Ms. JACKSON-LEE of Texas. I would like to thank Judiciary Committee Chairman JAMES SENSENBRENNER and Ranking Member JOHN CONYERS for working to pass this legislation through the Committee and proceed to the floor of the Congress for a vote.

The legislation before us today, H.R. 1552, seeks to extend the current Internet tax moratorium, prohibiting states or political subdivisions from imposing taxes on transaction conducted over the Internet, through 2003.

Presently, ten states including Texas have taxes on Internet access charges. These states should be allowed to continue this practice. I supported this two-year extension in Committee because it would not bar states such as Texas from collecting these greatly needed tax revenues. States would be allowed to be ''grandfathered in'' under an exemption from the moratorium.

Under current law, there is a limited moratorium on state and local Internet access taxes as well as multiple and discriminatory taxes imposed on Internet transactions, subject to a grandfather on taxes of this nature imposed prior to 1998. The current moratorium is scheduled to expire on October 21, 2001, and was merely designed as an interim device to allow a commission to study the problem of Internet taxation.

I elected to vote for this two-year moratoriums as long as those states across our nation which currently rely on these crucial revenue streams are allowed to continue. This legislation provides for such a compromise.

Without such a compromise, state and local governments would lose a substantial amount of sales tax revenue and telecommunication tax revenue if we were to extend the moratorium on Internet taxation for five years as a prior plan advocated. According to Forrester Research, if e-commerce continues to explode, U.S. sales over the Internet will be almost $350 billion by 2002. If state and local governments were prohibited from taxing this segment of their tax base, financing important state and local programs and services would become increasingly difficult.

State and local governments use the sales tax as a means to provide nearly one-quarter of all the tax revenues used to fund vital programs and services to their communities. It is estimated that State and local governments are presently losing approximately $5 billion in sales tax revenues as a result of their inability to tax the majority of mail order Internet sales. This simply is not fair.

According to the Center for Budget and Policy Priorities, state and local governments could be losing additional $10 billion annually by 2003 if Internet sales were to continue to be exempt from sales tax imposition. Loss of revenue of this magnitude would threaten the strong fiscal position of many states if economic conditions begin to deteriorate. The additional loss of Internet transaction tax revenues and the possibility of losing taxes on telephone services due to its incorporation into the Internet could accelerate depletion of many state surpluses without increased taxes in some other area or making significant reduction in expenditures.

This loss of revenue would also curtail the ability of states and localities to meet the demands for major improvements in education. A permanent tax prohibition on Internet sales would deprive state and local governments of a great resource to fund desperately needed improvements in their education systems.

Furthermore, enacting the previously suggested five-year moratorium on state Internet taxation would tip the scales, benefiting those with wealth and access to the Internet at the expense of low- and moderate-income individuals, particularly because those who usually make purchases over the Internet are more affluent than those who do not. Considering the impact of the digital divide on our society, many minorities and low-income people who do not purchase goods via the cyber world would pay a disproportionate share of state and local sales taxes.

The majority of low-income households lack the resources to purchase equipment to access the Internet, train on its usage, or lack the financial stability to have a credit card. Individuals with access to a computer and the Internet would avoid taxation on the purchase of a good or service that would be taxed if a person without this access purchased the same good or service from their neighborhood stores.

If we allow Internet transaction to be completely exempt from tax, state and local governments may likely increase their sales tax rates to make up for the shortfall in Internet tax revenue. The consequences of this could be devastating to low- and moderate-income persons who do not benefit from the tax free Internet environment. Moreover, those with access to the Internet would be further deterred from purchasing goods or services from retail establishments, thus increasing the tax burden of the less affluent.

The current moratorium on Internet taxation is about to expire. I am confident that states can adapt their sales tax systems to capture revenue on Internet transactions. Our states are making great strides to update their systems and equalize the tax burden for all segments of society.

