial infrastructure and other costs necessary in remote villages to implement the prohibitions on the sale, importation and possession of alcohol adopted pursuant to state local option statues.

(2) Funds provided to the State of Alaska under this section shall be in addition to and shall not disqualify the State, local governments, or Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended; 25 U.S.C. 450b(e)) (1998)) from federal funds available under other authority.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section

(A) $15,000,000 for fiscal year 2000

(B) $17,000,000 for fiscal year 2001

(C) $18,000,000 for fiscal year 2002

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated under this subsection may be derived from the Violent Crime Reduction Trust Fund."

At page 107, strike liens 11 through 14.

At page 168, line 7 after the comma insert "elders in Alaska Native villages,"

At the appropriate place insert the following new section:

"SEC. . RULE OF CONSTRUCTION—Nothing in this Act may be construed to create, expand or diminish or in any way affect the jurisdiction of an Indian tribe in the State of Alaska."

At the appropriate place, insert the following:

SEC. ___. BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) bounty hunters, also known as bail enforcement officers or recovery agents, provide law enforcement officers and the courts with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bounty hunters;

(3) the availability of bail as an alternative to the pretrial detention or unsecured release of criminal defendants is important to the effective functioning of the criminal justice system;

(4) the safe and timely return to custody of fugitives who violate bail contracts is an important matter of public safety, as is the return of any other fugitive from justice;

(5) bail bond agents are widely regulated by the States, whereas bounty hunters are largely unregulated;

(6) the public safety requires the employment of qualified, well-trained bounty hunters; and

(7) in the course of their duties, bounty hunters often move in and affect interstate commerce.

(b) DEFINITIONS.—In this section—

(1) the term "bail bond agent" means any retail seller of a bond to secure the release of a criminal defendant pending judicial proceedings, unless such person also is self-employed to obtain the recovery of any fugitive from justice who has been released on bail;

(2) the term "bounty hunter"—

(A) means any person whose services are engaged, either as an independent contractor or as an employee of a bounty hunter employer, to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer acting under color of law;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions;

(iv) person while engaged in the performance of official duties as a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code); or

(v) bail bond agent;

(3) the term "bounty hunter employer"—

(A) means any person that—

(i) employs 1 or more bounty hunters; or

(ii) provides, as an independent contractor, for consideration, the services of 1 or more bounty hunters (which may include the services of that person); and

(B) does not include any bail bond agent; and

(4) the term "law enforcement officer" means a public officer or employee authorized under applicable Federal or State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public officer or employee engaged in corrections, parole, or probation functions, or the recovery of any fugitive from justice.

(c) MODEL GUIDELINES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall develop model guidelines for the State control and regulation of persons employed or applying for employment as bounty hunters. In developing such guidelines, the Attorney General shall consult with organizations representing—

(A) State and local law enforcement officers;

(B) State and local prosecutors;

(C) the criminal defense bar;

(D) bail bond agents;

(E) bounty hunters; and

(F) corporate sureties.

(2) RECOMMENDATIONS.—The guidelines developed under paragraph (1) shall include recommendations of the Attorney General regarding whether—

(A) a person seeking employment as a bounty hunter should—

(i) be required to submit to a fingerprint-based criminal background check prior to entering into the performance of duties pursuant to employment as a bounty hunter; or

(ii) not be allowed to obtain such employment if that person has been convicted of a felony offense under Federal or State law;

(B) bounty hunters and bounty hunter employers should be required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bounty hunter; and

(C) State laws should provide—

(i) for the prohibition on bounty hunters entering any private dwelling, unless the bounty hunter first knocks on the front door and announces the presence of 1 or more bounty hunters; and

(ii) the official recognition of bounty hunters from other States.

(3) EFFECT ON BAIL.—The guidelines published under paragraph (1) shall include an analysis of the estimated effect, if any, of the adoption of the guidelines by the States on—

(A) the cost and availability of bail; and

(B) the bail bond agent industry.

(4) NO REGULATORY AUTHORITY.—Nothing in this subsection may be construed to authorize the promulgation of any Federal regulation relating to bounty hunters, bounty hunter employers, or bail bond agents.

(5) PUBLICATION OF GUIDELINES.—The Attorney General shall publish model guidelines developed pursuant to paragraph (1) in the Federal Register.

At the appropriate place, insert the following:

SEC. ___. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) IN GENERAL.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than $1950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

"(vi) $282,625,000 for fiscal year 2000."; and

(2) in subparagraph (B) by inserting after "(B)" the following: "Of amounts made available to carry out part Q in each fiscal year $14,625,000 shall be used to carry out section 1701(d)(12).".

On page 227, line 11, strike "and" at the end.

On page 227, line 19, strike the period at the end and insert "; and".

On page 227, between lines 19 and 20, insert the following:

"(12) for programs for—

"(A) providing cross-training, jointly with the public mental health system, for State juvenile court judges, public defenders, and mental health and substance abuse agency representatives with respect to the appropriate use of effective, community-based alternatives to juvenile justice or mental health system institutional placements; or

"(B) providing training for State juvenile probation officers and community mental health and substance abuse program representatives on appropriate linkages between probation programs and mental health community programs, specifically focusing on the identification of mental disorders and substance abuse addiction in juveniles on probation, effective treatment interventions for those disorders, and making appropriate contact with mental health and substance abuse case managers and programs in the community, in order to ensure that juveniles on probation receive appropriate access to mental health and substance abuse treatment programs and services.

On page 89, line 18, strike "or" at the end.

On page 89, line 21, add "or" at the end.

On page 89, between lines 21 and 22, insert the following:

"(H) to provide services to juveniles with serious mental and emotional disturbances (SED) who are in need of mental health services;

On page 90, between lines 7 and 8, insert the following:

"(4) projects that support State and local programs to prevent juvenile delinquency by providing for—

"(A) assessments by qualified mental health professionals of incarcerated juveniles who are suspected of being in need of mental health services;

"(B) the development of individualized treatment plans for juveniles determined to be in need of mental health services pursuant to assessments under subparagraph (A);

"(C) the inclusion of discharge plans for incarcerated juveniles determined to be in need of mental health services; and

"(D) requirements that all juveniles receiving psychotropic medication be under the care of a licensed mental health professional;

On page 90, line 8, strike "(4)" and insert "(5)".

On page 90, line 17, strike "(5)" and insert "(6)".

On page 91, line 1, strike "(6)" and insert "(7)".

On page 91, line 11, strike "(7)" and insert "(8)".

On page 91, line 17, strike "(8)" and insert "(9)".

On page 91, line 22, strike "(9)" and insert "(10)".

On page 92, line 6, strike "(10)" and insert "(11)".

On page 92, line 16, strike "(11)" and insert "(12)".

On page 92, line 24, strike "(12)" and insert "(13)".

On page 93, line 5, strike "(13)" and insert "(14)".

On page 93, line 13, strike "(14)" and insert "(15)".

On page 93, line 17, strike "(15)" and insert "(16)".

On page 93, line 20, strike "(16)" and insert "(17)".

To reduce violent juvenile crime, promote accountability by and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

On page 89, strike line 22 and all that follows through page 90, line 2.

On page 90, line 3, strike "(3)" and insert "(2)".

On page 90, strike lines 8 through 16.

On page 90, line 17, strike "(5)" and insert "(3)".

On page 91, line 1, strike "(6)" and insert "(4)".

On page 91, line 11, strike "(7)" and insert "(5)".

On page 91, line 17, strike "(8)" and insert "(6)".

On page 91, strike line 22 and all that follows through page 92, line 5.

On page 92, line 6, strike "(10)" and insert "(7)".

On page 92, line 16, strike "(11)" and insert "(8)".

On page 92, line 24, strike "(12)" and insert "(9)".

On page 93, line 5, strike "(13)" and insert "(10)".

On page 93, line 13, strike "(14)" and insert "(11)".

On page 93, line 17, strike "(15)" and insert "(12)".

On page 93, line 19, strike "and".

On page 93, line 20, strike "(16)" and insert "(13)".

On page 93, line 21, strike the period and insert a semicolon.

On page 93, between lines 21 and 22, insert the following:

"(14) projects that use neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

"(15) programs designed and operated to provide eligible offenders with an alternative to adjudication that emphasizes restorative justice;

"(16) projects that expand the use of probation officers—

"(A) particularly for the purpose of permitting nonviolent juvenile offenders, including status offenders, to remain at home with their families as an alternative to detention; and

"(B) to ensure that juveniles follow the terms of their probation; and

"(17) projects that provide for initial intake screening, which may include drug testing, of each juvenile taken into custody—

"(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

"(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses.

On page 96, strike lines 9 and 10, and insert the following:

"(G) An assurance that of the grant funds remaining after administrative costs are deducted consistent with subparagraph (A)—

"(i) not less than 80 percent shall be used for the purposes designated in paragraphs (1) through (13) of subsection (a); and

"(ii) not less than 20 percent shall be used for the purposes in paragraphs (14) through (17) of subsection (a).

"(H) Such other information as the Ad-

* * *

At the appropriate place, insert the following:

SEC. ___. FINDINGS AND SENSE OF CONGRESS.

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

(1) The Nation's highest priority should be to ensure that children begin school ready to learn.

(2) New scientific research shows that the electrical activity of brain cells actually

changes the physical structure of the brain itself and that without a stimulating environment, a baby's brain will suffer. At birth, a baby's brain contains 100,000,000,000 neurons, roughly as many nerve cells as there are stars in the Milky Way, but the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains that are 20 to 30 percent smaller than normal for their age.

(3) This scientific research also conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and the Nation.

(4) Since more than 50 percent of the mothers of children under the age of 3 now work outside of the home, society must change to provide new supports so young children receive the attention and care that they need.

(5) There are 12,000,000 children under the age of 3 in the United States today and 1 in 4 lives in poverty.

(6) Compared with most other industrialized countries, the United States has a higher infant mortality rate, a higher proportion of low-birth weight babies, and a smaller proportion of babies immunized against childhood diseases.

(7) National and local studies have found a strong link between—

(A) lack of early intervention for children; and

(B) increased violence and crime among youth.

(8) The United States will spend more than $35,000,000,000 over the next 5 years on Federal programs for at-risk or delinquent youth and child welfare programs, which address crisis situations that frequently could have been avoided or made much less severe through good early intervention for children.

(9) Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal funding for early childhood development collaboratives should be a priority in the Federal budget for fiscal year 2000 and subsequent fiscal years.

(*) At the end of title IV, add the following:

Subtitle ___—Safe School Security

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the "Safe School Security Act of 1999".

SEC. ___2. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the "School Security Technology Center". The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school violence, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $3,700,000 for fiscal year 2000;

(2) $3,800,000 for fiscal year 2001; and

(3) $3,900,000 for fiscal year 2002.

SEC. ___3. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

"**SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.**

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

"(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

"(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.".

SEC. ___4. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

On page 29, insert between lines 5 and 6 the following:

"(24) provide assurances that—

"(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

"(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

"(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;",

Amend S. 254, Title III, Subtitle A, Title II, Section 205 Juvenile Delinquency Prevention Challenge Grant Program:

(a)(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools.

On page 92, line 20, insert after "schools" the following: *child abuse and neglect courts*, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies and private nonprofit agencies offering services to juveniles;

(a)(15) family strengthening activities, such as mutual support groups for parents and their children;

On page 93, line 19, insert after "children" the following:

(16) adoptive parent recruitment activities targeted at recruiting permanent adoptive families for older children and children with special needs in the foster care system who are at risk of entering the juvenile justice system; and

(17) other activities that are likely to prevent juvenile delinquency.

(3) On page 93, strike lines 20–21.

Section 273 is amended:

On page 167, lines 23–26, and on page 168, lines 1–2:

strike "The Administrator shall, by making grants to and entering into contracts with local educational agencies (each of which agency shall be in partnership with a public or private agency, institution or business), establish and support programs and activities for the purpose of implementing mentoring programs that", and insert, "The Administrator shall make grants to local education agencies and nonprofit organizations to establish and support programs and activities for the purpose of implementing mentoring programs that".

On page 176, lines 14–16, Section 291(b)(7) is amended:

Strike "$15 million shall be for programs under part F of this title, of which $3 million shall be for programs under section 279, and insert" * * * million shall be for programs under part F of this title, of which $3 million shall be for programs under section 279 and $3 million for programs under section 280."

On page 175, between lines 8–9, insert the following:

(A) by inserting:

SEC. 280. CAPACITY BUILDING.

(a) MODEL PROGRAM.—The Administrator may make a grant to a qualified national organization with a proven history of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

(b) ESTABLISHMENT OF NEW CAPACITY BUILDING PROGRAMS.—

(1) IN GENERAL.—The Administrator may make 1 or more grants to national organizations with proven histories of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

(2) MATCHING REQUIREMENT AND SOURCE OF MATCHING FUNDS.—

(A) IN GENERAL.—The amount of a grant under this subsection may not exceed 50 percent of the total cost of the programs funded by the grant.

(B) SOURCE OF MATCH.—Matching funds for grants under this subsection must be derived from a private agency, institution or business.

At the end of the Title III, Juvenile Crime Control, Accountability, and Delinquency Prevention, add a new Subtitle as follows:

Subtitle—. Parenting as Prevention

SEC. 1. SHORT TITLE.

This Act shall be cited as the Parenting as Prevention Act.

SEC. 2. ESTABLISHMENT OF PROGRAM.

The Secretary of Health and Human Services, in consultation with the Attorney General, the Secretary of Education, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, and the Secretary of Defense shall establish a parenting support and education program as provided in sections 3, 4, and 5.

(*) Duplicates S5608-5609

SEC. 3. NATIONAL PARENTING SUPPORT AND EDUCATION COMMISSION.

(a) The Secretary of Health and Human Services shall establish a National Parenting Support and Education Commission (hereinafter referred to as the "Commission") to identify the best practices for parenting and to provide practical advice for parents and caregivers based on the best available research data. She shall provide the Commission with necessary staff and other resources to fulfill its duties.

(b) The Secretary shall appoint the Commission after consultation with the cabinet members identified in section 2. The Commission shall consist of the following members—

(1) an adolescent representative,

(2) a parent representative,

(3) an expert in brain research,

(4) expert in child development, youth development, early childhood education, primary education, and secondary education,

(5) an expert in children's mental health,

(6) an expert on children's health and nutrition,

(7) an expert on child abuse prevention, diagnosis, and treatment,

(8) a representative of parenting support programs,

(9) a representative of parenting education,

(10) a representative from law enforcement,

(11) an expert on firearm safety programs,

(12) a representative from a non-profit organization that delivers services to children and their families which may include a faith based organization; and

(13) such other representatives as the Secretary deems necessary.

(c) The Commission shall—

(1) identify best parenting practices for parents and caregiving of your children on topics including but not limited to brain stimulation, developing healthy attachments and social relationships, anger management and conflict resolution, character development, discipline, controlling access to television and other entertainment including computers, firearms safety, mental health, health care and nutrition including breastfeeding, encouraging reading and lifelong learning habits, and recognition and treatment of developmental and behavioral problems;

(2) identify best parenting practices of adolescents and pre-adolescents on topics including but not limited to methods of addressing peer pressure with respect to underage drinking, sexual relations, illegal drug use, and other negative behavior; developing healthy social and family relationships; exercising discipline; and controlling access to television and other entertainment including computers, video games, and movies; firearm safety; encouraging success in school; and other issues of concern to parents of adolescents;

(3) identify best parenting practices and resources available for parents and caregivers of children with special needs including fetal alcohol syndrome, fetal alcohol effect, mental illness, autism, retardation, learning disabilities, behavioral disorders, chronic illness, and physical disabilities; and

(4) review existing parenting support and education programs and the date evaluating them and make recommendations to the Secretary and the Congress on which are most effective and should receive federal support within 18 months of appointment.

(d) PUBLIC HEARINGS AND TESTIMONY.—The Commission shall conduct four public hearings, shall solicit and receive testimony from national experts and national organizations, shall conduct a comprehensive review of academic and other research literature, and shall seek information from the Governors on existing brain development and parenting programs which have been most successful.

(e) PUBLICATION OF MATERIALS.—If not otherwise available, the Commission shall prepare materials which may include written material, video, CDS, and other audio and visual material on best parenting practices and shall make them available for distribution to parents, caregivers, and others through state and local government programs, hospitals, maternity centers, and other health care providers, adoption agencies, schools, public housing units, child care centers, and social service providers. If such materials are already available, the Commission may print, reproduce, and distribute such materials.

(f) REPORTING REQUIREMENT.—The Commission shall prepare and submit a report of its findings and recommendations to the Secretary and the Congress no later than 18 months after appointment.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated in fiscal year 2000 such sums as may be necessary to support the work of the Commission and to produce and distribute the materials described in subsection (e). Such sum shall remain available until expended. Any fund appropriated pursuant to this section shall remain available until expended.

SEC. 4. STATE AND LOCAL PARENTING SUPPORT AND EDUCATION GRANT PROGRAM.

(a) STATE ALLOTMENTS.—The Secretary shall make allotments to eligible States to support parenting support and training programs. Each state shall receive an amount that bears the same relationship to the amount appropriated as the total number of children in the State bears to the total number in all States, but no state shall receive less one-half of one percent of the state allocation. From the amounts provided to each state with Indian or Alaska Native populations exceeding two percent of its total statewide population, the Governor shall set aside two percent for Indian tribes as that term is defined in Section 4(e) of the Indian Self Determination and Education Assistance Act (P.L. 93-638, as amended; 25 U.S.C. 450b(e)) which shall be distributed based on the percentage of Indian children in each tribe except that with respect to Alaska, the funds shall be distributed to the non-profit entities described in section 419(4)(B) of the Social Security Act pursuant to section 103 of Public Law 104-193 (110 Stat. 2159, 2160; 42 U.S.C. 619(4)(B)) which shall be allocated based on the percentage of Alaska Native children in each region.

(b) STATE PARENTING SUPPORT AND EDUCATION COUNCIL.—To be eligible to receive federal funding, the Governor of each state shall appoint a State Parenting Support and Education Council (hereinafter referred to as the "Council") which shall include parent representatives, representatives of the State government, bipartisan representation from the State Legislature, representatives from local communities, and interested children's organizations, except that the Governor may designate an existing entity that includes such groups. The Council shall conduct a needs and resources assessment of parenting support and education programs in the State to determine where programs are lacking or inadequate and identify what additional programs are needed and which programs require additional resources. It shall consider the findings and recommendations of the Parenting Commission in making those determinations. Upon completion of the assessment, the Council may consider grant applications from the State to provide statewide programs, from local communities including schools, and from non-profit service providers including faith based organizations.

(c) Grants may be made for—

(1) Parenting support to promote early brain development and childhood development and education including—

(A) assistance to schools to offer classroom instruction on brain stimulation, child development, and early childhood education;

(B) distribution of materials developed by the Commission or another entity that reflect best parenting practices;

(C) development and distribution of referral information on programs and services available to children and families at the local level, including eligibility criteria;

(D) voluntary hospital visits for postpartum women and in home visits for families with infants, toddlers, or newly adopted children to provide hands on training and one on one instruction on brain stimulation, child development, and early childhood education;

(E) parenting education programs including training with respect to the best parenting practices identified in subsection (c);

(2) Parenting Support for Adolescents and Youth including—

(A) funds for services and support for parents and other caregivers of young people being served by a range of education, social service, mental health, health, runaway and homeless youth programs. Programs may include the Boys and Girls Club, YMCA and YWCA, after school programs, 4-H programs, or other community based organizations. Eligible activities may include parent-caregiver support groups, peer support groups, parent education classes, seminars or discussion groups on problems facing adolescents, advocates and mentors to help parents understand and work with schools, the courts, and various treatment programs.

(3) Parenting Support and Education Resource Centers including—

(A) development of parenting resource centers which may serve as a single point of contact for the provision of comprehensive services available to children and their families including federal, state, and local governmental and non-profit services available to children. Such services may include child care, respite care, pediatric care, child abuse prevention programs, nutrition programs, parent training, infant and child CPR and safety training programs, caregiver training and education, and other related programs.

(B) a national toll free anonymous parent hotline with 24 hour a day consultation and advice including referral to local community based services;

(C) respite care for parents with children with special needs, single mothers, and at-risk youth;

(d) REPORTING.—Each entity that receives a grant under this section shall submit a report every two years to the Council describing the program it has developed, the number of parents and children served, and the success of the program using specific performance measures.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amounts received by a State may be used for the administrative expenses of the Council in implementing the grant program.

(f) SUPPLEMENT NOT SUPPLANT.—Fund appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for parenting support and education programs.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated such sums as are necessary for fiscal year 2000 and subsequent fiscal years.

SEC. 5. GRANTS TO ADDRESS THE PROBLEM OF VIOLENCE RELATED STRESS TO PARENTS AND CHILDREN.

(a) FINDINGS.—The Congress finds that a child's brain is wired between the ages of 0-

3. A child's ability to learn, develop healthy family and social relationships, resist peer pressure, and control violent impulses depends on the quality and quantity of brain stimulation he receives. Research shows that children exposed to negative brain stimulation in the form of physical and sexual abuse and violence in the family or community causes the brain to be miswired making it difficult for the child to be successful in life. Intervention early in a child's life to correct the miswiring is much more successful than adult rehabilitation efforts.

(b) IN GENERAL.—The Secretary shall award grants, enter into contracts or cooperative agreements to public and non-profit private entities, as well as to Indian tribes, Native Hawaiians, and Alaska Native nonprofit corporations to establish national and regional centers of excellence on psychological trauma response and to identify the best practices for treating psychiatric and behavioral disorders resulting from children witnessing or experiencing such stress.

(c) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the identifying best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school, and community violence, and disasters.

(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts, or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

(e) EVALUATION.—The Secretary shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan as part of his application for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

(f) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under this section, the period during which payments under such an award will be made to the recipient may not be less than 3 years. Such grants, contract or agreement may be renewed.

(g) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section fiscal year 2000 and subsequent fiscal years.

WELLSTONE (AND OTHERS) AMENDMENT NO. 364

Mr. WELLSTONE (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. FEINGOLD, and Mr. DURBIN) proposed an amendment to the bill S. 254, supra; as follows:

On page 129, strike lines 6 through 14, and insert the following:

"(24) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of racial minority groups who come into contact with the juvenile justice system.

McCONNELL AMENDMENT NO. 365

Mr. MCCONNELL proposed an amendment to the bill S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PROMOTING VIOLENCE ON FEDERAL PROPERTY.

(a) GENERAL RULE.—A Federal department or agency that—

(1) considers a request from an individual or entity for the use of any property, facility, equipment, or personnel of the department or agency, or for any other cooperation from the department or agency, to film a motion picture or television production for commercial purposes; and

(2) makes a determination as to whether granting a request described in paragraph (1) is consistent with—

(A) United States policy;

(B) the mission or interest of the department or agency; or

(C) the public interest;

shall not grant such a request without considering whether such motion picture or television production glorifies or endorses wanton and gratuitous violence.

