

By Mr. BREAUX (for himself and Mr. CHAFFEE):

S. 1034. A bill to amend the Internal Revenue Code of 1986 to provide for a moratorium for the excise tax on diesel fuel sold for or used in noncommercial diesel-powered motorboats and to require the Secretary of the Treasury to study the effectiveness of procedures to collect excise taxes on sales of diesel fuel for noncommercial motorboat use; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. DOLE, Mr. HARKIN, Mr. HATCH, Mr. GRASSLEY, Mr. PELL, Mr. HATFIELD, Mr. SIMON, and Mr. REID):

S. 1035. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COHEN (for himself and Mr. KOHL):

S. 1036. A bill to provide for the prevention of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. FORD:

S. 1037. A bill to amend title 49, United States Code, to provide that the requirement that United States government travel be on United States carriers excludes travel on any aircraft that is not owned or leased, and operated, by a United States person; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 1038. A bill to amend the Internal Revenue Code of 1986 to impose a 15 percent tax only on individual taxable earned income and business taxable income, to repeal the estate and gift taxes, to abolish the Internal Revenue Service, and for other purposes; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS ON JULY 13, 1995

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 150. A resolution to authorize testimony by Senate employees and representation by Senate Legal Counsel; considered and agreed to.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS ON JULY 14, 1995

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS (for himself, Mr. FORD, Mr. DOLE, Mr. DASCHLE, Mr. HATFIELD, Mr. PELL, Mr. HELMS, Mr. MOYNIHAN, Mrs. KASSEBAUM, Mrs. HUTCHISON, Ms. MIKULSKI, and Mr. D'AMATO):

S. Con. Res. 21. A concurrent resolution directing that the "Portrait Monument" carved in the likeness of Lucretia Mott, Susan B. Anthony, and Elizabeth Cady Stanton, now in the Crypt of the Capitol, be restored to its original state and be placed in the Capitol Rotunda; ordered held at the desk.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 1034. A bill to amend the Internal Revenue Code of 1986 to provide for a

moratorium for the excise tax on diesel fuel sold for or used in noncommercial diesel-powered motorboats and to require the Secretary of the Treasury to study the effectiveness of procedures to collect excise taxes on sales of diesel fuel for noncommercial motorboat use; to the Committee on Finance.

#### DIESEL FUEL EXCISE TAXES LEGISLATION

● Mr. BREAUX. Mr. President, today I am introducing a bill to help solve a problem that has made it difficult for recreational boaters to obtain diesel fuel on our Nation's waterways. This bill would correct the significant unintended problems created by the federally mandated diesel fuel dyeing scheme contained in the Omnibus Budget Reconciliation Act of 1993. These problems are national in scope and affect every area of the country with significant boating activity.

Under the 1993 changes, fuel that is subject to taxation is clear and fuel that is exempt from taxation is dyed. The problem for boaters arises because while most marinas have only one fuel tank, they provide fuel to both recreational and commercial boats. Commercial boat fuel is exempt from any tax and therefore commercial boat operators seek to purchase dyed fuel. Recreational fuel is taxable and recreational boaters want to purchase clear fuel. Diesel fuel retailers have been forced to choose either one, to incur the significant costs and regulatory burdens of having separate fuel storage tanks from which to pump untaxed—dyed—and taxed—undyed—diesel fuel or two, to pump only one type of diesel fuel. Many marina operators can only afford to maintain one storage tank. Most marina operators in my State of Louisiana find that their primary customer base is made up of commercial boaters and they are choosing to sell the dyed fuels. Thus, recreational boaters have no place to purchase the clear fuel.

With diesel fuel unavailable for recreational boaters, there is a serious danger that some of these boaters may run out of fuel and become stranded before they are able to find a marina that sells clear fuel. As a further consequence, many marina operators are finding that their diesel fuel sales have declined significantly because they are not allowed to sell dyed diesel fuel—the only fuel they have—to recreational boaters.

Mr. President, this is a clear case of unintended consequences. The boaters are willing to pay the tax, they simply cannot find a place to buy the fuel and pay the tax. The bill I am introducing today addresses this problem in a practical manner by:

Having the Treasury Department assess the effectiveness of various procedures for collecting excise taxes on diesel fuel sold for use, or used, in recreational boats and report to Congress within 18 months the results of the study, including any recommendations.

Suspending collection of the tax for 2 years while the Treasury Department conducts this study.

Reinstituting the current collection procedure at the end of the 2-year suspension period if Congress has not enacted legislation to create a new collection procedure.

Mr. President, I believe that this legislation is necessary to increase the availability of diesel fuel to recreational boaters across the country. Passage of this legislation will ultimately lead to improved collection of the diesel fuel tax, prevent a potentially dangerous safety hazard to recreational boaters, and improve the economic viability of many marine fuel retailers. I urge my colleagues to join me in moving this bill forward as soon as possible.●

● Mr. CHAFFEE. Mr. President, I am pleased to join my colleague from Louisiana, Senator BREAUX, in introducing legislation imposing a 2-year moratorium on the collection of the boat diesel fuel tax. This tax has caused diesel fuel shortages across this country.

The Omnibus budget Reconciliation Act of 1993 changed the collection point for the excise tax on diesel fuel. Imposition of the tax was moved from the producer or importer to the terminal rack—the place in the distribution chain where fuel retailers, for example, service stations and boat docks, get their fuel. This change made collecting the diesel fuel tax similar to the system used for gasoline taxes. The intent in making this change was to improve taxpayer compliance and assist the Internal Revenue Service with administering the diesel fuel tax.

Mr. President, collection the tax at the terminal rack works well for gasoline because all of the uses of that fuel are taxable. That is not true for diesel fuel. Home heating oil, which is essentially diesel fuel, is not taxable. Also, diesel fuel used by commercial boaters is not subject to the tax.

Together with moving the collection point of the tax, a dyeing scheme was set up to differentiate diesel fuel on which tax has been paid from fuel which has not been taxed. Dyeing is an important enforcement tool because of the variety of uses of diesel fuel.

Mr. President, I fully support efforts to increase compliance with our tax laws. However, in administering our tax laws, we must be aware of the problems we create. Let me give you a real life example of the problem this tax has created.

Diesel fuel powers many types of boats, the vast majority being commercial boats—such as fishing vessels. Diesel fuel sold to commercial boaters is exempt from the tax, but the same fuel used in a recreational boat is taxable. Under the current collection scheme, fuel sold to the recreational boater must be clear because tax has been paid on that fuel. Fuel sold to the commercial boater must be dyed to show that no tax has been paid. Under no circumstances may dyed fuel be sold to

someone who is subject to the tax, even if the retailer collects the tax and remits it to the Federal Government.

The obvious problem created by this arrangement is that a marina or dock that services both commercial and recreational boaters must have two separate storage tanks to service these customers. It may not be economically feasible to install a new tank, and often it is physically impossible to do so. The marina has few options available to it to get around this problem. One solution is to buy dyed fuel for its commercial boaters and forfeit the pleasure boat business. An alternative is to buy undyed—taxed—fuel, pass the tax on to all of its customers and leave it to those who are exempt from the tax to apply for a refund. Commonly cash flow problems associated with this second option cause undue economic hardship for commercial boaters.

The anecdotal evidence suggests that marinas simply are dropping their recreational boat fuel business, because sales to commercial boaters dominate the market. It is this reality of the marketplace that has sent recreational boaters scrambling to find fuel.

The legislation introduced by Senator BREAUX and me imposes a 2-year moratorium on the collection of the boat diesel excise tax. It also requires the Treasury Department to study the various options for collecting the tax and to report its findings to the Ways and Means and Finance Committees. In performing this study, Treasury is specifically instructed to consult with boat owners and diesel fuel retailers. It is our hope that this study will identify ways to modify the current collection system in a way that will ensure compliance without creating the problems boaters are facing today.

Mr. President, I urge my colleagues to cosponsor this legislation.●

By Mr. DASCHLE (for himself, Mr. DOLE, Mr. HARKIN, Mr. HATCH, Mr. GRASSLEY, Mr. PELL, Mr. HATFIELD, Mr. SIMON, and Mr. REID):

S. 1035. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Labor and Human Resources.

THE ACCESS TO MEDICAL TREATMENT ACT

Mr. DASCHLE. Mr. President, today I am reintroducing the Access to Medical Treatment Act. I am pleased to be joined by Senators DOLE, HARKIN, HATCH, GRASSLEY, PELL, HATFIELD, SIMON, and REID in this effort to allow greater freedom of choice in the realm of medical treatments.

I would be remiss if I did not take a moment to mention one other person, someone who has been instrumental in sparking my interest in this issue. That person is Berkley Bedell, a former congressman from the Sixth District of Iowa. His story was one of the main catalysts in my decision to develop the Access to Medical Treatment Act, and

provides powerful testimony to the need for this type of legislation.

As did a number of us in the Senate, I had the privilege of serving with Congressman Bedell for several years in the House of Representatives. During his tenure in the House, he acquired a well-earned reputation for intellectual honesty and commitment to principle, as well as for tilting at the occasional windmill. In more than one instance, he appeared out of step with conventional opinion and subsequently proved to be ahead of his time.

As some may remember, Congressman Bedell was ill with Lyme disease when he left the House at the end of the 100th Congress. Having tried several unsuccessful rounds of conventional treatment consisting of heavy doses of antibiotics, the cost of which ran in the thousands of dollars, he turned to an alternative treatment that he believes cured his disease. This treatment, which is actually a veterinary treatment, consisted on its most basic level of nothing more than drinking processed whey from a cow's milk. After approximately 2 months of taking regular doses of this processed whey, his symptoms disappeared. He estimates that the total cost for this alternative treatment was a few hundred dollars.

In spite of Congressman Bedell's amazing recovery, and the fact that this same treatment appeared to be effective in some cases of Lyme disease, the treatment can no longer be administered because it has not gone through the FDA approval process.

Not long after he recovered from Lyme disease, Congressman Bedell discovered he had prostate cancer. He again found conventional treatments to be unsuccessful and turned to alternative medicine. This time he had to leave the country to obtain his treatment. Once again, however, alternative therapy appears to have been successful thus far—he has been free of cancer for 5 years.

Mr. President, there are people in our country who are desperate, as was Berkley Bedell, for cures that conventional medicine simply does not seem to be able to provide. It is a tragedy that, in a nation that considers itself a world leader in the area of health care, many potentially helpful alternative treatments remain unavailable to those without the financial resources to seek them out abroad.

The Access to Medical Treatment Act attempts to address this situation. Its intent is twofold: First, to allow increased access to alternative treatments; and second, to allow increased opportunities for the trial of alternative treatments that may prove to be extremely effective.

It will be asked why this legislation is necessary. If a particular alternative treatment is so effective, then why can't it simply go through the standard FDA approval process?

