

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE
OFFENDER ACCOUNTABILITY
AND REHABILITATION ACT OF
1999

WELLSTONE AMENDMENT NO. 356

Mr. WELLSTONE proposed an amendment to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

On page 89, line 18, strike "or" at the end.

On page 89, line 21, add "or" at the end.

On page 89, between lines 21 and 22, insert the following:

"(H) to provide services to juveniles with serious mental and emotional disturbances (SED) who are in need of mental health services;

On page 90, between lines 7 and 8, insert the following:

"(4) projects that support State and local programs to prevent juvenile delinquency by providing for—

"(A) assessments by qualified mental health professionals of incarcerated juveniles who are suspected of being in need of mental health services;

"(B) the development of individualized treatment plans for juveniles determined to be in need of mental health services pursuant to assessments under subparagraph (A);

"(C) the inclusion of discharge plans for incarcerated juveniles determined to be in need of mental health services; and

"(D) requirements that all juveniles receiving psychotropic medication be under the care of a licensed mental health professional;

On page 90, line 8, strike "(4)" and insert "(5)".

On page 90, line 17, strike "(5)" and insert "(6)".

On page 91, line 1, strike "(6)" and insert "(7)".

On page 91, line 11, strike "(7)" and insert "(8)".

On page 91, line 17, strike "(8)" and insert "(9)".

On page 91, line 22, strike "(9)" and insert "(10)".

On page 92, line 6, strike "(10)" and insert "(11)".

On page 92, line 16, strike "(11)" and insert "(12)".

On page 92, line 24, strike "(12)" and insert "(13)".

On page 93, line 5, strike "(13)" and insert "(14)".

On page 93, line 13, strike "(14)" and insert "(15)".

On page 93, line 17, strike "(15)" and insert "(16)".

On page 93, line 20, strike "(16)" and insert "(17)".

SESSIONS (AND OTHERS)
AMENDMENT NO. 357

Mr. SESSIONS (for himself, Mr. INHOFE and Mr. ROBB) proposed an amendment to the bill, S. 254, supra; as follows:

On page 265, between lines 20 and 21 insert the following:

SEC. 402. DISCLAIMER ON MATERIALS PRODUCED, PROCURED OR DISTRIBUTED FROM FUNDING AUTHORIZED BY THIS ACT.

(a) All materials produced, procured, or distributed, in whole or in part, as a result of

Federal funding authorized under this Act for expenditure by Federal, State or local governmental recipients or other non-governmental entities shall have printed thereon the following language:

"This material has been printed, procured or distributed, in whole or in part, at the expense of the Federal Government. Any person who objects to the accuracy of the material, to the completeness of the material, or to the representations made within the material, including objections related to this material's characterization of religious beliefs, are encouraged to direct their comments to the office of the Attorney General of the United States."

(b) All materials produced, procured, or distributed using funds authorized under this Act shall have printed thereon, in addition to the language contained in paragraph (a), a complete address for an office designated by the Attorney General to receive comments from members of the public.

(c) The office designated under paragraph (b) by the Attorney General to receive comments shall, every six months, prepare an accurate summary of all comments received by the office. This summary shall include details about the number of comments received and the specific nature of the concerns raised within the comments, and shall be provided to the Chairmen of the Senate and House Judiciary Committees, the Senate and House Education Committee, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives. Further, the comments received shall be retained by the office and shall be made available to any member of the general public upon request.

WELLSTONE AMENDMENT NO. 358

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

In title IV, add at the end the following:

Subtitle —Counselors

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

"PART I—MENTAL HEALTH AND STUDENT SERVICE PROVIDERS**"SEC. 10993. FINDINGS.**

"Congress finds the following:

"(1) Although 7,500,000 children under the age of 18 require mental health services, fewer than 1 in 5 of these children receive the services.

"(2) Across the United States, counseling professionals are stretched thin, and often students do not get the help the students need. The current national average ratio of students to counselors in elementary and secondary schools is 513:1.

"(3) United States schools need more mental health professionals, and the flexibility to hire the professionals that will best serve their students.

"(4) The maximum recommended ratio of—

"(A) students to counselors is 250:1;

"(B) students to psychologists is 1,000:1; and

"(C) students to social workers is 800:1.

"(5) In States like California or Minnesota, 1 counselor typically serves more than 1,000 students. In some schools, no counselor is available to assist students in times of crisis, or at any other time. In Colorado, the average student-to-counselor ratio is 645:1.

"(6) The number of students is expected to grow significantly over the next few years. During this time, many school-based mental health professionals who currently serve our Nation's youth will retire. Not counting

these retirements, over 100,000 new school counselors will be needed to decrease the student-to-counselor ratio to 250:1 by the year 2005.

"(7) The Federal support for reducing the student-to-counselor ratio would pay for itself, through reduced incidences of death, violence, and substance abuse, and through improvements in students' academic achievement, graduation rates, college attendance, and employment.

"SEC. 10993A. PURPOSE.