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) any bona fide newsreel or news television production; or

(2) any public service announcement.

SMITH (AND JEFFORDS) AMENDMENT NO. 366

Mr. LOTT (for Mr. SMITH of Oregon for himself and Mr. JEFFORDS) proposed an amendment to the bill, S. 254 supra; as follows:

At the appropriate place, insert the following:

SEC. . PROVISIONS RELATING TO PAWN AND OTHER GUN TRANSACTIONS.

(a) Notwithstanding any other provision of this Act, the repeal of paragraph (1) and amendment of paragraph (2) made by subsection (c) with the heading "Provision Relating to Pawn and Other Transactions" of section 4 of the title with the heading "General Firearms Provisions" shall be null and void.

(b) COMPLIANCE—Except as to the State and local planing and zoning requirements for a licensed premises as provided in subparagraph (D), a special licensee shall be subject to all the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 27, 1999 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of David L. Goldwyn to be an Assistant Secretary for International Affairs at the Department of Energy.

For further information, please contact David Dye of the Committee staff at (202) 224-0624.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, May 19, 1999 beginning at 10 a.m. in room SH-215, to conduct a markup.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 19, 1999 at 9:30 a.m. to conduct a hearing on S. 613, that Indian Tribal Economic Development and Contract Encouragement Act of 1999, and S. 614, the Indian Tribal Regulatory Reform and Business Development Act of 1999. The hearing will be held in room 485 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 19, 1999 at 2 p.m. to hold a closed hearing on intelligence matters.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, May 19, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business. (See Attached)

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

ADDITIONAL STATEMENTS

PAYING TRIBUTE TO ALLAN "BUD" SELIG, COMMISSIONER OF MAJOR LEAGUE BASEBALL

• Mr. DODD. Mr. President, I rise to commend Mr. Allan "Bud" Selig for his tireless efforts to make the recent baseball series between the Cuban National Team and the Baltimore Orio a reality. Not only did this series bring together teams from two nations with a great love of baseball, but it bridged a gap between two peoples who share a great deal in common.

fyi: JJ bill

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

May 18, 1999

NOTE TO: Ann O'Leary, ODS
Judy Heumann, OSERS
Greg March, OSERS
Joleta Reynolds, OSERS/OSEP
Carol Cichowski, OUS/BS
Heidi Bonner, OLCA
Bill Modzeleski, OESE
Susan Craig
Suzanne Sheridan
Phil Rosenfelt
Mari Colvin

RE: Juvenile justice bill and the IDEA: Frist amendment

Attached, FYI, is the Secretary's May 17 letter to Senators Lott and Daschle on the Frist IDEA amendment, along with the May 14 floor discussion of that amendment, as printed in the Congressional Record.

Paul R

Paul Riddle

Attachments

cc: Jack Kristy
Leslie Somerville

THE SECRETARY OF EDUCATION
WASHINGTON, D.C. 20202

May 17, 1999

Honorable Trent Lott
United States Senate
Washington, DC 20510

Dear Mr. Leader:

I am writing to express my strong opposition to an amendment that Senator Frist has offered to S. 254, the juvenile crime bill that the Senate is now considering. This amendment, which is similar to S. 969, Senator Ashcroft's bill to which I expressed my opposition last week, would allow school personnel to suspend or expel children with disabilities from their schools for unlimited periods of time, without any educational services, including behavioral intervention services, and without the impartial hearing now required by the Individuals with Disabilities Education Act (IDEA), for carrying or possessing a gun or other firearm to, or at, a school function.

The Congress need not address the particular issue that is the subject of the Frist amendment, because it amended the IDEA just two years ago to give school officials new tools to address the precise issue of children with disabilities bringing weapons to school or otherwise threatening teachers and other students. For example, school officials may remove, for up to 45 days, a child with a disability who takes a weapon to school, and may request a hearing officer to similarly remove a child who is substantially likely to injure himself or others, if the child's parents object to a change in the child's placement. Furthermore, the IDEA allows hearing officers to keep these students out of the regular educational environment beyond 45 days if they continue to pose a threat to the rest of the student body. I am convinced that these new tools will be effective if given a chance to work.

I am firmly committed to ensuring that all our schools are safe and disciplined environments where all our children, including children with disabilities, can learn without fear of violence. But we should not let the tragic school shootings in Littleton, Colorado, and other communities lead us to responses, such as the Frist amendment, that will harm children with disabilities.

First, the Frist amendment would deny vital educational services to children with disabilities who are removed from school, including behavioral interventions that are designed to prevent dangerous behavior from recurring. Continued provision of educational services, including these behavioral interventions, offers the best chance for improving the long-term prospects for these children. Discontinuing educational services is the wrong decision in the short run and, in the long run, will result in significant costs in terms of increased crime, dependency on public assistance, unemployment, and alienation from society. We cannot afford to throw away a single child.

Second, the Frist amendment would undo vital protections in the IDEA that were included to protect children with disabilities from widespread abuses of their civil rights. Under this amendment, for example, the IDEA would no longer require schools to determine, when suspending or expelling a child with a disability, whether the behavior of the child in carrying or possessing a firearm is related to the child's disability. Such a determination, which can currently be made while the child has been removed from school, is needed to ensure that children are not unjustly denied educational services during their removal without considering the effects of the child's disability on their behavior. The manifestation determination required by the IDEA is an important tool schools use to appropriately understand the relationship between a child's behavior and their disability in order to best implement behavior intervention strategies.

We should be making every effort to appropriately reach out to our children and help prevent them from endangering themselves and others. It is equally important that we appropriately address the needs of children who have gone astray, violated the rules, and put others at risk. The exclusion of children with disabilities from school -- without the impartial due-process hearing and the continued services that the IDEA now requires -- is the wrong response.

I urge you to vote against the Frist amendment.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

Dick Riley

Richard W. Riley

THE SECRETARY OF EDUCATION
WASHINGTON, D.C. 20202

May 17, 1999

Honorable Tom Daschle
United States Senate
Washington, DC 20510

Dear Senator Daschle:

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The Congress need not address the particular issue that is the subject of the Frist amendment, because it amended the IDEA just two years ago to give school officials new tools to address the precise issue of children with disabilities bringing weapons to school or otherwise threatening teachers and other students. For example, school officials may remove, for up to 45 days, a child with a disability who takes a weapon to school, and may request a hearing officer to similarly remove a child who is substantially likely to injure himself or others, if the child's parents object to a change in the child's placement. Furthermore, the IDEA allows hearing officers to keep these students out of the regular educational environment beyond 45 days if they continue to pose a threat to the rest of the student body. I am convinced that these new tools will be effective if given a chance to work.

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I urge you to vote against the Frist amendment.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

Dick Riley

Richard W. Riley

Friday, May 14, 1999

Daily Digest

HIGHLIGHTS

Conference Report on H.R. 1141, Emergency Supplemental Appropriations Filed

Senate

Chamber Action

Routine Proceedings, pages S5321–S5392

~~Measures Introduced: Five bills were introduced, as follows: S. 1053–1057.~~ ~~Page S5374~~

Juvenile Justice: Senate continued consideration of S. 254, to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, and punish and deter violent gang crime, taking action on the following amendments proposed thereto:

Pages S5321–33, S5335–50

Adopted:

By 48 yeas to 47 nays (Vote No. 118), Hatch/Craig Amendment No. 344, to provide for effective gun law enforcement, enhanced penalties, and facilitation of background checks at gun shows.

Pages S5321–26

Rejected:

Schumer Amendment No. 350, to amend title 18, United States Code, to regulate the transfer of firearms over the Internet. (By 50 yeas to 43 nays (Vote No. 119), Senate tabled the amendment).

Pages S5321, S5326–27

Pending:

Lott (for Allard) Amendment No. 351, to allow the erecting of an appropriate and constitutional permanent memorial on the campus of any public school to honor students and teachers who have been murdered at the school and to allow students, faculty, and administrative staff of a public school to hold an appropriate and constitutional memorial service on their campus to honor students and teachers who have been murdered at their school.

Pages S5330–33

Kohl/Hatch/Chafee Amendment No. 352, to amend chapter 44 of title 18, United States Code, to require the provision of a secure gun storage or safety device in connection with the transfer of a handgun. **Pages S5335–36**

Hatch/Feinstein Amendment No. 353, authorizing funds for programs to combat gang violence.

Pages S5336–41

Byrd/Kohl Amendment No. 339, to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor. **Pages S5342–45**

Feinstein Amendment No. 354, to modify the laws relating to interstate shipment of intoxicating liquors. **Pages S5345–46**

Frist Amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms. **Pages S5346–50**

A unanimous-consent agreement was reached providing for further amendments to be proposed to the bill. **Pages S5328–29**

~~Y2K Act: Senate began consideration of a motion to~~ proceed to the consideration of S. 96, to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date. **Pages S5333–35**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Tuesday, May 18, 1999. **Page S5333**

(2) in section 1264, by inserting "or to any person other than a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made," after "consignee,".

(b) REVOCATION OF BASIC PERMIT.—The Director of the Bureau of Alcohol, Tobacco, and Firearms shall revoke the basic permit of any person who has been convicted of 3 or more violations of the provisions of title 18, United States Code, added by this section.

Mrs. FEINSTEIN. Mr. President, what I believe we are in, to some extent, is a kind of interindustry beef, if I might use that vernacular. And it all deals with the shipment of alcohol or alcoholic beverages across State lines.

The amendment just submitted by the distinguished Senator from West Virginia is of major concern to the California wine industry. It is of major concern to the California wine industry, which makes 90 percent of the wine of this country, because small boutique wineries, which have wine tastings and then offer for sale a bottle of rather expensive wine over the Internet, are essentially affected by this amendment, which takes all State laws and essentially provides a Federal court venue.

We have had discussions in the Judiciary Committee; we had a full hearing in the the Judiciary Committee. The California Wine Institute testified as well as a vintner from Santa Cruz, CA. I thought there was going to be a delay. Senator HATCH had this amendment. He decided to let it sit for awhile so that we could put together some agreement.

Mothers Against Drunk Driving has been an original supporter of what the distinguished Senator from West Virginia proposes. However, at this time I will read from the text of a letter, dated May 13, from Mothers Against Drunk Driving, signed by Karolyn Nannalee, the national president.

At the time MADD provided testimony no legislation had been drafted on the subject. The text of S. 577 has implications far beyond our concerns and is, in fact, a battle between various elements within the alcoholic beverages industry. It does not surprise us that the competing parties would like to have the support of the victims of drunk driving. It does, however, dismay us that they would go to such lengths to misrepresent our views on the subject.

I only say this because Mothers Against Drunk Driving does not, in fact support the legislation that has just been presented.

The allegation is, of course, that this legislation is directed against the wine industry, which is having increasing success in the United States as more and more Americans consume wine as opposed to other alcoholic beverages. For the small winery that may not have shelf space in a supermarket, the Internet has emerged as a source of sales of their products.

Now, let's address the question of teenage drinking. In this respect I agree entirely, 100 percent, with what the distinguished Senator from West Virginia said. We ought to do everything we can to discourage teenage drinking. I do not have a problem with that. What I have a problem with is throwing all complicated laws with respect to alcoholic beverages into the Federal courts. I think that is unnecessary, and I think it is unwanted by many of us at least.

The amendment I have submitted—actually as an alternative although it is a first-degree amendment—as an alternative to the amendment of the distinguished Senator from West Virginia, I believe, would solve the problem, because it would require that any package containing an alcoholic beverage that is shipped across State lines must be labeled clearly and its contents must be identified as alcoholic beverages.

Second, it would require that upon delivery the recipient must be of an age to lawfully purchase the beverage and must sign and identify himself or herself as such. It would require the invoice to state that an adult signature is required for delivery. It would require the deliverer not to deliver unless an adult signature is attached. It provides criminal penalties for violation, and with three violations the BATF, on a mandatory basis, must revoke the basic permit of any person who has been convicted of three or more violations of this section.

I think this gets at the basic problem by setting up safeguards so that particularly wine can be shipped across State lines by the purchaser.

This is complicated but is something that has arisen and has become a kind of folk art, if you will, and that is the wine tasting where people go to wine areas, where they go directly to the winery where there is a wine tasting, where they see a new bottle of wine, sometimes very limited supply, and they say: Oh, how can I buy it? And the vendor will say: You can buy it through my web site, and it is $90, $80, $70 a bottle. That is how this is done.

I believe my amendment, without throwing all of this into Federal court, essentially skins the cat without killing it. I would be hopeful that the Senate would see it as worthy.

I very much thank the distinguished Senator from West Virginia. I would like to thank the ranking member and those who made it possible for me to offer this amendment at this time.

~~I yield the floor.~~

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 355

(Purpose: To amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms, and for other purposes)

Mr. FRIST. Mr. President, I call up the Frist-Ashcroft amendment as under the previous unanimous consent agreement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. FRIST), for himself, Mr. ASHCROFT, Mr. ALLARD, Mr. COVERDELL, Mr. HELMS, and Mr. NICKLES proposes an amendment numbered 355.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

Subtitle ____—School Safety

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the "School Safety Act of 1999".

SEC. ___2. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting "(other than a gun or firearm)" after "weapon";

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new section:

"(10) DISCIPLINE WITH REGARD TO GUNS OR FIREARMS.—

"(A) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO GUNS OR FIREARMS.—

"(i) Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability.

"(ii) Nothing in clause (i) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause (i) from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.

"(B) FREE APPROPRIATE PUBLIC EDUCATION.—

"(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continued educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

"(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

"(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(C) RELATIONSHIP TO OTHER REQUIREMENTS.—

"(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612

or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

"(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.

"(D) FIREARM.—The term 'firearm' has the meaning given the term under section 921 of title 18, United States Code.".

(b) CONFORMING AMENDMENT.—Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking "Whenever" and inserting the following: "Except as provided in section 615(k)(10), whenever".

Mr. FRIST. Mr. President, I offer on behalf of Senators ASHCROFT, ALLARD, COVERDELL, and HELMS an amendment which addresses an issue which is fundamentally central to the issues we have been discussing over the last several days; that is, of guns and bombs in schools. This amendment will address a problem that we in this body have created through good intent but created a loophole which allows students who have brought a bomb or a gun into a school to be allowed to return to the classroom.

The amendment very specifically ends what has become a mixed message that the Federal Government has sent and is sending to American students on the issue of guns and bombs in our schools. Under the Individuals with Disabilities Education Act, IDEA, a law that I have fought very hard for, supported and have worked hard to reform and improve in past Congresses, a student with a disability who is in possession of a firearm is treated differently than a regular education student because of the disability. Students in special education are treated differently than all other students, if both have brought a gun or a bomb into the school. That is wrong. It has to be fixed. It is a loophole that creates a huge danger, I believe, to the safety of our children and teachers in our schools.

How big a problem is it? Some people said it is a hypothetical problem. It is hard to get this data. But I want to share with my colleagues what I have been able to find.

If you look just last year, over the 1997-1998 school year, just in Nashville, just one community in this country, there were eight firearm infractions, where children have been found to have brought a gun or firearm into the school. That isn't how many came in, but only how many were actually discovered. Of those eight, six were special education students, protected under IDEA.

By the way, about 13 percent of all students, or one out of every eight, are in special education. What happened to the six special education students? Under the law as it is written, we basically determine whether or not bringing that gun into school was a manifestation, meaning was it related in any way to the disability. Of those six, three were found to have brought that firearm in for a reason that is unrelated to the disability, and were expelled but were still allowed to receive educational services. The other three special education students were found to have brought the firearm to the school because it was related to the disability.

The significance of this is that we take those three students and say, You can go back into the school. The other two regualr education students not protected under IDEA were expelled and were not required to receive educational services. They can't come back to the school. But because we created this special class, we are letting kids with bombs and firearms to come back into the school in as soon as 45 days later. It is no more complicated than that.

Our amendment fixes this dangerous, dangerous loophole. To look at just over the last 8 months, of nine firearm violations in Nashville, four have involved special education students. These statistics say that in one city, Nashville, it is a problem. But it is a snapshot, a microscopic picture of what goes on all over the country. It is wrong. Students should be subject to the exact same disciplinary action whether or not they happen to be in special education. It is our fault. We created this system which treats them differently.

We contend that when it comes to bombs and firearms, they should all be treated exactly alike. The issue of possession of a gun or firearm, I don't believe the Federal Government should tie the hands of our local education authorities, our principals and teachers, when it comes to protecting students and teachers from guns and bombs in schools.

I believe there is absolutely no excuse whatsoever for any student to intentionally possess or bring to school a gun. What we have done is create by previous legislation, which this amendment fixes, a means by which a special group of students, students in special education to hide behind the Individuals with Disabilities Education Act to avoid the same punishment that a regular education student would receive.

Our amendment says that the possession must be intentional. This would allow the principal to determine if the student with a disability unknowingly had the gun placed on him. This targets a student who comes to that schoolyard with a firearm or gun intentionally.

Again, it is a tight, focused amendment.

Since its inception in 1975, 24 years ago, IDEA has been gradually modified with the times and has been improved.

I believe this is a marked improvement. I think this amendment is necessary for the reasons that we have been discussing regarding this bill, with the catastrophes around my State and other States, and in Colorado most recently, which reflect the decline in safety in our Nation's schools.

Our amendment, very simply, ensures that school authorities at the local level have the ability to remove dangerous students, whoever they are, from the classroom regardless of their status. Today they can't. Our amendment fixes this problem.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I want to commend the Senator from Tennessee, first of all, for his sensitivity to what is happening in the schools of America. His visiting the schools is something which I find to be very important. You can sit here in Washington for a long time and cook up all sorts of theories about how schools ought to be, but until you talk to the people in the schools—and in his case Nashville, Davidson County—until you talk to the principals and teachers and parents, you do not understand the problems created by our current Federal IDEA law. The Senator from Tennessee has found out that in a 1-year snapshot there were eight detected possessions of weapons in the schools, six of which were from students covered by individualized education plans, and three of which our law—the law that we made—says schools can't expel those students the way they ought to be able to expel them. He has pointed out we should fix the law.

What is interesting to me—and I commend the Senator from Tennessee. I have visited school districts all across the State of Missouri. I have gone to district after district to try and assert exactly what it is we should be doing. I have had school superintendents mention to me time after time this same problem. I talked to one small school district superintendent who talked about the dangers of not being able to have discipline in these settings. He talked about a student who threatened to kill other students seven times—threaten to shoot them.

Finally, the individual shot another student. Fortunately, the shot took place off the school premises so that the legal authorities incarcerated the student. They didn't have to go through the painful procedure of trying to discipline him within the confines of this law which makes it virtually impossible to exercise the kind of discipline necessary.

This bill is very simple. This bill is not designed to hurt any group of students. This is designed to secure the classroom. There isn't any class of students that is better off being favored and being able to bring guns or bombs to school. That is not in the interest of any group of students.

This bill basically takes off barriers that the Congress placed in the path of good school administrators, parents, teachers and local school boards. We erected barriers that kept from taking students who had guns in their possession out of schools—merely because they were determined to be in some way disabled.

This amendment simply says in spite of the fact that you are a student—of

course, one out of every eight students nationally turns out to be disabled; one in seven in the State of Missouri—the fact that you are in this category called IDEA, doesn't mean you can bring a gun or a bomb to school with impunity.

We simply take the barriers, the roadblocks out of the system. We say to school administrators and principals: You are free to discipline these students uniformly, just like you would discipline other students.

I think that is a very important, profoundly simple point. It is the kind of correction which we only make when we get out and talk to people out there who are running the schools. When they tell you they can't discipline kids who are threatening over and over to kill other students, who eventually shoot other students, when they tell you they can't keep kids who brought guns to school out of school or from bringing guns back into school, and because of Federal procedures that say disciplines are more difficult the second time because we set up a Federal bureaucracy that keeps schools from being able to exercise discipline, it is time to say the most important thing for students—whether disabled, conventional, mainstream or not—the most important thing for that classroom is safety.

When you keep guns and bombs out of the school, you promote the safety of all students.

I am here to say how much I appreciate the opportunity to be able to sponsor this amendment that gives local schools, principals, teachers, parents and school boards the right to maintain gun-free, bomb-free schools, to have safe learning environments where students, without the feeling of threat and insecurity, can actually learn.

It is a pleasure to be a cosponsor of this amendment with Senator FRIST. I commend him. We all want to do everything we can for the education of all of our students. Our students who are disabled deserve our special compassion and attention, and more than any others, they deserve the protection that is afforded when we can have the ability to have secure, safe learning environments. We can do that when we allow our administrators to make sure that those individuals who bring guns to school can be disciplined.

One last point: The law that provides for expulsion of students who bring guns to schools gives principals discretion to allow students to reenter the school. That same discretion would apply to these kinds of students as it applies to conventional students.

This is a field leveler. It puts people on the same level and it puts the safety of our schoolchildren in first place—not part of our schoolchildren, all of them. Disabled children, other individuals, the entire school population must have the assurance that school officials have the capacity to enforce safe schools.

I thank the Senator from Tennessee and others for joining in this. I am honored to be an original cosponsor of this amendment.

Mr. HELMS. Mr. President, I am grateful to the able Senator from Missouri, Mr. ASHCROFT, and the able Senator from Tennessee, Mr. FRIST, for offering this amendment which corrects a glaring flaw in the Federal disabilities law and, in my judgment, is among the most important amendments to the juvenile justice legislation when, again, it is pending.

This past Thursday morning, I was aghast when I noted an op-ed piece in the Washington Times written by Kenneth Smith. It was entitled "Disabled Educators." The article detailed a number of disturbing incidents of students threatening their teachers and peers with violence, bringing knives and guns to campus and even burning down their own schools. In the wake of the tragedy of Littleton, CO, these news items, of course, are particularly chilling.

What is most alarming about the column is not the individual stories of violence, it is that a well-intentioned Federal law nevertheless prevents local school officials from expelling these dangerous students from their schools for all but a short period of time.

Let me admit up front that I bear my share of the responsibility for this situation. Two years ago, I was one of 98 Senators who voted to reauthorize the Individuals with Disabilities Act, the so-called IDEA legislation.

Only the courageous and farsighted Senator from Washington, Mr. GORTON, voted against final passage of IDEA shortly after his commonsense amendment to address these discipline procedures failed by just three votes.

Two years later, Senator GORTON's warnings began to appear prophetic, and I certainly appreciate his crucial leadership on this issue, as well as the many others Senator GORTON has helped the Senate to follow.

In any case, I voted for IDEA because I believed then, and I continue to believe, that it is appropriate for the Federal Government to help local school districts bear the financial burden of attending to the special needs of disabled children. But it is unfair and it is unwise for the Federal Government to use these funds to mandate unreasonable and even dangerous discipline procedures on the local schools. I believe that the amendment which I hope will be pending shortly will be an important first step in correcting this flaw in the IDEA legislation.