The answer is that the time and expense currently required to gain FDA

approval of a treatment makes it very difficult for all but large pharmaceutical companies to undertake such an arduous and costly endeavor. The heavy demands and requirements of the FDA approval process, and the time and expense involved in meeting them, serve to limit access to the potentially innovative contributions of individual practitioners, scientists, smaller companies, and others who do not have the financial resources to traverse the painstakingly detailed path to certification. This system not only forgoes untold potential for exploring life-saving treatments, but also serves to prevent low-cost treatments from gaining access to the market.

I want to be absolutely clear, however, that this legislation will not dismantle the FDA, undermine its authority, or appreciably change current medical practices. It is not meant to attack the FDA or its approval process. It is meant to complement it.

The FDA should—and would under this legislation—remain solely responsible for protecting the health of the Nation from unsafe and impure drugs. The heavy demands and requirements placed upon treatments before they gain FDA approval are important, and I firmly believe that treatments receiving the Federal Government's stamp of approval should be proven safe and effective.

The intent of my legislation is merely to extend freedom of choice to medical consumers under carefully controlled situations. I believe that individuals, especially individuals who face life-threatening afflictions for which conventional treatments have proven ineffective, should have the option of trying an alternative treatment, so long as they have been fully informed of the nature of the treatment and are aware that it has not been approved by the FDA. This is a choice that is rightly left to the consumer, and not dictated by the Federal Government.

The Access to Medical Treatment Act will allow individuals, under certain carefully circumscribed conditions, to obtain medical treatments that have not yet been approved by the FDA. The medical treatments prescribed under this bill cannot be dangerous to the patient. However, given the fact that the very intent of the bill is to allow treatments that have not necessarily undergone extensive testing, it is possible that a treatment administered under the bill could turn out to be a danger to the patient. In such cases, the treatment and its adverse effects must be immediately reported to the Secretary of Health and Human Services, who must disseminate that information, and the treatment cannot be utilized again.

The bill requires full disclosure to the patient of the treatment's contents, potential side effects, and any other information necessary to fully meet FDA informed consent requirements. The patient must also be informed of the fact that the treatment

has not been proven safe and effective by the Federal Government, and is required to sign a written statement indicating that he or she has been made aware of this information.

Finally, no advertising claims can be made about the efficacy of a treatment by a manufacturer, distributor, or other seller of the treatment. Claims may be made by the practitioner administering the treatment, but only so long as he or she has not received any financial benefit from the manufacturer, distributor, or other seller of the treatment. Lastly, a statement made by a practitioner about his or her administration of a treatment may not be used by a manufacturer, distributor, or other seller to advance the sale of such treatment. I ask that the text of the bill be placed into the RECORD upon the completion of my remarks.

Concerns have been voiced about how this proposal safeguards consumer protections. I take seriously these concerns. Individuals are often at their most vulnerable when they are in desperate need of medical treatment, and that is why it is absolutely critical that a proposal of this nature include strong protections to ensure that consumers are not subject to charlatans who would prey on their misfortunes and fears for personal gain. The Access to Medical Treatment Act is armed with these protections.

The bill requires that a treatment be administered by a properly licensed health care practitioner who has personally examined the patient. It requires the practitioner to comply fully with FDA informed consent requirements. Most importantly, however, the bill strictly regulates the circumstances under which claims regarding the efficacy of a treatment can be made. It is designed to prohibit all claims by individuals for whom the underlying intent of promoting the treatment might be linked to personal financial gain.

What this means is that there can be no marketing of any treatment administered under this bill. As such, I see very little incentive for anyone to try to use this bill as a bypass to the process of obtaining FDA approval. Also, because only properly licensed practitioners are able to make any claims at all about the efficacy of a treatment, I see very little room for so-called quack medicine. In short, if an individual or a company wants to earn a profit off their product, they would be wise to go through the standard FDA approval process rather than utilizing this legislation.

Mr. President, I fully realize that there will be significant debate over both the concept and content of this legislation. I welcome this debate, and am open to changes. If this bill generates the serious discussion that I believe these issues merit, then we will have made much-needed progress. If that discussion results in action, then I believe we will offer hope to thousands who feel they have run out of options.

In essence, this legislation addresses the fundamental balance between two seemingly irreconcilable interests: The protection of consumers from dangerous treatments and those who would advocate unsafe and ineffective medicine—and the preservation of the consumer's freedom to choose alternative therapies.

Some may say that reconciling these two interests is an impossible task. I am not convinced of that.

In any case, the complexity of this policy challenge should not discourage us from seeking to solve it. I am convinced that the public good will be served by a serious attempt to reconcile these contradictory interests, and I am hopeful the discussion generated by introduction of this legislation will help point the way to its resolution. I welcome anyone who would like to join me in promoting this important debate to cosponsor this legislation.

Mr. President, I firmly believe that our health care delivery system should be more receptive to alternative treatments. I am also sensitive to the fact that how we accomplish that goal has important ramifications that must be thoroughly explored. It is my hope that the Access to Medical Treatment Act, and the debate it engenders, will serve those ends.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1035

*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 "Access to Medical Treatment Act".

#### SEC. 2. DEFINITIONS.

As used in this Act:

(1) **ADVERTISING CLAIMS.**—The term "advertising claims" means any representations made or suggested by statement, word, design, device, sound, or any combination thereof with respect to a medical treatment.

(2) **DANGER.**—The term "danger" means any negative reaction that—

- (A) causes serious harm;
- (B) occurred as a result of a method of medical treatment;
- (C) would not otherwise have occurred; and
- (D) is more serious than reactions experienced with routinely used medical treatments for the same medical condition or conditions.

(3) **DEVICE.**—The term "device" has the same meaning given such term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(4) **DRUG.**—The term "drug" has the same meaning given such term in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)).

(5) **FOOD.**—The term "food"—

(A) has the same meaning given such term in section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)); and

(B) includes a dietary supplement as defined in section 201(ff) of such Act.

(6) **HEALTH CARE PRACTITIONER.**—The term "health care practitioner" means a physician or another person who is legally authorized to provide health professional services in the State in which the services are provided.

(7) **LABEL.**—The term "label" has the same meaning given such term in section 201(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(k)).

(8) **LABELING.**—The term "labeling" has the same meaning given such term in section 201(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(m)).

(9) **LEGAL REPRESENTATIVE.**—The term "legal representative" means a parent or an individual who qualifies as a legal guardian under State law.

(10) **MEDICAL TREATMENT.**—The term "medical treatment" means any food, drug, device, or procedure that is used and intended as a cure, mitigation, treatment, or prevention of disease.

(11) **SELLER.**—The term "seller" means a person, company, or organization that receives payment related to a medical treatment of a patient of a health practitioner, except that this term does not apply to a health care practitioner who receives payment from an individual or representative of such individual for the administration of a medical treatment to such individual.

#### SEC. 3. ACCESS TO MEDICAL TREATMENT.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, and except as provided in subsection (b), an individual shall have the right to be treated by a health care practitioner with any medical treatment (including a medical treatment that is not approved, certified, or licensed by the Secretary of Health and Human Services) that such individual desires or the legal representative of such individual authorizes if—

(1) such practitioner has personally examined such individual and agrees to treat such individual; and

(2) the administration of such treatment does not violate licensing laws.

(b) **MEDICAL TREATMENT REQUIREMENTS.**—A health care practitioner may provide any medical treatment to an individual described in subsection (a) if—

(1) there is no reasonable basis to conclude that the medical treatment itself, when used as directed, poses an unreasonable and significant risk of danger to such individual;

(2) in the case of an individual whose treatment is the administration of a food, drug, or device that has to be approved, certified, or licensed by the Secretary of Health and Human Services, but has not been approved, certified, or licensed by the Secretary of Health and Human Services—

(A) such individual has been informed in writing that such food, drug, or device has not yet been approved, certified, or licensed by the Secretary of Health and Human Services for use as a medical treatment of the medical condition of such individual; and

(B) prior to the administration of such treatment, the practitioner has provided the patient a written statement that states the following:

"WARNING: This food, drug, or device has not been declared to be safe and effective by the Federal Government and any individual who uses such food, drug, or device, does so at his or her own risk.";

(3) such individual has been informed in writing of the nature of the medical treatment, including—

(A) the contents and methods of such treatment;

(B) the anticipated benefits of such treatment;

(C) any reasonably foreseeable side effects that may result from such treatment;

(D) the results of past applications of such treatment by the health care practitioner and others; and

(E) any other information necessary to fully meet the requirements for informed

consent of human subjects prescribed by regulations issued by the Food and Drug Administration;

(4) except as provided in subsection (c), there have been no advertising claims made with respect to the efficacy of the medical treatment by the practitioner;

(5) the label or labeling of a food, drug, or device that is a medical treatment is not false or misleading; and

(6) such individual—

(A) has been provided a written statement that such individual has been fully informed with respect to the information described in paragraphs (1) through (4);

(B) desires such treatment; and

(C) signs such statement.

(c) CLAIM EXCEPTIONS.—

(1) REPORTING BY A PRACTITIONER.—Subsection (b)(4) shall not apply to an accurate and truthful reporting by a health care practitioner of the results of the practitioner's administration of a medical treatment in recognized journals, at seminars, conventions, or similar meetings, or to others, so long as the reporting practitioner has no direct or indirect financial interest in the reporting of the material and has received no financial benefits of any kind from the manufacturer, distributor, or other seller for such reporting. Such reporting may not be used by a manufacturer, distributor, or other seller to advance the sale of such treatment.

(2) STATEMENTS BY A PRACTITIONER TO A PATIENT.—Subsection (b)(4) shall not apply to any statement made in person by a health care practitioner to an individual patient or an individual prospective patient.

(3) DIETARY SUPPLEMENTS STATEMENTS.—Subsection (b)(4) shall not apply to statements or claims permitted under sections 403B and 403(r)(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343-2 and 343(r)(6)).

#### SEC. 4. REPORTING OF A DANGEROUS MEDICAL TREATMENT.

(a) HEALTH CARE PRACTITIONER.—If a health care practitioner, after administering a medical treatment, discovers that the treatment itself was a danger to the individual receiving such treatment, the practitioner shall immediately report to the Secretary of Health and Human Services the nature of such treatment, the results of such treatment, the complete protocol of such treatment, and the source from which such treatment or any part thereof was obtained.

(b) SECRETARY.—Upon confirmation that a medical treatment has proven dangerous to an individual, the Secretary of Health and Human Services shall properly disseminate information with respect to the danger of the medical treatment.

#### SEC. 5. REPORTING OF A BENEFICIAL MEDICAL TREATMENT.

If a health care practitioner, after administering a medical treatment that is not a conventional medical treatment for a life-threatening medical condition or conditions, discovers that such medical treatment has positive effects on such condition or conditions that are significantly greater than the positive effects that are expected from a conventional medical treatment for the same condition or conditions, the practitioner shall immediately make a reporting, which is accurate and truthful, to the Office of Alternative Medicine of—

(1) the nature of such medical treatment (which is not a conventional medical treatment);

(2) the results of such treatment; and

(3) the protocol of such treatment.