The plan before us today balances the need expressed by some Members of Congress that a temporary moratorium is necessary, with the importance of preserving and securing the revenue streams of states such as Texas, which rely so heavily on Internet taxes for education and our quality of life.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1552, as amended.

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

The title of the bill was amended so as to read: ''A bill to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003; and for other purposes.''.

A motion to reconsider was laid on the table.

CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 863) to provide grants to ensure increased accountability for juvenile offenders, as amended.

The Clerk read as follows:

H.R. 863

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Consequences for Juvenile Offenders Act of 2001''.

SEC. 2. GRANT PROGRAM.

Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''SEC. 1801. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

''(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State or a unit of local government under this part shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes—

''(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

''(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

''(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services (including mental health screening and assessment) for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

''(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;

''(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

''(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

''(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

''(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

''(9) establishing and maintaining a system of juvenile records designed to promote public safety;

''(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice systems, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

''(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;

''(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of

comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders;

''(13) establishing and maintaining accountability-based programs that are designed to enhance school safety;

''(14) establishing and maintaining restorative justice programs;

''(15) establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism; or

''(16) hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming.

''(c) DEFINITION.—For purposes of this section, the term 'restorative justice program' means a program that emphasizes the moral accountability of an offender toward the victim and the affected community, and may include community reparations boards, restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community), and mediation between victim and offender.

''SEC. 1802. GRANT ELIGIBILITY.

''(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines, including—

''(1) information about—

''(A) the activities proposed to be carried out with such grant; and

''(B) the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

''(2) assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

''(b) LOCAL ELIGIBILITY.—

''(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide to the State—

''(A) information about—

''(i) the activities proposed to be carried out with such subgrant; and

''(ii) the criteria by which the unit proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

''(B) such assurances as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

''(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 1803(e), except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

''(c) GRADUATED SANCTIONS.—A system of graduated sanctions, which may be discretionary as provided in subsection (d), shall ensure, at a minimum, that—

''(1) sanctions are imposed on a juvenile offender for each delinquent offense;

''(2) sanctions escalate in intensity with each subsequent, more serious delinquent offense;

''(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

''(4) appropriate consideration is given to public safety and victims of crime.

''(d) DISCRETIONARY USE OF SANCTIONS.—

''(1) VOLUNTARY PARTICIPATION.—A State or unit of local government may be eligible to receive a grant under this part if—

''(A) its system of graduated sanctions is discretionary; and

''(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

''(2) REPORTING REQUIREMENT IF GRADUATED SANCTIONS NOT USED.—

''(A) JUVENILE COURTS.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

''(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

''(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in all cases, to submit an annual report that explains why such court did not impose graduated sanctions in all cases.

''(B) UNITS OF LOCAL GOVERNMENT.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

''(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'discretionary' means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

''(2) The term 'sanctions' means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

''SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

''(a) STATE ALLOCATION.—

''(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate—

''(A) 0.50 percent for each State; and

''(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

''(2) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

''(b) LOCAL DISTRIBUTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute among units of local government, for the purposes specified in section 1801, not less than 75 percent of such amounts received.

''(2) WAIVER.—If a State submits to the Attorney General an application for waiver that demonstrates and certifies to the Attorney General that—

''(A) the State's juvenile justice expenditures in the fiscal year preceding the date in which an application is submitted under this part (the 'State percentage') is more than 25 percent of the aggregate amount of juvenile justice expenditures by the State and its eligible units of local government; and

''(B) the State has consulted with as many units of local government in such State, or organizations representing such units, as practicable regarding the State's calculation of expenditures under subparagraph (A), the State's application for waiver under this paragraph, and the State's proposed uses of funds,

the percentage referred to in paragraph (1) shall equal the percentage determined by subtracting the State percentage from 100 percent.

''(3) ALLOCATION.—In making the distribution under paragraph (1), the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

''(A) the sum of—

''(i) the product of—

''(I) three-quarters; multiplied by

''(II) the average juvenile justice expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

''(ii) the product of—

''(I) one-quarter; multiplied by

''(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

''(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

''(4) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (3) for a payment period shall not exceed 100 percent of juvenile justice expenditures of the unit for such payment period.