There are 165,402 children in North Carolina classified as learning disabled. I believe that every one of these children is entitled to get an education. But under the IDEA legislation, if 1—even 1—of those 165,402 children brings a weapon to school, he or she must be returned to the classroom within 45 days if the school district wants to keep its IDEA funding. If a disabled student threatens violence or poses any other kind of general discipline problem, the student can be suspended for only 10 days. Worse, these limitations apply to disabled children even if their behavior is unrelated to the disability.

Clearly, this policy defies common sense. This amendment frees the hands of school administrators to use their discretion to discipline a learning-disabled student who brings a weapon to school or threatens violence. I believe the Senate should adopt this eminently reasonable position.

Anybody who does not want to take my word for it should listen to the experts. For example, North Carolina State University is home to a unique organization called the Center for the Prevention of School Violence. It is, as far as I know, one of the few public policy outlets devoted solely to the issue of school violence. Its director, Pam Riley, works tirelessly to collect statistics, analyze legislation, and suggest solutions to make our schools safer.

I called Dr. Riley and asked her to look over the amendment I am discussing and to let me know her opinion. With the Chair's permission, I shall read a paragraph from her reply to me, because she states the issue quite clearly and succinctly, as far as I am concerned. Let me quote her:

> I believe it is entirely appropriate—indeed, entirely necessary—for Congress to allow local schools the flexibility to discipline students who bring weapons to school or threaten violence on their teachers or peers, regardless of whether the student is classified as disabled. While I believe it is important to make sure disabled students receive quality education, the safety of our classrooms should be an overriding goal of federal education policy.

That says it all, as far as I am concerned. I know that Senator ASHCROFT and Senator FRIST share my appreciation for Dr. Riley's support of this amendment. I ask unanimous consent that her entire letter, dated May 11, be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. HELMS. I thank the Chair.

Mr. President, the North Carolina School Boards Association, in a letter dated May 13, 1999, echoed Dr. Riley's sentiments:

> Being able to appropriately discipline all students is essential to maintaining safe schools.

Dr. Bob Bowers, superintendent of the Buncombe County Schools, wrote:

> [T]he Ashcroft amendment—

And it is now the Ashcroft-Frist-Helms amendment—

> is a necessary and proper response to student threats of violence in our schools made against teachers and [other students]. Moreover, weapons have no place in our schools and making exceptions erodes confidence regarding overall school safety.

I certainly agree. I ask unanimous consent that this letter from the North Carolina School Boards Association and the Buncombe County Public Schools be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 2.)

Mr. HELMS. I thank the Chair.

I hope those listening to this discussion are not misled into thinking that school administrators are suddenly discovering this problem as an aftermath of the Littleton tragedy. The fact is that schools have long been concerned about this aspect of IDEA.

This letter to my office dated April 2, 1998, from the Onslow County Schools in Jacksonville, NC, clearly indicates that discipline procedures have long been a problem for our school districts. More than a year ago, Superintendent Ronald Singletary wrote to me to say that under the IDEA law, "we convey [to students] that there are no real consequences for the serious misbehavior of a disabled student." I cannot imagine a more inappropriate message to send to our students.

The problems we are discussing are more than just a quirk in the law or a technical matter. It is clearly an ill-conceived mistake by Congress, in which I participated. And I hope Senators will ask themselves what possible reason the Federal Government would have to prevent local school officials from making sure that their students have safe classrooms. This is the real problem.

Our school boards and our administrators are asking for our help in correcting a part of IDEA that does not work. And I sincerely hope the Senate will listen.

Mr. President, I ask unanimous consent that the article "Disabled educators" to which I referred at the outset of my comments be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 3.)

Mr. HELMS. Mr. President, with that I thank the Chair for recognizing me and I yield the floor.

EXHIBIT NO. 1

CENTER FOR THE PREVENTION OF SCHOOL VIOLENCE,
Raleigh, NC, May 11, 1999.

Hon. JESSE HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: I appreciate your letting me know of Senator Ashcroft's school safety amendment, which would free the hands of local school districts to discipline dangerous students without regard to their status under the Individuals with Disabilities Education Act. I am certainly pleased to offer my support for this proposal, and I hope it will be swiftly adopted by the Senate.

I believe it is entirely appropriate—indeed, entirely necessary—for Congress to allow local schools the flexibility to discipline students who bring weapons to school or threaten violence on their teachers or peers, regardless of whether the student is classified as disabled. While I believe it is important to make sure disabled students receive quality education, the safety of our classrooms should be an overriding goal of federal education policy.

As Director of the Center for the Prevention of School Violence at North Carolina State University, I know our local officials are struggling to curb the worsening problem of violence in our schools. The Center's vision that "Every student will attend a school that is safe and secure, one that is free of fear and conductive to learning." I hope the federal government will take all proper steps to assist in obtaining this goal, and I believe the Ashcroft amendment is a step in the right direction.

Sincerely,

DR. PAMELA L. RILEY,
Executive Director.

EXHIBIT NO. 2

NORTH CAROLINA SCHOOL BOARDS ASSOCIATION,
Raleigh, NC, May 13, 1999.

PUBLIC EDUCATION: NORTH CAROLINA'S BEST INVESTMENT

Hon. JESSE A. HELMS,
Dirkson Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: Thank you for sharing with me the Ashcroft School Safety Act, which seeks to amend the IDEA and the Guns Free Schools Act of 1994. The North Carolina School Boards Association strongly supports this Act. As you know, school safety is an issue of paramount concern for school districts. If we cannot maintain safety, it is impossible for us to teach children. Being able to appropriately discipline all students is essential to maintaining safe schools. The Ashcroft School Safety Act would give school systems more ability to discipline special education students the same as regular education students in specific situations. This would allow the entire school's safety to not be impaired by one individual student.

If I can be of further assistance to you, please let me know.

Sincerely,

LEANNE E. WINNER,
Director of Governmental Relations.

BUNCOMBE COUNTY PUBLIC SCHOOLS,
Asheville, NC, May 12, 1999.

Re Ashcroft amendment to IDEA.

Hon. JESSE HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: Thank you for making this Board of Education aware of Senator Ashcroft's proposed amendment to the Individuals with Disabilities Education Act. This Board supports that law and is committed to providing an excellent education to all students attending the public schools in Buncombe County.

However, this Board is concerned about school violence and the ability of educators and administrators to deal with potential problems and protect the safety of everyone. To that end, we believe that the Ashcroft Amendment is a necessary and proper response to student threats of violence in our schools made against teachers and peers. Moreover, weapons have no place in our schools and making exceptions erodes confidence regarding overall school safety.

We are pleased to offer our support of this measure.

Sincerely,

DR. BOB BOWENS,
Superintendent, Buncombe County Board of Education.

EXHIBIT NO. 3

[From the Washington Post, May 6, 1999]

DISABLED EDUCATORS

(By Kenneth Smith)

When Fairfax County school officials discovered that a group of students had somehow managed to get a loaded .357 magnum handgun on school property, they moved swiftly to deal with the offenders. They expelled five of the students and would have done so with the sixth, only to discover that federal law prohibited them from doing so.

Why? He was considered "learning disabled"—he had a "weakness in written language skills"—and according to federal disabilities laws, Fairfax County had to continue educating him. As Jane Timian, a county School Board official who oversees student disciplinary cases, later explained the matter, "The student was not expelled. The student later bragged to teachers and students at the school that he could not be expelled."

He wasn't alone. She reported that after five gang members used a meat hook in an assault on another student, only three of them were expelled; the other two were special-ed students. When then-Virginia Gov. George Allen dared to challenge the wisdom of using federal law to make schools safer for violent offenders, the Clinton administration responded by threatening to yank millions of dollars in federal education dollars from the state.

That was 1994. Five years' worth of reform later, parents shocked by the shootings at Columbine High School and elsewhere may be interested to know that a law known as the Individuals with Disabilities Education Act still limits the discretion of local school boards to provide children with the safest schools possible. At a meeting in San Francisco last month, the National School Boards Association urged federal lawmakers to amend the law to provide greater flexibility to suspend, expel, or reassign students whose misconduct jeopardizes safety or unreasonably disrupts classroom learning. In particular, it seeks the removal of federal restrictions on withholding educational services to disabled students "when their behavior, unrelated to their disability, endangers themselves or others."

One would have thought it one of the more uncontroversial requests ever made of Congress. But when Rep. Bob Livingston, chairman of the House Appropriations Committee before he unexpectedly left town, tried to tack an amendment onto an appropriations measure that would accommodate the concerns of school officials, the administration forced him to drop it. Safer schools would have to wait.

How a model program like the IDEA turned out to be so delinquent would keep a political science class at the chalkboard for a week. The point of the act, first passed in 1975 and reauthorized most recently in 1997, was to ensure that a disability, physical or otherwise, did not deny someone access to education that everyone else got. Among other things, it called for the least restrictive—most permissive, one might say—educational setting possible for the disabled student. The law also dictated that special education was to take place within the school and not be isolated in some outside annex.

In theory it sounded like a fine idea. If the handicapped were to lead the kind of independent lives everyone wanted for them, they would need at least as good an education as everyone else. The last thing anyone worried about was that a blind, retarded child in a wheelchair might bring a gun to school.

Today, school officials still aren't very worried about that particular child. What's changed is the definition of disabled. When mere "weakness in written language skills" or attention and learning disorders constitute a handicap, not only do the numbers of disabled grow, there is no physical impairment to limit the harm they could do. "No one thought," one school official says, "the disabled would be like us."

Louisiana officials who sought help from Mr. Livingston found out the hard way.

Among the anecdotes they collected from across the state:

Two students, one of them a special-education student, severely beat a third student who was subsequently hospitalized. The non-special-ed attacker was expelled from school. The special-ed attacker was suspended for 10 days, then returned to an alternative school across the street from the school where the girl was beaten.

A 14-year-old special-ed girl, who had been suspended for threatening a class aide, attacked her school principal twice, knocking her unconscious, damaging vertebrae in her neck and causing permanent nerve damage. Police arrested the student, and school officials kept her out of school for 45 days, the maximum under the IDEA. The principal was out for eight months.

A special-ed student, already under an in-school suspension, threatened to burn his school down after being told his suspension was being extended. Days later the school did in fact burn down, and police arrested the student. His brother, also a special-ed student under suspension, subsequently threatened to shoot the principal. The school was forced to lock its doors, keeping students inside, until police could apprehend the student. The law permits the students to return to school in 45 days, but the school superintendent has vowed he will go to jail before he lets them back in.

School administrators say they are more than willing to educate disabled students, but not at the cost of the safety of everyone else in the school. And they worry that the federal government is teaching disabled students a terrible lesson—that there is one standard for them, and another for everyone else. What could be more disabling?

Mrs. LINCOLN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I compliment my colleague from North Carolina. In the recent debates, certainly in the passage of the Ed-Flex bill, the great State of North Carolina showed what a great example it could be in its forward thinking and being able to look for innovative solutions for our children's education.

Mr. NICKLES. Mr. President, I wish to compliment my colleagues from Tennessee and from Missouri for an outstanding amendment, one that I hope will be overwhelmingly supported by all of our colleagues. It is important we not discriminate, in a way we would say if this child happens to be under the IDEA program, individuals with disabilities, that the laws or the rules and regulations say we will not discipline you if you happen to carry a gun or bomb to school.

Clearly, we want any student who is carrying a gun or a firearm or bomb to school to be disciplined—any student. We want safe schools. This amendment would provide for that. It is a common-sense amendment. It is an amendment that should be passed overwhelmingly.

I ask unanimous consent to be added as a cosponsor to the amendment.

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

Ms. MIKULSKI. Mr. President, I rise today to talk about an issue that is critical to saving children's lives. That issue is guns in the hands of our children. The events of Columbine have been a wake up call for the American people. Guns don't belong in the hands of kids. We must do everything we can to see to it that children cannot buy guns. We also need tougher penalties for illegal possession and crimes committed with guns. This is about America's children and getting behind our kids. This is about keeping our kids safer in their schools and safer on our streets.

I respect the Constitution and the right of law-abiding citizens to own guns. I understand that many people own a gun for self-protection. The fear of crime is a real issue for many Americans. I believe people should be able to protect themselves. I also know people enjoy using guns for sport. Many Americans enjoy hunting, and I do not want to interfere with lawful sport.

My support for reasonable steps to protect kids does not go against my support for people's right to protect themselves or their right to hunt. We can take measures to save lives without infringing on the Constitution.

One of my biggest concerns is the safe storage of guns in the home. I think it makes sense to require trigger locks for guns while children are in the home. There have been too many tragic accidents with children that could have been prevented.

Guns are too easily available to our young people. We must require gun show participants to comply with the same laws as gun shop owners. This would cut off a deadly supply of firearms to our Nation's children and dangerous criminals. The guns used in the Columbine massacre were purchased from gun shows. I was very disappointed that the Lautenberg amendment did not pass. This amendment would have closed the gun show loophole. What passed instead was an amendment giving a gun show participant the option of conducting a background check. Now, what gun show participant is going to choose to take the time and effort when the gun seller in the next booth is willing to sell a gun with no questions asked?

I was happy to support an amendment which would toughen the penalties for possession of semiautomatic assault weapons. The presence of semi automatic weapons on our streets is a deplorable situation. Assault weapons have one purpose—to kill the largest number of people as quickly and efficiently as possible. They have no legitimate hunting or sporting use. I want to see them taken off our streets.

We must get behind our kids and teach them that character counts. We have to teach them respect for guns and respect for human life. We must listen carefully to them and help them when they are in trouble. We need to give them constructive goals to work toward. We must give them opportunities to live a rewarding life. Then they can respect themselves and others and not resort to guns and violence to demand the attention they need. We want kids to turn toward each other—not against each other.

PRINTING OF RAMBOUILLET AGREEMENT

Mr. NICKLES. Mr. President, on May 3, 1999, I addressed the administration policy regarding the Federal Republic of Kosovo. During my remarks, I asked unanimous consent to have printed in the CONGRESSIONAL RECORD the text of the Rambouillet Agreement. It is 44 pages long.

Consistent with the Standing Rules of the Senate, I ask unanimous consent that the text be printed in the CONGRESSIONAL RECORD. The cost of printing the text will total $3,758.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RAMBOUILLET AGREEMENT—INTERIM AGREEMENT FOR PEACE AND SELF-GOVERNMENT IN KOSOVO

The Parties of the present Agreement,

Convinced of the need for a peaceful and political solution in Kosovo as a prerequisite for stability and democracy,

Determined to establish a peaceful environment in Kosovo,

Reaffirming their commitment to the Purposes and Principles of the United Nations, as well as to OSCE principles, including the Helsinki Final Act and the Charter of Paris for a new Europe,

Recalling the commitment of the international community to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Recalling the basic Clements/principles adopted by the Contact Group at its ministerial meeting in London on January 29, 1999,

Recognizing the need for democratic self-government in Kosovo, including full participation of the members of all national communities in political decision-making,

Desiring to ensure the protection of the human rights of all persons in Kosovo, as well as the rights of the members of all national communities, *Recognizing* the ongoing contribution of the OSCE to peace and stability in Kosovo,

Noting that the present Agreement has been concluded under the auspices of the members of the Contact Group and the European Union and undertaking with respect to these members and the European Union to abide by this Agreement,

Aware that full respect for the present Agreement will be central for the development of relations with European institutions,

Have agreed as follows:

FRAMEWORK

ARTICLE I: PRINCIPLES

1. All citizens in Kosovo shall enjoy, without discrimination, the equal rights and freedoms set forth in this Agreement.

2. National communities and their members shall have additional rights specified in Chapter 1. Kosovo, Federal, and Republic authorities shall not interfere with the exercise of these additional rights. The national communities shall be legally equal as specified herein, and shall not use their additional rights to endanger the rights of other national communities or the rights of citizens, the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, or the functioning of representative democratic government in Kosovo.

3. All authorities in Kosovo shall fully respect human rights, democracy, and the equality of citizens and national communities.

4. Citizens in Kosovo shall have the right to democratic self-government through legislative, executive, judicial, and other institutions established in accordance with this

KIR: JJ bill

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

May 21, 1999

NOTE TO: Ann O'Leary, ODS
Judy Heumann, OSERS
Greg March, OSERS
Patricia Leahy, OSERS
Tom Hehir, OSERS/OSEP
Joleta Reynolds, OSERS/OSEP
Carol Cichowski, OUS/BS
Greg Frane, OUS/BS
Heidi Bonner, OLCA
Bill Modzeleski, OESE
Susan Craig
Suzanne Sheridan
Phil Rosenfelt
Mari Colvin

FROM: Paul Riddle

RE: Juvenile-crime bill and IDEA: Senate adoption of Frist/Ashcroft and Harkin amendments

Attached, FYI, is yesterday's floor debate on the Frist/Ashcroft and Harkin amendments to S. 254, both of which the Senate adopted yesterday. It then approved the bill by a vote of 73-25.

Attachment

cc: Leslie Somerville

106 S. 254: SENATE, YAY (E)
APPROVED, 73-25

Thursday, May 20, 1999

Daily Digest

HIGHLIGHTS

Senate agreed to Emergency Supplemental Appropriation conference report.

Senate passed Juvenile Justice bill.

House agreed to the Senate amendment to H.R. 4, Declaration of Policy to Deploy a national Missile Defense—clearing the measure for the President.

House Committee ordered reported the Legislative appropriations for Fiscal Year 2000.

Senate

Chamber Action

Routine Proceedings, pages S5633–S5785

~~Measures Introduced: Sixteen bills and one resolution~~ were introduced, as follows: S. 1086–1101, and S. Res. 104. **Pages S5738–39**

Measures Reported: Reports were made as follows:

S. 303, to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, with an amendment in the nature of a substitute. (S. ~~Rept. No. 106–51)~~ **~~Page S5790~~**

Measures Passed:

Juvenile Justice: By 73 yeas to 25 nays (Vote No. 140), Senate passed S. 254, to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, and punish and deter violent gang crime, after taking action on the following amendments proposed thereto:

Pages S5633–42, S5683–S5732

Adopted:

By 79 yeas to 21 nays (Vote No. 133), Lott (for Smith (of Oregon)/Jeffords) Modified Amendment No. 366, to clarify provisions relating to pawn shops and special licensees. **Pages S5633–42**

By 51 yeas to 50 nays (Vote No. 134), Lautenberg/Kerrey Amendment No. 362, to regulate the sale of firearms at gun shows. **Page S5642**

By 75 yeas to 24 nays (Vote No. 137), Frist/Ashcroft Amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms. **Pages S5684–91**

Harkin Amendment No. 368, to provide appropriate interventions and services to children who are removed from school, and to clarify Federal law with respect to reporting a crime committed by a child. **Pages S5691–95**

Hatch (for Helms) Amendment No. 369, to amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to treat possession, on school property, of felonious quantities of illegal drugs the same as gun possession on such property. **Pages S5700–02**

Hatch (for Harkin) Amendment No. 370, to amend section 10102 of the Elementary and Secondary Education Act of 1965 to enable local educational agencies to establish or expand school counseling programs. **Pages S5700–02**

Rejected:

By 41 yeas to 56 nays (Vote No. 138), Bond Modified Amendment No. 345, to establish a commission to study the motion picture industry and make recommendations to Congress and the President to promote accountability in the motion picture industry in order to reduce juvenile access to violent, pornographic, or other harmful material in motion pictures. **Pages S5695–S5700, S5709**

By 48 yeas to 50 nays (Vote No. 139), Biden Amendment No. 371, to establish a 21st century community policing initiative. **Pages S5702–**

case on the Frist-Ashcroft amendment on IDEA, the background of it. I just believe I have to. I want to be able to fully make my case against the amendment. I do not want to take a lot of time. I do not want to filibuster it, but I would like to have 15 or 20 minutes just to lay out my case. That is all.

Mr. LOTT. Mr. President, perhaps I could amend the unanimous consent request to this effect, that we have 30 minutes on the Ashcroft and the Harkin amendments, with each side getting 15 minutes. The Senator would have 15 minutes, Senators ASHCROFT and FRIST would have 15 minutes, and they would split it up between themselves. I modify my request to that effect.

Mr. DASCHLE. Mr. President, reserving my right to object, I support that request. Just for clarification purposes, Senator BIDEN wants to be sure that the other part of the arrangement we had, which was an up-or-down vote on his amendment, would occur. I just would clarify that for the record. I understand that to be the case.

Mr. LOTT. That will be the way the vote will occur.

The PRESIDING OFFICER. Hearing no objection, the unanimous consent agreement is agreed to.

Mr. LOTT. I thank all involved. I yield the floor.

Mr. DASCHLE. If I could just ask the majority leader, we had one Member's request; Senator KERRY asked if he could have a period of time—I suggest 10 minutes—prior to final passage, for him to be recognized.

Mr. LOTT. Would it be possible he could do that after final passage? The reason why, and I understand—I would like any Senator to be able to do that—we do have a number of Senators who would like to be able to leave by 6. You are talking about airplanes. You are talking about a son's athletic event. It is the usual thing. To admit we have these sorts of requests is not always easy.

Mr. DASCHLE. Perhaps we can consult with Senator KERRY.

Mr. LOTT. Perhaps we will not use all the time and we could stick it in there, but if he would be willing to at least consider it after final passage it would help a number of his colleagues. We will work on that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

~~The Senator from Iowa.~~

AMENDMENT NO. 355

Mr. HARKIN. Mr. President, we are now back on the Frist-Ashcroft amendment. I am not going to proceed until we have order. I cannot even hear myself.

The PRESIDING OFFICER. The Senate will be in order. Will the conversations in the aisles be taken somewhere else.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I know the recent school tragedies—again, even another this very morning—are a call to action to us as families and churches and schools, as communities, as leaders in government, to take positive, constructive steps to make our schools places of learning and not of fear. But let's not use these tragedies of Littleton and other schools to take emotional, unfounded—although well-intentioned-actions which actually will make our schools and communities more unsafe and less secure.

I want to make this point very, very clear. The Frist-Ashcroft amendment is a dangerous, dangerous, dangerous amendment. The Frist-Ashcroft amendment guts IDEA. It actually will make our communities and our schools more unsafe.

The purpose of this bill is to help make our schools and communities safer. That is the purpose of the bill in front of us. I must ask, is putting a child with a disability on the street and cutting off all services to that child something that will make our communities more safe? Frankly, it will have the opposite effect.

This amendment, would, for example, lead to a child with an emotional disturbance being put on the street and end the counseling and behavioral modification services they had been receiving—end, them, cold turkey. No more counseling or behavioral modification services. And this kid is now on the street. Tell me, is that community safer? Obviously not, but that is just what this amendment would lead to. Troubled children out on the street with no supervision, no tracking, no education, no mental health services.

This amendment targets a group of students who are more likely to be victims of school violence than perpetrators. Again I want to point out: Not any of the nine—now nine school shootings—in the last 39 months was done by a child in special education. Not one. Yet we have this amendment that targets kids with disabilities. This amendment is scapegoating—and I use that word, "scapegoating"—scapegoating kids with disability. And it is destroying an important safety feature of the Individuals with Disabilities Education Act.