#### SEC. 6. TRANSPORTATION AND PRODUCTION OF FOOD, DRUGS, DEVICES, AND OTHER EQUIPMENT.

Notwithstanding any other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.), a person may—

(1) introduce or deliver into interstate commerce a food, drug, device, or any other equipment; and

(2) produce a food, drug, device, or any other equipment,

solely for use in accordance with this Act if there have been no advertising claims by the manufacturer, distributor, or seller.

#### SEC. 7. VIOLATION OF THE CONTROLLED SUBSTANCES ACT.

A health care practitioner, manufacturer, distributor, or other seller may not violate any provision of the Controlled Substances Act (21 U.S.C. 801 et seq.) in the provision of medical treatment in accordance with this Act.

#### SEC. 8. PENALTY.

A health care practitioner who knowingly violates any provisions under this Act shall not be covered by the protections under this Act and shall be subject to all other applicable laws and regulations.

Mr. DOLE. Mr. President, I am pleased to be a cosponsor of the Access to Medical Treatment Act. This legislation is very simple—it would allow individuals to access, under certain carefully circumscribed conditions, medical treatments not approved by the FDA.

The Access to Medical Treatment Act gives an individual the freedom to choose any licensed health care practitioner with any method of medical treatment the individual desires as long as the treatment is not dangerous and the patient is fully informed of its side effects.

Other consumer protections in the bill include a prohibition against advertising claims of efficacy. In addition, the labels on the treatment cannot be false or misleading.

Mr. President, this legislation would not dismantle the Food and Drug Administration or allow pharmaceutical companies to circumvent the FDA. The FDA would retain responsibility for certifying treatments as safe and effective. What this legislation does allow is for a bypass for the FDA approval process for alternative medicines that may be the only hope for some individuals.

Mr. President, many times in this Chamber I have applauded the quality of American health care. No doubt about it—it is by far the best in the world. And, although maintaining quality standards is a high priority, there are times when conventional medicine offers limited hope for some life-threatening diseases. While the role of the Government is to ensure quality, denying access to a treatment that may be the only hope for a patient is not the role of the Government.

And, while I support this legislation, I can empathize with those who fear the quality of care will suffer as a result of bypassing the FDA. For this reason, and since there is little data so far on alternative medicines, I would strongly encourage a thorough hearing process on the efficacy of these medical treatments.

Mr. President, no doubt about it, the Food and Drug Administration plays an essential role in evaluating the safety and efficacy of medical treatments to protect our citizens. However, in a free market system, it seems to make sense to make available nonharmful alternative medical treatments to individuals who desire such treatments, without the Federal Government standing in the way.

Mr. HATCH. Mr. President, I am pleased to join with my colleagues today in introducing S. 1035, the new and improved version of a very important bill, the Access to Medical Treatment Act, drafted last year by our colleague, the distinguished minority leader, Senator DASCHLE.

At the outset, let me underscore how committed I am to efforts such as this which will allow Americans the freedom to take advantage of the medical treatments they want and need.

I think that the two big lessons many learned last year from our success on the dietary supplement legislation is that American consumers want the freedom to use products and procedures that improve their health and that we cannot always count on the Food and Drug Administration to foster those freedoms. These consumers spoke out vigorously for their rights.

If any Member doubts this, he or she should simply recall the piles of mail they received on our Dietary Supplement Health and Education Act. I know I received more grassroots constituent communications on this topic than on any other.

I recall a hearing held by our colleague, Senator TOM HARKIN, another leader in the alternative medicine community, last year on the subject of alternative medicine. This was an important hearing; and, as I recall, our colleague Senator DASCHLE took time from his busy schedule to sit in even though he was not a member of the committee.

At that hearing, we heard very compelling testimony from Hon. Berkley Bedell, whose own experience with Lyme disease is quite a testimonial to the need for this legislation. I was very impressed by his knowledge and dedication to this legislation.

However, many of us at the hearing were taken aback, quite frankly, by the FDA's intransigence in refusing to recognize congressional interest in providing Americans with the freedom to choose alternative medicine. Unfortunately, that mindset and lack of leadership at the agency make legislation such as this necessary.

In fact, I recall vividly the testimony of FDA Deputy Commissioner Mary Pendergast—an eloquent spokesperson, albeit one who does not seem to recognize a speeding train when she sees one—when she told the committee that, in essence, all the FDA wanted was for products to be studied. Her concern was that in allowing free use of safe products, the FDA approval—process would be circumvented.

Ms. Pendergast's presentation was noticeably lacking in that it did nothing to reassure the committee that FDA has any interest whatsoever in making sure that consumers are able to use these products, or, indeed, in our agenda. The agency was only concerned with the process rather than the outcome.

It is that kind of shortsighted thinking which has made FDA reform increasingly popular on Capitol Hill.

Before I close, I wanted to cite some important modifications that Senator DASCHLE has made to this bill.

First, the new legislation specifically references our work last year and the new dietary supplement law by explicitly stating that the definition of food includes dietary supplements.

I want to commend Senator DASCHLE and his staff for this modification.

Second, the bill now requires the practitioner administering the treatment to personally examine the patient; I think this is an important consumer protection.

Third, the patient must be informed in writing before administration of the treatment that it has not been approved by the Government. Again, I agree that this is important information for consumers.

Fourth, following the precedent we set with dietary supplements, the revised bill prohibits any product labeling which is false or misleading. The FDA, of course, wants to approve each and every label. This is a degree of control which is simply not possible if we are to make alternative treatments available.

Fifth, the language explicitly states that no health care practitioner, manufacturer, or distributor may use this bill to circumvent the Controlled Substances Act. This is a provision I had suggested, and I am glad to see that my colleagues agreed with me that it should be incorporated in the legislation.

Mr. President, in closing, I again want to thank my colleague for his foresight in sponsoring this legislation and for being such an effective advocate for its passage. I am pleased to join him as an original cosponsor.

By Mr. COHEN (for himself and Mr. KOHL):

S. 1036. A bill to provide for the prevention of crime, and for other purposes; to the Committee on the Judiciary.

THE JUVENILE CRIME PREVENTION AND REFORM ACT

● Mr. COHEN. Mr. President, when reflecting upon the condition of American society as we move into the next century, there are few features of our social fabric that give rise to more concern than the violence that is plaguing our major urban centers and creeping into our suburbs and rural areas as well. By far, the most troubling aspect of our culture of violence is that young people, some not old enough to be called adolescents, are armed, dan-

gerous, and committing heinous crimes at an increasing rate in each passing year.

To make matters worse, as the number of young males aged 14 to 17 grows over the next 5 years, we can expect record levels of juvenile crime. One expert estimates that this demographic trend will produce "a minimum of 30,000 more muggers, murders, and chronic offenders" than we have now.

There is no single Government policy or program that will solve our juvenile crime epidemic in the long or short run. Our approach must be comprehensive. First, punishment for violent crime must be swift and certain. We must dedicate adequate resources for police to catch criminals, for prosecutors to convict them, and for prisons to house them. Violent criminals must remain behind bars for a long time, as this is the only way to ensure that they do not victimize other innocent, law-abiding citizens.

While adequate resources for police, prosecutors, and prisons are vitally necessary, we must acknowledge the limitations of the criminal justice system. For the most part, the criminal justice system is reactive—that is, it only engages after a crime has been committed. Since only a small percentage of crimes actually lead to arrests, and an even smaller percentage lead to conviction and punishment, the extent to which the criminal justice system can actually deter crime is limited.

This is especially true with respect to youth from dysfunctional families living in communities riddled by gangs, guns, and drugs. I do not believe that we can deter these young people from crime merely by increasing criminal penalties and building more prisons. These youth turn to violence because it pervades their environment, because gang leaders are their role models, because their lives are filled with despair and hopelessness, and because life in prison is not such a bad alternative to their violent, drug-infested communities.

Programming designed to prevent at-risk youth from turning to a life of crime is an important complement to our criminal justice system. Well-designed programs that give children constructive alternatives to the streets and provide youth with exposure to positive adult role models have made a difference. Over the years, I have met with numerous young people whose lives have been turned around because someone in the community—be it a school principal, police officer, or program director—has taken an interest in them. Investment in prevention programs can save lives and can reduce crime.

Because I believe we must include prevention programming as part of our comprehensive approach toward crime, today I am introducing, along with Senator KOHL, the Juvenile Crime Prevention and Reform Act.

I am very pleased to be joined by Senator KOHL in this effort. We once

served as ranking members of the Juvenile Justice Subcommittee. I know that he continues to share a keen interest in this subject and cares a great deal about America's youth.

The purpose of the legislation we are introducing is to remedy the defects in the prevention title of last year's crime bill, while preserving a meaningful role for prevention programming in our national crime strategy.

The problem with last year's crime bill was that it became a vehicle for an assortment of unproven social programs, many of which were not directly linked to crime prevention. The undisciplined addition of these programs gave rise to the charge the bill was laden with pork and that the programs were nothing more than social experimentation.

The proper response to what happened last year, however, is not to repeal all the juvenile crime prevention programs in the crime bill. Eliminating prevention programming would send the wrong message to children and parents from distressed, crime-ridden communities who are trying the best they can to lead normal, productive lives.

As an alternative, this legislation takes a comprehensive look at both the problems and promise of crime prevention programming.

The heart of the bill is a mandate that every program authorized by the legislation be subjected to a rigorous scientific evaluation. This is the only way that Congress and the States can begin to determine which prevention strategies work and which do not.

In addition, we require the administration to develop a proposal to consolidate and rationalize the scores of Federal programs designed to provide assistance to at-risk youth. Preliminary results from a study I requested from GAO indicate that there are over 128 Federal programs that target at-risk youth. Most of these programs have tiny budgets and overlapping missions. Savings can be gained by consolidating redundant programs and repealing programs that have not proven to be effective or have outlived their usefulness.

Third, we start the process of trimming the number of overlapping and redundant programs by repealing 12 programs from last year's crime bill and other statutes. These repeals result in over \$1 billion in savings.

Finally, we preserve and streamline four core prevention programs, each of which is carefully targeted to address the needs of communities that have been ravaged by crime:

One program will provide assistance in the form of a block grant directly to local governments where the most creative prevention work is being done. Local governments are given wide latitude as to how these funds should be spent, so long as they are dedicated to programs to prevent juvenile violence and delinquency.

Second, the bill authorizes funding for the Weed and Seed Program, a Bush

administration initiative, which requires local police, prosecutors, correctional officers, schools, and community organizations to integrate law enforcement efforts and prevention programming.

Third, the bill preserves the bipartisan Community Schools Program, which provides funding to keep school and other community facilities open in the afternoon, weekends, and summers, to serve as community centers. This program is designed to meet what a school principal from Westbrook, ME has described to me as "our young people's desperate need for quality after-school programs that address both their academic, social, and recreational development."

Finally, the bill will address the pervasive problem of youth gangs by consolidating the Federal Government's fragmented gang intervention efforts and creating a unified antigang program with sufficient funding to have an impact.

