

study that cost-effective crime reduction can be achieved through prevention strategies. The study found that incarceration without prevention and intervention does not go far enough in reducing crime. H.R. 3, the McCollum bill, contains not a single provision for prevention efforts. The Democratic substitute is a balanced approach that includes enforcement and prevention. The prevention initiatives that could be funded through our proposal are community-based, research-proven, and cost-effective.

Notice that I said community-based. We believe that local communities know best how to deal with the juvenile crime that affects their neighborhoods. Our proposal would provide funding for prosecutors to develop antigang units and other such mechanisms to address juvenile violence in their communities. The needs of one city or town may be vastly different from the needs of another. The Democratic substitute would allow one town to obtain funding to build a much-needed juvenile detention facility, while a larger city nearby might hire additional juvenile court judges. This flexibility is an essential part of our proposal.

The Republican juvenile crime bill is extreme, and would undoubtedly prove ineffective in reducing and preventing crime. Our substitute combines enforcement with prevention for a tough and smart approach to fighting juvenile crime. I urge your support for the Democratic substitute to H.R. 3.

Mrs. FOWLER. Mr. Chairman, the time has come to address the issue of juvenile crime in our country. Teenagers are committing more crimes than ever. Over one-fifth of all violent crimes committed in America are committed by individuals under the age of 18.

This statistic is alarming, and clearly signals that we need to take action. Young people must be held accountable for their actions. Currently, only 10 percent of violent juvenile offenders—those convicted of murder, rape, robbery, or assault—receive any sort of confinement outside the home. What kind of a deterrent is that? And what does it say to these young people about accountability? Not much.

I believe that accountability, combined with stepped-up prevention efforts, is the key to reducing juvenile crime; and the Juvenile Crime Control Act of 1997 is a great start toward reaching that goal. This bill lets young people know that if they are going to behave like adults, they will have to take on personal responsibility of adults—and face the consequences of their actions.

I urge my colleagues to support H.R. 3, the Juvenile Crime Control Act of 1997.

Mr. BUYER. Mr. Chairman, I rise in support of H.R. 3, the Juvenile Crime Control Act.

While the overall crime rate in the United States has fallen in recent years, violent juvenile crime has increased drastically. And what is more shocking and more alarming, is that violent crime can be perpetrated by 12-year-olds. Instead of playing baseball or fishing, many of today's juveniles are engaging in mayhem. Between 1965 and 1992, the number of 12-year-olds arrested for violent crime rose 211 percent; the number of 13- and 14-year-olds rose 301 percent; and the number of 15-year-olds arrested for violent crime rose 297 percent. We are not talking about shoplifting or truancy, or petty thievery. We are talking about violent crime: murder, rape, battery, arson, and robbery.

Older teenagers, ages 17, 18, and 19, are the most violent in America. More murder and robbery are committed by 18-year-old males than any other group.

We have seen this increase in juvenile crime occur at a time when the demographics show a reduced juvenile population overall. Soon we will see the echo boom of the baby boomers' children reaching their teenaged years. If the current trend in juvenile crime is left unchanged, the FBI predicts that juvenile arrests for violent crime will more than double by the year 2010. That results in more murder, more rape, more aggravated assault, and unfortunately, more victims of crime.

I salute the gentleman from Florida [Mr. MCCOLLUM] for his hard work to head off the coming crime wave. H.R. 3 would provide resources to States and local communities to address their juvenile crime needs, to get tough on juvenile offenders, and to provide fairness to the victims of violent juvenile crime.

Individuals must be held accountable for their actions. Juveniles particularly need to get the message that actions have consequences. Unfortunately, today nearly 40 percent of violent juvenile offenders have their cases dismissed. By the time a violent juvenile receives any sort of secure confinement, the offender has a record a mile long. We need to change the message from one of "getting away with it" to one of accountability. States and localities who enforce accountability will be able to get Federal resources to help.

Law-abiding citizens, young and old alike, need assurance that violent criminals, even if they are teenagers, will be held accountable and sanctioned and that the victims will receive justice.

I urge the adoption of H.R. 3.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in defense of our children.

The crime bills under consideration by this Congress all seek to reduce the age and increase the likelihood that children as young as 13 would be tried as adults.