The supporters of the amendment say they need it because the law erected barriers that kept them from taking students who had guns in their possession out of schools. We showed yesterday—and the authors of this amendment agreed with me on this point—that a child with a disability who brings a gun to a school can be removed from that school immediately, just like any other child. We settled that yesterday. For a kid with a disability who brings a gun or firearm to school, right now, the principal can call up the sheriff or the police. They can come haul him away, book him, put him in jail, whatever the law is.

So I hope no Senator votes on this amendment thinking that under the law as it exists today, a kid with a disability who comes to school with a gun can't be kicked out immediately. That is simply not true. Nothing in Federal law limits them from immediately removing him and keeping him out as long as that child is a threat to himself or others. Let me repeat that, the school can remove that child immediately and keep them in an alternative setting indefinitely as long as that child is a threat to himself or others. It couldn't be more clear than that.

We worked long and hard, 3 years of hearings, hammering out the IDEA bill in 1997. And we passed it here in the Senate by a vote of 98 to 1, 98 to 1. We have had no hearings on this amendment, none whatsoever. But we had plenty of hearings to set up a framework in IDEA to make sure our schools and communities were safe. First, we wanted to make sure the schools were safe. Second, we wanted to make sure the communities were safe. Third, wanted to make sure students with disabilities were held accountable for their actions and that schools have the flexibility to take appropriate and timely actions. Last, we wanted to make sure that decisions were based on facts relevant to the child, not just on emotions.

Right now under the law, school authorities can unilaterally remove a child with a disability, first of all, for the first 10 days, and provide no services whatsoever. Second, if it is found that their actions were not a manifestation of their disability, then of course he is treated in the same manner as nondisabled children, and can be kept out in an alternative setting forever.

If it is found by that the child's action was a manifestation of their disability, that child then is put into an alternative setting for up to 45 days. That alternative setting is determined by the local school districts.

Now we heard yesterday that after 45 days the kid will be put back in school. That is just not so—only if he or she is no longer a danger. If that kid continues to pose a danger to himself or others, the school can repeat that 45 days again and again and again—for as long as it deems necessary.

Finally, as I said, there is no way the law prohibits anyone from calling the police to come take any student out who has a gun. I also want to point out, IDEA specifically provides that school officials may obtain a court order anytime to remove a child with a disability from school or to change a child's current educational placement if they believe that maintaining the child in the current educational placement is substantially likely to result in injury to the child or others. So it is clear, current law addresses the issue. Frankly, we have a commonsense structure now. And, again, it was carefully designed to make schools and communities safer.

The Senator from Missouri yesterday put up a chart showing the manifestation determination process, how you

have to go through all these processes. Why do we do that? He made it seem like it was some bureaucratic maze, or jungle. The reason that we have this manifestation determination is so we can address the behavior of the child with the disability, to determine why that child acted the way the child did, and then to have the proper interventions so that child does not behave that way in the future. That's just common sense and it should not be eliminated as this amendment would do.

Who does that process help, and who does that protect? Does it not protect the school? Does it not protect the local community? Of course, it does. If we can intervene and provide the proper kind of psychological help, maybe even medical help, educational help so that the child with a disability modifies his or her behavior, it seems to me that is what we want.

Or are we saying under the Frist-Ashcroft amendment: We do not care; if a kid with a disability brings a gun to school, we do not care about that behavior; kick him out, put him out on the street, cut off all his services?

Is that going to make our community safer? Is that going to make our schools safer? Is that going to protect students? If there is a question about that in anyone's mind, I point to the fact that the shooting in Oregon where students were tragically killed was committed by a kid who had been suspended without services from school. He went home, got a gun, and came back to school. I ask, what if a child in that circumstance was put in an alternative setting with supervision, with appropriate psychological help, behavior modification, supporting services? Would that kid have gone home to get the gun and come back to school? I think the odds would have been great that that kid would not. But instead he was put on the street unsupervised—just as this amendment allows for. That is the "level playing field" the supporters of this amendment advocate.

Mr. President, that is why over 500 police leaders from this country are opposed to the Frist-Ashcroft amendment.

I ask unanimous consent to print in the RECORD a letter from Fight Crime, Invest in Kids. The board of directors includes the president of the Fraternal Order of Police. It encompasses 500 police leaders—many of them the police chiefs in major cities from around the country. It says in part:

. . . we urge you to oppose the Frist-Ashcroft amendment, and support the [amendment] to be offered by Senator Harkin.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FIGHT CRIME,
INVEST IN KIDS,
Washington, DC, May 17, 1999.

DEAR SENATOR: should we really give kids who bring firearms to school more unsupervised time? Senators Frist and Ashcroft's amendments to S. 254 would have precisely that impact.

As an organization of more than 500 victims of violence, sheriffs, district attorneys, police chiefs, leaders of police organizations and violence prevention scholars, we urge you to oppose the Frist-Ashcroft amendment, and support the substitute to be offered by Senator Harkin.

Regardless of whether students have disabilities or not, schools already can suspend or expel students who bring weapons to school. Nothing in the Individuals with Disabilities Education Act (IDEA) prohibits schools from removing immediately a child who brings a gun to school. At the same time, the law recognizes sending the child home or out on the street without educational services is not the answer. That's why IDEA simply requires states to continue education services. The Frist-Ashcroft amendment would eliminate this requirement for any child who brings a gun to school.

We should have tough sanctions for kids who bring a weapon to school. The safety of other students in the school must be paramount. The Frist-Ashcroft Amendment may sound tough to those who think all kids love school. But giving a gun-toting kid an extended vacation from school and from all responsibility is soft on offenders and dangerous for everyone else. Please don't give those kids who most need adult supervision the unsupervised time to rob, become addicted to drugs, and get their hands on other guns to threaten students when the school bell rings.

Anti-truancy programs are often an important part of successful efforts to reduce juvenile violence. The Frist-Ashcroft amendment encourages mandatory truancy.

To minimize the threat these youngsters pose, we should require continued adult supervision as well as participation in mental health and behavioral modification programs, and continued school attendance in an appropriate setting, to learn the skills needed to make an honest living. The Harkin Amendment is consistent with this approach. Otherwise expulsion often becomes a graduation to a life of crime that threatens the public immediately and for many years to come.

Please let me know if we can be of help in advising on what really works to keep kids from becoming criminals.

Sincerely,

SANFORD A. NEWMAN,
President.

Mr. HARKIN. Mr. President, these are the policemen talking. Do you know why they are saying this? Because they know if Frist-Ashcroft is adopted, they are going to dump these kids on the streets—kids with problems, emotional problems, kids with mental problems and behavioral problems, kids who are mentally retarded and may have other problems. They are going to dump them out on the street. That is safe? That is going to make our schools and our communities safe? Please, someone tell me how that is so. That is why the police are opposed to this amendment.

I will read a portion of another statement:

As police chiefs in America's largest cities, we know that investments today to help kids get the right start are among America's most powerful weapons against crime. Quality child care, parenting, coaching, and afterschool programs can help kids learn the values and skills they need to become good neighbors instead of criminals. We, therefore, call on all our public officials to adopt the policies described in Fight Crime, Invest in Kids. Help schools identify troubled and disruptive children and provide children and their parents with the counseling and training that can help get the kids back on track.

These are not social scientists; these are policemen from around the country.

Let me also read from the testimony of the Police Executive Research Forum—a leading national organization of police chiefs and senior law enforcement officials. Gil Kerlikowski, who at the time was president of this group and the police chief in Buffalo, New York testified at a recent congressional hearing on this topic. He said:

Students who are expelled or suspended from school and left at home or on the street become my problem, and the problem of police across this country. They have greater opportunity to commit crimes, abuse drugs, or engage in disorderly behavior that affects the quality of life in any given neighborhood. They are also vulnerable to gangs and predators who can victimize and exploit them in ways that will impede any later efforts to put them on the right track. Today's police forces are ill-prepared to deal with these individuals—the rest of the criminal justice system even less so.

I also have a letter from the Correctional Educational Association again stating that the Frist-Ashcroft amendment is more dangerous to our schools and our communities.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CORRECTIONAL EDUCATION ASSOCIATION,
Lanham, MD, May 17, 1999.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST. On behalf of the teachers who labor in the nation's prisons, jails and juvenile facilities, let me implore you to withdraw your amendment and support the Harkin amendment to S. 254. There are enough provisions in the current IDEA to deal with problems related to violent behaviors, such as carrying or threatening to carry weapons into the school environment. In fact, your bill offers no remedy, whatsoever, for changing the behavior which it seeks to punish. It removes the procedural safeguards designed to assist the offending child to find the necessary help he or she needs. Finally, it punishes the child for his or her disability, not for the offending behavior. It is akin to taking medicine from a sick person because he or she has an obnoxious personality.

One of the strengths of IDEA is the procedure for dealing with behavior problems. Carrying a weapon to school is a terrible behavior problem needing immediate action by the whole school community. Dismissal from school services denies a solution to the problem. Why not require the IDEA procedure for any student with a behavior problem, whether or not the student is in special education or not? We need strong procedure to deal with potential and real violence. Doing nothing solves nothing.

Those of us in criminal justice realize that providing special education students with appropriate instructional services is one of the keys to change their negative behaviors. Punishing a student without positive and appropriate assistance changes nothing. In

fact, it just makes things worse. In attempting to help avoid future tragic situations like Littleton, we must be careful to find ways to locate, calm and help potentially violent kids change. Please rescind your amendment.

Sincerely,

STEPHEN J. STEURER,
Executive Director.

Mr. HARKIN. Mr. President, I have a letter from the Council for Exceptional Children saying:

While we . . . strongly support the removal of a student who endangers the safety or well-being of themselves or other students, we strongly oppose the cessation of services for any student.

The Frist-Ashcroft amendment ceases those services. What they say is that the school districts may provide the services—may. We already heard one Senator yesterday say how much this costs. It may cost too much, and schools will say: It costs too much money; we are not going to do it; let somebody else provide the services. And the kid falls through the cracks. That is what happens.

If you do not think the police know what they are talking about or the Council for Exceptional Children or the Correctional Education Association, how about the Parent Teacher Association? Do you honestly believe that the National PTA wants more dangerous schools? Here is a letter from the National PTA strongly—strongly—opposing the Frist-Ashcroft amendment:

The National PTA supports Sens. Ashcroft's and Frist's goal of keeping children safe in school. Their amendment, however, would allow *for the expulsion of special* education students who possess a handgun in school, without ensuring alternative education services are provided. National PTA supports removing students who bring guns to school, but believes students should receive education services in an alternative setting.

National PTA supports Senator Harkin's amendment, which clarifies that schools have the authority to remove any child who brings a gun to school [and continues to provide them services].

I ask unanimous consent the National PTA letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL PTA,
Chicago, IL, May 17, 1999.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: National PTA opposes amending the Individuals with Disability Education Act (IDEA) as proposed by Sens. Ashcroft and Frist. The amendment will be offered to S. 254, the juvenile justice bill currently being debated in the Senate. National PTA asks that you vote NO on Ashcroft/Frist amendment and vote YES to support an alternative amendment sponsored by Senator Harkin.

The National PTA supports Sens. Ashcroft's and Frist's goal of keeping children safe in school. Their amendment, would allow for the expulsion of special education students who possess a handgun on school, without ensuring alternative education services are provided. National PTA supports removing students who bring guns to school, but believes students should receive education services in an alternative setting.

National PTA supports Senator Harkin's amendment, which clarifies that schools have the authority to remove *any* child who brings a gun to school. The amendment also states that all students should be provided education services in an alternative setting. Further, students would receive immediate and appropriate intervention services and thereby minimize the possibility of future violations by the student.

The National PTA asks that you oppose the Ashcroft/Frist amendment and vote for the Harkin alternative.

Sincerely,

SHIRLEY IGO,
Vice President for Legislation.

Mr. HARKIN. Mr. President, I have a number of other organizations whose letters in opposition to this amendment I want to print in the RECORD: the United Cerebral Palsy Association, Learning Disabilities Association of America, the ARC of the United States, the American Association of Mental Retardation, the Easter Seals of Missouri, the Easter Seals of Tennessee, and a number of others. I ask unanimous consent they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE COUNCIL FOR
EXCEPTIONAL CHILDREN,
Reston VA, May 17, 1999.

Hon. JOHN ASCROFT,
U.S. Senate, Washington DC.

DEAR SENATOR ASHCROFT, On behalf of all students in special education and general education, we ask you to withdraw your amendment to the Individuals with Disabilities Education Act Amendments of 1997 (IDEA 1997). Amendment No. 348 would seriously jeopardize the integrity of this historic piece of legislation.

While we at the Council for Exceptional Children strongly support the removal of a student who endangers the safety or well-being of themselves or other students, we strongly oppose the cessation of services for any student. Past incidents, such as the tragic story of Kip Kinkle from Springfield, Oregon, prove that when a student is immediately suspended without any type of service, further tragedy is imminent.

The final IDEA regulations, released March 12, 1999, offer schools substantial opportunities and strategies for addressing problem behavior of students with disabilities including behavior that is dangerous or involves drugs or weapons. When it is stated that children with disabilities cannot be disciplined, that is absolutely not the case. The statute and the regulations clearly state that when the behavior is not a manifestation of their disability, those children can be disciplined in the same manner as children without disabilities. Furthermore, the statute and regulations state that a child who commits an offense involving drugs or weapons that is a manifestation of their disability, the child can be removed from the classroom and/or building for up to 45 days. *There is nothing in the statute or regulations that prohibit another 45 day removal if* that is appropriate. The only difference is that child will receive educational services.

This amendment will not result in safer schools or communities. In fact, every major law enforcement agency reports that expelling or suspending troubled children without education services only increases juvenile crime. Drop out rates, incarceration rates and drug use rates also increase when children are expelled or suspended without education services.

On the other hand, we support Senator Harkin's amendment to the juvenile justice legislation which is presently being debated. The Harkin amendment, not an amendment to IDEA, clarifies that schools can and should remove children who bring guns to school and that schools should provide them with immediate appropriate intervention and services, including mental health services in order to maximize the likelihood that such child does not engage in such behavior or such behavior does not reoccur. The Harkin Amendment also reaffirms that nothing prohibits a school from reporting a crime to appropriate authorities.

Please reconsider your amendment and the negative effect it will have to the carefully constructed IDEA Amendments of 1997. We need to implement IDEA, not amend it. Your amendment will seriously undermine the benefits and protections of IDEA. Thank you for your consideration.

Sincerely,

B. JOSEPH BALLARD,
Associate Executive Director.

MISSOURI PLANNING COUNCIL
FOR DEVELOPMENTAL DISABILITIES,
Jefferson City, MO, May 17, 1999.

Hon. JOHN ASHCROFT,
Russell Senate Office Building
Washington, DC.

DEAR SENATOR ASHCROFT: On behalf of the Missouri Planning Council for Developmental Disabilities, I am writing this letter to support the Harkin Amendment to the Juvenile Justice Bill. We believe this bill will result in safer schools since it clarifies the schools' roles in removing children who bring guns to school. We also support the provision of intervention and services, including mental health services, to reduce the possibility of such behaviors reoccurring.

We have supported IDEA, formerly the Education for All Handicapped Children's Act of 1975, since it was introduced and believe that because of this strong legislation many children are now receiving the education to which they are entitled. Because of this we cannot support legislation that would weaken this most important special education law.

Thank you for the opportunity to provide comment. Please call our office if you have questions.

Sincerely,

DON JACKSON,
Chairman.

EASTER SEALS,
May 17, 1999.

Hon. JOHN ASHCROFT,
U.S. Senate,
Washington, DC.

DEAR SENATOR ASHCROFT: On behalf of Easter Seals Missouri, I write to you today to inform you of our opposition to your legislation, the School Safety Act.

While proposed as a solution to the rising problem of violence in our schools, this legislation will only contribute to juvenile crime in our communities. Simply removing a child from school does little to address long-term behavioral problems. In fact, suspensions and expulsions without education services *only transfer the problem from the* school setting to the community setting.

Parents of children with disabilities want safe schools. They know that their children are too often the victims of inappropriate conduct. Under the 1997 amendments to the Individuals with Disabilities Education Act, any truly dangerous child can and should be readily removed by school authorities. Moreover, the 1997 amendments add numerous

new discipline provisions that strengthen the ability of school personnel to maintain a safe and orderly environment, conducive to learning.

Easter Seals Missouri urges you to withdraw the Safe Schools Act. Thank you for considering our views.

Sincerely,

PATRICIA JONES,
President and CEO.

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION,
Alexandria, VA, May 19, 1999.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The National Association of State Boards of Education (NASBE) is a private nonprofit association representing state and territorial boards of education. Our principal objectives are to strengthen state leadership in education policymaking, promote excellence in the education of all students, advocate equality of access to educational opportunity, and assure responsible governance of public education.

NASBE would like to express its opposition to an amendment proposed by Senators Ashcroft and Frist that will significantly alter the discipline provisions within the Individuals with Disabilities Education Act (IDEA), which will be considered by the Senate during debate on the Juvenile Justice bill S. 254 this morning. Currently, students with disabilities who bring a weapon to school can be shifted to an alternative setting for up to 45 days. The Ashcroft/Frist amendment would change this policy so that students with disabilities could be expelled for an entire year. While we certainly support strict disciplinary measures for all students, we must oppose this proposal on the following grounds:

Cessation of educational services, particularly to those most in need of intervention, is not an appropriate response. Simply removing the offending student from school merely shifts the problem to the neighborhood and streets surrounding the school.

A weapons offense is best handled by law enforcement and the judicial system. The current IDEA law does not preclude school personnel from referring student violations to the police where state and local laws would apply.

The amendment undermines the comprehensive compromise reached on IDEA in 1997, of which the current disciplinary policies were a major consideration. During the final Senate vote on IDEA, Senate Majority Leader Trent Lott warned that any attempt to modify the legislation would cause the agreement to collapse. Changes made now would only encourage others to attempt to revise other sections of the carefully crafted IDEA law in the future.

Again, we urge you to oppose changing the IDEA disciplinary provisions under the Ashcroft/Frist amendment to the Juvenile Justice bill. If you have any questions, please have your staff contact David Griffith, Director of Governmental Affairs, at 703/684-4000, ext. 107. Thank you for your consideration.

Sincerely,

BRENDA LILIENTHAL WELBURN,
Executive Director.

THE ARC,
Arlington, TX, May 20, 1999.

ANNE L. BRYANT,
Executive Director, National School Boards Association, Alexandria, VA.

DEAR MS. BRYANT: The Arc of the United States is very concerned with your May 17 letter to Members of the U.S. Senate, in which you state that the Individuals with Disabilities Education Act (P.L. 105-17) prevents schools from removing students who bring firearms to school. This statement is totally incorrect and very misleading. The newly-reauthorized I.D.E.A. allows school authorities to immediately remove all children, including children with disabilities, from the school setting for *any* violation of school discipline codes for up to ten days. In cases when a child has brought a weapon to school or school function, school authorities can unilaterally remove a child with a disability from the child's regular placement for up to 45 days at a time. In addition, if school officials believe that it would be dangerous to return the child after the 45 day period, they can ask an impartial hearing officer to order that the child remain in the interim alternative setting for an additional 45 days and can request subsequent extensions.

It is incomprehensible to The Arc why the National School Boards Association would want to mislead the Senate about this important civil rights law. As a result of these misperceptions, the Senate is considering an amendment to I.D.E.A. that would make communities more dangerous, not safer. The Frist/Ashcroft Amendment currently being debated as part of the Juvenile Justice legislation (S. 254) would allow schools to cease educational services to children with disabilities. Every major law enforcement agency reports that expelling or suspending troubled children without educational services only increases juvenile crime. Drop out rates, incarceration rates and drug use rates also increase when children are expelled or suspended without educational services.

The current I.D.E.A. law and the final regulations, just released by the Department of Education in March of this year, already provide adequate protections to schools. The new law, which your organization agreed to, should be given a chance to work. I.D.E.A. has provided millions of students with disabilities the opportunity for a free and appropriate public education enabling them to become independent and productive citizens. The Arc is extremely disturbed that your organization would use children with disabilities as the scapegoat for recent school shootings.

Sincerely,

BRENDA DOSS,
President.

NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES,
Alexandria, VA, May 18, 1999.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of the National Organization of Black Law Enforcement Executives (NOBLE), this letter is to support your substitute amendment to S. 254. NOBLE represents more than 3000 minority law enforcement managers, executives, and practitioners at the local, state and federal levels. We believe that students who are suspended from school for carrying weapons must be placed in a supervised alternative to school and be required to participate in an appropriate mental health and behavioral modification program. Suspending these students from school and putting them out onto the streets would only serve to magnify the crime problem that currently exists. Your efforts to ensure that this does not happen are strongly supported by NOBLE.

Our organization urges you to continue your efforts to ensure that your substitute amendment is incorporated into S. 254.

Sincerely,

ROBERT L. STEWART,
Executive Director.

THE SECRETARY OF EDUCATION,
Washington, DC, May 17, 1999.

Hon. TOM DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: I am writing to express my strong opposition to an amendment that Senator Frist has offered to S. 254, the juvenile crime bill that the Senate is now considering. This amendment, which is similar to S. 969, Senator Ashcroft's bill to which I expressed my opposition last week, would allow school personnel to suspend or expel children with disabilities from their schools for unlimited periods of time, without any educational services, including behavioral intervention services, and without the impartial hearing now required by the Individuals with Disabilities Education Act (IDEA), for carrying or possessing a gun or other firearm to, or at, a school function.

The Congress need not address the particular issue that is the subject of the Frist amendment, because it amended the IDEA just two years ago to give school officials new tools to address the precise issue of children with disabilities bringing weapons to school or otherwise threatening teachers and other students. For example, school officials may remove, for up to 45 days, a child with a disability who takes a weapon to school, and may request a hearing officer to similarly remove a child who is substantially likely to injure himself or others, if the child's parents object to a change in the child's placement. Furthermore, the IDEA allows hearing officers to keep these students out of the regular educational environment beyond 45 days if they continue to pose a threat to the rest of the student body. I am convinced that these new tools will be effective if given a chance to work.

I am firmly committed to ensuring that all our schools are safe and disciplined environments where all our children, including children with disabilities, can learn without fear of violence. But we should not let the tragic school shootings in Littleton, Colorado, and other communities lead us to responses, such as the Frist amendment, that will harm children with disabilities.

First, the Frist amendment would deny vital educational services to children with disabilities who are removed from school, including behavioral interventions that are designed to prevent dangerous behavior from recurring. Continued provision of educational services, including these behavioral interventions, offers the best chance for improving the long-term prospects for these children. Discontinuing educational services is the wrong decision in the short run and, in the long run, will result in significant costs in terms of increased crime, dependency on public assistance, unemployment, and alienation from society. We cannot afford to throw away a single child.