''(5) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (4) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

''(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or juvenile justice expenditures for a unit of local government is insufficient or inaccurate, the State shall—

''(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

''(2) if necessary, use the best available comparable data regarding the number of violent crimes or juvenile justice expenditures for the relevant years for the unit of local government.

''(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $10,000.—If under this section a unit of local government is allocated less

than $10,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

''(e) DIRECT GRANTS TO SPECIALLY QUALIFIED UNITS.—

''(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

''(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.

''SEC. 1804. GUIDELINES.

''(a) IN GENERAL.—The Attorney General shall issue guidelines establishing procedures under which a State or specially qualified unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

''(b) ADVISORY BOARD.—The guidelines referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to review the proposed uses of such funds. The board shall include representation from, if appropriate—

''(1) the State or local police department;

''(2) the local sheriff's department;

''(3) the State or local prosecutor's office;

''(4) the State or local juvenile court;

''(5) the State or local probation office;

''(6) the State or local educational agency;

''(7) a State or local social service agency;

''(8) a nonprofit, nongovernmental victim advocacy organization; and

''(9) a nonprofit, religious, or community group.

''SEC. 1805. PAYMENT REQUIREMENTS.

''(a) TIMING OF PAYMENTS.—The Attorney General shall pay, to each State or specially qualified unit of local government that receives funds under section 1803 that has submitted an application under this part, the amount awarded to such State or unit not later than the later of the following two dates:

''(1) 180 days after the date that the amount is available.

''(2) The first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c).

''(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, before the expiration of the 36-month period beginning on the date of the award, any amount that is not expended by such State or unit.

''(2) EXTENSION.—The Attorney General may adopt policies and procedures providing for a one-time extension, by not more than 12 months, of the period referred to in paragraph (1).

''(3) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

''(4) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

''(c) ADMINISTRATIVE COSTS.—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

''(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

''(e) MATCHING FUNDS.—

''(1) IN GENERAL.—The Federal share of a grant received under this part may not exceed 90 percent of the total program costs.

''(2) CONSTRUCTION OF FACILITIES.—Notwithstanding paragraph (1), with respect to the cost of constructing juvenile detention or correctional facilities, the Federal share of a grant received under this part may not exceed 50 percent of approved cost.

''SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

''Funds or a portion of funds allocated under this part may be used by a State or unit of local government that receives a grant under this part to contract with private, nonprofit entities, or community-based organizations to carry out the purposes specified under section 1801(b).

''SEC. 1807. ADMINISTRATIVE PROVISIONS.

''(a) IN GENERAL.—A State or specially qualified unit that receives funds under this part shall—

''(1) establish a trust fund in which the government will deposit all payments received under this part;

''(2) use amounts in the trust fund (including interest) during the period specified in section 1805(b)(1) and any extension of that period under section 1805(b)(2);

''(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

''(4) spend the funds only for the purpose of strengthening the juvenile justice system.

''(b) TITLE I PROVISIONS.—Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

''SEC. 1808. ASSESSMENT REPORTS.

''(a) REPORTS TO ATTORNEY GENERAL.—

''(1) IN GENERAL.—Except as provided in paragraph (4), for each fiscal year for which a grant or subgrant is awarded under this part, each State or specially qualified unit of local government that receives such a grant shall submit to the Attorney General a grant report, and each unit of local government that receives such a subgrant shall submit to the State a subgrant report, at such time and in such manner as the Attorney General may reasonably require.

''(2) GRANT REPORT.—Each grant report required by paragraph (1) shall include—

''(A) a summary of the activities carried out with such grant;

''(B) if such activities included any subgrant, a summary of the activities carried out with each such subgrant; and

''(C) an assessment of the effectiveness of such activities on achieving the purposes of this part.