"The purpose of this part is to help States and local educational agencies recruit, train, and hire 141,000 additional school-based mental health personnel, including 100,000 additional counselors, 21,000 additional school psychologists, and 20,000 additional school social workers over a 5-year period—

"(1) to reduce the student-to-counselor ratios nationally, in elementary and secondary schools, to an average of—

"(A) 1 school counselor for every 250 students

"(B) 1 school psychologist for every 1,000 students; and

"(C) 1 social worker for every 800 students; as recommended in a report by the Institute of Medicine of the National Academy of Sciences relating to schools and health, issued in 1997;

"(2) to help adequately address the mental, emotional, and developmental needs of elementary and secondary school students;

"(3) to remove the emotional, behavioral, and psycho-social barriers to learning so as to enhance the classroom preparedness and ability to learn of students; and

"(4) to support school staff and teachers in improving classroom management, conducting behavioral interventions to improve school discipline, and developing the awareness and skills to identify early warning signs of violence and the need for mental health services.

"SEC. 10993B. DEFINITIONS.

"In this part:

"(1) MENTAL HEALTH AND STUDENT SERVICE PROVIDER.—The term 'mental health and student service provider' includes a qualified school counselor, school psychologist, or school social worker.

"(2) MENTAL HEALTH AND STUDENT SERVICES.—The term 'mental health and student services' includes direct, individual, and group services provided to students, parents, and school personnel by mental health and student service providers, or the coordination of prevention strategies in schools or community-based programs.

"(3) POVERTY LINE.—The term "poverty line" means the 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.

"(4) SCHOOL COUNSELOR.—The term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent.

"(5) SCHOOL PSYCHOLOGIST.—The term 'school psychologist' means an individual who—

“(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

“(B) possesses State licensure or certification in the State in which the individual works; or

“(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board.

“(6) SCHOOL SOCIAL WORKER.—The term ‘school social worker’ means an individual who holds a master’s degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential.

“(7) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

“SEC. 10993C. ALLOTMENTS TO STATES.

“(a) ALLOTMENTS.—From the amount appropriated under section 10993H for a fiscal year, the Secretary—

“(1) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities that achieve the purposes of this part; and

“(2) shall allot to each eligible State the same percentage of the remaining funds as the percentage the State received of funds allocated to States for the previous fiscal year under part A of title I, except that such allotments shall be ratably decreased as necessary.

“(b) STATE-LEVEL EXPENSES.—Each State may use not more than ½ of 1 percent of the amount the State receives under this part, or \$50,000, whichever is greater, for a fiscal year, for the administrative costs of the State educational agency in carrying out this part.

“SEC. 10993D. STATE APPLICATIONS.

“(a) IN GENERAL.—To be eligible to receive an allotment under section 10993C, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State will provide the State share of the cost described in section 10993G.

“(b) APPROVAL.—In approving the applications, the Secretary shall, to the extent practicable, approve applications to fund, in the aggregate, 100,000 additional counselors, 21,000 additional school psychologists, and 20,000 additional school social workers.

“SEC. 10993E. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

“(a) WITHIN STATE DISTRIBUTION.—

“(1) IN GENERAL.—After using funds in accordance with section 10993C(b), each State that receives an allotment under section 10993C shall allocate to eligible local educational agencies in the State the total of—

“(A) the amount of the allotted funds that remain; and

“(B) the State share of the cost described in section 10993G for the local educational agencies.

“(2) ALLOCATION.—From the total described in paragraph (1), the State shall allocate to each local educational agency an amount equal to the sum of—

“(A) an amount that bears the same relationship to 80 percent of such total as the number of children in poverty who reside in the school district served by the local educational agency bears to the number of such children who reside in all the school districts in the State; and

“(B) an amount that bears the same relationship to 20 percent of such total as the

number of children enrolled in public and private nonprofit elementary schools and secondary schools in the school district served by the local educational agency bears to the number of children enrolled in all such schools in the State.

“(3) DATA.—For purposes of paragraph (2), the State shall use data from the most recent fiscal year for which satisfactory data are available, except that the State may adjust such data, or use alternative child poverty data, to carry out paragraph (2) if the State demonstrates to the Secretary’s satisfaction that such adjusted or alternative data more accurately reflect the relative incidence of children who are living in poverty and who reside in the school districts in the State.

“(b) DEFINITIONS.—In this section:

“(1) CHILD.—The term ‘child’ means an individual who is not less than 5 and not more than 17.

“(2) CHILD IN POVERTY.—The term ‘child in poverty’ means a child from a family with an income below the poverty line.

“SEC. 10993F. LOCAL APPLICATIONS.

“To be eligible to receive an allocation under section 10993E, a local educational agency shall submit an application to the State at such time, in such manner, and containing such information as the State may require, including an assurance that the agency will provide the local share of the cost described in section 10993G.

“SEC. 10993G. USE OF FUNDS.

“(a) IN GENERAL.—A local educational agency that receives an allocation under section 10993E shall use the funds made available through the allocation to pay for the local share of the cost of recruiting, hiring, and training mental health and student service providers to provide mental health and student services, to students in elementary schools and secondary schools, for a 3-year period.