Second, the Frist amendment would undo vital protections in the IDEA that were included to protect children with disabilities from widespread abuses of their civil rights. Under this amendment, for example, the IDEA would no longer require schools to determine, when suspending or expelling a child with a disability, whether the behavior of the child in carrying or possessing a firearm is related to the child's disability. Such a determination, which can currently be made while the child has been removed from school, is needed to ensure that children are not unjustly denied educational services during their removal without considering the effects of the child's disability on their behavior. The manifestation determination required by the IDEA is an important tool schools use to appropriately understand the relationship between a child's behavior and their disability in order to best implement behavior intervention strategies.

We should be making every effort to appropriately reach out to our children and help prevent them from endangering themselves and others. It is equally important that we appropriately address the needs of children who have gone astray, violated the rules, and put otherr at risk. The exclusion of children with disabilities from school—without the impartial due-process hearing and the continued services that the IDEA now requires—is the wrong response.

I urge you to vote against the Frist amendment.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

RICHARD W. RILEY.

STATE OF TENNESSEE, DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES COUNCIL,
Nashville, TN, May 17, 1999.

Senator BILL FRIST,
Dirksen Building
Washington, DC.

DEAR SENATOR FRIST: The recent path of the Individuals with Disabilities Education Act (IDEA) has been an arduous one, as you well know. We at the Tennessee Developmental Disabilities Council and many others, especially parents of students with disabilities and the students themselves, remember your outstanding efforts to achieve a fair compromise around complex issues during the recent IDEA reauthorization process. Because of your interest and attention, IDEA still ensures children with disabilities access to a free appropriate public education.

The procedural safeguards contained in IDEA are critical in protecting the right of children with disabilities to receive a free appropriate public education. Therefore, we are distressed about your recent effort to amend IDEA concerning the suspension or expulsion of students with disabilities who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function. This is not to say that we believe that any student who carries or possesses a gun or firearm should not be disciplined. Just as the positive principles of the IDEA should work for all students as schools are encouraged to include students with disabilities in regular classrooms and to afford them every opportunity for education, so should such egregious behavior by any student have consequences.

However, we do not believe that the consequences enumerated by your amendment to IDEA will have the desired outcome. They will not result in safer schools or communities. In fact, every major law enforcement agency reports that expelling or suspending troubled children without education services only increases juvenile crime. Drop out rates, incarceration rates and drug use rates also increase when children are expelled or suspended without educational services.

We believe that a better approach, for all students, is articulated in Senator Harkin's amendment to the juvenile justice bill. It will assist schools to maintain safe environments conducive to learning. It clarifies that schools can and should remove children who bring guns to school and that schools should provide them with immediate appropriate intervention and services including mental health services to maximize the likelihood that such child does not engage in such behavior or such behavior does not reoccur. The Harkin amendment also reaffirms that nothing prohibits a school from reporting a crime to appropriate authorities.

Senator Harkin's amendment seems very consistent with the aim of IDEA and with the very compromise that you worked so hard to achieve in 1997. Therefore, we ask that you support Senator Harkin's amendment.

Sincerely,

LANA KILE,
Chair.
WANDA WILLIS,
Executive Director.

AMERICAN ASSOCIATION ON MENTAL RETARDATION,

To: Senator THOMAS HARKIN.
From: M. Doreen Croser, Executive Director.
Re: Opposition to IDEA Amendments.
Date: May 17, 1999.

Thank you for all your hard work to maintain the integrity of the Individuals with Disabilities Education Act (IDEA). Your efforts are greatly appreciated by the members of the American Association on Mental Retardation!

We also want you to know that we oppose the Ashcroft/Frist Amendment because we do not believe it will result in safer schools or communities. Drop out rates, crime, incarceration and drug use increases when children are expelled or suspended from school without education services. Clearly, such suspensions or expulsions are not in our society's best interest.

Your proposed amendment to the juvenile justice legislation rather than to IDEA seems to be a sensible approach and we support it.

Please share our support with your colleagues and, again, thank you for all work on behalf of children with disabilities.

LEARNING DISABILITIES ASSOCIATION OF AMERICA,
Pittsburgh, PA, May 17, 1999.

DEAR SENATOR: As President of LOA, the Learning Disabilities Association of America, a national non-profit volunteer organization dedicated to a world in which all individuals with learning disabilities thrive and participate fully in society, I ask you on behalf of all children with disabilities to:

Oppose the Ashcroft/Frist Amendment to the Mental Health Juvenile Justice Act (S254) now being debated on the Senate floor. This amendment, which would allow local schools to deny educational services, including special education, to a child with a disability who carries to or possesses a gun or firearm in school or a school function, would *not reduce violence in schools and society.* Testimony of law enforcement agencies during the IDEA reauthorization process pointed out that expelling or suspending troubled children without educational services results in increased juvenile crime in the short term and increased drop out rates, incarceration rates, and drug use in the long term.

Support the Harkin Amendment to the Mental Health Juvenile Justice Act (S254) which clarifies that, under IDEA 97, school can and should remove students with disabilities who bring guns to school. Moreover after being in an alternative educational placement for up to 45 days, the IEP team may decide to move the child to a placement other than the school in which the infraction occurred. The Harkin Amendment also reaffirms that nothing in IDEA prohibits a school from reporting a crime to appropriate authorities.

I would like to point out that none of the children responsible for the eight school tragedies in the past two years was a special education student being served under IDEA. However, it is also apparent that appropriate mental health interventions might have prevented some of these tragedies.

Thank you for your consideration.

Sincerely,

HARRY SYLVESTER,
President.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute 7 seconds.

Mr. HARKIN. I have used up 14 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I yield myself 8 minutes.

This will be the last few minutes that I have to speak on the Frist-Ashcroft amendment and, thus, I want to, for the sake of my colleagues and others who are listening, explain what the amendment is about.

This amendment is very simple. It is about two things: No. 1, the safety of all students; and No. 2, equal treatment of children.

I have a letter from the National School Boards Association. As most people know, it represents 95,000 local school board members.

I will read from the first paragraph of the letter:

On behalf of the Nation's 95,000 local school board members, the National School Boards Association urges you to support the Frist-Ashcroft amendment to S. 254 that would enhance the safety of all students from gun violence. The amendment provides school officials with the discretion to suspend or expel students covered by the Individuals with Disabilities Education Act in the same manner as other students in cases where they bring firearms to school.

My colleagues, this amendment is about the safety of all students and the equal treatment of children.

Yesterday, we had a very good debate, I thought, on the substance of the amendment. I gave my remarks yesterday, and I wish to also refer today to some statistics that I obtained not too long ago from my own county, Davidson County.

For the 1997–1998 school year there were eight children in my home county who brought either a gun or a bomb to school, eight in that 1 year. Of those eight, six were special education students. What happened? The two who were not special education students, because of the zero tolerance policy in Tennessee, were expelled. They were out for the remainder of the year.

Of the six special education students, three were back in class. These are individuals who brought a bomb or a gun into the classroom already.

Three of them were kept out of school. Why? Because their disability and bringing a gun to school were unrelated. But three of the eight had this *manifestation process, and because of* the disability, they were treated in a special way and allowed back into the classroom.

Yesterday I was caught a little off guard, and I do not like that, I really do not like that. And I do not think the

Senator from Iowa meant to say what he said. But he said those statistics don't count. And then I said, well, let's look at 1999, He said, no those statistics don't count. And I said Why? And he said basically because the regulations just came out and we fixed that loophole.

That bothered me, so what I did was go back and call to see really when this law took place, the law that is operating today. I found something very different, exactly the opposite of what the Senator from Iowa told all of his colleagues. And I want to straighten that out for the RECORD. It is very, very important.

The Senator from Iowa argued yesterday that the statistics where individuals with disabilities ended up back in the classroom within 45 days of having brought a gun to the schoolroom don't apply and that loophole had been fixed. I found something very, very different.

In fact, the IDEA amendments of 1997 were signed into law on June 4, 1997. The Senator from Iowa and I were both there. It was a good day. We were both there. Yes, the regulations were written. And it really took too long, they just came out a few months ago. The implication yesterday by the Senator from Iowa was that they were written only recently and, therefore, so they could not apply.

In looking a little closer, the IDEA amendments were signed into law on June 4, 1997. And on June 4, 1997, section 615, the discipline provisions, went into effect that day. So every statistic that I have given for the last 2 years shows repetitively individuals with disabilities, because of this special treatment, it is not their fault, it is the fault of the law that they are ending up back in the classroom. These are individuals who brought a gun or a bomb to school.

Again, I was very disappointed, because again and again he said on the floor yesterday and I went back to the RECORD again last night and found that the Senator from Iowa said: "I say to the Senator from Tennessee, that the school he is talking about was still operating under the old system."

Not true. Not true. We talked to the director of high schools for Nashville, Davidson County, and the director stated very specifically that every school in the Davidson County was operating under the IDEA amendments of 1997 under advisement of their lawyers. In fact, let me read from the bill that we signed last year. The 1997-1998 school year applied on June 4.

This is from the bill that we signed on a great day, on June 4, 1997. It says: "Effective dates, these shall take effect upon enactment of this act," on that day in June 1997.

So all the statistics of eight individuals were relevant. Two were expelled because they did not have a disability and of the six who had a disability, three were back in the classroom within 45 days. That is the loophole. Why am I concerned? Just because somebody has not been killed yet because of this loophole, I am not going to wait around until somebody has been killed. I want to prevent that from happening. This amendment is about the safety of all students and to have all students treated fairly.

The amendment closes the loophole that I just pointed out. I have demonstrated factually it is occurring in this legislation. So I want to dismiss all of the arguments the Senator from Iowa made yesterday when he said it is not a problem.

This amendment will, in its ultimate passage, end the mixed message that the Federal Government, that we in this body, send to American students on the issue of guns in school.

Under IDEA, a student with a disability who is in possession of a firearm at school is treated differently from anybody else. Our amendment says very simply that if you bring a gun or a firearm to the school, you, as a student, are going to be treated the same, and you are going to be treated by the local principal or other authorities in the school.

Our amendment allows principals or other qualified school personnel the flexibility to treat every student who brings a gun or a firearm or a bomb into the classroom the very same.

Our amendment does not enforce any sort of uniform policy. We might like to think that we in Washington can set good school policy, but this shows how dangerous that can be by trying to set a uniform policy here for some subset of students.

The PRESIDING OFFICER. The Senator from Tennessee has used 8 minutes.

Mr. FRIST. I yield myself 1 more minute.

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

Mr. FRIST. Mr. President, the amendment is a simple amendment: Equal treatment for each and every student who brings a firearm, a gun or bomb, to school. It is an amendment which will have an impact, I believe, help individuals in terms of safety in our schools.

The amendment closes a loophole, a loophole that I have definitively demonstrated does occur in our schools. If a student brings a gun to school, they, if our amendment is agreed to, will be treated the same regardless of their educational status.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST. Mr. President, I yield 7 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator has 6 minutes 18 seconds remaining.

Mr. ASHCROFT. Thank you, Mr. President.

I thank the Senator from Tennessee for his leadership on this issue. I began to be concerned about students carrying guns in and out of our schools quite some time ago. On the Ed-Flex bill, which passed this Senate just a couple months ago, I put an amendment to close another loophole which would allow students who possessed guns in school—not just carried guns to school—to be removed from the school environment.

This responsibility for us to close these loopholes is a serious one. It is a responsibility that relates to school safety. That is what we are talking about here. School safety is a responsibility that we can work hard on, and I am glad Senator FRIST of Tennessee and I have been able to join on this amendment.

It should not have taken this long. This is a simple amendment. This amendment merely allows local schools to treat all children who bring guns to school in the same manner. It does not target children with disabilities—simply not so. It protects children with disabilities. This is not a matter of scapegoating. This does not say that any group of students is subject to more severe punishments than any other group of students.

This is a bill that provides for equity, simply saying that principals and superintendents should have the power, without interference from the Federal Government, to remove students from school who come to school with a firearm, an explosive or a gun. I believe we need to make sure we close the loophole in the Federal law that made it very difficult to discipline certain students who came in that setting.

There are those who say: Well, the law is this way and the law is that way. And they will argue about how the law is applied here in the Senate Chamber. We have a lot of experience from around the country about how the law is applied in the schools. The Senator from Tennessee has eloquently spoken to the fact that as applied in the schools, you frequently find that individuals who, if they were not the subject of an individualized education program, would be gone for a year because of a mandated expulsion, are back in the classroom within 45 days, in spite of the fact that they brought a gun or a bomb to school.

It is simply our intention to let local school boards and school officials decide how they should be able to make the school a safe place and not to reinsert a student in the school environment who has threatened the safety and security of the school by bringing a bomb or a gun to school. We must have zero tolerance for guns in school. I think we must let school officials decide on discipline policies.

We should not have taken this long on this amendment, but I am glad that we are at this point.

After we vote on this amendment, there is a consent decree which is going to allow the Harkin amendment to be voted on.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. ASHCROFT. Mr. President, I yield myself 2 minutes of the remaining 3 and ask to be notified.

The Harkin amendment makes the current law even worse by imposing a new requirement upon schools that they couldn't remove any child for bringing a gun to school unless they provide special services to the child. I will oppose this amendment.

When you tell people that you will make them special for bringing a gun to school, I think you do a great disservice. You are not making victims out of people by pulling them out of school. You are not making them unsafe. If you tell them clearly that if they bring a gun to school that they are not going to be allowed to stay in school, you will make them safer, and you will make the school safer.

This is a school safety issue. It is an issue that requires our attention. The simple fact of the matter is, the current law, as applied and as implemented, is a real impediment to school safety.

There will be arguments that we have yet to have a student shoot someone under these circumstances. I can tell you that we have come very close. I talked to one school superintendent in my State who had such a student threaten seven other students in the classroom, to kill them. When the student finally shot one of the other students, it wasn't in the classroom. It was off the school premises so that it really didn't qualify under IDEA. But we don't have to wait until there is blood on the blackboard or on the floor of the classroom in order to take steps to make sure we don't have guns in the classroom.

The truth of the matter is, we should simply and clearly make it possible on an equal footing to say that no matter who the student is, there are no excuses, there are no special exceptions; if you bring a gun to school, the local school authority should have the opportunity to take that student and to remove that student without regard to other status.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ASHCROFT. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. The Senator has 1 minute 4 seconds.

Mr. HARKIN. Mr. President, I yield myself the remainder of my time.

There is no loophole here. The equity they keep talking about is an equity for danger. We keep hearing they are for safety in schools. We all are for safety, of course.

Why is the National PTA opposed to this amendment? Why are 500 police leaders around the country opposed to this amendment? Why is the National Association of the State Boards of Education opposed to this amendment? Because they all know that the amendment we are about to vote on is a recipe for disaster.

It will increase crime. It will increase drug use. It will increase the dropout rate. Why? I am really disappointed that anyone would say that we can take these kids who have severe problems, kick them out of school and cut off all supporting services and make communities safer. The police chiefs who have to deal with the aftermath know better. That is why they are opposed to this amendment. We know more than they do, and the Parent Teacher Association? Why are they opposed to the Ashcroft-Frist amendment? Because they realize it is a formula for disaster. That is what it is.

This is a dangerous, dangerous amendment and I strongly urge my colleagues to vote against it.

Mr. President, after the vote on this amendment—by unanimous consent—the Senate will adopt the Harkin amendment. This is an amendment I have drafted and is cosponsored by the distinguished ranking member of the HELP committee, Senator KENNEDY. Our amendment is supported by the police and other groups who oppose the Frist-Ashcroft amendment because it would make schools and communities safer. I'd like to say a few words about it and its intent.

Passage of our amendment is very important. It is very important, because it requires that all children—whether they have a disability or not—are not just dumped in the streets after they commit an act of violence, including bringing a gun or firearm to school. Our amendment would require that schools provide immediate and appropriate supervision, tracking, educational, behavioral, health and related services to these children in order to reduce the likelihood that the child will repeat their anti-social and dangerous behavior. The interventions would be tailored to the individual child. This is absolutely critical and is demonstrated to actually make a difference. It will save lives and money in the long run. It makes common sense.

The Harkin amendment also authorizes the funds necessary to assist our schools in providing this critical intervention.

So passage of the Harkin-Kennedy amendment—which will occur by voice vote after this roll call vote on the Frist-Ashcroft amendment—is a very important amendment. Its adoption puts the Senate on record as supporting the recommendations and pleas of the police, parents and teachers.

Mr. JEFFORDS. Mr. President, I rise in opposition to the Frist-Ashcroft amendment pertaining to the Individuals with Disabilities Education Act, IDEA. I respect my colleagues' intentions. They want to make schools safer. Their amendment would not make schools safer, nor the sidewalks leading to the schools, nor their communities.

Their amendment would allow a child with a disability caught with a gun or a firearm, whether he knew what he was doing or not, to be suspended or expelled without educational services.

If a child with a disability—if any child for that matter—is suspended or expelled for having a gun or firearm in school and subsequently not provided with educational services and adult supervision—Would schools be safer? Would communities be safer? Given what happened outside of Atlanta today, we must shift the debate. Yesterday, our colleagues from Tennessee, Missouri, and Iowa debated if, and for how long, a child with a disability could be removed from his school if he brought a firearm to school. I think they agreed that under IDEA and under the Frist-Ashcroft amendment a child with a disability could be removed from his school.

The crux of the remaining disagreement was services—why a child with a disability who brings a gun to school should get services, while his peer without a disability in the same situation, would not get services. We don't solve anything by kicking any child out of school without educational services.

There are two letters of opposition to the Frist-Ashcroft on your desk. One is from the National Association of State Boards of Education and one from the National Parent Teacher Association. They make that simple point very well.

Ask yourself this question—If you could prevent a child from committing a violent act for the first time or a second time, by providing appropriate services, what would you do? The answer is obvious. You would provide the services—to make your school safe, to make your community safe, but most importantly, to save the child.

In the rare instances when it occurs, IDEA provides schools with the tools to control and prevent gun and firearm use by children with disabilities. IDEA recognizes and promotes school safety. IDEA recognizes and promotes teaching consequences for wrongful behavior. IDEA recognizes and promotes adult supervision of, engagement with, and responsibility for children who break school rules or criminal laws.

I would like to review some key facts about IDEA. IDEA permits school officials to immediately suspend a child with a disability with a gun or firearm for 10 days without educational services. During that time, a manifestation determination review must be conducted. First, to determine if the child with a disability understood the impact and consequences of having a gun or firearm. Second, to determine if the child's disability did or did not impair the child's ability to control his behavior.

In effect, if the child knew what he was doing, the law allows the child to be disciplined in the same manner as other children caught with guns or firearms. One distinction applies. This child with a disability, perhaps unlike his peers, would continue to receive educational services. However, school

officials have total discretion over the details associated with providing these educational services.

If a manifestation determination review establishes that the child did not know what he was doing, the child could still be removed from his classroom and school and placed in an interim alternative educational setting for 45 days. After 45 days, if the child continued to be dangerous, the child's placement in the interim alternative educational setting could be extended with the concurrence of a hearing officer.

In the wake of the tragedy in Littleton, Colorado, in the wake of Atlanta, hearing officers will give substantial deference to claims from school officials that a child with disabilities continues to be dangerous. Concurrence of a hearing officer at 45 day intervals is a reasonable standard and an appropriate check and balance on the continued use of an interim alternative educational setting.

There is no forum or procedures for due process in the Frist-Ashcroft amendment. How is a child with a disability to prove his innocence? If expelled without education services for 12 months, what will be the impact on the child's family? What will be the reaction of the child's next teacher? What will be the impact on the child's neighborhood? What will be the impact on this child as an adult?

The real driving force behind the Frist-Ashcroft amendment is the obligation to provide services, and not school safety. Local school districts do not want the responsibility for paying for new services. If school districts do not now have interim alternative educational settings that can accommodate children with disabilities, they do not want to spend money to create them. If school districts do not now have home-based programs or alternative school programs, they want additional money to have them.

School districts do not see a windfall of new Federal dollars on the horizon. So in the name of school safety, they bless the Frist-Ashcroft amendment. In the name of school safety, school districts say it is acceptable for Federal policy to close the school house door on the back of a child with a disability, whether the child knew why the door slammed shut or not. In the name of school safety, they say it is acceptable for Federal policy to leave open whether any agency gives the child and the child's family help, so that they can recover from a gun or firearm episode that profoundly altered their lives.

Helping children and their families in these situations is a community responsibility. Schools are part of communities. They must do their part. Other agencies and organizations must do their part. To abdicate responsibility or shift responsibility is not acceptable. It makes no sense.

All parents want their children to be safe in school and out. All parents want their children to have due process when they are accused of wrong doing. All parents want their child's education to continue, even if their child did wrong.

Are we going to disregard some of America's most vulnerable children in the name of political expediency, by pretending that the Frist-Ashcroft amendment will make schools and communities safer.

In an ideal world, we would find a way to work together to develop or expand, and fund, local agencies and organizations that would work collaboratively to assist families and children in crisis, so that the crisis does not reoccur.

In an ideal world, teachers and administrators in America's schools would be thoroughly versed in the referral procedures associated with IDEA; and, if IDEA were fully funded, tragedies with guns and firearms could be prevented.

We don't have an ideal world, but we must try to make a positive difference, one day at a time, especially in the lives of children.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Missouri.

Mr. ASHCROFT. I yield myself such time as I have remaining.

Mr. President, the Senator from Iowa indicates there is not a loophole here. Well, it is strange to me, but the statistics indicate otherwise.

One county in Tennessee, clear evidence, Davidson County, the home of the Senator from Tennessee, Mr. FRIST, four people who squeezed through the nonexistent loophole were back in class within 45 days in that setting.

I think we have to make sure that that nonexistent loophole, if that is what we are talking about, gets closed. It is impossible to have people coming through a door that is not there. There is a loophole that needs to be shut.

Last but not least, it is no accident that the National School Boards Association wants us to pass this. This isn't discriminating against one class of students or in favor of another. It simply says our priority for learning has to be a safe and secure school environment. This particular amendment would enhance the safety of all students from gun violence, according to the National School Boards Association.

I urge my colleagues to vote in favor of this amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 355. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 25, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—74

Abraham	Enzi	Lott
Allard	Feinstein	Lugar
Ashcroft	Fitzgerald	Mack
Baucus	Frist	McConnell
Bayh	Gorton	Murkowski
Bennett	Graham	Nickles
Biden	Gramm	Robb
Bingaman	Grams	Roberts
Bond	Grassley	Rockefeller
Breaux	Gregg	Roth
Brownback	Hagel	Santorum
Bryan	Hatch	Sessions
Bunning	Helms	Shelby
Burns	Hutchinson	Smith (NH)
Byrd	Hutchison	Smith (OR)
Campbell	Inhofe	Snowe
Cochran	Johnson	Specter
Collins	Kerrey	Stevens
Conrad	Kerry	Thomas
Coverdell	Kohl	Thompson
Craig	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Levin	Voinovich
Domenici	Lieberman	Warner
Dorgan	Lincoln	

NAYS—25

Akaka	Harkin	Murray
Boxer	Hollings	Reed
Chafee	Inouye	Reid
Cleland	Jeffords	Sarbanes
Crapo	Kennedy	Schumer
Daschle	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Mikulski	
Feingold	Moynihan	

NOT VOTING—1

McCain

The amendment (No. 355) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 368

(Purpose: To provide appropriate interventions and services to children who are removed from school, and to clarify Federal law with respect to reporting a crime committed by a child)

Mr. HATCH. Mr. President, we now turn to the Harkin amendment.