''(3) SUBGRANT REPORT.—Each subgrant report required by paragraph (1) shall include—

''(A) a summary of the activities carried out with such subgrant; and

''(B) an assessment of the effectiveness of such activities on achieving the purposes of this part.

''(4) WAIVERS.—The Attorney General may waive the requirement of an assessment in paragraph (2)(C) for a State or specially qualified unit of local government, or in paragraph (3)(B) for a unit of local government, if the Attorney General determines that—

''(A) the nature of the activities are such that assessing their effectiveness would not be practical or insightful;

''(B) the amount of the grant or subgrant is such that carrying out the assessment would not be an effective use of those amounts; or

''(C) the resources available to the State or unit are such that carrying out the assessment would pose a financial hardship on the State or unit.

''(b) REPORTS TO CONGRESS.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Congress a report, which shall include—

''(1) a summary of the information provided under subsection (a);

''(2) an assessment by the Attorney General of the grant program carried out under this part; and

''(3) such other information as the Attorney General considers appropriate.

''SEC. 1809. TRIBAL GRANT PROGRAM.

''(a) IN GENERAL.—From the amount made available under section 1811(b), the Attorney General shall make grants to Indian tribes, or consortia of such tribes, for programs to strengthen tribal juvenile justice systems and to hold tribal youth accountable.

''(b) ELIGIBILITY.—To be eligible to receive grant amounts under this section, an Indian tribe or consortia of such tribes—

''(1) must carry out tribal juvenile justice functions; and

''(2) shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines.

''(c) COMPETITIVE AWARDS.—The Attorney General shall award grants under this section on a competitive basis.

''(d) GUIDELINES.—In issuing guidelines to carry out this section, the Attorney General shall ensure that the application for, award of, and use of grant amounts under this section are consistent with the purposes and requirements of this part.

''(e) DEFINITION.—For purposes of this section, the term 'Indian tribe' has the meaning given such term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (42 U.S.C. 479a).

''SEC. 1810. DEFINITIONS.

''For purposes of this part:

''(1) The term 'unit of local government' means—

''(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes;

''(B) any law enforcement district or judicial enforcement district that—

''(i) is established under applicable State law; and

''(ii) has the authority, in a manner independent of other State entities, to establish a budget and raise revenues; and

''(C) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

''(2) The term 'specially qualified unit' means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

''(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that—

''(A) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands (the 'partial States') shall collectively be considered as 1 State; and

''(B) for purposes of section 1803(a), the amount allocated to a partial State shall bear the same proportion to the amount collectively allocated to the partial States as the population of the partial State bears to the collective population of the partial States.

''(4) The term 'juvenile' means an individual who is 17 years of age or younger.

''(5) The term 'juvenile justice expenditures' means expenditures in connection with the juvenile justice system, including expenditures in connection with such system to carry out—

''(A) activities specified in section 1801(b); and

''(B) other activities associated with prosecutorial and judicial services and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

''(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

''SEC. 1811. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

''(1) $500,000,000 for fiscal year 2002;

''(2) $500,000,000 for fiscal year 2003; and

''(3) $500,000,000 for fiscal year 2004.

''(b) TRIBAL SET-ASIDE.—Of the amount appropriated pursuant to subsection (a), 2 percent shall be made available for grants under section 1809.

''(c) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Of the amount authorized to be appropriated under subsection (a), there shall be available to the Attorney General, for each of the fiscal years 2002 through 2004 (as applicable), to remain available until expended—

''(1) not more than 2 percent of that amount, for research, evaluation, and demonstration consistent with this part;

''(2) not more than 2 percent of that amount, for training and technical assistance; and

''(3) not more than 1 percent, for administrative costs to carry out the purposes of this part.

The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

SEC. 4. TRANSITION OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANTS PROGRAM.