They further lessen restrictions on housing them with generally more hardened adults, and increases mandatory sentencing for this age group.

I strongly object all of these provisions.

First, while children who commit crimes must be punished, they should be treated and sentenced as the children that they are. We must remember that regardless of the crime, they have not yet achieved the degree of insight, judgment, or level of responsibility attributable to adults. They are also open to rehabilitation.

Trying them as adults and housing them with adults have never been shown to reduce crime. Instead we have been shown time and time again that if it does anything at all, it increases criminal behavior rather than reduces it.

We must not forget that young people of 13, 14, 15, and 16 are still children, and understand how they think. Because adolescents are notorious for their feeling of invulnerability, we have to recognize that they will never be motivated or respond to stiffer penalties.

From our own experience as parents, when our small child plays with an electrical outlet, or near a stove, we don't ignore it until he or she burns themselves, but early on we rap them on their hands to send them a clear and strong behavior changing message.

This is what we need to do in the case of our young people, who we must also remem-

ber ended up in the courts because we as a society have neglected their needs for generations. We have funded programs that reach them early and deal with them in an immediate and tangible manner that redirects their behavior in a more positive way.

And we must reach them before they get to the despair that juvenile delinquency represents, not only by funding after school activities, but by improving their in-school experience, by reinstating school repair and construction funding in the 1998 budget, by equipping those schools and by providing meaningful opportunities for them when they do apply themselves, and as our President likes to say, play by the rules.

Communities across America have found successful ways of dealing with this issue. Prosecutors, correction facility directors, policemen and women, attorneys, doctors, crime victims, community organizations, and others have come together to ask that we pass meaningful and effective legislation, and they stress that the focus must be on prevention.

We must stop crime, and we must save our children.

I ask my colleagues to support the Democratic bill because it employs strategies that have been proven to effectively achieve both of these goals.

Mr. PAUL. Mr. Chairman, I rise today in opposition to the Juvenile Crime Control Act of 1997. This bill, if passed, will further expand the authority of this country's national police force. Despite the Constitutional mandate that jurisdiction over such matters is relegated to the States, the U.S. Congress refuses to acknowledge that the Constitution stands as a limitation on centralized Government power and that the few enumerated Federal powers include no provision for establishment of a Federal juvenile criminal justice system. Lack of Constitutionality is what today's debate should be about. Unfortunately, it is not. At a time when this Congress needs to focus on ways to reduce the power of the Federal Government and Federal spending, Congress will instead vote on a bill which, if passed, will do just the opposite.

In the name of an inherently-flawed, Federal war on crime and the resulting juvenile crime problem, the well-meaning, good-intentioned Members of Congress continue to move the Nation further down the path of centralized-Government implosion by appropriating yet more Federal taxpayer money and brandishing more U.S. prosecutors at whatever problem happens to be brought to the floor by any Members of Congress hoping to gain political favor with some special-interest group. The Juvenile Crime Control Act is no exception.

It seems to no longer even matter whether governmental programs actually accomplish their intended goals or have any realistic hope of solving problems. No longer does the end even justify the means. All that now matters is that Congress do something. One must ask how many new problems genuinely warrant new Federal legislation. After all, most legislation is enacted to do little more than correct inherently-flawed existing interventionary legislation with more inherently-flawed legislation. Intervention, after all, necessarily begets more intervention as another futile attempt to solve the misallocations generated by the preceding iterations.

More specific to H.R. 3, this bill denies localities and State governments a significant

portion of their autonomy by, among other provisions, directing the Justice Department to establish an Armed Violent Youth Apprehension program. Under this program, one Federal prosecutor would be designated in every U.S. Attorney's office and would prosecute armed violent youth. Additionally, a task force would coordinate the apprehension of armed violent youth with State and local law enforcement. Of course, anytime the Federal Government said it would "coordinate" a program with State officials, the result has inevitably been more Federal control. Subjecting local enforcement officials, the result has inevitably been more Federal control. Subjecting local enforcement officials, many of whom are elected, to the control of Federal prosecutors is certainly reinventing government but it is reinventing a government inconsistent with the U.S. Constitution.

This bill also erodes State and local autonomy by requiring that States prosecute children as young as 15 years old in adult court. Over the past week, my office has received many arguments on both the merits and the demerits of prosecuting, and punishing, children as adults. I am disturbed by stories of the abuse suffered by young children at the hands of adults in prison. However, I, as a U.S. Congressman, do not presume to have the breadth and depth of information necessary to dictate to every community in the Nation how best to handle as vexing a problem as juvenile crime.

H.R. 3 also imposes mandates on States which allow public access to juvenile records. These records must also be transmitted to the FBI. Given the recent controversy over the misuse of FBI files, I think most citizens are becoming extremely wary of expanding the FBI's records of private citizens.

This bill also authorizes \$1.5 billion in new Federal spending to build prisons. Now, many communities across the country might need new prisons, but many others may prefer to spend that money on schools, or roads. Washington should end all such unconstitutional expenditures and return to individual taxpayers and communities those resources which allow spending as those recipients see fit rather than according to the dictates of the U.S. Congress.

Because this legislation exceeds the Constitutionally-imposed limits on Federal power and represents yet another step toward a national-police-state, and for each of the additional reasons mentioned here, I oppose passage of H.R. 3, the Juvenile Crime Control Act of 1997.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. KINGSTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses, pursuant to House Resolution 143, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves that the bill be recommitted to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

TITLE I—TREATMENT OF JUVENILES AS ADULTS

SEC. 101. TREATMENT OF JUVENILES AS ADULTS.

The fourth undesignated paragraph of section 5032 of title 18, United States Code, is amended by striking "an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a) or 2241(c)," and insert "any serious violent felony as defined in section 3559(c)(2)(F) of this title,".

SEC. 102. RECORDS OF CRIMES COMMITTED BY JUVENILE DELINQUENTS.

Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "Throughout and" and all that follows through the colon and inserting the following: "Throughout and upon completion of the juvenile delinquency proceeding, the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:";

(2) in subsection (a)(3), by inserting before the semicolon "or analysis requested by the Attorney General";

(3) in subsection (a), so that paragraph (6) reads as follows:

"(6) communications with any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, in order to apprise such victim or representative of the status or disposition of the proceeding or in order to effectuate any other provision of law or to assist in a victim's, official representative's, allocution at disposition."; and

(4) by striking subsections (d) and (f), by redesignating subsection (e) as subsection (d), by inserting "pursuant to section 5032 (b) or (c)" after "adult" in subsection (d) as so redesignated, and by adding at the end new subsections (e) through (f) as follows:

"(e) Whenever a juvenile has been adjudicated delinquent for an act that if committed by an adult would be a felony or for a violation of section 922(x), the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation. The

court shall also transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

"(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist."

SEC. 103. TIME LIMIT ON TRANSFER DECISION.

Section 5032 of title 18, United States Code, is amended by inserting "The transfer decision shall be made not later than 90 days after the first day of the hearing." after the first sentence of the 4th paragraph.

SEC. 104. INCREASED DETENTION, MANDATORY RESTITUTION, AND ADDITIONAL SENTENCING OPTIONS FOR YOUTH OFFENDERS.

Section 5037 of title 18, United States Code, is amended to read as follows:

"§ 5037. Dispositional hearing

"(a) IN GENERAL.—

"(1) HEARING.—In a juvenile proceeding under section 5032, if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 20 court days after the finding of juvenile delinquency unless the court has ordered further study pursuant to subsection (e).

"(2) REPORT.—A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the attorney for the juvenile, and the attorney for the government.

"(3) ORDER OF RESTITUTION.—After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 994, of title 28, the court shall enter an order of restitution pursuant to section 3556, and may suspend the findings of juvenile delinquency, place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult.

"(4) RELEASE OR DETENTION.—With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

"(b) TERM OF PROBATION.—The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) TERMS OF OFFICIAL DETENTION.—

"(1) MAXIMUM TERM.—The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

"(A) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

"(B) 10 years; or

"(C) the date on which the juvenile achieves the age of 26.

"(2) APPLICABILITY OF OTHER PROVISIONS.—Section 3624 shall apply to an order placing a juvenile in detention.