Mr. LEAHY. Mr. President, I believe if the Senator from Iowa will send his amendment to the desk, it will be accepted.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa Mr. HARKIN, for himself and Mr. KENNEDY, proposes an amendment numbered 368.

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end, add the following:

SEC. ___. APPROPRIATE INTERVENTIONS AND SERVICES; CLARIFICATION OF FEDERAL LAW.

(a) APPROPRIATE INTERVENTIONS AND SERVICES.—School personnel shall ensure that immediate appropriate interventions and services, including mental health interventions and services, are provided to a child removed from school for any act of violence, including carrying or possessing a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a

State or local educational agency, in order to—

(1) to ensure that our Nation's schools and communities are safe; and

(2) maximize the likelihood that such child shall not engage in such behaviors, or such behaviors do not reoccur.

(b) CLARIFICATION OF FEDERAL LAW.—Nothing in Federal law shall be construed—

(1) to prohibit an agency from reporting a crime committed by a child, including a child with a disability, to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to a crime committed by a child, including a child with a disability.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to pay the costs of the interventions and services described in subsection (a) such sums as may be necessary for each of the fiscal years 2000 through 2004.

(2) DISTRIBUTION.—The Secretary of Education shall provide for the distribution of the funds made available under paragraph (1)—

(A) to States for a fiscal year in the same manner as the Secretary makes allotments to States under section 4011(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111(b)) for the fiscal year; and

(B) to local educational agencies for a fiscal year in the same manner as funds are distributed to local educational agencies under section 4113(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7113(d)(2)) for the fiscal year.

Mr. ASHCROFT. Mr. President, in our amendment, which we just passed in the Senate, Senator FRIST and I proposed important changes to federal law to give schools more authority to remove from the classroom any student who brings a gun or firearm to school. Schools need current federal barriers removed so that they can preserve a safe and secure classroom for our children.

The Senator from Iowa has proposed an amendment which makes it even more difficult for schools to remove any dangerous student—including one who brings a gun to school—from the classroom. I rise to state my opposition to the Harkin amendment.

The Harkin amendment makes the current law even worse by imposing a new requirement upon schools when they desire to remove any child—disabled or non-disabled—from the classroom for bringing a gun or firearm to school, or for committing any act of violence.

The Harkin amendment takes the unprecedented step of telling schools across the country that if they want to remove any child from school—even a nondisabled student—for possessing a weapon, or for committing any act of violence, schools must provide the child with "immediate appropriate interventions and services, including mental health interventions and services," in order to "maximize the likelihood that such child shall not engage in such behaviors, or such behaviors do not reoccur."

This amendment would overturn the discipline policies of schools across the nation, and intrude upon the right of parents, teachers, school administrators, school boards, to set their own discipline policies regarding weapons and violence in schools. Not only this, but it jeopardizes the ability of schools to remove any student from class who has a gun or firearm, and prevents them from keeping their schools safe.

The Harkin amendment would also handcuff schools even more than the current IDEA law does regarding removal of disabled students who possess weapons.

The Harkin amendment says that a school that takes action to remove a child with a weapon from school "shall ensure that immediate appropriate interventions and services, including mental health interventions and services," are provided to the child. This is a new requirement in addition to current IDEA law.

Current IDEA law requires that a school that removes a child from the regular classroom for 45 days for a weapons possession must already conduct a series of procedures in connection with the removal. Let me describe some of these procedures.

First, a school must conduct a functional behavioral assessment. Second, it must implement or modify a behavioral intervention plan for the child. Included in this is the requirement that the IEP team must meet to develop or modify an assessment plan to address the behavior at issue. Third, the school must conduct a manifestation determination review to determine if the child's disability caused the behavior at issue.

The Harkin amendment adds yet another requirement to the list of procedures that a school must undertake when removing a child with a weapon from the classroom, by requiring that schools "ensure that immediate appropriate intervention and services, including mental health interventions and services," are provided to the child. Why do we need to handcuff schools even more with another procedure?

Additionally, the amendment says that these additional interventions and services must be provided "in order to maximize the likelihood that such child will not engage in such behaviors, or such behaviors do not reoccur." We are not simply asking the schools to try to reduce the likelihood of reoccurring behavior: we are requiring them to maximize that likelihood.

School principals, administrators, teachers, school boards, and parents have told me about how difficult the current IDEA makes it to discipline students, and especially in the case of guns and firearms.

Senator HARKIN's amendment adds yet another layer of procedure. Rather than providing schools with more authority to take actions school officials deem appropriate to maintain a safe and secure classroom free from guns and firearms, Senator HARKIN's amendment is going backwards from current law by imposing more federal responsibilities.

The Harkin amendment's attempt to provide funding for the new procedures required under the amendment is disingenuous.

The amendment authorizes "such sums as may be necessary for each of the fiscal years 2000 through 2004" to pay for the "interventions and services" that schools must conduct before they can remove a student with a gun from school. If the Senator from Iowa and others were unwilling to vote for giving schools more IDEA funding during debate on the ed-flex bill earlier this session, what makes us think they really would provide more funding at this time?

In conclusion, the Harkin amendment actually makes current law worse by imposing a new set of requirements on schools when they need to remove any child with a firearm from the classroom. He would require schools to provide "interventions and services" to non-disabled students who are expelled for bringing a gun to school. And, he imposes a new requirement upon schools that take action to remove IDEA students from school for weapons possession.

At a time when parents, teachers, school officials, and our children are asking for help in keeping our classrooms safe, we cannot afford to take a step backward and further handcuff schools from taking steps to get guns out of schools. We need to move forward by giving schools more authority to get—and keep—firearms out of the classroom. For these reasons, I oppose the Harkin amendment.

Mr. KENNEDY. Mr. President, I r to support Senator HARKIN in his amendment to reduce juvenile crime by helping schools to maintain safe environments while ensuring that troubled students get the help they need.

Students who bring guns or other dangerous weapons to school should be removed. But they should also be provided with the appropriate interventions and services.

This amendment clearly supports the removal of a child from school who carries or possesses a weapon, including a child with a disability.

This amendment clearly supports an agency reporting a crime committed by a child, including a child with a disability, to the appropriate authorities.

This amendment clearly supports law enforcement and judicial authorities in exercising their responsibilities with regard to crimes committed by a child, including a child with a disability.

But this amendment, unlike the Frist-Ashcroft amendment, will ensure that immediate, appropriate interventions, including mental health services, are provided to a troubled child.

We know that when educational services for students are stopped, those students show increased drop out rates, increased drug abuse, and increased rates of juvenile crime and incarceration.

I urge all my colleagues to vote in favor of the Harkin-Kennedy amendment. It will help to ensure that our schools remain conducive to learning and our communities remain safe.

Mrs. LINCOLN. Mr. President, today I'm pleased to join my colleagues Senator HARKIN and Senator WELLSTONE in offering an amendment that will help reduce crime and violence in our nation's schools.

This amendment specifically addresses the issue of our children's emotional well-being, and what we as a nation, can do to provide schools with the necessary resources to help our kids.

The lives of America's children are very different than they were 20, 30 or 40 years ago. Before our children reach their teenage years, they've already been exposed to drugs, alcohol, violent movies and a general culture of violence that influences their thoughts and actions.

Many have expressed that they are even desensitized to violence in their everyday lives.

And today's students bring more to school than just backpacks and lunch boxes. They bring severe emotional problems.

They disrupt classes, they have difficulty learning, they suffer from depression, and they fight with teachers and students.

And when they do not know how to deal with their feelings of anger and rage, they may even kill.

Since the school shooting a year ago in Jonesboro, I have been grappling with ideas to ensure that this type of tragedy never happened again. Unfortunately, it did happen again and we as a nation have got to act.

Children should not be afraid to go to school in the morning and parents should not be scared to send them there. Studies show that 71% of children ages 7 to 10 say they are worried they will be stabbed or shot while at school.

The Department of Education reported that in 1997, there were approximately 11,000 incidents nationally of physical attacks or fights in which weapons were used.

I don't claim to have all the answers on how to help our children, but I do think we should do more to get to the root of the problem.

We've got to look at the source of this problem; we must come up with some kind of preventive medicine, rather than using a haphazard Band-aid approach.

Metal detectors and controlling access to guns can hinder their ability to act out, but doesn't address their illness to begin with.

And as the tragedies in Jonesboro, Paducah and most recently as the horror in Colorado has shown us—while much of our country is prospering economically, we cannot allow our country's economic success cause us to ignore our social ills.

We can train our children to use computers, to analyze stocks and to meet the economic challenges of the new millennium. But if we do not address their emotional needs or teach them the value of human life, then what have we accomplished?

As Theodore Roosevelt said, "To educate a man in mind and not in morals is to educate a menace to society."

Together, we must call for improvements, changes and accountability. This can be done, and it must be done.

We can install more metal detectors and surveillance cameras in schools, but we won't get to the root of the problem. The youth of America are suffering and all the increased security in the world may ease our minds, but it won't solve their problems.

The United States Congress can lead the way. We can take common-sense steps to see that tragedies like those in Colorado and Jonesboro become a distant, painful memory.

I've traveled all over my home state of Arkansas talking with educators and school administrators about what's happening in our schools.

The one common denominator—the one thing they all tell me is—"We need more counselors in our schools. We need more qualified mental health professionals to adequately deal with the enormous and overwhelming problems kids have today."

The National Institute of Mental Health estimates that although 7.5 million children under the age of 18 require mental health services, fewer than 1 in 5 receive it.

The Harkin/Lincoln/Wellstone amendment calls for $15 million in authorizing funds for FY 2000. In order for these services to reach children at a younger age, this money must be spent in elementary schools.

Only qualified mental health professionals may be hired with this funding. Fortunately, these funds are eligible to urban, suburban and rural local school districts. As we all know, rural and suburban areas need our help as much as inner city schools.

The additional school counselors, psychologists and social workers will work hand-in-hand with an advisory board of parents, teachers, administrators and community leaders to design and implement counseling services.

School counselors will involve the parents of children who receive services so parents can be more involved in the development and well-being of their children.

This legislation will help accomplish that and will allow teachers to focus more on a student's skills at writing and arithmetic, rather than on his or her potential for violence.

I will fight to see that this legislation passes, so we can begin to make changes happen in my home state and across our country now, and not wait until the next tragedy. I hope my colleagues will work with me in that effort.

Mr. President, I ask unanimous consent that an article by Doug Peters of the Arkansas Democrat Gazette regarding teen death be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arkansas Democrat Gazette, May 18, 1999]

STATE'S TEEN DEATH RATE NEAR TOP IN U.S., STUDY SAYS

(By Doug Peters)

Being a teen-ager is risky, no matter where you are.

In Arkansas, it can be downright dangerous.

Only two states and the District of Columbia had higher rates of teen-age deaths by accident, homicide or suicide in 1996, according to a study of childhood risk factors released today by the Annie E. Casey Foundation.

According to the Kids Count 1999 study, 181 Arkansas teen-agers between 15 and 19 died of such causes in 1996, for a rate of 94 deaths per 100,000. Arkansas' rate is more than 50 percent higher than the national rate of 62 deaths per 100,000 teen-agers.

And while the national rate decreased slightly between 1985 and 1996, Arkansas' rate increased by 16 percent.

Only Mississippi, Wyoming and the District of Columbia had higher teen-age death rates in 1996, the most recent year statistics were available for all states and the District of Columbia.

Dr. Bob West, a pediatric medical consultant for the state Department of Health, said Arkansas' increase appeared to be caused by increasing numbers of teen suicides and homicides.

Between 1985 and 1989, Arkansas averaged 18 suicides and 15 homicides a year among 15 through 19-year-olds, according to Health Department statistics. In 1996, 32 Arkansans in that age group committed suicide. Another 32 were murdered.

Arkansas traditionally has a high rate of accidental deaths among teen-agers, West said. And although the number of traffic deaths among 15 through 19-year-olds dropped from an average of 95 a year between 1985 and 1989 to 85 in 1996, the state's rate remains significantly higher than the national average.

Traditionally, Arkansas accidental death rates run about 40 percent above the national average, West said.

West said that accidents in rural areas sometimes turn fatal because of a lack of nearby trauma services. But location isn't the only factor, he said. Attitude also may play a role.

Some people, he said, simply don't see accidents as being preventable.

"I think there are a lot of folks who think, 'If it happens, it happens,'" West said. "There doesn't seem to be the willingness to do the kind of things that will keep you safe" such as wearing seat belts or installing smoke detectors.

The dismal teen-age death rate helped Arkansas slip to 43rd overall in the Kids Count rating, an annual state-by-state ranking of risk factors to children's well-being. Arkansas ranked 41st last year.

The survey wasn't all bad news, though.

Mr. HARKIN. Mr. President, four weeks ago, an unspeakable act of violence occurred at Columbine High School in Littleton, Colorado when 12 innocent students, a heroic teacher and the two student gunmen were killed. This incident was the 8th deadly school shooting in 39 months.

The tragedy at Columbine High School is still very fresh in our minds

and our hearts. Our thoughts and prayers remain with the people of Littleton, Colorado.

The students of Columbine have returned to classes in a neighboring school. They have taken an important first step in the healing process. Unfortunately, the scars of this tragedy will remain with them, their families, the Littleton community and the nation for a long time to come.

In the aftermath of this most recent school shooting, we must examine the causes of the outbreak of violence and work on initiatives that will prevent such occurrences in the future.

During the course of the debate on the pending legislation, Juvenile Justice Bill we have already discussed many of the issues related to violence. We must examine the impact that movies, music, television and video games have on outbreaks of violence. We must also curtail the easy access to guns that enable individuals to commit such acts of violence.

We must also talk about how we can prevent such heinous acts from happening again. I would like to take a few moments to discuss one innovative program that can help us prevent violent acts from happening in the first place.

Two weeks ago, the Senate Health, Education, Labor and Pensions Committee, of which I am a member, held a hearing on the important topic of school safety. We heard testimony from many experts about the extent of the problem and began an important search for solutions so that it will never, ever happen again.

One of the witnesses was Jan Kuhl, the Director of Guidance and Counseling for the Des Moines School District. Jan talked about an innovative elementary school counseling program called Smoother Sailing and the impact the program has had on students in the Des Moines schools.

Smoother Sailing operates on a simple premise—get to kids early to prevent problems rather than waiting for a crisis. As a result, the district more than tripled the number of elementary school counselors to make sure that at least one well-trained professional is available in every single elementary school building.

Smoother Sailing began in 1988 as a pilot program in 10 elementary schools. The program increased the number of counselors in the elementary schools so there is one counselor for every 250 students—the ratio recommended for an effective program. The participating schools began seeing many positive changes.

After two years, the schools participating in Smoother Sailing saw a dramatic reduction in the number of students referred to the office for disciplinary reasons.

During the 1987-88 school year, 157 students were referred to the office for disciplinary action. After two years of Smoother Sailing, the number of office referrals in those schools dropped to 83—a 47% reduction in office referrals.

During the same period, Des Moines elementary schools with a traditional crisis intervention counseling program had only a 21% reduction in office referrals.

There were other changes as well. Teachers in Smoother Sailing schools reported fewer classroom disturbances and principals noticed fewer fights in the cafeteria and on the playground. The schools and classrooms had become more disciplined learning environments. It was clear that Smoother Sailing was making a difference so the counseling program was then expanded to all 42 elementary schools in Des Moines in 1990.

Smoother Sailing continues to be a success.

Smoother Sailing helps students solve problems in a positive manner. Assessments of 4th and 5th grade students show that students can generate more than one solution to a problem. Further, the types of solutions were positive and proactive. We know that the ability to effectively solve problems is essential for helping students make the right decisions when confronted with violence or drugs.

Smoother Sailing gets high marks in surveys of administrators, teachers and parents. They report a high degree of satisfaction with the program.

95% of parents surveyed said the counselor is a valuable part of my child's educational development. 93% said they would seek assistance from the counselor if the child was experiencing difficulties at school.

Administrators credit Smoother Sailing with decreasing the number of students suspensions and referrals to the office for disciplinary action. In addition, principals report that the program is responsible for creating an atmosphere that is conducive to learning.

Experts tell us that to be effective, there should be at least one counselor for every 250 students. Unfortunately, the current student-counselor ratio is more than double the recommended level—it is 531:1. That means counselors are stretched to the limit and cannot devote the kind of attention to children that is needed.

In most schools, the majority of counselors are employed at the middle and secondary levels. Therefore, the situation is more acute in elementary schools where the student to counselor ratio is greater than 1000:1. I ask unanimous consent that a copy of this table be inserted in the RECORD at this point.

Smoother Sailing was the model for the Elementary School Counseling Demonstration Act, a section of the Elementary and Secondary School Act.

It reauthorizes the program and authorizes $15 million to establish more effective elementary school programs.

The amendment I am offering with Senators LINCOLN and WELLSTONE is supported by several organizations—the American Counseling Association, the American School Counseling Association, the American Psychological Association the National Association of School Psychologists, the School of Social Work Association of America and the National Association of Social Workers.

Mr. President, CNN and USA Today recently conducted a public opinion poll of Americans. They asked what would make a difference in preventing a future outbreak of violence similar to those that have occurred over the past 39 months.

The leading response was to restrict access to firearms. The second most popular response—a response selected by 60% of those polled—was to increase the number of counselors in our nation's schools.

We should heed the advice of the American people. We have a desperate need to improve counseling services in our nation's schools. Our amendment is an important first step in addressing this critical issue and I urge my colleagues to support the amendment.

I ask unanimous consent a table of U.S. counselor-to-students ratios be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. COUNSELOR-TO-STUDENT RATIOS

[Maximum recommended ratio (250:1)]

U.S. States	Number of—		Counselor-to-student ratio [1]
	Students	Counselors	
Alabama	780,999	1,688	463:1
Alaska	136,196	231	590:1
Arizona	864,226	1,046	826:1
Arkansas	482,590	1,213	398:1
California	6,157,320	5,208	1,182:1
Colorado	723,591	1,121	645:1
Connecticut	569,268	1,123	507:1
Delaware	126,870	221	574:1
District of Columbia	74,395	225	331:1
Florida	2,455,079	4,855	506:1
Georgia	1,398,787	2,472	566:1
Hawaii	213,404	544	392:1
Idaho	256,946	558	460:1
Illinois	2,240,199	2,838	789:1
Indiana	1,083,851	1,735	625:1
Iowa	539,413	1,332	405:1
Kansas	505,870	1,097	461:1
Kentucky	706,820	1,272	556:1
Louisiana	688,620	2,703	329:1
Maine	227,590	593	384:1
Maryland	911,929	1,825	500:1
Massachusetts	1,033,899	2,125	487:1
Michigan	1,849,721	2,943	629:1
Minnesota	925,347	915	1,011:1
Mississippi	551,418	869	635:1
Missouri	1,025,704	2,410	426:1
Montana	175,563	411	427:1
Nebraska	327,982	757	433:1
Nevada	293,979	560	525:1
New Hampshire	219,006	656	334:1
New Jersey	1,408,761	3,231	436:1
New Mexico	362,001	650	557:1
New York	3,211,827	5,467	587:1
North Carolina	1,316,796	3,025	435:1
North Dakota	125,666	263	478:1
Ohio	2,082,841	3,247	641:1
Oklahoma	647,533	1,730	374:1
Oregon	591,539	1,268	467:1
Pennsylvania	2,117,697	3,707	571:1
Rhode Island	170,732	307	556:1
South Carolina	692,743	1,546	448:1
South Dakota	150,243	345	435:1
Tennessee	953,463	1,525	625:1
Texas	3,879,363	8,359	464:1
Utah	490,706	594	826:1
Vermont	110,228	352	313:1
Virginia	1,172,672	3,202	366:1
Washington	1,047,132	1,804	580:1
West Virginia	313,685	604	519:1
Wisconsin	1,004,584	1,884	533:1
Wyoming	101,652	285	357:1

[1] Calculated ratio is based on 1996 data, counting guidance counselors as full-time equivalents. Produced by the American Counseling Association, Office of Public Policy and Information, 5999 Stevenson Avenue, Alexandria, Virginia 22304. Phone 703-823-3800.

Source: "Digest of Education Statistics 1998" U.S. Dept. of Education.

Mr. HATCH. Mr. President, we are prepared to accept the amendment on this side.

Mr. LEAHY. We accept the amendment.

The PRESIDING OFFICER. Under a previous agreement, the amendment is agreed to.

The amendment (No. 368) was agreed to.

AMENDMENT NO. 345, AS MODIFIED

(Purpose: To establish a commission to study the motion picture industry and make recommendations to Congress and the President to promote accountability in the motion picture industry in order to reduce juvenile access to violent, pornographic, or other harmful material in motion pictures)

Mr. BOND. I send a modified amendment to the desk on behalf of myself and Senator DOMENICI, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mr. DOMENICI, proposes an amendment numbered 345, as modified.

Mr. BOND. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment (No. 345), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. COMMISSION ON ACCOUNTABILITY OF THE MOTION PICTURE INDUSTRY.

(a) SHORT TITLE.—This section may be cited as the "Motion Picture Industry Accountability Act".

(b) PURPOSE.—The purpose of this section is to establish a commission to study the motion picture industry and make recommendations to Congress and the President to promote accountability in the motion picture industry in order to reduce juvenile access to violent, pornographic, or other harmful material in motion pictures.

(c) ESTABLISHMENT.—There is established a commission to be known as the "Motion Picture Industry Accountability Commission" (in this section referred to as the "Commission").

(d) COMPOSITION.—

(1) COMPOSITION.—The Commission shall be composed of 12 members appointed as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the Speaker of the House of Representatives.

(C) Four members shall be appointed by the Majority Leader of the Senate.

(2) CHAIRPERSON.—The Chairperson of the Commission shall be jointly designated by the Speaker of the House of Representatives and the Majority Leader of the Senate from among the members of the Commission.

(3) QUALIFICATIONS.—At least one member of the Commission appointed by each of the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall be the parent of a child under the age of 18 years.

(e) COMPREHENSIVE REVIEW.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive review of the motion picture industry with a focus on juvenile access to violent, pornographic, or other harmful materials in motion pictures.

(2) ASSESSMENT.—In conducting the review, the Commission shall assess the following:

(A) How the Federal Government and State and local governments, through their taxing power or otherwise, subsidize, facilitate, or otherwise reduce the cost to the motion picture industry of producing violent, pornographic, or other harmful materials, and any changes that might curtail such assistance.

(B) How the motion picture industry markets its products to children and how such marketing can be regulated.