The total cost of the four programs is \$3 billion, approximately \$1 billion less than the amount of funds dedicated to youth prevention programming in last year's crime bill.

One of the Nation's leading experts on crime, James Q. Wilson has testified this year that "I believe we should continue to test promising crime prevention strategies, building on such leads as we now possess and subjecting each strategy to rigorous, external evaluation." That is exactly what this bill accomplishes.

This package is comprehensive, it addresses both the strengths and weaknesses of the Federal Government's crime prevention efforts, and it is sensitive to the genuine needs of our communities.

We owe it to the Nation's youth to continue searching for ways to effectively prevent crime and make our communities safer. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1036

*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 "Juvenile Crime Prevention and Reform Act of 1995".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Purposes.
- Sec. 4. Repeals.

**TITLE I—EVALUATION OF CRIME PREVENTION PROGRAMS AND DEVELOPMENT OF NATIONAL CRIME PREVENTION RESEARCH AND EVALUATION STRATEGY**

Sec. 101. Definition.

Sec. 102. Evaluation of crime prevention programs.

Sec. 103. National crime prevention research and evaluation strategy.

Sec. 104. Evaluation and research criteria.

Sec. 105. Compliance with evaluation mandate.

Sec. 106. Reservation of funds for evaluation and research.

**TITLE II—LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM**

Sec. 201. Local crime prevention block grant program.

**TITLE III—WEED AND SEED COMMUNITY ANTI-CRIME PROGRAM**

Sec. 301. Statement of purpose.

Sec. 302. Executive Office for Weed and Seed Programs.

Sec. 303. Grant authorization.

Sec. 304. Priority.

Sec. 305. Use of funds.

Sec. 306. Applications.

Sec. 307. Evaluation and inspection.

Sec. 308. Authorization of appropriations.

Sec. 309. Coordination of Department of Justice programs.

**TITLE IV—COMMUNITY SCHOOLS AND SAFE PLACES GRANT PROGRAM**

Sec. 401. Community Schools and Safe Places Grant Program.

**TITLE V—CONSOLIDATION OF GANG PREVENTION PROGRAMS**

Sec. 501. Repeal of existing gang prevention programs.

Sec. 502. Establishment of unified gang prevention and intervention program.

Sec. 503. Application for grants and contracts.

Sec. 504. Approval of applications.

**TITLE VI—FURTHER CONSOLIDATION OF PROGRAMS FOR AT-RISK YOUTH**

Sec. 601. Further consolidation of programs for at-risk youth.

**SEC. 3. PURPOSES.**

The purposes of this Act are—

(1) to consolidate, streamline, and more carefully target Federal crime prevention programs; and

(2) to mandate rigorous outcome evaluation of Federal crime prevention programs and other promising crime prevention strategies.

**SEC. 4. REPEALS.**

The following provisions of law are repealed:

(1) Sections 30102, 30103, and 30104, subtitle C, section 30402, and subtitles H, J, K, O, S, and X of title III of the Violent Crime Control and Law Enforcement Act of 1994.

(2) Part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (relating to mentoring).

(3) Section 682 of the Community Services Block Grant Act (42 U.S.C. 9910c) (relating to the National Youth Sports Program).

**TITLE I—EVALUATION OF CRIME PREVENTION PROGRAMS AND DEVELOPMENT OF NATIONAL CRIME PREVENTION RESEARCH AND EVALUATION STRATEGY**

**SEC. 101. DEFINITION.**

For purposes of this title, the term "Secretary" means the Secretary of Health and Human Services.

**SEC. 102. EVALUATION OF CRIME PREVENTION PROGRAMS.**

The Attorney General, with respect to the programs in titles II, III, and V, and the Secretary, with respect to the program in title IV, shall provide, directly or through grants and contracts, for the comprehensive and thorough evaluation of the effectiveness of each program established by this Act and the amendments made by this Act.

**SEC. 103. NATIONAL CRIME PREVENTION RESEARCH AND EVALUATION STRATEGY.**

(a) STRATEGY.—Not later than 9 months after the date of enactment of this Act, the Attorney General and the Secretary shall formulate and publish a unified national crime prevention research and evaluation strategy that will result in timely reports to Congress, and to State and local governments, regarding the impact and effectiveness of crime and violence prevention initiatives.

(b) STUDIES.—Consistent with the strategy developed pursuant to subsection (a), the Attorney General or Secretary may use crime prevention research and evaluation funds reserved under section 106 to conduct studies and demonstrations regarding the effectiveness of crime prevention programs and strategies that are designed to achieve the same purposes as the programs under this Act, without regard to whether such programs receive Federal funding.

**SEC. 104. EVALUATION AND RESEARCH CRITERIA.**

(a) INDEPENDENT EVALUATIONS AND RESEARCH.—Evaluations and research studies conducted pursuant to this title shall be independent in nature, and shall employ rigorous and scientifically recognized standards and methodologies.

(b) CONTENT OF EVALUATIONS.—Evaluations conducted pursuant to this title shall include measures of—

(1) reductions in delinquency, juvenile crime, youth gang activity, youth substance abuse, and other high risk factors;

(2) reductions in risk factors in young people that contribute to juvenile violence, including academic failure, excessive school absenteeism, and dropping out of school;

(3) reductions in risk factors in the community, schools, and family environments that contribute to juvenile violence; and

(4) the increase in the protective factors that reduce the likelihood of delinquency and criminal behavior.

**SEC. 105. COMPLIANCE WITH EVALUATION MANDATE.**

The Attorney General and the Secretary may require the recipients of Federal assistance under programs under this Act to collect, maintain, and report information considered to be relevant to any evaluation conducted pursuant to section 102, and to conduct and participate in specified evaluation and assessment activities and functions.

**SEC. 106. RESERVATION OF FUNDS FOR EVALUATION AND RESEARCH.**

(a) IN GENERAL.—The Attorney General, with respect to titles II, III, and V, the Secretary, with respect to title IV, shall reserve not less than 3 percent, and not more than 5 percent, of the amounts appropriated pursuant to such titles and the amendments made by such titles in each fiscal year to carry out the evaluation and research required by this title.

(b) ASSISTANCE TO GRANTEEES AND EVALUATED PROGRAMS.—To facilitate the conduct and defray the costs of crime prevention program evaluation and research, the Attorney General and the Secretary shall use funds reserved under this section to provide compliance assistance to—

(1) grantees under this title who are selected to participate in evaluations pursuant to section 105; and

(2) other agencies and organizations that are requested to participate in evaluations and research pursuant to section 103(b).

**TITLE II—LOCAL CRIME PREVENTION  
BLOCK GRANT PROGRAM**

**SEC. 201. LOCAL CRIME PREVENTION BLOCK  
GRANT PROGRAM.**

Subtitle B of title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

**“Subtitle B—Local Crime Prevention Block  
Grant Program**

**“SEC. 30201. DEFINITIONS.**

“For purposes of this subtitle:

“(1) The term ‘at-risk youth’ means a juvenile who—

“(A) is at risk of academic failure;

“(B) has drug or alcohol dependency problems;

“(C) has come into contact with the juvenile justice system;

“(D) is at least 1 year behind the expected grade level for the age of the juvenile;

“(E) is a gang member; or

“(F) has dropped out of school or has high absenteeism rates in school.

“(2) The term ‘juvenile’ means a person who is not younger than 5 and not older than 18 years old.

“(3) The term ‘part 1 violent crime’ means murder, non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

“(4) The term ‘payment period’ means each 1-year period beginning on October 1 of the years 1996 through 2000.

“(5) The term ‘poverty line’ means the income official poverty line, as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), applicable to a family of the size involved.

“(6) 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) American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State; and

“(B) for purposes of section 30205(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

“(7) The term ‘unit of general local government’ means—

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

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

**“SEC. 30202. PAYMENTS TO LOCAL GOVERNMENTS.**

“(a) USE.—Amounts paid to a unit of general local government under this subtitle shall be used to fund programs to prevent and diminish juvenile violence and delinquency, juvenile gang activity, and the sale and use of illegal drugs by juveniles, including but not limited to—

“(1) programs aimed at preventing children from becoming involved in gangs;

“(2) programs aimed at preventing children from becoming involved with drugs, such as the drug abuse resistance education programs described in section 5122(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3192(c));

“(3) programs providing substance abuse treatment to at-risk youth;

“(4) programs establishing safe havens to prevent the violent victimization of juveniles

and to provide children with appropriate education, and recreational and vocational opportunities;

“(5) programs based on community service corps models that use community service activities to teach skills, discipline, and responsibility;

“(6) programs providing mentoring, tutoring, and intensive remedial education to at-risk youth;

“(7) programs for abused children who are at risk of juvenile delinquency, including programs or group homes for children who have been placed outside or removed from the home of the parents as a result of abuse or neglect; and

“(8) programs providing at-risk youth with vocational life skills training to improve employment opportunities.

“(b) TIMING OF PAYMENTS.—Each State shall distribute amounts allocated to such State under this subtitle to units of general local government for a payment period not later than the later of—

“(1) 90 days after the date the amount is available; or

“(2) if the unit of general local government has made the certification under section 30204(a), the first day of the payment period.

**“(c) REPAYMENT OF UNEXPENDED AMOUNTS.—**

“(1) REPAYMENT REQUIRED.—A unit of general local government shall repay to a State, not later than 15 months after receipt from the State, any amount that is—

“(A) paid to the unit from amounts appropriated pursuant to section 30209; and

“(B) not expended by the unit within 1 year after receipt from the State.

“(2) PENALTY FOR FAILURE TO REPAY.—The State shall reduce payments in each future payment period in an amount equal to any amount required to be repaid under paragraph (1) that was not repaid.

“(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by a State as repayments under this subsection shall be deposited into a fund designated for future payments to units of general local government.

“(d) NONSUPPLANTING REQUIREMENT.—Funds made available pursuant to section 30209 to units of general local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds under this subtitle, be made available from State or local sources.

**“SEC. 30203. TECHNICAL ASSISTANCE.**

“The Ounce of Prevention Council established under section 30101 may provide technical assistance to units of general local government receiving payments under this subtitle, including—

“(1) assistance to communities seeking information regarding crime prevention programs and strategies;

“(2) assistance in the implementation of crime prevention programs and strategies; and

“(3) assistance in the integration and streamlining of community crime prevention functions and activities.

**“SEC. 30204. QUALIFICATION FOR PAYMENT.**

“(a) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of general local government qualifies for a payment under this subtitle for a payment period only if the unit certifies that—

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

“(2) the government will use amounts in the trust fund (including interest) during a reasonable period;

“(3) the government will expend the payments received under this subtitle in accordance with the laws and procedures that are

applicable to the expenditure of revenues of the government;

“(4) the government will use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Attorney General after consultation with the Comptroller General of the United States;

“(5) as applicable, amounts received under this subtitle will be audited in compliance with the Single Audit Act of 1984;

“(6) after reasonable notice to the government, the government will make available to the Attorney General and the Comptroller General of the United States, with the right to inspect, records the Attorney General reasonably requires to review compliance with this subtitle or the Comptroller General of the United States reasonably requires to review compliance and operations;

“(7) the government will make reports the Attorney General reasonably requires, in addition to the annual reports required under this subtitle; and

“(8) the government has complied with subsection (b).