“(b) FEDERAL, STATE, AND LOCAL SHARES.—

“(1) FEDERAL SHARE.—The Federal share of the cost shall be 33⅓ percent.

“(2) STATE SHARE.—The State share of the cost shall be 33⅓ percent.

“(3) LOCAL SHARE.—The local share of the cost shall be 33⅓ percent.

“(4) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment or services.

“SEC. 10993H. AUTHORIZATION OF APPROPRIATIONS.

“To carry out this part, there are authorized to be appropriated \$1,040,000,000 for each of fiscal years 2000 through 2004.”

WELLSTONE AMENDMENT NO. 359

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

At the end, add the following:

TITLE ___—DOMESTIC VIOLENCE

SEC. ___1. SHORT TITLE.

This title may be cited as the “Children Who Witness Domestic Violence Protection Act”.

SEC. ___2. FINDINGS.

Congress finds the following:

(1) Witnessing domestic violence has a devastating impact on children, placing the children at high risk for anxiety, depression, and, potentially, suicide. Many children who witness domestic violence exhibit more aggressive, antisocial, fearful, and inhibited behaviors.

(2) Children exposed to domestic violence have a high risk of experiencing learning difficulties and school failure. Research finds that children residing in domestic violence

shelters exhibit significantly lower verbal and quantitative skills when compared to a national sample of children.

(3) Domestic violence is strongly correlated with child abuse. Studies have found that between 50 and 70 percent of men who abuse their female partners also abuse their children. In homes in which domestic violence occurs, children are physically abused and neglected at a rate 15 times higher than the national average.

(4) Men who witness parental abuse during their childhood have a higher risk of becoming physically aggressive in dating and marital relationships.

(5) Exposure to domestic violence is a strong predictor of violent delinquent behavior among adolescents. It is estimated that between 20 percent and 40 percent of chronically violent adolescents have witnessed extreme parental conflict.

(6) Women have an increased risk of experiencing battering after separation from an abusive partner. Children also have an increased risk of suffering harm during separation.

(7) Child visitation disputes are more frequent when families have histories of domestic violence, and the need for supervised visitation centers far exceeds the number of available programs providing those centers, because courts therefore—

(A) order unsupervised visitation and endanger parents and children; or

(B) prohibit visitation altogether.

SEC. ___3. DEFINITIONS.

In this title:

(1) DOMESTIC VIOLENCE.—The term “domestic violence” includes an act or threat of violence, not including an act of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction of the victim, or by any other person against a victim who is protected from that person’s act under the domestic or family violence laws of the jurisdiction.

(2) INDIAN TRIBAL GOVERNMENT.—The term “Indian tribal government” has the meaning given the term “tribal organization” in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(3) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(4) WITNESS DOMESTIC VIOLENCE.—

(A) IN GENERAL.—The term “witness domestic violence” means to witness—

(i) an act of domestic violence that constitutes actual or attempted physical assault; or

(ii) a threat or other action that places the victim in fear of domestic violence.

(B) WITNESS.—In subparagraph (A), the term “witness” means to—

(i) directly observe an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action; or

(ii) be within earshot of an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action.

SEC. ___4. GRANTS TO ADDRESS THE NEEDS OF CHILDREN WHO WITNESS DOMESTIC VIOLENCE.

(a) IN GENERAL.—The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following:

"SEC. 319. MULTISYSTEM INTERVENTIONS FOR CHILDREN WHO WITNESS DOMESTIC VIOLENCE.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, acting through the Director of Community Services, in the Administration for Children and Families, is authorized to award grants to eligible entities to conduct programs to encourage the use of domestic violence intervention models using multisystem partnerships to address the needs of children who witness domestic violence.

"(2) TERM AND AMOUNT.—Each grant awarded under this section shall be awarded for a term of 3 years and in an amount of not more than \$500,000 for each such year.

"(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a nonprofit organization with a demonstrated history of providing advocacy, health care, mental health, or other crisis-related services to children.

"(b) USE OF FUNDS.—An entity that receives a grant under this section shall use amounts provided through the grant to conduct a program to design or replicate, and implement, domestic violence intervention models that use multisystem partners to respond to the needs of children who witness domestic violence in their homes. Such a program shall—

"(1) involve collaborative partnerships with partners that are courts, schools, social service providers, health care providers, police, early childhood agencies, entities carrying out Head Start programs under the Head Start Act (42 U.S.C. 9831 et seq.), and entities carrying out child protection, welfare, job training, housing, battered women's service, and children's mental health programs, to design and implement protocols and systems to identify, refer, and appropriately respond to the needs of, children who witness domestic violence and who participate in programs administered by the partners;

"(2) include guidelines to evaluate the needs of a child and make appropriate intervention recommendations;

"(3) include institutionalized procedures to enhance or ensure the safety and security of a battered parent, and as a result, the child of the parent;

"(4) provide direct counseling and advocacy for families of children who witness domestic violence;

"(5) include the development or replication of a mental health treatment model to meet the needs of children for whom such treatment has been identified as appropriate;

"(6) include policies and protocols for maintaining the confidentiality of the battered parent and child;

"(7) provide community outreach and training to enhance the capacity of professionals who work with children to appropriately identify and respond to the needs of children who witness domestic violence;

"(8) include procedures for documenting interventions used for each child and family; and

"(9) include plans to perform a systematic outcome evaluation to evaluate the effectiveness of the interventions.