For each grant made from amounts made available for the Juvenile Accountability Incentive Block Grants program (as described under the heading ''VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' in the Department of Justice Appropriations Act, 2000 (as enacted by Public Law 106–113; 113 Stat. 1537–14)), the grant award shall remain available to the grant recipient for not more than 36 months after the date of reciept of the grant.

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

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 863, the bill under consideration.

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

There was no objection.

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

Madam Speaker, today the House considers a bipartisan bill designed to improve the juvenile justice system in America. H.R. 863, as amended, was favorably reported out of the Committee on the Judiciary by voice vote.

The bill authorizes the Department of Justice to award up to $500 million a year for the next 3 fiscal years to States and localities that agree to implement a system of graduated sanctions for juvenile delinquency. Such a system imposes sanctions on juvenile offenders for every delinquent act they commit, from the very first act, and increases the intensity of the sanctions with the severity of the offense.

This bill would replace the current unauthorized block grant program that was created in the fiscal year 1999 appropriation bill for the Departments of Commerce, Justice and State. The block grant program of H.R. 863 is more flexible for the States than the current unauthorized grant program. This bill does not require a grant recipient to spend a certain percentage of the funds on specified purposes. This is not a one-size-fits-all program. Rather, the States that qualify by implementing graduated sanctions may use the grant money where they need it to improve their juvenile justice systems.

Further, the new block grant programs would not place a mandate on the States. A State or locality may qualify even if its system of graduated sanctions is discretionary. However, those juvenile courts that do not impose graduated sanctions must report at least annually to the applicable State or locality as to why graduated sanctions were not imposed in all such cases.

This bill affords States and localities the flexibility and discretion necessary to improve their juvenile justice systems.

Madam Speaker, I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 863, the Consequences for Juvenile Offenders Act of 2001. I am a cosponsor of this bill, along with the subcommittee chairman for the Subcommittee on Crime, the gentleman from Texas (Mr. SMITH), and in fact all of the members of the Subcommittee on Crime on both sides of the aisle are cosponsors of the bill.

This bill is essentially identical to the original H.R. 1501 coauthored by the former member from Florida who was then the chairman of the Subcommittee on Crime, Mr. McCollum, and myself in the 106th Congress which was also cosponsored by all members of the subcommittee. Although that bill was passed by both the House and the Senate, so many contentious amendments were added during floor consideration of the bill, it could not pass out of conference.

I hope that we can avoid the fate of H.R. 1501 by working together to keep intact the strong bipartisan support the bill now enjoys among Committee on the Judiciary members, juvenile advocates, practitioners, researchers, judges, public officials and others.

We have not always experienced such bipartisan cooperation on juvenile justice issues in Congress. In the 105th Congress, we debated the Violent Youth Predator Act which focused on tough-sounding, poll-tested slogans and sound bites which were more focused on political campaigns than the reduction of juvenile crime and delinquency.

All too often in dealing with the issue of crime, we rush to codify the best sound bites. For example, ''You do the adult crime, you do the adult time.'' That slogan is used to justify trying sixth graders in adult criminal court, when research shows us that codifying that sound bite will actually reduce the severity of the punishment and increase future crimes.

We also have ''Three strikes and you're out,'' a baseball slogan used to justify keeping frail, 80-year-old offenders in prison way beyond the point where they pose any threat to society.

I am pleased to support the legislation before us today which is not based on slogans and sound bites, but instead upon the considered advice of juvenile judges, researchers and practitioners. The components of the bill came out of hearings in which we listened to the advice of juvenile justice researchers and experts. They were unanimous that rather than moving children out of the juvenile system into the adult system, more resources were needed in the juvenile system for appropriate, individually tailored responses that allowed a broader range of services or sanctions than the traditional limitations of either probation or incarceration.

We received the same advice from witnesses who appeared before the bipartisan Task Force on Youth Violence, which was appointed by the Speaker, the gentleman from Illinois (Mr. HASTERT) and the minority leader, the gentleman from Missouri (Mr. GEPHARDT).