**“(b) REPORTING REQUIREMENTS.—**

“(1) IN GENERAL.—To facilitate the evaluation of the programs and activities funded under this subtitle, each unit of local government, before receiving payments under this subtitle in any fiscal year, shall submit to the Attorney General a report describing the programs, activities, and functions that will be assisted with such payments.

“(2) REGULATIONS.—The Attorney General shall issue regulations defining the nature and timing of the reporting requirement specified in paragraph (1).

**“(c) EFFECT OF NONCOMPLIANCE.—**

“(1) IN GENERAL.—If the Attorney General determines that a unit of general local government has not complied substantially with subsection (a) or regulations prescribed under subsection (a), the Attorney General shall notify the noncomplying government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Attorney General will withhold additional payments to the State for the current payment period and later payment periods until the Attorney General is satisfied that the local government—

“(A) has taken the appropriate corrective action; and

“(B) will comply with subsection (a) and regulations prescribed under subsection (a).

“(2) NOTICE.—Before giving notice under paragraph (1), the Attorney General shall give the chief executive officer of the unit of general local government reasonable notice and an opportunity for comment.

“(3) PAYMENT CONDITIONS.—The Attorney General may make a payment to a State encompassing a unit of general local government notified under paragraph (1) only if the State government has certified to the Attorney General’s satisfaction that the local government—

“(A) has taken the appropriate corrective action; and

“(B) will comply with subsection (a) and regulations prescribed under subsection (a).

**“SEC. 30205. ALLOCATION AND DISTRIBUTION OF FUNDS.**

**“(a) STATE DISTRIBUTION.—**

“(1) IN GENERAL.—Of the total amounts appropriated pursuant to section 30209 for each payment period, the Attorney General shall allocate to each State the sum of—

“(A) subject to paragraph (2), an amount that bears the same relation to one-third of such total as the population in the State bears to the population in all States;

“(B) an amount that bears the same relation to one-third of the amount remaining after the operation of subparagraph (A) as

the number of juveniles in the State bears to the number of juveniles in all States;

“(C) an amount that bears the same relation to one-third of the amount remaining after the operation of subparagraph (A) as the number of juveniles from families with incomes below the poverty line in the State bears to the number of such juveniles in all States; and

“(D) an amount that bears the same relation to the amount remaining after the operation of subparagraph (A) as the average annual number of part 1 violent crimes reported by the State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data are available, bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

“(2) MINIMUM REQUIREMENT.—Each State shall receive not less than .35 percent of one-third of the total amount appropriated pursuant to section 30209 for each payment period.

“(b) LOCAL DISTRIBUTION.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), each State shall allocate among its units of general local government the amount allocated under subsection (a) in a manner consistent with the factors identified in that subsection, and with the relative burdens and expenditures assumed by each unit of general local government with respect to crime prevention functions and activities.

“(2) QUALIFICATION.—A State may distribute funds allocated under paragraph (1) to a unit of general local government only after establishing to the satisfaction of the Attorney General that the unit of general local government is qualified to receive payments in accordance with subsections (a) and (b) of section 30204.

“(3) MINIMUM REQUIREMENT.—If under the formula established by a State pursuant to paragraph (1), a unit of general local government would receive less than \$5,000 for the payment period, the amount allocated shall be transferred to the Governor of the State who shall equitably distribute the allocation to all such units or consortia thereof.

“(c) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if data regarding the measures governing allocation of funds under subsections (a) and (b) in any State are unavailable or substantially inaccurate, the Attorney General and the State shall utilize the best available comparable data for the purposes of allocation of any funds under this subtitle.

**“SEC. 30206. UTILIZATION OF PRIVATE SECTOR.**

“Funds or a portion of funds allocated under this subtitle may be used to contract with private nonprofit entities or community-based organizations or community development corporations to carry out the uses specified under section 30202(a).

**“SEC. 30207. PUBLIC PARTICIPATION.**

“A unit of general local government expending payments under this subtitle shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.

**“SEC. 30208. ADMINISTRATIVE PROVISIONS.**

“The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply to the Attorney General for purposes of carrying out this subtitle.

**“SEC. 30209. AUTHORIZATION OF APPROPRIATIONS.**

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle \$300,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

“(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

“(b) ADMINISTRATIVE COSTS.—Not more than 1.5 percent of the amount made available pursuant to subsection (a) shall be used by the Attorney General for administrative costs.

“(c) TECHNICAL ASSISTANCE.—Not more than 1 percent of funds made available pursuant to this section in any fiscal year shall be available to the Ounce of Prevention Council for the provision of technical assistance under section 30203.”

**TITLE III—WEED AND SEED COMMUNITY ANTI-CRIME PROGRAM**

**SEC. 301. STATEMENT OF PURPOSE.**

The purpose of the Weed and Seed Program is to facilitate—

(1) the formation of effective anti-crime and anti-drug partnerships in high crime neighborhoods and communities that involve the participation and cooperation of law enforcement agencies, community groups, volunteer organizations, public and private human service providers, civic and religious organizations, and the business community; and

(2) the creation of comprehensive anti-crime initiatives in high crime neighborhoods and communities that are designed to—

(A) weed out violent crime, gang crime, and drug trafficking by employing intensive community policing strategies and maximizing the coordination and integration of Federal, State, and local law enforcement and criminal justice functions; and

(B) seed targeted geographical areas with an array of crime and drug prevention programs, human service agency resources, and economic revitalization and neighborhood restoration strategies to prevent crime.

**SEC. 302. EXECUTIVE OFFICE FOR WEED AND SEED PROGRAMS.**

(a) ESTABLISHMENT.—There is established in the Department of Justice an Executive Office for Weed and Seed Programs, under the authority of the Assistant Attorney General for the Office of Justice Programs.

(b) DUTIES.—The Executive Office for Weed and Seed Programs shall, in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Secretary of Health and Human Services, implement and administer a multidisciplinary approach to weeding out crime and seeding services and activities that promotes—

(1) safety and security;

(2) the prevention of crime and juvenile delinquency; and

(3) community revitalization.

(c) POWERS.—The Executive Office for Weed and Seed Programs shall have all the necessary powers to implement Weed and Seed Program activities, including the authority to—

(1) make grants and awards;

(2) enter into contracts and cooperative agreements;

(3) reimburse and transfer funds to appropriation accounts of the Department of Justice and other Federal agencies; and

(4) execute Weed and Seed Program functions.

**SEC. 303. GRANT AUTHORIZATION.**

(a) IN GENERAL.—The Attorney General may award grants to units of general local government (as defined in section 30201 of

the Violent Crime Control and Law Enforcement Act of 1994 (as amended by section 201)), State and local agencies, and private nonprofit agencies and organizations to implement Weed and Seed Program activities.

(b) WEEDING ACTIVITIES.—Weeding activities include the following activities and functions, implemented in a manner consistent with the community-based plan described in section 306(b)(2):

(1) Intensifying law enforcement efforts to investigate, prosecute, and punish violent and drug-related crime in targeted communities.

(2) Integrating and coordinating the efforts and resources of Federal, State, and local law enforcement agencies, including Federal, State, and local prosecutors.

(3) Implementing intensive community policing strategies designed to enhance public safety by increasing—

(A) the street patrol presence of law enforcement officers in high-crime neighborhoods; and

(B) the interaction and cooperation between law enforcement officers and residents in neighborhoods experiencing high-intensity, high-frequency violent and drug-related crime.

(4) Programs that enhance home security procedures and the security procedures of public and private housing developments.

(c) SEEDING ACTIVITIES.—Seeding activities include the following activities and functions, implemented in a manner consistent with the community-based plan described in section 306(b)(2):

(1) The coordinated collaborative efforts of law enforcement agencies, human service agencies, the private sector, and community groups to concentrate a broad array of crime prevention programs such as drug treatment, family services, and youth services in targeted neighborhoods and communities to—

(A) create an environment where crime cannot thrive;

(B) instill discipline and responsibility in at-risk youth; and

(C) develop positive community attitudes toward combating violence and drug trafficking.

(2) Efforts to revitalize distressed neighborhoods by integrating Federal, State, local, and private sector resources to facilitate the development of safe and secure housing and economic opportunities in targeted neighborhoods.

(3) Programs that engineer low-cost physical improvements within neighborhoods.

(4) Programs that increase the safety and security of communities through environmental design and modification.

**SEC. 304. PRIORITY.**

In awarding grants under section 303, the Attorney General shall give priority to applications that—

(1) are innovative in approach to the implementation of a coordinated Weed and Seed strategy;

(2) are innovative in approach to the prevention of crime in a specific area;

(3) contain component programs and activities that have clearly defined goals, objectives, and evaluation designs;

(4) vary in approach to ensure that the effectiveness of different anti-crime strategies may be evaluated;

(5) demonstrate the financial and organizational commitment of State and local public and private resources to support specific Weed and Seed activities; and

(6) coordinate crime prevention programs and activities funded under this title with other existing Federal, State, local, and private programs and activities operating in the targeted Weed and Seed geographic area.

**SEC. 305. USE OF FUNDS.**

(a) IN GENERAL.—Funds awarded under this title may be used only to implement Weed and Seed activities consistent with this title and described in an approved application.

(b) GUIDELINES.—The Attorney General shall issue guidelines that describe suggested purposes for which Weed and Seed grant awards may be used.

(c) EQUITABLE DISTRIBUTION.—In distributing funds under this title, the Attorney General shall target funds to communities that have been severely distressed by crime and delinquency but shall also ensure the equitable distribution of awards on a geographic basis.

**SEC. 306. APPLICATIONS.**

(a) IN GENERAL.—Each applicant seeking a grant under this title shall prepare and submit to the Attorney General an application in such form, at such time, and in accordance with such procedures, as the Attorney General shall establish.

(b) CONTENTS OF APPLICATION.—Each application for assistance under this section shall include—

(1) a description of the distinctive factors that contribute to chronic violent and drug-related crime within the area proposed to be served by the grant;

(2) a comprehensive community-based plan to attack intensively the principal factors identified in paragraph (1), including a description of—

(A) the specific weeding and seeding purposes and activities for which grant funds are to be used;

(B) how law enforcement agencies, other State and local government agencies, private nonprofit organizations, civic and religious organizations, business organizations, and interested members of the community will cooperate in carrying out the purposes of the grant, and the various activities and programs to be funded by the grant; and

(C) how seeding activities proposed under the plan are coordinated with, or related to, any other crime-, gang-, and violence-prevention programs or activities funded by Federal, State, or local government in the geographic area targeted by the application;

(3) an assurance that funds received under this title shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs and activities funded under this title;

(4) an assurance that the recipients of funding under this title will maintain separate and complete accounting records for Weed and Seed Program activities;

(5) an assurance that a community that seeks funding under this title has convened a steering committee to supervise and facilitate development of the community plan described in paragraph (2) and the implementation of Weed and Seed Program activities, and that such body—

(A) is comprised of high-level officials from relevant State and local agencies, law enforcement and prosecutorial authorities, public and private human service and youth development providers, representatives from the business sector, and members of the applicant community; and

(B) includes the United States Attorney for the District in which the applicant community is located; and

(6) an assurance that residents of the geographic area that will be served by the grant have been involved in the formulation of the community plan, and will be involved in its implementation through volunteer activities and organizations.