"(c) APPLICATION.—To be eligible to receive a grant under this section, an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(d) TECHNICAL ASSISTANCE.—Not later than 90 days after the date of enactment of this section, the Secretary shall identify successful programs providing multisystem and mental health interventions to address the needs of children who witness domestic violence. Not later than 60 days before the Sec-

retary solicits applications for grants under this section, the Secretary shall enter into an agreement with 1 or more entities carrying out the identified programs to provide technical assistance to the applicants and recipients of the grants. The Secretary may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (e) to provide the technical assistance.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2000 through 2002.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(f) DEFINITIONS.—In this section, the terms 'domestic violence' and 'witness domestic violence' have the meanings given the terms in section ___3 of the Children Who Witness Domestic Violence Prevention Act."

(b) ADMINISTRATION.—Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking "an employee" and inserting "1 or more employees"; and

(2) by striking "The individual" and inserting "Each individual".

SEC. 412.5. COMBATTING THE IMPACT OF WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN.

(a) AMENDMENT.—Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"SEC. 4124. GRANTS TO COMBAT THE IMPACT OF WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary is authorized to award grants to and enter into contracts with elementary schools and secondary schools that work with experts described in paragraph (2), to enable the schools—

"(A) to provide training to school administrators, faculty, and staff, with respect to the issue of witnessing domestic violence and the impact of the violence on children;

"(B) to provide educational programming to students regarding domestic violence and the impact of witnessing domestic violence on children; and

"(C) to provide support services for students and school personnel for the purpose of developing and strengthening effective prevention and intervention strategies with respect to the issue of witnessing domestic violence and the impact of the violence on children.

"(2) EXPERTS.—The experts referred to in paragraph (1) are experts on domestic violence from the educational, legal, youth, mental health, substance abuse, and victim advocacy, fields, such as experts from State and local domestic violence coalitions and community-based youth organizations.

"(3) AWARD BASIS.—The Secretary shall award grants and contracts under this section on a competitive basis.

"(4) POLICY DISSEMINATION.—The Secretary shall disseminate to elementary schools and secondary schools any Department of Education policy guidance regarding preventing domestic violence and the impact of witnessing domestic violence on children.

"(b) USES OF FUNDS.—Funds provided under this section may be used for the following purposes:

"(1) To provide training for school administrators, faculty, and staff that addresses the issue of witnessing domestic violence and the impact of the violence on children.

"(2) To provide education programs for students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

"(3) To provide the necessary human resources to respond to the needs of students and school personnel when faced with the issue of domestic violence, such as a resource person who is either on-site or on-call, and who is an expert in domestic violence as described in subsection (a)(2).

"(4) To provide media center materials and educational materials to schools that address the issue of witnessing domestic violence and the impact of the violence on children.

"(5) To conduct evaluations to assess the impact of programs assisted under this section in order to enhance the development of the programs.

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to be awarded a grant or contract under this section for any fiscal year, an elementary school or secondary school, in consultation with an expert described in subsection (a)(2), shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall—

"(A) describe the need for funds provided under the grant or contract and the plan for implementation of any of the uses described in subsection (b);

"(B) describe how the domestic violence experts described in subsection (a)(2) shall work in consultation and collaboration with the elementary school or secondary school; and

"(C) provide measurable goals and expected results from the use of the funds provided under the grant or contract.

"(d) DEFINITIONS.—In this section, the terms 'domestic violence' and 'witness domestic violence' have the meanings given the terms in section ___3 of the Children Who Witness Domestic Violence Protection Act.

"(e) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 4004 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7104) is amended—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(3) \$5,000,000 for each of the fiscal years 2000 through 2004 to carry out section 4124."

SEC. 412.6. CHILD WELFARE WORKER TRAINING ON DOMESTIC VIOLENCE.

(a) DEFINITIONS.—In this section:

(1) GRANTEE.—The term "grantee" means a recipient of a grant under this section.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) GRANTS AUTHORIZED.—

(1) AUTHORITY.—The Attorney General and the Secretary are authorized to jointly award grants to eligible States, Indian tribal governments, and units of local government, in order to encourage agencies and entities within the jurisdiction of the States, organizations, and units to recognize and treat, as part of their ongoing child welfare responsibilities, domestic violence as a serious problem threatening the safety and well-being of both children and adults.

(2) TERM AND AMOUNT.—Each grant awarded under this section shall be awarded for a

term of 3 years and in an amount of not less than \$250,000.

(c) USE OF FUNDS.—Funds provided under this section may be used to support child welfare service agencies in carrying out, with the assistance of entities carrying out community-based domestic violence programs, activities to achieve the following purposes:

(1) To provide training to the staff of child welfare service agencies with respect to the issue of domestic violence and the impact of the violence on children and their nonabusive parents, which training shall—

(A) include training for staff, supervisors, and administrators, including staff responsible for screening, intake, assessment, and investigation of reports of child abuse and neglect; and

(B) be conducted in collaboration with domestic violence experts, entities carrying out community-based domestic violence programs, and relevant law enforcement agencies.

(2) To provide assistance in the modification of policies, procedures, programs, and practices of child welfare service agencies in order to ensure that the agencies—

(A) recognize the overlap between child abuse and domestic violence in families, the dangers posed to both child and adult victims of domestic violence, and the physical, emotional, and developmental impact of domestic violence on children;

(B) develop relevant protocols for screening, intake, assessment, and investigation of and followup to reports of child abuse and neglect, that—

(i) address the dynamics of domestic violence and the relationship between child abuse and domestic violence; and

(ii) enable the agencies to assess the danger to child and adult victims of domestic violence;

(C) identify and assess the presence of domestic violence in child protection cases, in a manner that ensures the safety of all individuals involved and the protection of confidential information;

(D) increase the safety and well-being of children who witness domestic violence, including increasing the safety of nonabusive parents of the children;

(E) develop appropriate responses in cases of domestic violence, including safety plans and appropriate services for both the child and adult victims of domestic violence;

(F) establish and enforce procedures to ensure the confidentiality of information relating to families that is shared between child welfare service agencies and community-based domestic violence programs, consistent with law (including regulations) and guidelines; and

(G) provide appropriate supervision to child welfare service agency staff who work with families in which there has been domestic violence, including supervision concerning issues regarding—

(i) promoting staff safety; and

(ii) protecting the confidentiality of child and adult victims of domestic violence.

(d) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a State, Indian tribal government, or unit of local government shall submit an application to the Attorney General and the Secretary at such time and in such manner as the Attorney General and the Secretary shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall contain information that—

(A) describes the specific activities that will be undertaken to achieve 1 or more of the purposes described in subsection (c);

(B) lists the child welfare service agencies in the jurisdiction of the applicant that will

be responsible for carrying out the activities; and

(C) provides documentation from 1 or more community-based domestic violence programs that the entities carrying out such programs—

(i) have been involved in the development of the application; and

(ii) will assist in carrying out the specific activities described in subparagraph (A), which may include assisting as subcontractors.

(e) PRIORITY.—In awarding grants under this section, the Attorney General and the Secretary shall give priority to applicants who demonstrate that entities that carry out domestic violence programs will be substantially involved in carrying out the specific activities described in subsection (d)(2)(A), and to applicants who demonstrate a commitment to educate the staff of child welfare service agencies about—

(1) the impact of domestic violence on children;

(2) the special risks of child abuse and neglect; and

(3) appropriate services and interventions for protecting both the child and adult victims of domestic violence.

(f) EVALUATION, REPORTING, AND DISSEMINATION.—

(1) EVALUATION AND REPORTING.—Each grantee shall annually submit to the Attorney General and the Secretary a report, which shall include—

(A) an evaluation of the effectiveness of activities funded with a grant awarded under this section; and

(B) such additional information as the Attorney General and the Secretary may require.

(2) DISSEMINATION.—Not later than 6 months after the expiration of the 3-year period beginning on the initial date on which grants are awarded under this section, the Attorney General and the Secretary shall distribute to each State child welfare service agency and each State domestic violence coalition, and to Congress, a summary of information on—

(A) the activities funded with grants under this section; and

(B) any related initiatives undertaken by the Attorney General or the Secretary to promote attention by the staff of child welfare service agencies and community-based domestic violence programs to domestic violence and the impact of domestic violence on child and adult victims of domestic violence.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2000 through 2004.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

SEC. 7. SAFE HAVENS FOR CHILDREN.

(a) GRANTS AUTHORIZED.—The Attorney General may award grants to States and Indian tribal governments in order to enable them to enter into contracts and cooperative agreements with public or private nonprofit entities to assist those entities in establishing and operating supervised visitation centers for purposes of facilitating supervised visitation and visitation exchange of children by and between parents.

(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall consider—

(1) the number of families to be served by the proposed visitation center;

(2) the extent to which the proposed supervised visitation center will serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State domestic violence coalition, State sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims;

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral; and

(5) the extent to which the applicant demonstrates implementation of domestic violence and sexual assault training for all staff members.

(c) USE OF FUNDS.—Amounts provided under a grant, contract, or cooperative agreement awarded under this section may be used only to establish and operate supervised visitation centers.

(d) APPLICATION.—

(1) IN GENERAL.—The Attorney General shall award grants for contracts and cooperative agreements under this section in accordance with such regulations as the Attorney General may establish by regulation, which regulations shall establish a multiyear grant process.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) demonstrate recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence or sexual assault;

(B) demonstrate collaboration with and support of the State domestic violence coalition, sexual assault coalition or local domestic violence and sexual assault shelter or program in the locality in which the supervised visitation center will be operated;

(C) provide supervised visitation and visitation exchange services over the duration of a court order to promote continuity and stability;

(D) ensure that any fees charged to individuals for use of services are based on an individual's income;

(E) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation; and

(F) describe standards by which the supervised visitation center will operate.

(3) PRIORITY.—In awarding grants for contracts and cooperative agreements under this section, the Attorney General shall give priority to States that, in making a custody determination—

(A) consider domestic violence; and

(B) require findings on the record.

(e) ANNUAL REPORT.—Not later than 120 days after the last day of each fiscal year, the Attorney General shall submit to Congress a report that includes information concerning—

(1) the total number of individuals served and the total number of individuals turned away from services (categorized by State), the number of individuals from underserved populations served and the number turned away from services, and the factors that necessitate the supervised visitation or visitation exchange, such as domestic violence, child abuse, sexual assault, and emotional or other physical abuse, or any combination of such factors;

(2) the number of supervised visitations or visitation exchanges ordered during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(3) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which the supervised visitation centers are established under this section;

(4) safety and security problems occurring during the reporting period during supervised visitations or at visitation centers including the number of parental abduction cases;

(5) the number of parental abduction cases in a judicial district using supervised visitation services, both as identified in criminal prosecutions and in custody violations; and

(6) program standards for operating supervised visitation centers established throughout the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section \$20,000,000 for each of fiscal years 2000 through 2003.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(3) DISTRIBUTION.—Not less than 95 percent of the total amount made available to carry out this section for each fiscal year shall be used to award grants, contracts, or cooperative agreements.

(4) ALLOTMENT FOR INDIAN TRIBES.—

(A) IN GENERAL.—Subject to subparagraph (B), not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.

(B) REALLOTMENT OF FUNDS.—If, beginning 9 months after the first day of any fiscal year for which amounts are made available under this paragraph, any amount made available under this paragraph remains unobligated, the unobligated amount may be allocated without regard to subparagraph (A).

SEC. 8. LAW ENFORCEMENT OFFICER TRAINING.

(a) GRANTS AUTHORIZED.—The Attorney General shall award grants to domestic violence service agencies in collaboration with local police departments, for purposes of training local police officers regarding appropriate treatment of children who have witnessed domestic violence.

(b) USE OF FUNDS.—A domestic violence agency working in collaboration with a local police department may use amounts provided under a grant under this section—

(1) to train police officers in child development and issues related to witnessing domestic violence so they may appropriately—

(A) apply child development principles to their work in domestic violence cases;

(B) recognize the needs of children who witness domestic violence;

(C) meet children's immediate needs at the scene of domestic violence;

(D) call for immediate therapeutic attention to be provided to the child by an advocate from the collaborating domestic violence service agency; and

(E) refer children for followup services; and

(2) to establish a collaborative working relationship between police officers and local domestic violence service agencies.

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible to be awarded a grant under this section for any fiscal year, a local domestic violence service agency, in collaboration with a local police department, shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the need for amounts provided under the grant and the plan for implementation of the uses described in subsection (c);

(B) describe the manner in which the local domestic violence services agency shall work in collaboration with the local police department; and

(C) provide measurable goals and expected results from the use of amounts provided under the grant.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control & Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section \$3,000,000 for each of fiscal years 2000 through 2002.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

SEC. 9. REAUTHORIZATION OF CRISIS NURSERIES.

(a) AUTHORITY TO ESTABLISH DEMONSTRATION GRANT PROGRAMS.—The Secretary of Health and Human Services may establish demonstration programs under which grants are awarded to States to assist private and public agencies and organizations in providing crisis nurseries for children who are abused and neglected, are at risk of abuse or neglect, witness domestic violence, or are in families receiving child protective services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2000 through 2002.

SANTORUM AMENDMENT NO. 360

Mr. HATCH (for Mr. SANTORUM) proposed an amendment to the bill S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. 1. AIMEE'S LAW.

(a) SHORT TITLE.—This section may be cited as "Aimee's Law".

(b) DEFINITIONS.—In this section:

(1) DANGEROUS SEXUAL OFFENSE.—The term "dangerous sexual offense" means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term "murder" has the meaning given the term under applicable State law.

(3) RAPE.—The term "rape" has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term "sexual abuse" has the meaning given the term under applicable State law.

(5) SEXUALLY EXPLICIT CONDUCT.—The term "sexually explicit conduct" has the meaning given the term under applicable State law.

(c) REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.—

(1) PENALTY.—

(A) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(B) MULTIPLE STATES.—In any case in which a State convicts an individual of mur-

der, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(C) STATE DESCRIBED.—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(ii) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) EXCEPTION.—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

ASHCROFT (AND OTHERS)
AMENDMENT NO. 361

Mr. ASHCROFT (for himself, Mr. DEWINE, Mr. HUTCHINSON, Mr. GREGG, Mr. COVERDELL, Mr. HELMS, Mr. ALLARD, and Mr. HATCH) proposed an amendment to the bill, S. 254, supra; as follows:

At the end, add the following:

TITLE —SCHOOL SAFETY AND VIOLENCE PREVENTION

SEC. 01. SCHOOL SAFETY AND VIOLENCE PREVENTION.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"PART I—SCHOOL SAFETY AND VIOLENCE PREVENTION

"SEC. 14851. SCHOOL SAFETY AND VIOLENCE PREVENTION.

"Notwithstanding any other provision of titles IV and VI, funds made available under such titles may be used for—

"(1) training, including in-service training, for school personnel (including custodians and bus drivers), with respect to—

"(A) identification of potential threats, such as illegal weapons and explosive devices;

"(B) crisis preparedness and intervention procedures; and

"(C) emergency response;

"(2) training for parents, teachers, school personnel and other interested members of the community regarding the identification and responses to early warning signs of troubled and violent youth;

"(3) innovative research-based delinquency and violence prevention programs, including—

"(A) school anti-violence programs; and

"(B) mentoring programs;

"(4) comprehensive school security assessments;

"(5) purchase of school security equipment and technologies, such as—

"(A) metal detectors;

"(B) electronic locks; and

"(C) surveillance cameras;

"(6) collaborative efforts with community-based organizations, including faith-based organizations, statewide consortia, and law enforcement agencies, that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school aged children;

"(7) providing assistance to States, local educational agencies, or schools to establish school uniform policies;

"(8) school resource officers, including community policing officers; and

"(9) other innovative, local responses that are consistent with reducing incidents of school violence and improving the educational atmosphere of the classroom."

SEC. 02. STUDY.

(a) STUDY.—The Comptroller General shall carry out a study regarding school safety issues, including examining—

(1) incidents of school-based violence in the United States;

(2) impediments to combating school-based violence, including local, state, and Federal education and law enforcement impediments;

(3) promising initiatives for addressing school-based violence;

(4) crisis preparedness of school personnel;

(5) preparedness of local, State, and Federal law enforcement to address incidents of school-based violence; and

(6) evaluating current school violence prevention programs.

(b) REPORT.—The Comptroller General shall prepare and submit to Congress a report regarding the results of the study conducted under paragraph (1).

SEC. 03. SCHOOL UNIFORMS.

Part E of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8891 et seq.) is amended by adding at the end the following:

"SEC. 14515. SCHOOL UNIFORMS.

"(a) CONSTRUCTION.—Nothing in this Act shall be construed to prohibit any State, local educational agency, or school from establishing a school uniform policy.

"(b) FUNDING.—Notwithstanding any other provision of law, funds provided under titles IV and VI may be used for establishing a school uniform policy."

SEC. 04. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended by adding after section 14603 (20 U.S.C. 8923) the following:

"SEC. 14604. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

"(a) NONAPPLICATION OF PROVISIONS.—The provisions of this section shall not apply to any disciplinary records transferred from a private, parochial, or other nonpublic school, person, institution, or other entity, that provides education below the college level.

"(b) DISCIPLINARY RECORDS.—Not later than 2 years after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.

SEC. 05. SCHOOL VIOLENCE RESEARCH.

The Attorney General shall establish at the National Center for Rural Law Enforcement in Little Rock, Arkansas, a research center that shall serve as a resource center or clearinghouse for school violence research. The research center shall conduct, compile, and publish school violence research and otherwise conduct activities related to school violence research, including—

(1) the collection, categorization, and analysis of data from students, schools, communities, parents, law enforcement agencies, medical providers, and others for use in efforts to improve school security and otherwise prevent school violence;

(2) the identification and development of strategies to prevent school violence; and

(3) the development and implementation of curricula designed to assist local educational agencies and law enforcement agencies in the prevention of or response to school violence.

SEC. 06. NATIONAL CHARACTER ACHIEVEMENT AWARD.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to individuals under the age of 18, on behalf of the Congress, a National Character Achievement Award, consisting of medal of appropriate design, with ribbons and appurtenances, honoring those individuals for distinguishing themselves as a model of good character.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection

(a), the Secretary of the Treasury shall design and strike a medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) ELIGIBILITY.—

(1) IN GENERAL.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall establish procedures for processing recommendations to be forwarded to the President for awarding National Character Achievement Award under subsection (a).

(2) RECOMMENDATIONS BY SCHOOL PRINCIPALS.—At a minimum, the recommendations referred to in paragraph (1) shall contain the endorsement of the principal (or equivalent official) of the school in which the individual under the age of 18 is enrolled.

SEC. 07. NATIONAL COMMISSION ON CHARACTER DEVELOPMENT.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Character Development (referred to in this section as the "Commission").

(b) MEMBERSHIP.—

(1) APPOINTING AUTHORITY.—The Commission shall consist of 36 members, of whom—

(A) 12 shall be appointed by the President;

(B) 12 shall be appointed by the Speaker of the House of Representatives; and

(C) 12 shall be appointed by the President pro tempore of the Senate, on the recommendation of the majority and minority leaders of the Senate.

(2) COMPOSITION.—The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall each appoint as members of the Commission—

(A) 1 parent;

(B) 1 student;

(C) 2 representatives of the entertainment industry (including the segments of the industry relating to audio, video, and multimedia entertainment);

(D) 2 members of the clergy;

(E) 2 representatives of the information or technology industry;

(F) 1 local law enforcement official;

(G) 2 individuals who have engaged in academic research with respect to the impact of cultural influences on child development and juvenile crime; and

(H) 1 representative of a grassroots organization engaged in community and child intervention programs.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall study and make recommendations with respect to the impact of current cultural influences (as of the date of the study) on the process of developing and instilling the key aspects of character, which include trustworthiness, honesty, integrity, an ability to keep promises, loyalty, respect, responsibility, fairness, a caring nature, and good citizenship.

(2) REPORTS.—

(A) INTERIM REPORTS.—The Commission shall submit to the President and Congress such interim reports relating to the study as the Commission considers to be appropriate.

(B) FINAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit a final report to the President and Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study, together with recommendations for such legislation and administrative actions as the Commission considers to be appropriate.

(d) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(g) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2000 and 2001.

SEC. 08. JUVENILE ACCESS TO TREATMENT.

(a) COORDINATED JUVENILE SERVICES GRANTS.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after section 205 the following:

“SEC. 205A. COORDINATED JUVENILE SERVICES GRANTS.

“(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, working in conjunction with the Center for Substance Abuse of the Substance Abuse and Mental Health Services Administration, may make grants to a consortium within a State or State or local juvenile justice agencies or State or local substance abuse and mental health agencies, and child service agencies to coordinate the delivery of services to children among these agencies. Any public agency may serve as the lead entity for the consortium.

“(b) USE OF FUNDS.—A consortium described in subsection (a) that receives a grant under this section shall use the grant for the establishment and implementation of programs that address the service needs of adolescents with substance abuse or mental health treatment problems, including those who come into contact with the justice system by requiring the following:

“(1) Collaboration across child serving systems, including juvenile justice agencies, relevant public and private substance abuse

and mental health treatment providers, and State or local educational entities and welfare agencies.

“(2) Appropriate screening and assessment of juveniles.

“(3) Individual treatment plans.

“(4) Significant involvement of juvenile judges where appropriate.

“(c) APPLICATION FOR COORDINATED JUVENILE SERVICES GRANT.—

“(1) IN GENERAL.—A consortium described in subsection (a) desiring to receive a grant under this section shall submit an application containing such information as the Administrator may prescribe.

“(2) CONTENTS.—In addition to guidelines established by the Administrator, each application submitted under paragraph (1) shall provide—

“(A) certification that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

“(B) for the regular evaluation of the program funded by the grant and describe the methodology that will be used in evaluating the program;

“(C) assurances that the proposed program or activity will not supplant similar programs and activities currently available in the community; and

“(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

“(3) FEDERAL SHARE.—The Federal share of a grant under this section shall not exceed 75 percent of the cost of the program.

“(d) REPORT.—Each recipient of a grant under this section during a fiscal year shall submit to the Attorney General a report regarding the effectiveness of programs established with the grant on the date specified by the Attorney General.

“(e) FUNDING.—Grants under this section shall be considered an allowable use under section 205(a) and subtitle B.”

SEC. 09. BACKGROUND CHECKS.

Section 5(9) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(9)) is amended—

(1) in subparagraph (A)(i), by inserting “(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)” before the semicolon; and

(2) in subparagraph (B)(i), by inserting “(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)” before the semicolon.

SEC. 10. DRUG TESTS.

(a) SHORT TITLE.—This section may be cited as the “School Violence Prevention Act”.

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking “and” after the semicolon;

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

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

“(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test; and”.

SEC. 11. SENSE OF THE SENATE.

It is the sense of the Senate that States receiving Federal elementary and secondary

education funding should require local educational agencies to conduct, for each of their employees (regardless of when hired) and prospective employees, a nationwide background check for the purpose of determining whether the employee has been convicted of a crime that bears upon his fitness to have responsibility for the safety or well-being of children, to serve in the particular capacity in which he is (or is to be) employed, or otherwise to be employed at all thereby.

TITLE —TEACHER LIABILITY PROTECTION ACT

SEC. 01. SHORT TITLE.

This title may be cited as the “Teacher Liability Protection Act of 1999”.

SEC. 02. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the national scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of the children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

SEC. 03. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NON-APPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 04. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (d), no teacher in a school shall be liable for

harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) NO EFFECT ON LIABILITY OF SCHOOL OR GOVERNMENTAL ENTITY.—Nothing in this section shall be construed to affect the liability of any school or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18,

United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 05. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 06. DEFINITIONS.

For purposes of this title:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term "teacher" means a teacher, instructor, principal, administrator, or other educational professional, that works in a school.

SEC. 07. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Forestry, Conservation, and Rural Revitalization will meet on May 18, 1999, in SR-328A at 9:00 a.m. The purpose of this meeting will be to discuss noxious weeds and plant pests.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, May 26, 1999, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Amie Brown or Mike Menge (202) 224-6170.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that S. 1027, a bill to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes, has been added to the agenda of the hearing that is scheduled for Thursday, May 27, 1999, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510-6150.

For further information, please call Colleen Deegan, counsel, or Julia McCaul, staff assistant at (202) 224-8115.