□ 1600

In keeping with recommendations from these expert witnesses, the bill

before us today provides resources to be used to hold juvenile offenders accountable for their actions and to adequately address their need for services, starting with an appropriate response when the delinquent offense first occurs and escalating the level of response upon any succeeding offense, until the problem is eliminated. Appropriate responses could consist of punishment, family or individual counseling, drug treatment or other assistance appropriate for the individual case, and the services and sanctions need to be imposed on the first offense. We should not wait until the third, fourth, or fifth offense before we pay any attention to the problem.

Mr. Speaker, I am pleased to recommend H.R. 863 to my colleagues. Not only is it a model bill in that it takes the advice of experts from a broad array of political and philosophical views, but also because of the model process through which it was developed. From the outset, members from both sides of the aisle on the subcommittee as well as the full committee agreed to withhold amendments which did not gain consensus in order to move forward on the points on which there was consensus. So while the bill does not contain everything that everybody wanted, it does contain enough provisions that are valuable for juveniles and the juvenile justice system.

I am pleased to support this bipartisan bill. I ask my colleagues to vote in favor of the bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. SMITH), the subcommittee chair, for an un-sound byte.

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding time again.

Mr. Speaker, I introduced H.R. 863, the Consequences for Juvenile Offenders Act of 2001, along with the ranking member of the Subcommittee on Crime, the gentleman from Virginia (Mr. SCOTT), who just finished speaking. All other members of the subcommittee have also cosponsored this legislation. The legislation is needed because juvenile justice experts have recommended that juvenile justice systems pay more attention to young offenders earlier in the system. H.R. 863 would do that by responding to juvenile wrongdoing with graduated sanctions.

The bill authorizes $1.5 billion for the Justice Department to make grants to State and local governments to improve their juvenile justice system. States and localities qualify for the grant funds if they have implemented or agree to implement a system of graduated sanctions for juvenile offenders within 1 year of applying for those funds.

Graduated sanctions are designed to break the cycle of delinquency that often leads juveniles to more serious crimes later on in their lives. This bill encourages our juvenile justice system to focus on juvenile offenders from the beginning, rather than after the sixth or seventh offense. With this approach, we hope to ensure that juvenile offenders learn that there are consequences to their actions each time they commit a crime.

In addition to providing incentives for implementing graduated sanctions, this bill provides States and localities with discretion in determining how best to spend the grant money to improve their juvenile justice systems.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. I thank the gentleman for yielding me this time.

Mr. Speaker, this bill is an example of what can be accomplished when we get down to business and become serious and forget about sound bytes. This bill will truly make a difference. It is going to work. I am confident that it will reduce violence in this country.

I spent some 20 years of my life prosecuting some of the most violent criminals anywhere, and I know there are not any simple answers. There are no quick fixes. There are no panaceas. But this bill works because it relies upon people who do have the answers, the people in the community who understand the problems.

Unlike some bills that we have considered in the past, this legislation does not dictate policy from Washington. It embraces and supports broad-based, comprehensive local strategies that have proven to be effective and that work in the real world.

Let me give my colleagues an example. Boston, Massachusetts, the capital city of my home State, like other cities, experienced a dramatic decrease in gang violence thanks to a balanced strategy of prevention, intervention, and enforcement. That strategy worked because everyone in the community at large was engaged, police, prosecutors, probation officers, correction officials, youth and social service personnel, teachers, judges, you name it, everybody was involved.

Under some of the legislation that was considered previously, Boston would not have even qualified for a grant, and few if any States would. Under this bill, Boston and other cities will qualify for the money they need to continue the critical work and the effective work that they have been doing.

These cities like Boston, like other communities throughout the country, do not need us here in Washington to tell them how to reduce violence. As I said, they have the answers themselves. What they need is a serious, substantial Federal investment in juvenile crime prevention. And what they need is our commitment to provide them with the resources that they do need. This bill does that.

Let me conclude by congratulating the chair of the subcommittee, the gentleman from Texas (Mr. SMITH). Let me congratulate the chair of the full committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), who, over the course of the past several weeks, has done much to diminish the so-called divisiveness that characterized the Committee on the Judiciary. This truly is an outstanding product, one that we can all be proud of, but I want to make particular mention of my friend and colleague, the ranking member of the Subcommittee on Crime, the gentleman from Virginia (Mr. SCOTT), whose sheer persistence and dedication and passion for this issue is reflected in this particular product; and one that he should be particularly proud of.

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

I would like to thank the gentleman from Massachusetts for his kind words. He is a former prosecutor and a very important member of the Committee on the Judiciary. I thank him for his words. I also want to thank the chairman of the subcommittee, the gentleman from Texas (Mr. SMITH), and the chairman of the full committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member of the committee, the gentleman from Michigan (Mr. CONYERS), for their leadership in developing this bill. I would also want to point out, Mr. Speaker, that the bill could not have been formulated and brought to us today without the hard work of staff people, such as Bobby Vassar and Beth Sokul. Without their hard work, dedication, and ability to work together across the aisle, this bill never could have been developed.

Mr. Speaker, I urge my colleagues to vote for the bill.

Mr. CONYERS. Mr. Speaker, over the last several Congresses, we've debated the get-tough approach versus the prevention and treatment approach to addressing juvenile crime. This measure reflects the advice of the researchers and expert practitioners who are unanimous on the point that more resources are needed for appropriate individually tailored responses to juvenile crime. The measure before us is not a one-size-fits-all approach but a substantive bipartisan approach that actually will reduce crime and delinquency where it occurs, and that's why we all support it.

However, my view is that juvenile justice is also about gun safety. I understand clearly that the sponsors of the bill have valid concerns that introducing the issue of gun violence into the debate would foster differences of view and jeopardize good legislation. They are correct that the Republican leadership bottled up this bill in a conference committee last year largely in an effort, I am told, to avoid addressing gun violence.

But I believe that preventing juvenile crime is about thwarting easy access to guns, just as much as it is about prevention programs and services for at-risk youth. Ten children a day are killed by gun violence. The shooters at Columbine High School were provided a

gun largely because of the lack of any background check by licensed sellers at gun shows. We continue to witness unspeakable horrors every week as children open fire on their classmates. You all read and see them weekly.

The Nation stands ready to require a child safety lock on every gun. I think most Members of Congress are ready as well. But the Congress ignores the cries of the children and their parents.

I know that the National Rifle Association's publicity machines have been spinning in high gear since the election to perpetuate the myth that gun safety is a losing political issue. The facts are, of course, that the NRA targeted countless House and Senate seats and lost nearly every single one. So gather your courage, my colleagues. Bit by bit, the tide is turning.

Governor Pataki of New York has proposed far more ambitious gun safety measures that those that were bottled up by the Republican leadership this year. Senators MCCAIN and LIEBERMAN are attempting to find common ground on this issue as we speak. But regardless of the politics, I and others feel that we cannot back down on this issue because it is the logical and correct position to take, and if we really do not want to leave any child behind, we cannot allow so many children to be killed in senseless and preventable acts of gun violence. Too many families have lived through this unthinkable experience of burying their own children for us not to act.

I would like to continue to work with the gentleman from Virginia (Mr. SCOTT) on other solutions to juvenile crime such as the moderate measures passed by the Senate in the last Congress, the gun show background checks, child safety locks, a ban on the importation of large-capacity ammunition clips and a juvenile Brady. Let's all stay tuned for further complimentary support to this excellent measure before us.

Mr. KUCINICH. Mr. Speaker, I rise in support of H.R. 863, Consequences for Juvenile Offenders Act. In particular, I am pleased that funding under the Juvenile Accountability Block Grant program can be used for maintaining juvenile record systems to promote public safety and to establish interagency information-sharing programs. However, I not only support establishing a juvenile recordkeeping system, but I encourage States to develop an automated system of records.

Last Congress I offered an amendment to the Juvenile Justice bill to assist States in compiling the records of juvenile and establishing statewide computer systems for their records. States would then have the option of making the information available to the Federal Bureau of Investigation and law enforcement authorities from other States. This amendment was endorsed by the Fraternal Order of Police. My amendment was accepted.

The need for improved recordkeeping systems on violent juveniles is illustrated by a tragic story from my district. A Cleveland police detective, Robert Clark, was killed in July 1998 while attempting to arrest a drug dealer. The individual who shot Detective Clark had accumulated a considerable criminal record between Ohio and Florida. Although he was only 19 years old at the time of the shooting, he had been arrested 150 times since the age of 8. There had been 62 felony charges against him between 1995 and 1998. He was arrested on yet another offense the night before he killed Detective Clark, but because law enforcement officers in Cleveland were unaware of his extensive criminal record as a juvenile he was released from custody. Had an automated records system been in place when he first appeared before a juvenile court in Ohio, law enforcement officials in Ohio would have had access to his extensive criminal record in Florida and the tragic death of Detective Clark could have been prevented.

I urge the conferees to give attention to this important issue. The information shared through the creation of an automated juvenile recordkeeping system will stop crime and save lives.

Mr. SCHIFF. Mr. Speaker, I am pleased to support the bill before us today because it allows states and localities to develop programs on juvenile justice, according to the needs of their own communities. It is a credit to Crime Subcommittee Chairman LAMAR SMITH and Ranking Member BOBBY SCOTT that we were able to improve this bill with an amendment I offered in Committee. The amendment requires a strong assessment component to any program funded by this bill.

My amendment requires all applicants to provide information up front detailing how they will evaluate the success of their program. It requires an assessment to be undertaken at appropriate intervals (each year). These assessment will be submitted by the states or localities to the Department of Justice. The Attorney General could waive this requirement if an assessment would not be practical (i.e. building a facility) or if an assessment requirement would prove to be cost prohibitive. From these assessments, the Attorney General would submit a report to Congress on the progress of funded programs. The funding for these assessments comes out of their existing grant money, but I'm sure you would agree that is it important to be able to identify any unsuccessful program.

As a former federal prosecutor, I have seen the successes and failures of programs designed to improve the juvenile justice system. It is critical that we evaluate programs we fund to ensure their effectiveness in achieving their stated goals.

I urge my colleagues to support this bill. And I again want to commend the Leadership of both parties for bringing this bill before us today.

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

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

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 863, as amended.

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

A motion to reconsider was laid on the table.

MAKING PERMANENT AUTHORITY TO REDACT FINANCIAL DISCLOSURE STATEMENTS OF JUDICIAL EMPLOYEES AND JUDICIAL OFFICERS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2336) to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers.

The Clerk read as follows:

H.R. 2336

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

SECTION 1. REPEAL OF SUNSET PROVISION.

Section 105(b)(3)(E) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. Scott) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2336, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 2336 and urge the House to adopt the measure. This bill will make permanent the authority of the U.S. Judicial Conference to redact financial disclosure statements of judicial employees and judicial officers.

Under the Ethics in Government Act, judges and other high-level judicial branch officials must file annual financial disclosure reports. However, due to the nature of the judicial function and the increased security risk it entails, section 7 of the Identity Theft and Assumption Deterrence Act of 1998 allows the Judicial Conference to redact statutorily required information in a financial disclosure report where the release of the information could endanger the filer or his or her family. This provision will sunset on December 31, 2001, in the absence of further legislative action.

The Judicial Conference Committee on Financial Disclosure recently submitted a report on section 7. The committee monitors the release of financial disclosure reports to ensure compliance with the statute, reviews redaction requests, and approves or disapproves any request for a redaction of statutorily mandated information where the release of the information could endanger a filer.

In the year 2000, the committee noted, first, 13 financial disclosure reports were wholly redacted because the