**SEC. 307. EVALUATION AND INSPECTION.**

(a) IN GENERAL.—The Attorney General shall provide for the rigorous and independent evaluation of the Weed and Seed Program in accordance with title I of this Act.

(b) COLLECTION OF INFORMATION.—The Attorney General may require grant recipients under this title to collect, maintain, and report information relevant to any evaluation conducted pursuant to subsection (a), and to conduct and participate in specified evaluation and assessment activities and functions.

(c) INVESTIGATIONS AND INSPECTIONS.—The Attorney General may conduct such investigations and inspections as may be necessary to ensure compliance with this title.

**SEC. 308. AUTHORIZATION OF APPROPRIATIONS.**

(a) ALLOCATION OF COPS ON THE BEAT FUNDING FOR WEEDING ACTIVITIES.—Section 1001(a)(11)(B) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by inserting after the third sentence the following new sentence: "In each fiscal year, the Attorney General may allocate up to \$100,000,000 for grants to support weeding activities under the Weed and Seed Program under title III of the Juvenile Crime Prevention and Reform Act of 1995 consistent with the purposes specified in part Q."

(b) SEEDING ACTIVITIES.—There are authorized to be appropriated to carry out seeding activities under this title, \$100,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

**SEC. 309. COORDINATION OF DEPARTMENT OF JUSTICE PROGRAMS.**

Funds allocated to other Department of Justice appropriations accounts and designated by the Congress through legislative language or through policy guidance for Weed and Seed Program activities shall be managed and coordinated by the Attorney General through the Executive Office for Weed and Seed Programs. The Attorney General may direct the use of other Department of Justice funds and personnel in support of Weed and Seed Program activities after notifying the Committees on Appropriations of the Senate and House of Representatives.

**TITLE IV—COMMUNITY SCHOOLS AND SAFE PLACES GRANT PROGRAM****SEC. 401. COMMUNITY SCHOOLS AND SAFE PLACES GRANT PROGRAM.**

(a) GRANT PROGRAM.—Section 30401 of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

**"SEC. 30401. COMMUNITY SCHOOLS AND SAFE PLACES PROGRAM.**

"(a) SHORT TITLE.—This section may be cited as the 'Community Schools and Safe Places Grant Program Act of 1995'.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'youth' means a person who is not younger than 5 and not older than 18 years old;

"(2) the term 'community-based organization' means a private, locally initiated organization that—

"(A) is a nonprofit organization, as defined in section 103(23) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(23)); and

"(B) involves the participation, as appropriate, of members of the community and community institutions including—

"(i) business and civic leaders actively involved in providing employment and business development opportunities in the community;

"(ii) educators;

"(iii) religious organizations (which shall not provide any religious instruction or religious worship in connection with an activity funded under this title);

"(iv) law enforcement agencies; or

"(v) other interested parties;

"(3) the term 'eligible community' means an area identified pursuant to subsection (e);

"(4) the term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized

group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

"(5) the term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved;

"(6) the term 'public school' means a public elementary school, as defined in section 1201(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)), and a public secondary school, as defined in section 1201(d) of such Act (42 U.S.C. 1141(d));

"(7) the term 'Secretaries' means the Secretary of Health and Human Services and the Secretary of Education acting jointly, in consultation and coordination with the Attorney General; and

"(8) the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

"(c) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—

"(A) ALLOCATIONS FOR STATES AND INDIAN TRIBES.—(i) For any fiscal year in which the sums appropriated to carry out this section equal or exceed \$20,000,000, from the sums appropriated to carry out this section, the Secretaries shall allocate for grants under subparagraph (B) to community-based organizations or public schools in each State, an amount bearing the same ratio to such sums as the number of children in the State who are members of families with incomes below the poverty line bears to the number of children in all States who are members of families with incomes below the poverty line.

"(ii) The Secretaries shall allocate an appropriate amount of funds available under this section for grants to Indian tribes.

"(B) GRANTS TO COMMUNITY-BASED ORGANIZATIONS AND PUBLIC SCHOOLS FROM ALLOCATIONS.—For each fiscal year described in subparagraph (A), the Secretaries may award grants from the appropriate State or Indian tribe allocation determined under subparagraph (A) on a competitive basis to eligible community-based organizations and public schools to pay for the Federal share of assisting eligible communities develop and carry out programs in accordance with this section.

"(C) REALLOCATION.—If, at the end of such a fiscal year, the Secretaries determine that funds allocated for a particular State or Indian tribe under subparagraph (B) remain unobligated, the Secretaries shall use such funds to award grants to eligible community-based organizations or public schools in another State or Indian tribe to pay for the Federal share of assisting eligible communities develop and carry out programs in accordance with this section. In awarding such grants, the Secretaries shall consider the need to maintain geographic diversity among the recipients of grants.

"(D) AVAILABILITY OF FUNDS.—Amounts made available through under this paragraph grants shall remain available until expended.

"(2) OTHER FISCAL YEARS.—For any fiscal year in which the sums appropriated to carry out this section are less than \$20,000,000, the Secretaries may award grants on a competitive basis to eligible community-based organizations or public schools to pay for the Federal share of assisting eligible communities develop and carry out programs in accordance with this section.

“(3) ADMINISTRATIVE COSTS.—The Secretaries shall not use more than 2 percent of the funds appropriated to carry out this section in any fiscal year for administrative costs, including training and technical assistance.

“(d) PROGRAM REQUIREMENTS.—

“(1) LOCATION.—A community-based organization or public school that receives a grant under this section shall ensure that the program is carried out—

“(A) when appropriate, in the facilities of a public school during nonschool hours; or

“(B) in another appropriate local facility that is—

“(i) in a location easily accessible to children in the community; and

“(ii) in compliance with all applicable State and local ordinances.

“(2) USE OF FUNDS.—A community-based organization or public school that receives funds under this section—

“(A) shall use the funds to provide to children in the eligible community services and activities that include extracurricular and academic programs that are offered—

“(i) after school and on weekends and holidays, during the school year; and

“(ii) as daily full-day programs (to the extent available resources permit) or as part-day programs, during the summer months;

“(B) may use the funds for incidental expenses related to authorized programs, including the purchase of equipment, repair or minor renovation of facilities, transportation, staffing, health services, substance abuse treatment, and family counseling for program participants;

“(C) shall use not more than 5 percent of the funds to pay for the administrative costs of the program;

“(D) shall not use the funds to provide religious worship or religious instruction; and

“(E) may not use the funds for the general operating costs of public schools.

“(e) ELIGIBLE COMMUNITY IDENTIFICATION.—

“(1) IDENTIFICATION.—To be eligible to receive a grant under this section, a community-based organization or public school shall identify an eligible community to be assisted under this section.

“(2) CRITERIA.—Such eligible community shall be an area that meets such criteria as the Secretary may by regulation establish, including criteria relating to poverty, juvenile delinquency, and crime.

“(f) COMMUNITY PARTICIPATION.—To be eligible to receive a grant under this section, a community-based organization or public school submitting an application shall demonstrate that the projects and activities it seeks to fund involve the participation, when feasible and appropriate, of—

“(1) parents, family members, and other members of the community being served;

“(2) civic and religious organizations;

“(3) local school officials and teachers employed at schools within the eligible community;

“(4) public housing resident organizations; and

“(5) public and private nonprofit organizations and organizations serving youth that provide education, child protective services, or other human services to low-income, at-risk children and their families.

“(g) APPLICATIONS.—

“(1) REQUIREMENT.—To be eligible to receive a grant under this section, a community-based organization or public school shall submit an application to the Secretaries at such time, in such manner, and accompanied by such information, as the Secretaries may reasonably require, and obtain approval of such application.

“(2) CONTENTS OF APPLICATION.—Each application submitted pursuant to paragraph (1) shall—

“(A) describe the activities and services to be provided through the program for which the grant is sought;

“(B) contain a comprehensive plan for the program that is designed to achieve identifiable goals for children in the eligible community;

“(C) specify measurable goals and outcomes for the program that—

“(i) (I) will make a public school the focal point of the eligible community; or

“(II) will make a local facility described in subsection (d)(1)(B) a focal point of the community; and

“(ii) include reducing the percentage of children in the eligible community that enter the juvenile justice system, increasing the graduation rates, school attendance, and academic success of children in the eligible community, and improving the skills of program participants;

“(D) contain an assurance that the community-based organization or public school will use grant funds received under this section to provide children in the eligible community with activities and services consistent with subsection (d)(2)(A);

“(E) demonstrate the manner in which the community-based organization or public school will make use of the resources, expertise, and commitment of private entities in carrying out the program for which the grant is sought;

“(F) include an estimate of the number of children in the eligible community expected to be served under the program;

“(G) include a description of charitable private resources, and all other resources, that will be made available to achieve the goals of the program;

“(H) contain an assurance that the community-based organization or public school will comply with any evaluation under subsection (k), any research effort authorized under Federal law, and any investigation by the Secretaries;

“(I) contain an assurance that the community-based organization or public school will prepare and submit to the Secretaries an annual report regarding any program conducted under this section;

“(J) contain an assurance that the program for which the grant is sought will, to the maximum extent practicable, incorporate services that are provided solely through non-Federal private or nonprofit sources; and

“(K) contain an assurance that the community-based organization or public school will maintain separate accounting records for the program.

“(3) PRIORITY.—In awarding grants to carry out programs under this section, the Secretaries shall give priority to community-based organizations and public schools that submit applications that demonstrate the greatest local support for the programs they seek to fund.

“(h) ELIGIBILITY OF PARTICIPANTS.—

“(1) IN GENERAL.—To the extent practicable, each youth who resides in an eligible community shall be eligible to participate in a program carried out in such community that receives assistance under this section.

“(2) ELIGIBILITY.—For a youth to be eligible to participate in a program, the grantee shall obtain the consent of a parent or guardian, unless it is not feasible to do so.

“(3) NONDISCRIMINATION.—In selecting children to participate in a program that receives assistance under this section, a community-based organization or school shall not discriminate on the basis of race, color, religion, sex, national origin, or disability.

“(i) INVESTIGATIONS AND INSPECTIONS.—The Secretaries may conduct such investigations and inspections as may be necessary to ensure compliance with this section.

“(j) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

“(1) PAYMENTS.—The Secretaries shall, subject to the availability of appropriations, pay to each community-based organization or public school submitting an application under subsection (g) the Federal share of the costs of developing and carrying out programs described in subsection (c).