(C) What standard of civil and criminal liability currently exist for the products of the motion picture industry and what standards would be sufficient to permit victims of such products to seek legal redress against the producers of such products in cases where the content of such products causes, exacerbates, or otherwise influences destructive behavior.

(D) Whether Federal regulation of the content of motion pictures is appropriate.

(E) What other actions the Federal Government might take to reduce the quantity of and access to motion pictures containing violent, pornographic, or other harmful materials.

(f) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commission shall submit to the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate a report on the review conducted under subsection (e).

(2) RECOMMENDATIONS.—The report may include recommendations of the Commission only if approved by a majority of the members of the Commission.

(g) POWERS.—The Commission may for the purpose of carrying out this section—

(1) conduct hearings, take testimony, issue subpoenas as provided in subsection (h), and receive such evidence, as the Commission considers appropriate;

(2) secure directly from any department or agency of the Federal Government such information as may be necessary for the Commission to carry out the duties of the Commission under this section;

(3) use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government; and

(4) receive from the Secretary of Commerce appropriate office space and such administrative and support services as the Commission may request.

(h) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out its duties under this section. The Commission shall transmit to the Attorney General a confidential, written notice at least 10 days in advance of the issuance of any such subpoena. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Commission pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Commission the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Commission under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Commission under paragraph (1) or (2), the Commission may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(i) PROCEDURES.—The Commission shall meet on a regular basis or at the call of the Chairperson or a majority of the members of the Commission.

(j) PERSONNEL MATTERS.—The members of the Commission shall serve on the Commission without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, when engaged in the performance of the duties of the Commission.

(k) STAFF.—The Commission shall appoint a staff director and sufficient support staff, including clerical and professional staff, to carry out the duties of the Commission under this section. The total number of staff under this subsection may not exceed 10.

(l) DETAILED PERSONNEL.—At the request of the Chairperson of the Commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(m) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

(n) TERMINATION.—The Commission shall terminate 60 days after the date on which the Commission submits the reports required by subsection (f).

Mr. BOND. Mr. President, we have heard a lot about gun shows, pawn shops, and ammo clips these past few days. We have been told that if we just tweak the law a little here, or add another provision making something else illegal that somehow people who gun down others in cold blood won't do it anymore.

It's as if wishing would make it so.

Thirty years ago we had very few gun laws, and surprisingly, no high school shooting sprees to document every few days, every few weeks, or every few months.

But thirty years ago we also had stricter discipline in schools, no school officials worried about lawsuits if they expelled a violent child, and parents who also exerted more control.

Re: JJ bill

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

May 20, 1999

NOTE TO: Ann O'Leary, ODS
Tom Corwin, OESE
Bill Modzeleski, OESE
Art Cole, OESE
LeRoy Rooker, OM
Phil Rosenfelt
Mari Colvin
Dave Berthiaume
Jack Kristy
Jennifer Orzechowski

RE: Ashcroft amendment (#361) to S. 254, juvenile crime bill

Attached, FYI, is the floor debate on, and text of, Senator Aschroft's amendment #361 to S. 254. This amendment, which the Senate approved by non-recorded vote yesterday, would, among other things—

- Add a Part I (School Safety and Violence Prevention) to Title XIV of the ESEA;
- Add a §14515 to the ESEA, relating to school uniforms;
- Add a §14604 to the ESEA, relating to transfer of school disciplinary records;
- Amend §4116(b) of the ESEA, to permit LEAs to use SDFSC funds to test students for illegal drugs; and
- Enact the "Teacher Liability Protection Act of 1999", which is intended to provide protections for school personnel for certain actions involving school order and discipline.

Paul R

Paul Riddle

cc: Leslie Somerville

106 S. 254 SENATE, DAY (5)

Monday, May 17, 1999

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S5393–S5435

~~Measures Introduced: Five bills and one resolution~~ were introduced, as follows: S. 1058–1062, and S. Con. Res. 32. **Page S5424**

Measures Reported: Reports were made as follows:

S. 1059, to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces. (S. Rept. No. 106–50)

S. 1060, to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces.

S. 1061, to authorize appropriations for fiscal year 2000 for military construction.

S. 1062, to authorize appropriations for fiscal year 2000 for defense activities of the Department of Energy. **Page S5424**

Juvenile Justice: By unanimous-consent, the following amendments were proposed to S. 254, to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, and punish and deter violent gang crime: **Pages S5394–S5416**

Wellstone Amendment No. 356, to improve the juvenile delinquency prevention challenge grant program. **Pages S5398–S5400**

Sessions/Inhofe Amendment No. 357, relating to the placement of a disclaimer on materials produced, procured or disseminated as a result of funds made available under this Act. **Pages S5400–03**

Wellstone Amendment No. 358, to provide for additional mental health and student service providers. **Page S5403**

Sessions (for Ashcroft) Amendment No. 348, to encourage States to prosecute violent juveniles as adults for certain offenses involving firearms. **Pages S5409–12**

Wellstone Amendment No. 359, to limit the effects of domestic violence on the lives of children. **Pages S5412–14**

Hatch (for Santorum) Amendment No. 360, to encourage States to incarcerate individuals convicted of murder, rape, or child molestation. **Pages S5414–15**

Ashcroft Amendment No. 361, to provide for school safety and violence prevention and teacher liability protection measures. **Pages S5415–16**

~~Y2K Act: Senate resumed consideration of a motion~~ to proceed to the consideration of S. 96, to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's data. **Page S5394**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to the bill on Tuesday, May 18, 1999, and pursuant to the order of Friday, May 14, 1999, a vote on the motion to close further debate on the motion to proceed will occur at 9:45 a.m. **Page S5435**

Communications: **Pages S5421–22**

Petitions: **Pages S5422–24**

Additional Cosponsors: **Pages S5424–25**

Amendments Submitted: **Pages S5427–34**

Notices of Hearings: **Pages S5434–35**

Additional Statements: **Page S5435**

Recess: Senate convened at 12 noon, and recessed at 5:46 p.m., until 9:30 a.m., on Tuesday, May 18, 1999. (For Senate's program, see the remarks of the remarks of the Acting Majority Leader in today's Record on page S5435.)

Committee Meetings

No Committee meetings were held.

(ii) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) EXCEPTION.—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

Mr. HATCH. Madam President, I ask unanimous consent that the Senator from Missouri be accorded the floor to make a statement about these matters following a short statement on this amendment.

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

Mr. HATCH. Madam President, I am pleased to support the amendment I am offering on behalf of the Senator from Pennsylvania, Mr. SANTORUM. This amendment adds new incentives for States to ensure that violent offenders are incarcerated for the public's protection, by transferring Federal crime fighting resources from States that fail to incarcerate their criminals to States where the criminals commit subsequent crimes.

Congressionally funded truth-in-sentencing grants, which provide funds to States to build prisons, have been instrumental in lowering crime by encouraging States to incarcerate violent and repeat offenders for at least 85 percent of their sentence. In January, the Justice Department reported that 70 percent of prison admissions in 1997 were in States requiring criminals to serve at least 85 percent of their sentence. More significantly, the average time served by violent criminals nationally has increased 12.2 percent since 1993. Perhaps the biggest reason for recent declines in violent crime is due to these truth-in-sentencing prison grants. Simply put, violent criminals cannot commit crimes against innocent victims while in prison.

But as important as these grants have been, we can do more. While crime is a local issue, its effects are interstate. In our highly mobile society, the criminals let out of prison in one State too frequently end up committing crimes in a neighboring State, or even in a State across the country. In my view, States owe a duty not only to their own citizens, but to the citizens of other States as well, to keep their worst offenders locked up. Senator SANTORUM's amendment provides a modest incentive to States in this regard, by putting them on notice that if one of their murderers, rapists, or other sex offenders commits a similar offense in another State after being released, the second State may be reimbursed out of Federal criminal justice assistance funds allocated to the first State for the costs of incarcerating the criminal in the second State.

These transfers would apply if the first State is not a truth-in-sentencing State, does not have penalties at least 10 percent above the national average for murder, rape, or other sexual offenses, or in the individual case of triggering the transfer, the inmate did not serve at least 85 percent of his or her sentence.

Madam President, no State should allow crime to be a major export. This amendment is a modest proposal to ensure that all our States absorb at least part of the costs of their trans-border crime. I urge my colleagues to support it.

~~I yield the floor.~~

AMENDMENT NO. 361

Mr. ASHCROFT. Madam President, all across our Nation, local schools are trying to ensure that tragedies like the one in Littleton do not happen again.

The Federal Government in Washington is not in a position to make the best decisions for those local schools. No government—let alone the Federal Government—can produce a single solution, to prevent school violence.

The problems have deeper roots in our culture. Nonetheless, there are some important steps we can take to help local school districts and parents make schools safer.

In a few moments, I will send to the desk an amendment on behalf of Members of the Youth Violence Education task force, a task force which I helped Chair, that will help ensure that our schools once again become safe havens, rather than places of jeopardy. I thank those who came together on this task force to contribute to the amendment. Specifically, Senators HUTCHINSON, DEWINE, GREGG, HELMS, COVERDELL, ALLARD, and ABRAHAM.

This package is comprehensive in that it contains numerous provisions that give tools to schools and communities to prevent youth violence. First and foremost, we need to put local schools at the top of our agenda and free them to use Federal money where it will do the most good to prevent future violence. Time and experience have exposed as an utter falsehood the notion that we know what is best in every educational setting.

One-size-fits-all regulations won't help local schools reduce their particular risks or solve their unique problems. As we provide resources, we need to provide freedom.

The cornerstone of our education amendment would open up existing Department of Education funds to allow school districts new options for putting Federal dollars to work. Under this amendment, schools can choose where best to spend Federal resources under titles IV and VI of the Elementary and Secondary Education Act—specifically, the Safe and Drug Free Schools program, and Innovative Educational Program Strategies funds.

Schools can decide whether to spend the money on training, equipment, school assessments, or more personnel. For example, under this amendment, local school districts could use Federal money for purchasing metal detectors and surveillance cameras, for training school officials in recognizing and averting potentially dangerous situations, or for introducing school uniform policies, if they so chose.

Local school districts would remain free to choose the use that best addresses local needs. The Federal Government provides a great deal of money for education and related funding. The fiscal year 2000 budget resolution conference report called for $66.3 billion in education and related funding for fiscal year 2000; $404.1 billion over 5 years; and $782.4 billion over 10 years.

Compared to current spending levels, this represents an increase of $8.1 billion over 5 years and $33 billion over 10 years.

As a result of this budget resolution, Congress will be providing much-needed funding to education programs in fiscal year 2000. While we know that local schools need our help, we do not always know how best to provide that help. We need to provide the opportunity and authority for local schools

to do what they can to improve the climate for safe and secure learning environments on campuses. For this reason, this amendment will give schools the flexibility they need to best provide for the safety and security of their students.

Another component of this amendment would clarify that nothing in the Federal law stands in the way of local decisions to introduce a dress code or school uniform policy—not to mandate from Washington, but make it clear that the Federal law does not prevent it or preclude it. To make sure that we don't constrain efforts to build working communities, this legislation makes it abundantly clear that Federal law does not prohibit schools from instituting dress codes. Dress codes can create a sense of belonging and unity among students and help eliminate the division of schools according to cliques. By doing so, dress codes can help schools have a sense of community among students, and Federal law should not block local educators from fostering this sense of community.

In Kansas City, MO, the George Washington Carver Elementary School, a magnet school, established a dress code policy for the 320 elementary school students in 1990. The results are positive. Philomina Harshaw, the principal for all 6 years that Carver has had uniforms, observed that a new sense of calmness exists throughout the school after students began wearing uniforms. "The students feel good about themselves, as uniforms build a sense of pride," she has reported.

Long Beach, CA, has a school uniform in all its elementary and middle schools. District officials found in the year following the implementation of the school uniform policy, overall school crime decreased 36 percent, fights decreased 51 percent, sex offenses decreased 74 percent, weapons offenses decreased 50 percent, assault and battery offenses decreased 34 percent, and vandalism decreased 18 percent, sending a clear message that some of the resources which can be used to implement such a policy is sending a clear message of freedom to our schools that they are free to act in the best interests of their students.

The federal government should be in a position to assist schools in making decisions that they believe can make a difference, particularly when the record is clear about the difference made in other districts.

In addition, this task force, which was formed to look at our federal education policy to see if anything could be done to reduce the impact of violence in schools, included in the amendment a provision which provides certain liability protections for school personnel when they undertake reasonable actions to maintain order, discipline, and a safe educational environment.

This provision, to which Senator COVERDELL will speak shortly, is based upon similar liability protections for volunteers that was signed into law, as well as a number of state laws that offer teachers limited civil liability against frivolous and arbitrary lawsuits. We must assure that teachers and other school personnel are able to do what is necessary to provide a safe and stable learning environment for all students.

This amendment also includes language that makes certain that school discipline records follow a student when a student transfers to another public or private school.

The receiving school should have information about the discipline records of a student coming into that school environment. In the last Congress I sponsored an amendment that ensured that juvenile records were available to schools when students transferred.

My involvement on this issue began with the 1995 killing of 15-year-old Christine Smetzer in a restroom at McCluer North High School in St. Louis County. The male special education student convicted of murdering Smetzer had a juvenile record and had been caught in the women's restroom at a previous school. However, teachers and administrators at McCluer North say they were not informed of the student's record when he transferred to their school.

It was tragic the transfer didn't involve the disciplinary records, because it cost Christine Smetzer her life.

In response, I secured a provision in the law requiring that, under IDEA, student disciplinary records must transfer to a new school when the student goes to a new school.

The language in the task force amendment expands that provision, so that any student's discipline record—whether or not the student is served under IDEA—will be available to any school—public or private—to which the student transfers.

We need to send all the information we can about a student to a new school when a person transfers.

These provisions and others were developed by the Republican Education Task Force which I chaired. I want to again thank my colleagues who worked with me on the Task Force—Senators DEWINE and HUTCHINSON, GREGG, COVERDELL, and HELMS. I look forward to working with them to ensure that these proposals are included in the final bill.

It is in response to these considerations. As a result of the work product of this task force, we developed a package of considerations in an amendment.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT], for himself, Mr. DEWINE, Mr. HUTCHINSON, Mr. GREGG, Mr. COVERDELL, Mr. HELMS, Mr. ALLARD, and Mr. HATCH, proposes an amendment numbered 361.

Mr. ASHCROFT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. ASHCROFT. Madam President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

A UNION OF MINDS WORTH EXPLORING

Mr. BYRD. Madam President, I have scoured the newspapers in recent days in an effort to begin to unravel the pieces of the puzzle that led two young teenage boys to commit such senseless atrocity at Columbine High School. It is long past time to stop wringing our hands over this issue of school violence. We can no longer afford to sit idly by watching our nation's schools being infiltrated by hoodlums and hate groups more concerned with converting schools into places of fear than maintaining them as havens of learning and enlightenment. This Congress and the American people must join forces and take action now to protect our young.

Now, that is very easy to say—very easy to say. And I think everyone would agree on that, that they must join forces. We must find ways to restore discipline. Now, that is a little tougher. That is a little harder to bring about. We must find ways to restore discipline.

The ancient Romans practiced discipline. And it began in the home where the children were taught to venerate their ancestors, to respect their gods. They were pagan gods, but nevertheless they were the gods of the Romans. And the young men and women in the homes were taught to revere their parents and to respect the law. Each Roman believed that the gods had designed a destiny for Rome. And each Roman believed that it was his duty to help bring about the fulfillment of that destiny which the gods had designed for the Roman state. That discipline overflowed from the home and into the Roman legions, and it was in great part because of that iron discipline that the Roman legions were enabled to conquer all of the nations around the Mediterranean Sea and to subjugate them. It was that discipline that was first learned at the hearth, in the family circle, in the home. That is where it has to start today. That is exactly where it has to begin today—in the homes.

We must instill in our children basic values and provide them with the knowledge and the skills to confront the many demands that are placed upon our society. We must prevent, if we can, a recurrence of these ruthless slaughters that continue to rock the institutional base of our Nation's education system.

* S5432-34

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

ASHCROFT (AND OTHERS) AMENDMENT NO. 361

Mr. ASHCROFT (for himself, Mr. DEWINE, Mr. HUTCHINSON, Mr. GREGG, Mr. COVERDELL, Mr. HELMS, Mr. ALLARD, and Mr. HATCH) proposed an amendment to the bill, S. 254, supra; as follows:

At the end, add the following:

TITLE ___—SCHOOL SAFETY AND VIOLENCE PREVENTION

SEC. ___01. SCHOOL SAFETY AND VIOLENCE PREVENTION.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"PART I—SCHOOL SAFETY AND VIOLENCE PREVENTION

"SEC. 14851. SCHOOL SAFETY AND VIOLENCE PREVENTION.

"Notwithstanding any other provision of titles IV and VI, funds made available under such titles may be used for—

"(1) training, including in-service training, for school personnel (including custodians and bus drivers), with respect to—

"(A) identification of potential threats, such as illegal weapons and explosive devices;

"(B) crisis preparedness and intervention procedures; and

"(C) emergency response;

"(2) training for parents, teachers, school personnel and other interested members of the community regarding the identification and responses to early warning signs of troubled and violent youth;

"(3) innovative research-based delinquency and violence prevention programs, including—

"(A) school anti-violence programs; and

"(B) mentoring programs;

"(4) comprehensive school security assessments;

"(5) purchase of school security equipment and technologies, such as—

"(A) metal detectors;

"(B) electronic locks; and

"(C) surveillance cameras;

"(6) collaborative efforts with community-based organizations, including faith-based organizations, statewide consortia, and law enforcement agencies, that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school aged children;

"(7) providing assistance to States, local educational agencies, or schools to establish school uniform policies;

"(8) school resource officers, including community policing officers; and

"(9) other innovative, local responses that are consistent with reducing incidents of school violence and improving the educational atmosphere of the classroom.".

SEC. ___02. STUDY.

(a) STUDY.—The Comptroller General shall carry out a study regarding school safety issues, including examining—

(1) incidents of school-based violence in the United States;

(2) impediments to combating school-based violence, including local, state, and Federal education and law enforcement impediments;

(3) promising initiatives for addressing school-based violence;

(4) crisis preparedness of school personnel;

(5) preparedness of local, State, and Federal law enforcement to address incidents of school-based violence; and

(6) evaluating current school violence prevention programs.

(b) REPORT.—The Comptroller General shall prepare and submit to Congress a report regarding the results of the study conducted under paragraph (1).

SEC. ___03. SCHOOL UNIFORMS.

Part E of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8891 et seq.) is amended by adding at the end the following:

"SEC. 14515. SCHOOL UNIFORMS.

"(a) CONSTRUCTION.—Nothing in this Act shall be construed to prohibit any State, local educational agency, or school from establishing a school uniform policy.

"(b) FUNDING.—Notwithstanding any other provision of law, funds provided under titles IV and VI may be used for establishing a school uniform policy.".

SEC. ___04. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended by adding after section 14603 (20 U.S.C. 8923) the following:

"SEC. 14604. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

"(a) NONAPPLICATION OF PROVISIONS.—The provisions of this section shall not apply to any disciplinary records transferred from a private, parochial, or other nonpublic school, person, institution, or other entity, that provides education below the college level.

"(b) DISCIPLINARY RECORDS.—Not later than 2 years after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.

SEC. ___05. SCHOOL VIOLENCE RESEARCH.

The Attorney General shall establish at the National Center for Rural Law Enforcement in Little Rock, Arkansas, a research center that shall serve as a resource center or clearinghouse for school violence research. The research center shall conduct, compile, and publish school violence research and otherwise conduct activities related to school violence research, including—

(1) the collection, categorization, and analysis of data from students, schools, communities, parents, law enforcement agencies, medical providers, and others for use in efforts to improve school security and otherwise prevent school violence;

(2) the identification and development of strategies to prevent school violence; and

(3) the development and implementation of curricula designed to assist local educational agencies and law enforcement agencies in the prevention of or response to school violence.

SEC. ___06. NATIONAL CHARACTER ACHIEVEMENT AWARD.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to individuals under the age of 18, on behalf of the Congress, a National Character Achievement Award, consisting of medal of appropriate design, with ribbons and appurtenances, honoring those individuals for distinguishing themselves as a model of good character.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall design and strike a medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) ELIGIBILITY.—

(1) IN GENERAL.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall establish procedures for processing recommendations to be forwarded to the President for awarding National Character Achievement Award under subsection (a).

(2) RECOMMENDATIONS BY SCHOOL PRINCIPALS.—At a minimum, the recommendations referred to in paragraph (1) shall contain the endorsement of the principal (or equivalent official) of the school in which the individual under the age of 18 is enrolled.

SEC. ___07. NATIONAL COMMISSION ON CHARACTER DEVELOPMENT.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Character Development (referred to in this section as the "Commission").

(b) MEMBERSHIP.—

(1) APPOINTING AUTHORITY.—The Commission shall consist of 36 members, of whom—

(A) 12 shall be appointed by the President;

(B) 12 shall be appointed by the Speaker of the House of Representatives; and

(C) 12 shall be appointed by the President pro tempore of the Senate, on the recommendation of the majority and minority leaders of the Senate.

(2) COMPOSITION.—The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall each appoint as members of the Commission—

(A) 1 parent;

(B) 1 student;

(C) 2 representatives of the entertainment industry (including the segments of the industry relating to audio, video, and multimedia entertainment);

(D) 2 members of the clergy;

(E) 2 representatives of the information or technology industry;

(F) 1 local law enforcement official;

(G) 2 individuals who have engaged in academic research with respect to the impact of cultural influences on child development and juvenile crime; and

(H) 1 representative of a grassroots organization engaged in community and child intervention programs.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall study and make recommendations with respect to the impact of current cultural influences (as of the date of the study) on the process of developing and instilling the key aspects of character, which include trustworthiness, honesty, integrity, an ability to keep promises, loyalty, respect, responsibility, fairness, a caring nature, and good citizenship.

(2) REPORTS.—

(A) INTERIM REPORTS.—The Commission shall submit to the President and Congress such interim reports relating to the study as the Commission considers to be appropriate.

(B) FINAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit a final report to the President and Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study, together with recommendations for such legislation and administrative actions as the Commission considers to be appropriate.

(d) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(g) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2000 and 2001.

SEC. ___08. JUVENILE ACCESS TO TREATMENT.

(a) COORDINATED JUVENILE SERVICES GRANTS.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after section 205 the following:

"SEC. 205A. COORDINATED JUVENILE SERVICES GRANTS.

"(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, working in conjunction with the Center for Substance Abuse of the Substance Abuse and Mental Health Services Administration, may make grants to a consortium within a State of State or local juvenile justice agencies or State or local substance abuse and mental health agencies, and child service agencies to coordinate the delivery of services to children among these agencies. Any public agency may serve as the lead entity for the consortium.

"(b) USE OF FUNDS.—A consortium described in subsection (a) that receives a grant under this section shall use the grant for the establishment and implementation of programs that address the service needs of adolescents with substance abuse or mental health treatment problems, including those who come into contact with the justice system by requiring the following:

"(1) Collaboration across child serving systems, including juvenile justice agencies, relevant public and private substance abuse and mental health treatment providers, and State or local educational entities and welfare agencies.

"(2) Appropriate screening and assessment of juveniles.

"(3) Individual treatment plans.

"(4) Significant involvement of juvenile judges where appropriate.

"(c) APPLICATION FOR COORDINATED JUVENILE SERVICES GRANT.—

"(1) IN GENERAL.—A consortium described in subsection (a) desiring to receive a grant under this section shall submit an application containing such information as the Administrator may prescribe.

"(2) CONTENTS.—In addition to guidelines established by the Administrator, each application submitted under paragraph (1) shall provide—

"(A) certification that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

"(B) for the regular evaluation of the program funded by the grant and describe the methodology that will be used in evaluating the program;

"(C) assurances that the proposed program or activity will not supplant similar programs and activities currently available in the community; and

"(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

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

"(d) REPORT.—Each recipient of a grant under this section during a fiscal year shall submit to the Attorney General a report regarding the effectiveness of programs established with the grant on the date specified by the Attorney General.

"(e) FUNDING.—Grants under this section shall be considered an allowable use under section 205(a) and subtitle B.".

SEC. ___09. BACKGROUND CHECKS.

Section 5(9) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(9)) is amended—

(1) in subparagraph (A)(i), by inserting "(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon; and

(2) in subparagraph (B)(i), by inserting "(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon.

SEC. ___10. DRUG TESTS.

(a) SHORT TITLE.—This section may be cited as the "School Violence Prevention Act".

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

"(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test; and".

SEC. ___11. SENSE OF THE SENATE.

It is the sense of the Senate that States receiving Federal elementary and secondary education funding should require local educational agencies to conduct, for each of their employees (regardless of when hired) and prospective employees, a nationwide background check for the purpose of determining whether the employee has been convicted of a crime that bears upon his fitness to have responsibility for the safety or well-being of children, to serve in the particular capacity in which he is (or is to be) employed, or otherwise to be employed at all thereby.

TITLE ___—TEACHER LIABILITY PROTECTION ACT

SEC. ___01. SHORT TITLE.

This title may be cited as the "Teacher Liability Protection Act of 1999".

SEC. ___02. FINDINGS AND PURPOSE.

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

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the national scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of the children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

SEC. ___03. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. ___04. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (d), no teacher in a school shall be liable for

harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) NO EFFECT ON LIABILITY OF SCHOOL OR GOVERNMENTAL ENTITY.—Nothing in this section shall be construed to affect the liability of any school or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. ___05. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. ___06. DEFINITIONS.

For purposes of this title:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term "teacher" means a teacher, instructor, principal, administrator, or other educational professional, that works in a school.

SEC. ___07. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Forestry, Conservation, and Rural Revitalization will meet on May 18, 1999, in SR-328A at 9:00 a.m. The purpose of this meeting will be to discuss noxious weeds and plant pests.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, May 26, 1999, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Amie Brown or Mike Menge (202) 224-6170.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that S. 1027, a bill to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes, has been added to the agenda of the hearing that is scheduled for Thursday, May 27, 1999, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510-6150.

For further information, please call Colleen Deegan, counsel, or Julia McCaul, staff assistant at (202) 224-8115.

Wednesday, May 19, 1999

Daily Digest

HIGHLIGHTS

House Committees ordered reported 18 sundry measures, including the Agriculture, Rural Development, FDA, and Related Agencies appropriation for Fiscal Year 2000 and the National Defense Authorization Act for Fiscal Years 2000 and 2001.

Senate

Chamber Action

Routine Proceedings, pages S5507–S5632

Measures Introduced: Twelve bills were introduced, as follows: S. 1074–1085. **Pages S5586–87**

Juvenile Justice: Senate continued consideration of S. 254, to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, and punish and deter violent gang crime, taking action on the following amendments proposed thereto: **Pages S5507–83**

Adopted:

By 56 yeas to 43 nays (Vote No. 127), Sessions/Inhofe Amendment No. 357, relating to the placement of a disclaimer on materials produced, procured or disseminated as a result of funds made available under this Act. **Pages S5522–23, S5527–28**

By 81 yeas to 17 nays (Vote No. 129), Hatch (for Santorum) Amendment No. 360, to encourage States to incarcerate individuals convicted of murder, rape, or child molestation. **Pages S5525–29**

Ashcroft Amendment No. 361, to provide for school safety and violence prevention and teacher liability protection measures. **Pages S5524–25, S5529**

Hatch/Leahy Amendment No. 363, to make certain additions and modifications to the bill, including the establishment of a School Security Technology Center to provide resources to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security, and to provide funding for school security programs and to address drug, gang, and youth violence problems. **Pages S5549–59**

By 66 yeas to 34 nays (Vote No. 131), McConnell Amendment No. 365, to discourage the promotion of violence in motion pictures and television productions. **Pages S5574–78, S5582**

Rejected:

Wellstone Modified Amendment No. 358, to provide for additional mental health and student service providers. (By 61 yeas to 38 nays (Vote No. 128), Senate tabled the amendment.) **Pages S5523–24, S5528**

Wellstone/Kennedy Amendment No. 364, to provide for juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of racial minority groups who come into contact with the juvenile justice system. (By 52 yeas to 48 nays (Vote No. 130), Senate tabled the amendment.) **Pages S5559–74, S5582**

Boxer Amendment No. 319, to reduce both juvenile crime and the risk that youth will become victims of crime and to improve academic and social outcomes for students by providing productive activities during after school hours. (By 53 yeas to 47 nays (Vote No. 132), Senate tabled the amendment.) **Pages S5578–82**

Pending:

Frist Amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms. **Pages S5529–49**

Wellstone Amendment No. 356, to improve the juvenile delinquency prevention challenge grant program. **Page S5507**

Lautenberg/Kerrey Amendment No. 362, to regulate the sale of firearms at gun shows. **Pages S5508–22**

Lott (for Smith (of Oregon)/Jeffords) Amendment No. 366, to reverse provisions relating to pawn and other gun transactions. **Page S5583**

and around the country. I respect them. Their work is important and valuable and I support their efforts 100 percent.

I merely make the point that more counselors would not have prevented these recent tragedies.

Additionally, Mr. President, as a parent and grandparent, I have an almost knee-jerk reaction whenever I hear that the federal government is—once again—attempting to micromanage public education.

I believe that we can best support our local schools by adequately funding current federal education programs and allowing state and local education agencies the flexibility to make important education decisions unencumbered by federal regulation.

I sincerely beleive that $1 billion of new federal taxpayer dollars will not do as much to encourage a renewed commitment to strengthen mental health outreach as local school boards, parent groups and local civic mental health and law enforcement organizations working together.

This amendment is a Washington knows best, big money, unfunded answer to complicated questions that can best be addressed through local efforts.

Mr. President I get am getting a little tired of seeing some of our colleagues throwing money at issues without regard to costs. I am geting a little tired of hearing that the answer to everything around here is simply to throw more money at it. There is no question that counselors can be effective, but a lot of other things are too, and we have a lot of effective programs in this bill. Frankly, it is time to get this bill passed and quit delaying it.

Mr. WELLSTONE. Mr. President, I ask unanimous consent for 30 seconds to respond.

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

Mr. WELLSTONE. This is a modified amendment. It is for $340 million a year, not $1 billion, as the Senator said. All Senators should know that.

Second of all, I get a little tired of Senators talking about how much we care about kids and education, and we can't have our schools and school districts put in some money, which we will match, so we can have more support services for these kids. We gave $8 billion more for the Pentagon than the President wanted. We got money for breaks for oil companies and money for breaks for all sorts of other special interests. But all of a sudden we don't have the money to provide resources for these school districts.

Mr. HATCH. Mr. President, we continue to throw money at these problems and not solve them. First, the Senator's bill called for $1 billion and now it calls for $340,000,000. Which one is it? And how do we know that this latest amount is what is needed? We can't keep pulling extraordinary amounts of money out of thin air and justify spending the amounts because problems may exist. We continue to take time on this floor to delay a bill that can help solve these problems. The fact is that we take care of a lot of these problems in the bill without throwing an inordinate amount of money toward them.

Mr. WELLSTONE. Mr. President, I resent the accusation that this is taking up time and delaying this bill.

Senator, if you were worried about at-risk kids and helping kids before they get into trouble and wind up incarcerated and committing violent crimes, then you would want to support the kind of support services we can provide in schools.

Mr. HATCH. Mr. President, I don't want to take too much time, but I will take 30 more seconds.

Look, you are not the only Senator on this floor who cares about kids. I have a record of 23 years of leading a fight for most of the children's programs that have passed here. And every one of them takes into carefull consideration how much money should or should not be spent—child care; the child health insurance bill; you name it, I have been there. Right now, I am raising over $2 million for the Pediatric AIDS Foundation. I don't need to be lectured by the Senator from Minnesota, whose answer to everything is to throw more money at every problem.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to respond to that comment.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. I object, unless it is for 30 seconds.

Mr. WELLSTONE. I can do it in 30 seconds.

The PRESIDING OFFICER. The Senator is recognized for 30 seconds.

Mr. WELLSTONE. Senator, I would never criticize your record. You are a friend. But I intend to respond to the remarks you made on the floor of the Senate that this kind of an amendment is taking up people's time and delaying passage of this bill. This is very relevant to what we need to do to help kids before they get into trouble. I am surprised that my colleague, with all of his good work, doesn't understand that.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

AMENDMENT NO. 361

The PRESIDING OFFICER. Under the previous order, we will proceed to amendment No. 361, sponsored by Senator ASHCROFT, with 10 minutes equally divided.

The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I want to thank a number of Senators before I begin making my remarks because this amendment is the culmination of the work of a number of individuals, including Senators HUTCHISON, DEWINE, ALLARD, ABRAHAM of Michigan, GREGG of New Hampshire, HELMS of North Carolina, and Senator COVERDELL of Georgia. All of these individuals participated to assemble the components of this amendment, which is an amendment designed to promote safety in our schools and to prevent violence in our schools. So I thank all of those Senators. If any of them comes to the floor, I will happily yield to them for them to give particular emphasis to the items they brought to the table here.

This amendment contains a number of provisions that give schools and communities additional ways to prevent youth violence. It would free local school districts to put Federal money to use where the Federal money will do the most good to prevent future violence.

Under this amendment, schools will be able to choose where best to spend Federal resources under titles 4 and 6 of the Elementary and Secondary Education Act. These are allowable uses which would include violence prevention training, school safety equipment such as metal detectors, or for school resource officers.

The amendment clarifies that nothing in Federal law stands in the way of a local decision to introduce a dress code or school uniform policy. Without taking the time at this moment, a number of schools would like to be able to do this. In the places where they have been able to do it, they have found that it reduces violence and increases student productivity. It has been good.

This would allow schools, if they are going to use their Federal resources, to use them, and one of the permissible ways would be to invest in establishing such a policy.

The amendment contains a provision that provides certain liability protections for school personnel when they undertake reasonable actions to maintain order and discipline in safe educational circumstances or to promote an environment of safety for education. This is a very important provision. This one, sponsored by Senator COVERDELL of Georgia, offers teachers limited civil liability against frivolous and arbitrary lawsuits.

We don't really need for teachers, who need to be involved in disciplining students, to be thinking about the fact that they are going to be sued if they exercise the right kind of discipline.

The limits are reasonable. They are against frivolous and arbitrary lawsuits—the kind of limit that we placed to help encourage volunteerism last year when we had the Volunteer Protection Act. That is the kind of thing we want to do to make sure that teachers can have better control and are free to take necessary steps to provide discipline in the classroom.

Senator HELMS' language makes certain that a school discipline record follows a student when a student transfers to another public or private school. The language allows schools to run background checks on any school employee who works with children. I think this is reasonable. We should

know who the individuals are who are employed in our schools. Providing this kind of capacity and opportunity is a step in the right direction, a step forward. It is necessary for schools, especially given the mobility of students and families, to be able to know about the discipline record of a student who comes to the school. Learning too late can be a deadly matter, as I learned a few years ago in a tragic case in St. Louis, where a student transferred from one school to the next and the discipline record didn't follow. And before they learned of this student's propensity to stalk young women, he murdered another student, stalking a woman, a young woman, into the restroom of a high school.

Senator DEWINE has a provision that allows the coordination of adolescent mental health and substance abuse services. That is part of this amendment.

The amendment includes language from Senator ABRAHAM that allows schools to use Safe and Drug Free Schools funds for drug testing. Students who are the subject of serious discipline problems may well be better off if we have the capacity of asking them to undergo drug tests. We fund it and provide the availability or the freedom to use funds in that respect.

I really want to thank my colleagues who worked with me on this task force: Senators DEWINE, HUTCHINSON, GREGG, ALLARD, COVERDELL, HELMS, and HATCH.

I look forward to the passage of these proposals that are included in this education task force package: The amendments on school safety and violence prevention, and safety and security in our schools.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

By the way, the Chair informs the Senator from Missouri that his time has expired.

Mr. ASHCROFT. The Senator from Missouri thanks the Chair.

~~The PRESIDING OFFICER. The Senator from Vermont.~~

Mr. LEAHY. Mr. President, I am going to speak on the Sessions amendment No. 357, and I understand there is time in opposition. Am I correct?

The PRESIDING OFFICER. There are 5 minutes remaining on that time.

Mr. LEAHY. Mr. President, notwithstanding my friendship with the Senator from Alabama, I will oppose his amendment.

The amendment mandates that all Federal, State, or local governments and nongovernmental entities that receive any funds under this bill have to place a written disclaimer on all materials produced or distributed to the public.

The amendment also mandates the Attorney General report every six months to Congress on all public comments received based on these disclaimers, although it doesn't say how many hundreds of people may have to be hired to do this.

The amendment is unfortunate. We are trying to pass a serious and comprehensive bill to address juvenile crime. I don't understand why the other side would be insisting on placing a one-paragraph disclaimer on all publications from any entity that receives funds under this bill. It would apply to any nonprofit organization that uses Federal support under this bill.

For example, suppose the Boys and Girls Clubs used it to set up an after-school process. Do they have to put a disclaimer on it? Suppose they have a leaflet passed out saying: Come at 5:30 to play softball, but we want you to have this disclaimer, and if you have any comments about it, write to the Attorney General so the Attorney General can report to the Congress.

I can see it: I was called out at third base. I don't think I was out. What is the Attorney General going to do about this?

That is what this disclaimer asks for.

What about the Red Cross? Well, they gave me a lousy cookie when I came in to donate blood. I want to know what the Attorney General is going to do about it.

The amendment is also dangerous because it can siphon off funds that can be used to prevent juvenile crime and punish juvenile offenders. It places an unfunded mandate on Federal, State, and local governments. It takes resources away from real crime-fighting programs. Nobody knows how much it is going to cost State, Federal, and local governments and nonprofit organizations to comply with this disclaimer requirement.

How much does it cost the Department of Justice? I would like to know how much it is going to cost for the 6-month reporting requirements. Obviously, the Department of Justice should have people devoted to crime fighting and who will be there to tally reports. And it will not be fanciful to think of somebody who got called out at third base in a softball game put together by the Boys and Girls Clubs who thinks the Attorney General should look into it.

The Department of Justice already prints its name and address on all publications. Why a further unfunded mandate?

Unless we have questions and answers about how much it is going to cost and how much it is going to take away from real crime fighting, I would oppose it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? This is in opposition to the Ashcroft amendment.

The Senator from Massachusetts.

Mr. KENNEDY. I believe we have 5 minutes. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

Mr. President, this amendment is harmless, though I question how effective and useful it is.

It provides for some coordinated mental health services at the level. But there is already some limited mental health coverage in the underlying bill. And I find it interesting that the Senator from Missouri rejected our proposal to give SAMHSA the resources to really do the job.

The amendment provides for background checks on school employees. That's already allowable under current law.

It allows schools to require uniforms. There is nothing to prohibit that now.

It creates a Commission on Character. That is fine.

But if we really wanted to make a difference, we would fulfill the commitment made last year to reduce class sizes by hiring 100,000 new teachers. Teachers should not have to do crowd control.

If we really wanted to make a difference, we would help communities build new classrooms and schools and modernize their facilities. This means smaller classes and smaller schools, so teachers and school officials get to know the children they teach. You have heard of "road rage." Well some schools have "hall rage," where hallways are so crowded they actually increase violence in schools.

If we really wanted to make a difference, we would expand after school programs to attend to children in the afternoons—keeping them off the streets and out of trouble. Each day, 5 million children are left home alone after school, and that is unacceptable.

If you asked parents what is most important to reducing youth violence—uniforms or smaller classes—I am certain that smaller classes would win hands down.

If you asked parents what is most important—a character commission or after school programs—the after school programs would win hands down.

If you asked parents what is most important—to reiterate that you can conduct background checks on teachers or building more classrooms and better classrooms—the better classrooms would win hands down.

So I see nothing harmful in this amendment, but I hope we can get to the real issues that concern parents and communities—smaller classes, better schools, more after school programs.

I withhold the remainder of the time.

The PRESIDING OFFICER. Is time being reserved?

Mr. KENNEDY. I yield the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has expired.

~~AMENDMENT NO. 360~~

We will now move to amendment No. 360.

Who yields time?

Mr. SANTORUM. Mr. President, I rise to support my amendment. The amendment is offered to address a problem in this country which we have talked a lot about here, which is the short amount of time that people serve

Santorum	Smith (OR)	Thurmond
Sarbanes	Snowe	Torricelli
Schumer	Specter	Voinovich
Shelby	Stevens	Warner
Smith (NH)	Thomas	Wyden

NAYS—17

Akaka	Hagel	Lugar
Bond	Hollings	Rockefeller
Bryan	Inouye	Sessions
Chafee	Jeffords	Thompson
Cochran	Lautenberg	Wellstone
Feingold	Levin	

NOT VOTING—2

Moynihan	Roberts

The amendment (No. 360) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 361

Mr. HATCH. Mr. President, I understand that both sides are in agreement on the next amendment, so I ask unanimous consent that we vitiate the yeas and nays.

Mr. BYRD. Reserving the right to object, I will not object. I don't want to force my will upon the Senate, but I want the record to show that I support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 361) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent the Senator from New York be yielded 7 minutes for debate only, and the floor be immediately given back to me upon completion of his statement.

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

(The remarks of Mr. SCHUMER, Mr. LEAHY and Mr. LAUTENBERG pertaining to the introduction of S. 1077 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Mr. President, the next amendment happens to be the Ashcroft-Frist amendment. I suspect we should let both of them describe their amendment.

AMENDMENT NO. 355

The PRESIDING OFFICER. Without objection, the next amendment will be 355.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. What amendment are we on now?

The PRESIDING OFFICER. Amendment No. 355.

Mr. FRIST. Parliamentary inquiry. Is this the Frist-Ashcroft amendment?

The PRESIDING OFFICER. This is the Frist-Ashcroft amendment.

Mr. FRIST. Mr. President, we are returning to an amendment that was offered at the end of last week, which is a very simple amendment as written. It addresses a fundamental issue that is at the heart of the juvenile justice issue and discussion in the last week. It has to do with bombs and guns in schools. It is as simple as that.

It addresses the issue of how to make our schools as safe as we possibly can. We start with, I believe, the juvenile justice bill which has made real progress but absolutely to my mind must include an amendment that addresses this issue of guns in schools and bombs in schools in an area where we, because of previous legislation that we passed, have created a loophole that means that a student coming into a school who has a firearm may be treated very differently from a student who comes in the next day to that school with a firearm. The goal of our amendment is that any child who comes into a school with a gun or a bomb will be treated equally, will be treated fairly, will not be discriminated against one way or another.

Our amendment ends a mixed message that the Federal Government today, because of legislation we passed, sends to American students on the issue of firearms in schools. "Firearms," for the purpose of this amendment, are bombs and guns in schools.

We look at Littleton, CO, with 15 dead and 23 wounded. We look at Pearl, MS, with 2 dead and 7 wounded; Paducah, KY, 3 dead, 5 wounded; Jonesboro, AR, 5 dead, 10 wounded; Springfield, OR, 2 dead, 22 wounded.

These are all shootings, horrific shootings. They claimed the lives of 27 students and teachers. Thus, we come back to this simple amendment which closes a loophole that we created that has to do with guns and bombs and firearms in schools.

The Individuals with Disabilities Education Act is a law which I have strongly supported, and I have worked very, very hard in the past two Congresses to improve, to modernize, to strengthen. Under that act, a student with a disability who is in possession of a gun or a firearm at school is treated differently than a student who is not disabled or who is not in special education.

Again, it goes back to that fundamental issue of one child in a special education class who brings a gun or a bomb to school is treated preferentially compared to another child who does not have a disability or is not in special education who brings a gun or a bomb to school.

All of us represent States and have our own constituency. Therefore, I look at my home State of Tennessee. The Individual with Disabilities Education Act conflicts with our zero tolerance law which says that students may be expelled for 1 year if they bring a bomb or a gun or a firearm to school. That is zero tolerance. It is the law of the land in Tennessee. Yet, we have passed in this body Federal legislation which says there is a certain group of students, about 14 percent of students in the State of Tennessee, to whom that does not apply. We have a whole different set of standards. What our amendment does is it says, no, if you bring a bomb or a gun to school, you are going to be treated like every other student.

Under IDEA, local school authorities have several hoops to remove a dangerous special education student who brings a gun into the classroom. School personnel may suspend the child for up to 10 days. School personnel may place the child in an interim alternative educational setting for 45 days. School personnel may ask a hearing officer to place a child in an interim alternative educational setting for up to 45 days if it is proven that that child is a threat to others in his current placement. School personnel may conduct a manifestation determination review to determine whether or not there is a link between that child's disability and walking into the room with a gun or a bomb.

If the behavior is not a manifestation of that disability, the child may be expelled but is still given educational services. If the hearing officer determines that the behavior of bringing that gun into the classroom was a manifestation of the disability, the student can go right back into that school, right back into that current placement, and that is the problem. Let me repeat. If the hearing officer determines that the behavior of bringing a gun into the classroom was a manifestation of the disability, the student can go back into the classroom.

People say that does not happen. It does happen. In my own State of Tennessee, in Nashville, just over a 1-year period, there were eight students who brought guns into school who were caught and of those eight, six were in special education. Three of those six, it was found that bringing a gun into the school was a manifestation of their disability and, therefore, they ended up back in the classroom. Students who were not in special education were expelled under the law under which 86 percent of the other students fall.

Clearly, the way we have set up this federally mandated disciplinary procedure with this loophole sends students a mixed message about guns in our schools. It basically says if you are in special education, you are going to be treated in a special way if you bring a gun into school, but if you are not in special education, you are going to be treated like everybody else and you are going to be expelled. What a mixed message when we are talking about guns. When we are talking about the shootings, the 27 deaths in our classrooms and schools that we have witnessed, we must respond.

As earlier stated, if a student with a disability is expelled, that student