“(2) FEDERAL SHARE.—The Federal share of the costs of a program under this section shall be not more than—

“(A) 75 percent for each of the first 2 years of a grant's duration;

“(B) 70 percent for the third year of a grant's duration; and

“(C) 60 percent for each year thereafter.

“(3) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—The non-Federal share of the costs of a program under this section may be in cash or in kind, fairly evaluated, including plant, equipment, and services (including the services described in subsection (d)(2)(B)). Federal funds appropriated for the activity of any agency of an Indian tribal government or the Bureau of Indian Affairs on any Indian lands may be used to provide the non-Federal share of the costs of programs or projects funded under this section.

“(B) SPECIAL RULE.—Not less than 15 percent of the non-Federal share of the costs of a program under this section shall be provided from private or nonprofit sources.

“(k) EVALUATION.—In accordance with title I of the Juvenile Crime Prevention and Reform Act of 1995, the Secretaries shall conduct a thorough evaluation of the programs assisted under this section.”

(b) CONTINUATION OF CERTAIN GRANTS.—Notwithstanding section 4, the Secretaries may continue grants or fund applications under subtitle D of title III of the Violent Crime Control and Law Enforcement Act of 1994 for which an application has been submitted on or before the date of enactment of this Act.

(c) FUNDING.—Section 30403 of the Violent Crime Control and Law Enforcement Act of 1994 Act is amended to read as follows:

**“SEC. 30403. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to the Department of Health and Human Services to carry out this subtitle, \$160,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.”

**TITLE V—CONSOLIDATION OF GANG PREVENTION PROGRAMS**

**SEC. 501. REPEAL OF EXISTING GANG PREVENTION PROGRAMS.**

(a) IN GENERAL.—The following provisions of law are repealed:

(1) Sections 3501, 3502, 3503, 3504, and 3505 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801, 11802, 11803, 11804, 11805).

(2) Sections 281, 281A, 282, and 282A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667, 5667-1, 5667a, 5667a-1).

(b) CONTINUATION OF PROGRAMS.—Notwithstanding subsection (a), the Administrator of the Office of Juvenile Justice and Delinquency Prevention and the Assistant Secretary for Children and Families of the Department of Health and Human Services (referred to in this title as the “Administrator” and the “Assistant Secretary”, respectively) may continue grants awarded under the provision referred to in subsection (a) on or before the date of enactment of this Act.

**SEC. 502. ESTABLISHMENT OF UNIFIED GANG PREVENTION AND INTERVENTION PROGRAM.**

The Administrator and the Assistant Secretary may jointly make grants to public agencies and private nonprofit agencies, organizations, and institutions to—

(1) prevent and reduce the participation of juveniles in the illegal activities of gangs;

(2) promote the involvement of juveniles who are at risk of gang involvement in constructive, productive, lawful alternatives to illegal gang activities;

(3) support local law enforcement agencies in conducting educational outreach activities in communities in which gangs commit drug-related and violent crimes;

(4) prevent gang-related activities from endangering and disrupting the learning environment in elementary and secondary schools;

(5) support the coordination and integration of the gang prevention and intervention activities of local education, juvenile justice, employment and social service agencies, and community-based organizations with a proven record of providing juvenile gang prevention and intervention services in an effective and efficient manner;

(6) provide treatment and rehabilitation services to members of juvenile gangs who abuse drugs; and

(7) provide services to prevent juveniles who have come into contact with the juvenile justice system as a result of gang-related activity from repeating or continuing such conduct.

#### SEC. 503. APPLICATION FOR GRANTS AND CONTRACTS.

(a) SUBMISSION OF APPLICATIONS.—Any agency, organization, or institution seeking to receive a grant, or to enter into a contract, under this title shall submit an application at such time, in such manner, and containing such information as the Administrator and Assistant Secretary may jointly prescribe.

(b) CONTENTS OF APPLICATION.—Each application for assistance under this title shall—

(1) specify a project or activity for carrying out 1 or more of the purposes specified in section 502 and identify the purpose that such project or activity is designed to carry out;

(2) provide that such project or activity shall be administered by, or under the supervision of, the applicant;

(3) describe how such program or activity is coordinated with, or relates to, any other crime, gang, or violence prevention programs or activities funded by Federal, State, or local government—

(A) in which the applicant participates; and

(B) in the geographic area targeted by the application;

(4) provide that regular reports on such project or activity shall be submitted to the Administrator and Assistant Secretary; and

(5) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper distribution, and accurate accounting of funds received under this title.

#### SEC. 504. APPROVAL OF APPLICATIONS.

In jointly selecting among applications submitted under section 503, the Administrator and the Assistant Secretary shall give priority to applications that—

(1) substantially involve, or are broadly supported by, community-based organizations experienced in providing services to juveniles; and

(2) support projects and activities in geographical areas in which juvenile gang-related crime is frequent and serious.

#### SEC. 505. AMOUNT OF GRANT.

The amount of a grant under this title shall not exceed 75 percent of the total costs of the program described in the application submitted under section 503 for the fiscal year for which the program receives assistance.

#### SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice to carry out this title \$25,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

#### TITLE VI—FURTHER CONSOLIDATION OF PROGRAMS FOR AT-RISK YOUTH

##### SEC. 601. FURTHER CONSOLIDATION OF PROGRAMS FOR AT-RISK YOUTH.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Ounce of Prevention Council shall submit to Congress a report regarding the elimination of duplication and inefficiency in the structure and operation of Federal juvenile crime and delinquency prevention programs.

(b) REQUIREMENTS.—The report required under subsection (a) shall—

(1) discuss the extent to which programs in different Federal agencies serve similar purposes and target populations;

(2) discuss whether multiple Federal program structures, each receiving limited appropriations, deliver services to at-risk youth (as defined in section 30201(1) of the Violent Crime Control and Law Enforcement Act of 1994 (as amended by section 201)) in an optimal, cost-effective fashion; and

(3) make specific recommendations regarding the elimination, consolidation, and modification of crime and delinquency prevention programs in all Federal agencies and departments.

#### JUVENILE CRIME PREVENTION AND REFORM ACT OF 1995

Sections 1-2. Short Title and Table of Contents.

Section 3. Purposes. The Act is intended to consolidate and streamline juvenile crime prevention programs under the 1994 Crime Act and other authorizing statutes. These programs include the following:

Ounce of Prevention Grant Program.  
Model Intensive Grants.  
Family and Community Endeavor Schools (FACES).

Police Recruitment Grants.  
Local Partnership Act.  
National Community Economic Partnership.

Urban Recreation.  
Family Unity Demonstration.  
Gang Resistance Education and Training (GREAT).

Juvenile Mentoring Program.  
National Youth Sports.  
HHS Youth Drug/Gang Prevention Grant Program (repealed in Sec. 501 of the Act).

#### TITLE I—EVALUATION OF PROGRAMS AND DEVELOPMENT OF NATIONAL CRIME PREVENTION AND RESEARCH STRATEGY

This title requires that the Attorney General (with respect to Titles II, III, and V of the Act) and the Secretary of Health and Human Services (with respect to Title IV) evaluate all programs funded under the Act. They are also responsible for formulating a comprehensive national evaluation strategy.

The Act requires rigorous, independent evaluation of each and every prevention program funded by the Act, and grantees must collect the data necessary for thorough evaluations to occur. These evaluations will be funded with 3-5% of the moneys allocated for each program.

#### TITLE II—LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM

This title amends subtitle B of Title III of the Crime Bill (the Local Crime Prevention Block Grant Program) to increase funding over five years to \$1.5 billion (from \$377 million), by reallocating Local Partnership Act funding. By consolidating these block grants, significant savings are achieved.

Under the new block grant program, the Ounce of Prevention Council is authorized to

provide technical assistance to local governments that receive payments.

#### TITLE III—WEED AND SEED COMMUNITY ANTI-CRIME PROGRAM

This title funds targeted anti-crime and anti-drug partnerships between law enforcement agencies and schools, social service providers and community organizations. These programs are designed to mobilize communities in a joint effort to weed out violent crime and drug crime through community policing and coordinated law enforcement, while seeding targeted areas with crime and drug prevention programs.

Through an Executive Office of Weed and Seed, the Attorney General is responsible for making grants to State and local governments, as well as private non-profit organizations. Funding for weeding activities is provided through the Omnibus Crime Control and Safe Streets Act of 1968, while funding for seeding is provided through this Act, at \$500 million over five years.

#### TITLE IV—COMMUNITY SCHOOLS AND SAFE PLACES GRANT PROGRAM

The Act retains the bi-partisan (Danforth-Bradley) Community Schools program which helps communities maintain "safe havens" in high risk neighborhoods. The community centers funding by the Act will provide children at-risk of violent victimization with shelter and support after school, on weekends, and during the summer. The program is jointly administered by the Secretaries of HHS and Education, who provide grants in consultation with the Attorney General. The proposed funding is \$800 million over five years.

#### TITLE V—CONSOLIDATION OF GANG PREVENTION PROGRAMS

The Act consolidates three distinct gang prevention programs currently in the federal budget—one in HHS and two in DOJ—creating, instead, one comprehensive federal anti-gang effort administered jointly by the Office of Juvenile Justice and Delinquency Prevention and HHS. By placing this component within the prevention compromise, the federal government's anti-gang effort will be subject to the research and accountability provisions of the Evaluation Mandate. The proposed funding level is \$125 million over five years.

#### TITLE VI—FURTHER CONSOLIDATION OF PROGRAMS FOR AT-RISK YOUTH

Under this title, the Ounce of Prevention Council is charged with providing Congress with a report regarding the elimination of duplication and inefficiency in the structure and operation of Federal juvenile crime and delinquency programs, including specific recommendations for eliminating these problems.

● Mr. KOHL. Mr. President, I introduce the Juvenile Crime Prevention and Reform Act of 1995, which I am proud to cosponsor with my friend and colleague, Senator COHEN. Our legislation offers the middle ground: it will help stop violence before it starts, and make Federal prevention programs work more efficiently and effectively.

The good news, Mr. President, is that overall crime rates have bucked this trend. So we need more police officers on the streets, and more certainty of punishment. Nevertheless, prevention must also be part of our strategy—because we cannot afford to lay aside any weapons in the battle for safe streets. After all—what kind of reasonable society would pay billions for prisons, while doing nothing to prevent crime in the first place?

Prevention is essential because there is empirical evidence indicating that many prevention programs now on the chopping block do stop crime before it happens. For example, a Milwaukee program, called "Summer Stars," combining recreation, employment counseling and coaching resulted in a 27-percent decrease in robberies and a 40-percent reduction in auto thefts in targeted areas. And in Madison, WI, President Bush's "weed and seed" program reduced serious crime by almost 20 percent. Moreover, Lansing MI found that crime fell by 60 percent in two troubled neighborhoods after a cooperative effort among local law enforcement officers, schools, and social service agencies began.

Yet despite the success of crime prevention efforts—and past bipartisan support led by Senator BIDEN—the 1995 prevention debate has been skewed by overblown rhetoric. While some opponents of prevention have simplistically labeled all programs "pork," some defenders of prevention have fought only for the status quo, without answering the legitimate questions about whether each prevention program actually works—and whether all programs target those most in need.

Mr. President, neither side is right. While we must not reject all prevention, there is considerably more research to be done before we can confidently assert exactly which prevention strategies work best. And there is waste and duplication among prevention programs created and expanded upon in the crime act.

Our proposal takes the sensible middle ground. While preserving essential prevention programs, the bill also consolidates and eliminates others, and requires all prevention programs to prove themselves. Specifically, the bill will achieve these results in three ways.

First, because there is much more we need to know about prevention programs, the evaluation mandate in our bill requires rigorous, independent evaluation of each and every prevention program funded in the compromise package; and it will require grantees to collect the data necessary for thorough evaluations to occur. In other words, you don't collect the data, you don't get the funds.

Second, too much duplication has resulted in a multitude of programs where fewer could do the job. For example, the local partnership act funds largely the same kinds of programs as the local crime prevention block grant. By consolidating these programs, and eliminating the administrative structure for the local partnership act, we can save millions of dollars.

Finally, in an effort to target at-risk juveniles, and in recognition of our responsibility to the American taxpayer, this legislation will either eliminate or consolidate 12 Federal crime prevention programs. The remaining programs are redirected to one of four core prevention initiatives. The net fiscal result: a cut of more than \$1 billion

from current crime act prevention funding levels. While I am not entirely happy about pursuing this cut in prevention funds, I propose it only as a reasonable alternative to the Republican plan for outright elimination of crime prevention funding.

Mr. President, I reject the elimination of prevention because we must not give up on our young people, and resign ourselves to more victims, more criminals, and more prisons. We must ensure community safety, but merely building more prisons is like paying billions for ambulances at the bottom of a cliff yet spending nothing to build guardrails at the top. That just doesn't make sense.

We must also be sure, however, that the guardrails we invest in do the job efficiently and effectively. While continuing the fight to prevent crime, our legislation will also give us more bang for our crime prevention buck. I hope that my colleagues will join Senator COHEN and myself in this effort. ●

By Mr. FORD:

S. 1037. A bill to amend title 49, United States Code, to provide that the requirement that U.S. Government travel be on U.S. carriers excludes travel on any aircraft that is not owned or leased, and operated, by a U.S. person; to the Committee on Commerce, Science, and Transportation.

THE FLY AMERICA AMENDMENTS ACT OF 1995

Mr. FORD. Mr. President, today I am introducing the Fly America Amendments Act of 1995. As the workers of our country know, the Fly America Act is an indispensable element of American aviation policy. The act was intended to ensure that to the extent service is available on U.S. carriers, employees of the Federal Government must use that service.

On May 3, 1994, the General Services Administration issued a request for proposals [RFP] for 1 year requirement contracts for carriers to provide air transportation services to Government employees traveling on U.S. official Government business. The RFP contained more than 5,000 city-pairs, of which approximately 1,114 involved international routes. American Airlines protested, because the RFP allowed U.S. carriers to bid on routes where the services was actually being provided by a foreign airlines under a code-sharing arrangement.

On December 29, 1994, the Comptroller General of the United States held that code-sharing did not violate the Fly America Act. What the decision means is that a U.S. airline may submit the bid to GSA for an international route, but the actual travel is on a foreign airline. To put this more directly, Lufthansa is the designated provider of United States Government travel from Atlanta to Germany. Lufthansa and United Airlines are code-sharing partners, and United won the Atlanta bid. As far as I can tell, Lufthansa is not a United States citizen, is not a United States flag carrier, does not participate

in the civil reserve air fleet [CRAF] program, and but for the Comptroller General misinterpretation, would not be able to bid on carrying United States Government employees on United States Government business.

The bill I am introducing today essentially overturns the Comptroller's misinterpretation. The bill will restore the requirement that U.S. Government travel be provided on an aircraft that is owned or leased by a U.S. citizen and operated by a U.S. citizen.

I urge my colleagues to support the bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1037

*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 "Fly America Amendments Act of 1995".

**SEC. 2. UNITED STATES AIRCRAFT.**

(a) TRAVEL PREFERENCE FOR AIRCRAFT OWNED AND OPERATED BY UNITED STATES CITIZENS.—Section 40118(a) of title 49, United States Code, is amended by inserting after "title" the following: "on an aircraft that is owned or leased by a United States citizen and operated by a United States citizen".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transportation originating more than 90 days after the date of enactment of this Act.

By Mr. HELMS:

S. 1038. A bill to amend the Internal Revenue Code of 1986 to impose a 15-percent tax only on individual taxable earned income and business taxable income, to repeal the estate and gift taxes, to abolish the Internal Revenue Service, and for other purposes; to the Committee on Finance.

THE FLAT TAX CUT OF 1995

Mr. HELMS. Mr. President, in sending to the desk a bill entitled "The Flat Tax Act of 1995," my hope is that this legislation will help stimulate further interest and understanding regarding the replacing of the present cumbersome and complex Tax Code with a simple 15-percent flat tax. It also, by the way, provides a standard deduction of \$10,000 for individuals and an extra \$5,000 for each child.

This means that a family of four would not pay taxes on its first \$30,000 of income.

The bill also requires a 15 percent across-the-board reduction in Federal spending; it cuts foreign aid by 50 percent; and eliminates the IRS entirely, thereby giving millions of taxpayers a tax cut and sharply reducing Federal spending at the same time.

Now, the flat tax has been discussed many, many times. Thus far, it has not advanced to any extent measurable, but it is fair, it is simple, and it will eliminate the myriad of loopholes that presently riddle the Tax Code. In contrast to the existing system, a flat tax

would save billions of dollars each year in time and paperwork. It will spur massive economic growth.

Mr. President, I believe that Congress absolutely must overhaul the Federal income tax system and, at the same time, overhaul the Federal Government. Any flat tax proposed must be based on three fundamental principles: First, it must be simple and pure—there should be no exceptions or deductions other than a standard personal deduction; second, it should provide Americans with a tax cut; third, it should be coupled with a meaningful cut in spending.

On the first point, it is abundantly clear that the Federal tax laws are too complex, unfair, and unworkable. There are more than 480 tax forms confronting the taxpayers of the United States. I have copies of all of the tax forms at my desk, and I ask Senators, at some convenient time, to contrast that pile of forms to the flat tax postcard which I have in my hand.

Incidentally, I ask unanimous consent that this proposed tax postal card be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HELMS 15 PERCENT FLAT TAX

FORM 1—INDIVIDUAL WAGE TAX—1995

Your first name and initial (if joint return also give spouse's name and initial), last name.

Your social security number.

Home address (number and street including apartment number or rural route).

Spouse's social security number.

City, town, or post office, state and ZIP code.

1. Wages, Salaries, and Pensions.
2. Personal Exemptions: a. \$20,000 for married filing jointly, b. \$10,000 for singles, c. \$15,000 for single head of household.
3. Number of Dependents, not including spouse.
4. Personal Exemptions for Dependents (line 3 multiplied by \$5,000).
5. Total Personal allowances (line 2 plus line 4).
6. Taxable Wages (line 1, less line 5, if positive, otherwise zero).
7. Tax (15% of line 6).
8. Tax already paid.
9. Tax due (line 7 less line 8, if positive).
10. Refund due (line 8 less line 7, if positive).

Mr. HELMS. Mr. President, U.S. taxpayers spend 5.4 billion hours and \$192 billion every year trying to fill out these tax forms. One can only imagine how easy it would be simply to submit this postcard in lieu of the existing paperwork.

Mr. President, taxpayers spend a lot of money trying to comply with or to avoid the tax laws. We all know that.

A study by James Payne of Lytton Research estimates that the Tax Code costs \$593 million every year, which includes tax avoidance, tax compliance, paperwork, and lost production. The flat tax would save taxpayers an enormous amount of time and money.

Now, the second benefit of the flat tax proposal that I just sent to the desk would provide millions of Ameri-

cans with a tax cut. Over the years, taxpayers have been taken to the cleaners by the Federal Government, a government which has taken more and more money away from the American workers every year.

I noticed in a report from the Heritage Foundation recently that in 1948 the average family of four paid 2 percent of its income to the Federal Government. In 1992, that same family of four would pay 24.5 percent of its income to Uncle Sam. That is only Federal taxes.

Third, we should dramatically reduce the size of the Federal Government by eliminating every dollar of Federal spending that is not absolutely essential. Entire programs should be abolished or reformed, including the Internal Revenue Service itself. With a flat tax, those countless thousands of IRS agents would no longer be justified in harassing the taxpayers.

A General Accounting Office study, by the way, Mr. President, disclosed one-half of the 10 million notices sent out by the IRS are—quoting the General Accounting Office—“incorrect, unresponsive, unclear, or incomplete.” I might add, or all four.

Mr. President, the flat tax would have a profound effect on the economy. It will promote growth by increasing incentives for work and investment and production. It will eliminate the double taxation of interest and dividends and the taxation of capital gains, which will increase savings, of course, and investments, and obviously it will stimulate growth and create jobs.

The economists have said that a flat tax would increase work output by 3 percent, and an additional 3 percent from capital formation. That translates into about \$1,900 extra for every American worker by the year 2002.

Furthermore, increased savings will push interest rates down and thus reduce the cost of capital and the cost of homes, cars, and college educations for American families.

Finally, Mr. President, this bill provides a transition rule for home mortgage. I thought about this a lot. I came to the conclusion that those families who have existing home mortgages should be allowed to deduct the interest for the duration of that existing mortgage. This is only a transition rule and applies only to existing home mortgages.

Now, I recognize that the concept of flat tax is not new. As a matter of fact, I offered my first flat tax bill, S. 2200, back in 1982, March 15. It called for a 10-percent flat tax.

Needless to say, I commend Representative ARMEY for his having put forward a solid proposal. He is doing the Nation a great service and I plan to support his version, cosponsor it, when it comes over to the Senate.

Our tax system has become so complex and so economically unproductive, outmoded, and riddled with exceptions that it is no wonder that the American people have lost faith in their Government to such a high degree.

Mr. President, a flat tax is based on equity, efficiency, and simplicity. I think the American people want a flat tax because they understand that it is fair. They understand that it will save billions of dollars and that it will be a spark plug for the economy.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. HELMS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 25, a bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept homosexuality as a legitimate or normal lifestyle.

S. 304

At the request of Mr. SANTORUM, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 317

At the request of Mr. HELMS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 317, a bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept homosexuality as a legitimate or normal lifestyle.

S. 678

At the request of Mr. AKAKA, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from North Dakota [Mr. DORGAN], the Senator from South Carolina [Mr. THURMOND], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 678, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes.

S. 877

At the request of Mrs. HUTCHISON, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 877, a bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section.

S. 928

At the request of Mr. INHOFE, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 928, a bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes.

S. 979

At the request of Mrs. BOXER, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor