

SENATE—Wednesday, November 3, 1993*(Legislative day of Tuesday, November 2, 1993)*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Behold, how good and how pleasant it is for brethren to dwell together in unity!—Psalm 133:1.

Eternal God, perfect in truth and righteousness and love, the psalmist implies there is power and blessing in unity—not uniformity, but unity in diversity. We are reminded that "E Pluribus Unum" has significance for America.

As the target date for adjournment approaches, pressure builds, and the process of legislation becomes difficult. We pray for our leadership at this strategic hour. Thank You, God, for the majority leader, for his wisdom, his fairness, his restraint, when at times he must feel frustration. Thank You for the minority leader, often in the difficult role of the loyal opposition. Thank You for his leadership.

We commend these two leaders, their assistants, Senator FORD and Senator SIMPSON, and their staffs to Your gracious wisdom and guidance. Somehow, help us realize that the infinite, omnipresent God is always here, whether we are aware of it or not; and His unlimited resources are always available.

To the glory of God and for the sake of the Nation we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 3, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, pursuant to a prior order, the Senate will now proceed to 1 hour of debate equally divided on a motion to invoke cloture or to terminate a filibuster with respect to the nominations of five persons, three Ambassadors to foreign countries, and two other State Department officials.

At the conclusion of that hour, therefore, approximately shortly after 11, there will be a vote on that cloture motion. If cloture is invoked, then the Senate will have 90 minutes further debate on the nomination, followed by votes on each of the nominations.

At that point, or if cloture is not invoked, following the cloture vote, then it is my intention to move to proceed to the crime bill, and Senators should expect in any event at least one vote today and most possibly six in all on the nominees if cloture is invoked, one on cloture if it is not invoked, and then the possibility of votes throughout the day on the crime bill and a lengthy session today as we attempt to make progress on that important legislation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WHAT A DIFFERENCE A YEAR MAKES

Mr. DOLE. Mr. President, 1 year ago this week, many in the media were proclaiming that the Republican Party was dead or at least in intensive care. This morning I rise to say "What a difference a year makes."

In fact, now that the results of last night are complete, I think we can officially proclaim 1993 to be "the Year of the Republican."

There have been six major elections in the past year—Senate seats in Georgia and Texas; mayoral elections in Los Angeles and New York City. And gubernatorial races in Virginia and New Jersey.

All six of these seats had been held by Democrats.

And all six are now held by Republicans.

I have always said that if a party is winning elections, they must be doing something right.

And the voters are saying that the Republican Party has the right candidates and the right ideas.

Virginia voters said that George Allen has the right ideas on how to help end the epidemic of violent crime.

New Jersey voters said that Christie Todd Whitman—who will be the first woman Governor in New Jersey history—has the right ideas on how to get State government out of their pocket-books.

And New York said that Rudy Gulliani had the right ideas on how to unite a very diverse city in confronting difficult urban changes.

And between now and next November's elections, Republicans in the House and Senate—and Republicans across the Nation—will be working together to demonstrate to the American people that we have the right ideas on issues like health care, education, criminal justice reform, and national security.

Along with congratulating yesterday's winners, I also want to thank their Democrat opponents. Each devoted their career to public service, and each has made a difference.

Having won and lost elections, I can say obviously it is a lot more fun winning, but I say to those who lost you have done a good job; we congratulate you, too.

EXECUTIVE SESSION**EXECUTIVE CALENDAR**

The ACTING PRESIDENT pro tempore. Under the orders of October 28 and November 1, the Senate will now go into executive session to debate a cloture motion on the following nominations: Executive Calendar Items 411, 413, 414, 415, and 420, which the clerk will report.

DEPARTMENT OF STATE

The legislative clerk read the nominations of Alan John Blinken, of New York to be Ambassador to Belgium; Tobi Trister Gati, of New York, to be an Assistant Secretary of State; Swanee Grace Hunt, of Colorado, to be Ambassador to the Republic of Austria; Thomas A. Loftus, of Wisconsin, to be Ambassador to Norway; Daniel L. Spiegel, of Virginia, to be Representative of the United States of America to the European Office of the United Nations with the rank of Ambassador.

The ACTING PRESIDENT pro tempore. Under the order of November 1,

1993, there will now be 1 hour of debate preceding the cloture vote. The time will be equally divided, with Senator PELL, of Rhode Island, controlling 30 minutes and Senator MCCONNELL, of Kentucky, controlling 30 minutes.

Who yields time?

The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield myself such time as necessary.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, on October 5, 1993, the Committee on Foreign Relations reported the following nominations to the Senate: Alan Blinken to be Ambassador to Belgium, Swanee Grace Hunt to be Ambassador to Austria, Thomas Loftus to be Ambassador to Norway, Daniel Spiegel to be U.S. Representative to the European Office of the United Nations, and Tobi Gati to be Assistant Secretary of State for Intelligence and Research.

The Blinken, Hunt, Loftus, and Gati nominations were submitted to the Senate by President Clinton on September 7 and Mr. Spiegel's nomination was submitted on September 14. Hearings were held on the Blinken, Hunt, and Loftus nominations on September 28, 1993, by the distinguished chairman of the Subcommittee on European Affairs, Senator BIDEN and on September 29, 1993, the distinguished chairman of the Subcommittee on Terrorism, Narcotics and International Operations, Senator KERRY, held hearings on the Gati and Spiegel nominations.

These nominees had the unanimous, bipartisan support of the Committee on Foreign Relations on October 5, 1993 when their nominations were reported to the Senate. Not being aware, Mr. President, of any opposition to their qualifications they had every expectation of an early consideration by the Senate.

The 4-week delay in the Senate's consideration has certainly taken a personal toll on the families of these nominees, as the distinguished majority leader stated last week. Most important, however, is the need to have these nominees assume the important responsibilities for which they have been chosen by the President. Today the Senate will vote a cloture to proceed to a consideration of these nominations, and for that I thank the distinguished majority leader for his leadership.

I thank Senator BIDEN and Senator LUGAR, the chairman and ranking majority member of the Subcommittee on European Affairs and Senators KERRY and PRESSLER, the chairman and ranking minority member of the Subcommittee on Terrorism, Narcotics and International Operations for their prompt consideration of these nominees in committee. I also want to thank the distinguished ranking minority member of the Committee on

Foreign Relations, Senator HELMS for his cooperation during the committee's consideration of these nominees. As I said at the outset, these nominees enjoyed the unanimous bipartisan support of our committee.

Mr. President, I would like to make a few remarks about the nominees and the important positions for which they have been nominated.

I believe that it is important for the Senate to move swiftly to confirm Mr. Loftus, Mr. Blinken, and Ms. Hunt who have been nominated to be our Ambassadors to Norway, Belgium, and Austria, respectively. Each of these posts have been vacant for some time. Our last Ambassador to Norway left post in February, our Ambassador to Belgium in January, and the Austria post has been vacant since March. Given the importance that we attach to our relationship with each of these countries, I believe it unwise for us not to have had representation at the ambassadorial level for such a long period of time.

Norway and Belgium were both NATO allies, and Brussels is the headquarters not only of NATO, but of the European Community. It is also the current president of the European Community. Issues crucial to the future of United States-European Community relations unresolved and having an Ambassador in Brussels would help to advance United States interests.

I would also note that there are some issues in our bilateral relationship with Norway that warrant attention at the ambassadorial level, including the current dispute regarding Norway's decision to resume commercial whaling in defiance of a 1986 moratorium.

In addition, Norway played a critical role in secretly brokering the draft peace agreement between Israel and the Palestine Liberation Organization. Norway gained the trust and confidence of the PLO and Israel as an independent mediator largely because of its long-standing ties to Israel's Labor Party, earlier meetings with PLO leader Yasser Arafat, and its status as a founding member of NATO. I believe that as a sponsor of the Middle East peace process, it is in the United States' interest to send Mr. Loftus to Norway not only as a signal of our appreciation of Norway's efforts, but to ensure that we are able to work with Norway to make further progress on Middle East issues.

Austria is at the crossroads of Europe, and at a time when it is reevaluating its policy of neutrality and focusing on reintegrating with the West, I believe that it is in our interest to have Ms. Hunt at the helm in Vienna. Austria is playing a prominent role in the economic development of Eastern and Central Europe, while at the same time, coping with a substantial refugee flow from the wars in the former Yugoslavia. These are issues in which we

have a strong interest and on which we should be working closely with the Austrians.

Austria has a new President, Thomas Klestil—known to many of us here when he was Ambassador—who is eager to improve bilateral relations which had been somewhat strained during the Waldheim years. I believe that we should send a strong signal to President Klestil that we too, are ready to resume more normal relations. One important way of doing that is to send our U.S. Ambassador to Vienna quickly.

I believe it is also important for the Senate to move rapidly to confirm Mr. Daniel Spiegel to be U.S. Representative to the European Office of the United Nations and Mrs. Toby Gati to be Assistant Secretary of State for Intelligence and Research. Both of these positions play important roles in U.S. foreign policy and both have been vacant since spring.

In Geneva, strong leadership at the U.S. mission is essential for the effective implementation of U.S. policy objectives in a number of critical areas. For example, Geneva is the center of the international humanitarian assistance effort in Bosnia. It is also the home of the principal U.N. human rights organizations, the Human Rights Center and the Human Rights Commission. Finally, Geneva plays an important role in efforts to reform the United Nations through the so-called Geneva Group, a principal forum for the discussion of U.N. reform among the organization's major donors.

Mr. President, these issues are important. The United States should be participating in their discussion with maximum impact. To that end, we need to send our Ambassador to Geneva now.

Turning to Mrs. Gati's nomination to be Assistant Secretary for Intelligence and Research, the events of the past several months have made clear the critical role that intelligence information plays in U.S. foreign policy. Continued delay in Mrs. Gati's confirmation hobbles the Secretary and the Department in the effective development and implementation of policy. For example, Mrs. Gati cannot participate in the Secretary's meetings with CIA Director Woolsey. She cannot participate in meetings of National Intelligence Council in preparations of critical national intelligence estimates. She cannot testify before Congress on issues such as the situation in Haiti. This situation is bad for the Department and it is bad for the country.

Mr. President, on behalf of the Committee on Foreign Relations I urge the Senate to vote in favor of cloture and then proceed to give its advice and consent to each of these nominees.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MITCHELL. Will the Senator yield me such time as I may use?

Mr. PELL. I yield to the majority leader such time as he desires.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I wish at this time to make just a brief comment regarding the scheduling of this matter and the manner in which it has been brought before the Senate.

As Senator PELL stated, these nominees were approved unanimously by the Foreign Relations Committee on October 5. We then began the normal process of attempting to what we call clear or gain approval to bring them before the Senate.

We were advised by the Republican leader's staff that that approval would not be forthcoming; that objection was made to the nominees, not on the basis of the nominees' qualifications, but on the basis of an entirely unrelated matter which will, I know, be the subject of some discussion here today.

Thereafter, we repeated each day over a period of 3 weeks our request for clearance of these nominees. Each day, that request was rejected.

In the meantime, I heard from the Secretary of State, who called me, and from several State Department officials urging that the Senate proceed to act on these nominees, and then from some of the nominees themselves.

As I stated last week when we discussed this matter briefly, these five people had no way of knowing there would be objection to them. There was no objection to their qualifications. They were approved unanimously by the committee. And most of them are not familiar with the Senate's rules under which their nominations can be held up because of a matter entirely unrelated to them.

I was advised that one had sold a home, others had children waiting to enter school, and they were in some personal stress over this.

Finally, after weeks of this, I made a commitment to the nominees that I would bring the nominations formally to the floor, with or without clearance, before the end of last week; that is, before the Senate went out of session last week. I would bring them formally to the floor and take whatever steps were necessary to at least require the Senate to vote on the matter.

I communicated that directly to the Republican leader early last week and my staff communicated that to the Republican leader's staff, and it was repeated on several times over several days. On Thursday, it became clear that that would be the last day of the session last week. It appeared that way on Thursday evening. And I told the Republican leader that I was going to proceed to it.

Tragically and unexpectedly, Senator MCCONNELL, who opposes these nominations and who will shortly make a statement of his opposition, had to

leave town because of the illness of his mother. And so on Thursday evening, I discussed the matter with the acting Republican leader, assistant Republican leader, Senator SIMPSON, who was then the acting Republican leader, and decided that we would proceed to bring the nominations up and file the cloture motion to terminate the anticipated filibuster but that I would schedule the debate and votes at a time when Senator MCCONNELL could be back to participate in them. And Senator SIMPSON and I then agreed that the cloture motion would be filed on Thursday evening but that the debate and vote on the cloture motions would not occur until Tuesday afternoon, that being yesterday afternoon. And that was locked into the schedule.

On Monday, the Senate was involved in a debate on the Ethics Committee resolution, and Senator MCCONNELL, of course, is the vice chairman of that committee and was involved in the debate. He and I discussed the matter on Monday and, as a result of that discussion, I agreed to put off the current pending matter until after the Senate completed action on the Ethics Committee resolution.

Since that occurred late last evening. It was not advisable, in my judgment, to proceed directly to this then, and so we rescheduled it for this morning. And that is the debate which is now occurring.

Mr. President, I will have something further to say about the process involved here in a moment, but I wanted to explain that scheduling and to say to Senator MCCONNELL, for whom I have a very high regard, that I regret any inconvenience that may have caused him as a result of that scheduling matter, but I wanted to explain that I had made a commitment to the nominees to proceed last week and I did not intend in any way to inconvenience him, knowing that he was necessarily absent on Thursday night and Friday because of the illness of his mother.

Mr. MCCONNELL. I thank majority leader for his explanation.

Mr. MITCHELL. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I yield myself whatever time I may need.

Let me first assure my colleagues I did not spend the night on the floor last night. I am not all that happy to be back over here this morning, but it is a very important issue that we have here before us. And it is not about the nominees. In fact, I know one of the nominees, Tobi Gati. I worked with her some on several different issues over the past few years. They, frankly, are not the issue.

The reason we are here is because we do not have many levers available to try to encourage any administration to

act on a given subject, and the subject before us today, in the judgment of this Senator, is not the nominees but rather an entirely different episode, largely ignored by the media, unfortunately.

On September 1 of this year, the Washington Post printed a startling item. Clinton administration officials had requested the files of 160 political appointees who had worked at the State Department during the Bush administration—160 political appointees who had worked at the State Department during the Bush administration. Six months after 160 Bush employees left office, Clinton White House personnel officials pulled their files out of a storage facility out in Maryland.

The story went on to discuss the contents of the files of two appointees, Elizabeth Tamposi, and Jennifer Fitzgerald.

Mr. President, I ask unanimous consent the Washington Post story be printed in the RECORD at this point.

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

[From the Washington Post, Sept. 1, 1993]

ELDERS AND BISHOPS EXCHANGE WORDS

Clinton administration officials, going through the files of Bush administration holdovers at the State Department, recently requested the personnel files of 160 political appointees from the department's archives in Maryland.

Each appointee has two files: one a standard résumé file; the other an "action" or "working" file, which has information about the official's activities, complaints or supportive comments and the like.

Guess whose working file was empty? That of very controversial longtime Bush employee Jennifer Fitzgerald, who was George Bush's executive assistant when he was vice president and became deputy chief of protocol at the State Department when Bush became president.

Unlike those of virtually every other ranking official, Fitzgerald's file was just an empty folder with her name on it.

All this left the Clintonites scratching their heads.

Meanwhile, there was a more hefty file on another famous Bush appointee, former New Hampshire real estate agent Elizabeth Tamposi, who headed the consular section and led a late-night foray to the passport archives in search of dirt on then-candidate Bill Clinton and his mother, Virginia Kelley. The searches turned up nothing but trouble for Bush, hurting him at the end of his reelection campaign.

Sources say Tamposi's file recorded concerns from very senior State Department types that she was not ready for an assistant secretaryship. Fortunately for Clinton, no one listened.

Mr. MCCONNELL. Two questions, Mr. President, immediately occurred to me when I read the story the first time. The first question was, Why would the Clinton administration need to look at files of former employees, particularly political appointees? The second question was, Was it legal to disclose the contents of Elizabeth Tamposi's and Jennifer Fitzgerald's personnel files? So I asked the State

Department if they had any explanation. And they offered none.

Then I wrote the Attorney General and asked her to take a look at the case. She still has not replied to my letter from 8 weeks ago.

There must be some problem with the mail system over there. Fortunately, the story struck a chord with the press, at least a small chord, and some reporters asked the State Department a few questions. Although the State Department was not interested in answering my questions, the press was able to prompt at least some response. The State Department spokesmen confirmed that the White House personnel office was responsible for the search, but went on to say it was an accident—an accident. They ordered the files by accident—160 of them, by accident.

The White House intended to order some Domino's pizza but by accident they ordered 160 personnel files. And, although it was an accident, they decided to refer the matter to the inspector general so they could not say anything more about it.

At the time I thought it was interesting that the State Department would not answer any questions on why, how, when, or what the purpose of the search was. Yet they claimed with total confidence that the search was simply inadvertent. It was just an accident, the State Department said, that 160 confidential files were requested, retained, reviewed and at least some released to the press—just an accident.

The press, astonishingly enough, seemed to be satisfied with the explanation and dropped the issue. The State Department was happy to avoid any public embarrassment or any public pressure to explain what really happened.

Mr. President, I am not satisfied with the official explanation, nor should this body be satisfied with the official explanation; 160 public servants had their files searched 6 months after they left the State Department. These files included confidential and rather personal information. The files were retrieved and reviewed by White House personnel officials and the contents of at least two of those files, to my knowledge, were leaked to the press—a clear violation of the Privacy Act.

I was discussing this case one day with a reporter and I contrasted the media's indifference in this case to the feeding frenzy over the search for President Clinton's passport file last year. The reporter I was speaking with was brutally frank. The reporter said essentially this: It was not newsworthy, he said. The privacy of a Presidential candidate was not at stake. The search was not linked to a top administration official, it was just the privacy of an ordinary citizen.

"Just the privacy of an ordinary citizen." "We are not interested."

The press has not been alone in its indifference to the rights of 160 American citizens. Just think back last year. Bush administration officials were publicly and repeatedly attacked by Members of Congress, charging them with criminal conduct because of their action on a Freedom of Information Act request for candidate Clinton's passport file.

Members of Congress screamed "conspiracy." They shouted "McCarthyism." They called for GAO investigations. They demanded special prosecutors. In just a few short weeks, five senior Bush administration officials were accused, indicted, and convicted on the Senate floor, on the morning talk shows, and in the Washington Post.

Let me remind my colleagues of some of the remarks they made at that time last year. Our colleague from New Jersey, Senator BRADLEY, held a press conference where he characterized the events as "disturbing" and "serious," and demanded that President Bush issue a statement answering questions regarding why Mr. Clinton's privacy rights had been violated.

Senator KERRY asked the GAO to look into the incident, fearing that the State Department would not or could not conduct an adequate investigation of its internal operations.

Congressman CLAY, the chairman of the House Committee on Post Office and Civil Service, asked the Office of Special Counsel to investigate potential Hatch Act violations.

Congressman BERMAN, who chairs the House Subcommittee on State Department Operations, also demanded a GAO investigation saying:

This incident has taught us that individual Americans have little protection from the prying ears and eyes of snooping bureaucrats.

Well said, Congressman BERMAN. There are 160 former State Department officials who would certainly agree with you.

The Congressman went on to say that:

The White House could have and should have stopped the search. High Government officials have an obligation to end improper conduct if they learn of it.

Wise words from Congressman BERMAN. I could not agree more.

Mr. President, these sentiments were echoed by then President-elect Clinton. When asked what he would do if an official was caught misusing his position for partisan politics, Governor Clinton said:

You will not have to have an inquiry or rigamarole or anything else because it's too important to me that the rest of the world see us as having a coherent and, as much as possible, nonpolitical foreign policy.

Governor Clinton went on to say:

Let me just say this—

This really sums it up, Mr. President—

If I catch anyone using the State Department like that when I'm President, I'll fire them the next day.

"I'll fire them the next day," Governor Clinton said. Mr. President, it has been 8 weeks since someone in your administration was caught abusing his position, and we are waiting for the pink slip. We thought they were going to be fired the next day. It has been 8 weeks. Where is the pink slip, Mr. President?

We know that a Clinton official by the name of Joseph Tarver runs the White House personnel office at the State Department. This office is responsible for screening and placing of political appointees. We know, Mr. President, that Mr. Tarver is no stranger to campaigns and politics. In fact, he was a key aide to the Clinton campaign top money man Bob Farmer. We also know that 160 people served President Bush as political appointees at the State Department. We know that every one of them had their file pulled. Those appointees range from clerks to special assistants up to assistant secretaries.

Mr. President, we know that Tarver's office pulled 160 files out of storage, read them, and at least two individuals discovered the sensitive contents of their files discussed in the Washington Post.

Finally, we know that Mr. Tarver continues to work in the White House personnel office and continues to have access to sensitive personnel records. Yet, the President, President Clinton, is strangely quiet. No one was fired the next day. As far as we know, no one was even suspended or got demoted or lost White House mess privileges. The President apparently just looked the other way.

I think the public and the 160 victims of this outrage deserve an explanation. I think they deserve some answers to some very basic questions:

First, what possible purpose was served or intended by retrieving personnel documents of individuals who are no longer employed by the State Department?

Second, was the Privacy Act or any other law violated when the files were leaked to the Washington Post? Were these or any other files provided to any other person or organization?

Did the White House direct the activity?

Which White House officials were notified of this activity and when?

Did anyone take any steps to prevent this from happening?

Were other agencies directed to retrieve personnel records?

Mr. President, on September 1, I wrote to the Secretary of State, Warren Christopher, asking him many of these questions. He chose not to respond to the letter and instead asked his staffer, Wendy Sherman, to let me know that the buck had been conveniently passed to the Inspector General.

Subsequently, the Republican leader and I wrote the Secretary. We did it together. I decided if they were not paying attention to me, maybe I would ask the Republican leader to help out here. So the Republican leader and I wrote the Secretary again asking for answers to several questions. Again, the Secretary chose not to respond. Again, Ms. Sherman wrote to the leader and me advising us that the buck had been passed to the IG. However, she did confirm that those involved in the scandal continue to work in the White House at the liaison office at the State Department as if nothing had happened.

This laissez-faire attitude contrasts sharply with how the employees who were accused of wrongdoing last year were treated. Last year, several Freedom of Information Act requests were filed by the five different news organizations requesting information from candidate Clinton's State Department files. This year, 2 months later, no one can or will explain the reason for pulling the files out of storage.

Last year, the IG had a completed report in just 30 days—just 30 days. This year, 8 weeks later, we still have no answers.

Last year, 4 days after referring the matter to the inspector general, Acting Secretary of State Eagleburger met with the Foreign Relations Committee to review the case. This year, the Secretary has refused to answer any questions and has had his staff respond to the letter sent by the Republican leader and myself.

Last year, Secretary Eagleburger offered to resign. This year, the Secretary has dodged the issue.

Last year, the press carried daily stories with colorful quotes from a host of sources charging five people with "not telling the truth," of engaging in improper politically motivated activities, and bringing shame on the Department.

This year, the rights of 160 ordinary American citizens just are not newsworthy.

Last year, a Republican Attorney General appointed an independent counsel to investigate allegations about fellow Republicans. I repeat: Last year, a Republican Attorney General appointed an independent counsel to investigate allegations about fellow Republicans. This year, the Attorney General will not answer her mail.

Last year, my colleagues were demanding justice. This year they are strangely silent. This year, 8 weeks after this scandal came to light, we still have no answers, no action, and no apologies.

Mr. President, there is a double standard at work here which has worked against the interests and rights of 160 American citizens. The press is not interested because they are just average citizens, not Presidential candidates, not movie stars, and the State

Department and President Clinton obviously hope the whole thing will just go away.

With all of this indifference, I felt obliged to take some action to get the Secretary of State's attention. So for the past 3 weeks, I have held up five State Department political nominees, and this is something I do not do very often. I am not one of those people who enjoys this sort of thing or who does it routinely. I held them up until I could get some satisfactory answers about the White House and the State Department's treatment of these 160 employees.

I viewed this as a question of inconvenience for five very well-connected political appointees, on the one hand, versus the rights of 160 average political appointees on the other. Remarkably, having taken this action, I received a phone call from the Secretary of State expressing his interest in the matter. I have also had several calls from the Congressional Relations Office, the State Department legal adviser and others in the Department who have attempted to persuade me that they are now taking this matter very seriously. Indeed, they say, they could not be more serious about it.

But prior to that for 6 weeks, I did not hear a thing—I did not hear a thing. Until I put a hold on a few nominees, the State Department ignored the interests and rights of 160 American citizens. Then all of a sudden, the Department became intensely interested in these hapless victims.

I think this is largely due to how well-connected these nominees are. Like my colleagues, I have heard from CEO's of major corporations, law partners, former campaign officials, and many Members of Congress all appealing for mercy. As a matter of fact, I heard from people even in my own State that I have not seen in years. I would say that the five people before us have lots of friends—lots of them.

When I made the decision to hold these folks up, I knew they were political, but I had no idea how political. And I personally do not have any problem with that. I am not somebody who thinks politics should be a disqualifier to be an Ambassador.

I think many of my colleagues might be interested in the extensive campaign contributions which these political nominees have made. It might even change a few minds about campaign finance reform. Simply put, these are people with serious clout, not only in the fundraising world but in the world in general. One nominee has written 35 checks for substantial sums, the smallest of which was \$1,000, the largest of which was a quarter of a million dollars, to the Democratic National Committee victory fund.

I do not have any problem. I am not criticizing them for supporting the candidate of their choice. I am making

the point these are not just ordinary, run-of-the-mill citizens here who are being temporarily inconvenienced, temporarily inconvenienced in order to get the attention to the State Department on the rights of 160 regular folks which are being ignored or may have been abused. Apparently their status concerned a number of people who called me. One Senator actually pleaded how inconvenient it was for the Ambassador-designate to be living in a hotel—the Ritz-Carlton no less.

I apologize for the inconvenience, but I think some other principles are at stake. The privacy and the rights of 160 people are at least as important as the inconvenience of slow room service.

So that we all know how serious the situation is, I would like to share some of what I have learned over the past few weeks with my colleagues. In conversations with officials inside the State Department, in the administration, GAO and elsewhere, I have learned that part of the reason there is a delay is that there are serious complications associated with possible criminal charges in the matter.

I have learned that highly sensitive information, including material assembled in security background investigations, was in many of those files which were apparently encroached upon.

I have learned that the line of investigation includes the White House.

I have also learned that a briefing on this matter was scheduled by the IG for the chairman of a House committee, but was abruptly canceled.

Mr. President, this is beginning to smell a little bit like a coverup. I believe the inspector general should truly be independent of the building and the bureaucracy that he is investigating. It was precisely because I feared political intervention that I urged the Attorney General to conduct an independent probe, and that is the same Attorney General who had not answered the letter I sent her 8 weeks ago. But I heard nothing back. And now I am being told that the IG cannot come and answer any questions from Congress until he briefs the Secretary of State, which brings us back to where we were 8 weeks ago.

I believe the Secretary could, the Secretary can and should answer the questions the Republican leader and I have asked. As we said in our letter, the questions go to the heart of the Secretary's administration of the Department of State.

Mr. President, this situation could reflect—could reflect—the misconduct of a single former campaign worker or represent evidence of far-reaching, politically motivated, illegal activity. Given the strong views held by my colleagues a year ago about the privacy act and the right of citizens, I would hope they would be led to support the course I have had to take.

I have no doubt, Mr. President, if this were a Republican administration, this

would be a huge issue. But to these 160 regular citizens, not Presidential candidates and not movie stars, it is a big deal. The privacy act was not just written for prominent people. It was written for all of us.

Mr. President, I wish to repeat, I take no pleasure in inconveniencing these five very important people. I have high hopes that this will not fracture their lives, that they will somehow be able to deal with this momentary inconvenience, but it is the rights of the 160 that we are talking about here, many of whom are not that well connected, most of whom are certainly not famous. I expect none of them are famous.

It is my hope that we can avoid closure as a further message to the State Department that we need to move forward on this, not sweep it under the rug, get the IG report out and let us see what really happened.

Mr. President, if I have any time, I retain the remainder of it.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. PELL. It is time to look at this situation objectively in light of certain facts. Whether a glass of water is half full or half empty depends on the way you look at it. They say beauty is in the eye of the beholder. The same I think is true in the discussion of these events.

Let me recount briefly for my colleagues' information the record of events that have brought us to this point. It was on September 1 that Al Kamen from the Washington Post reported that members of the Clinton White House liaison office at the Department of State requested that files from the Bush administration's liaison office at State be retrieved from the Department's storage facility in Hyattsville. He reported further that some files on individuals had been reviewed and their contents disclosed.

On September 2, the day after this story was run, the State Department turned over the issue to Inspector General Sherman Funk for investigation.

On September 9, the Republican leader and Senator McCONNELL sent a letter to Secretary Christopher asking that the following questions be answered with respect to these files.

First, was the search suggested, requested, or authorized by officials at the State Department acting alone or at the direction of the White House, Democratic Party, or any other entity?

Second, what was the intended use of these documents?

Third, other than reporters at the Washington Post, who received information from these files?

Fourth, is the individual involved still working at the Department of State?

In her reply the very next day, September 10, Assistant Secretary Wendy Sherman stated that the first three issues raised by the Senators "are now the subject of the Inspector General's ongoing investigation."

With regard to the fourth question, she stated that the individual was still in the employ of the Department.

Finally, she noted that the Department would withhold taking any further action pending the outcome of the IG's investigation.

Mr. President, I appreciate the questions that my colleague from Kentucky raised in his letter of September 9. They need to be answered. I agree with him. I expect that they are being examined, I trust that they are being examined, by the State Department's inspector general in the context of his overall investigation into the incident in question.

I believe the Department deserves credit for its rapid response to the situation, not condemnation. The issue was turned over to the inspector general for investigation the very day after it was disclosed in the press. And since then, Department officials have refrained from becoming involved in trying to influence the investigation. That is as it should be. To do otherwise would taint the IG's investigation and lead to charges of political pressure. The IG's report is expected soon. We should await its outcome before making judgments and proceed to consideration of the President's nominees.

I have before me a letter dated November 2 from Acting Secretary Clifton R. Wharton, Jr., addressed to me, and I ask unanimous consent the letter be printed in the RECORD.

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

THE SECRETARY OF STATE,
Washington, November 2, 1993.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR PELL: I am writing to provide information about the actions the Department has taken regarding the White House liaison file matter. The Department has taken prompt action to deal with this issue.

As we understand the facts to date, the files in question were those of the Department's White House Liaison Office which has been retrieved from storage by staff members of that office. Within approximately 24 hours of the appearance of the story in the newspaper, the Assistant Secretary for Administration, who is the responsible official for records management in the Department, referred the matter to the Inspector General. This referral was made in order to ensure that a thorough, objective and professional review of the matter would be undertaken.

Pending the results of the investigation, it would be inappropriate to draw conclusions whether the staff of the White House Liaison Office, or other individuals, were involved in wrongdoing. Any further action must await the outcome of the Inspector General's investigation. Due to the independent nature

of the Inspector General and his investigations, we are unable to inform you when this investigation will be completed. At the appropriate time, we understand that the Inspector General would be prepared fully to brief you and other interested members of Congress on his findings and conclusions. I assure you that, if wrongdoing is discovered, appropriate action will be taken.

We would be pleased to meet with you to discuss this matter further, though we will know no more until the Inspector General has completed his investigation. In addition, we look forward to our continuing dialogue on the many important matters of mutual interest before the Senate Foreign Relations Committee and the Congress.

Sincerely,

CLIFTON R. WHARTON, JR.,
Acting Secretary.

Mr. PELL. I would like to read two paragraphs from it:

As we understand the facts to date, the files in question were those in the Department's White House Liaison Office which had been retrieved from storage by staff members of that office. Within approximately 24 hours of the appearance of the story in the newspaper, the Assistant Secretary for Administration, who is the responsible official for records management in the Department, referred the matter to the inspector general. This referral was made in order to ensure that a thorough, objective, and professional review of the matter would be undertaken.

Pending the results of the investigation, it would be inappropriate to draw conclusions whether the staff of the White House Liaison Office, or other individuals, were involved in wrongdoing. Any further action must await the outcome of the inspector general's investigation. Due to the independent nature of the Inspector General and his investigations, we are unable to inform you when this investigation will be completed. At the appropriate time, we understand that the inspector general would be prepared fully to brief you and other interested Members of the Congress on his findings and conclusions. I assure you that, if wrongdoing is discovered, appropriate action will be taken.

This letter is addressed to me, and it is signed by Clifton R. Wharton, Jr., Acting Secretary of State.

I yield the floor.

Mr. BROWN addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PELL. Mr. President, I yield 1 minute to the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado [Mr. BROWN] is recognized.

Mr. BROWN. Thank you, Mr. President. I, too, thank the distinguished chairman.

Mr. President, I find myself somewhat torn this morning. There were very thoughtful comments I think of the Senator from Kentucky, which I find myself in strong agreement with.

I have a series of areas that I feel very strongly about that I think the administration has not been responsive on. There is not time this morning to go into those as I would like.

But I am torn because I am also familiar with one of the ambassadorial appointments, not just through the interview process, but for a number of

years I have personal knowledge of Swanee Hunt, who is the Ambassador nominee for Austria. She will be an outstanding Ambassador, and an outstanding representative for this country.

I am torn because the motion that we will vote on is cloture on all of the nominees, not simply Swanee Hunt.

I intend to vote cloture because I am committed to and I believe Swanee Hunt will be an outstanding Ambassador.

But I must make it clear that the points that have been made this morning with regard to nonresponsiveness are important, and I believe deserve to be addressed.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MCCONNELL. Mr. President, if I could just respond to my friend from Colorado, how much time do I have left?

The ACTING PRESIDENT pro tempore. The Senator from Kentucky has 6 minutes and 40 seconds.

Mr. MCCONNELL. Mr. President, I just say to my friend from Colorado that I am sorry that his constituent would be personally inconvenienced by this, that he feels the need to support cloture. But it is my hope that this temporary inconvenience will not last very long. I do not know Ms. Hunt. I know many Senators do. I certainly do not have any objection to her qualifications. I hope he knows that.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MITCHELL. Mr. President, I yield such time as I may use.

Mr. PELL. Mr. President, I yield the majority leader as much time as he needs.

Mr. MITCHELL. Mr. President, I would like to speak briefly in response to some of the points made by the Senator from Kentucky.

First, it should be noted that this matter first became public on September 1. Within 24 hours, the Secretary of State had referred the matter to the inspector general. The inspector general is and should be an independent person. That is the reason why inspector generals exist, why they were created by the Congress—within 24 hours.

A week later, the Senator and the Republican leader sent a letter to the Secretary of State with these questions. It is obvious if they want an investigation to be conducted the inspector general is the person to conduct it, and the investigation is under way.

But a week later they sent a letter down, and of course publicize it now in a way that is obvious that what is going on here has nothing to do with these nominees but an effort to criticize the administration.

The other alternative suggested by the Senator from Kentucky, he said last December a Republican Attorney General appointed an independent

counsel to investigate a comparable situation. But as he well knows, the Republican Members of this Senate filibustered to death the independent counsel law. In fact, that Republican Attorney General acted on the last day of which the independent counsel law existed.

We tried to get it extended, and the Republican Senators filibustered it to death.

The reason that the Attorney General now cannot appoint an independent counsel on this or any other case is that she has no legal authority to do so. And the reason she has no legal authority to do so is that the Republican Members of the Senate filibustered the bill.

Mr. MCCONNELL. Will the majority leader yield on that point?

Mr. MITCHELL. Certainly.

Mr. MCCONNELL. Is it not possible even without the independent counsel statute, which did expire, for the Attorney General to answer a letter to a Senator, or maybe appoint a special prosecutor? I think that is still possible under the current law.

Mr. MITCHELL. Obviously, that should be answered. I have no comment on that. But a special prosecutor everyone should understand is nothing more than another employee of the Attorney General; is not an independent person, despite the title. Any special prosecutor has no independent authority, is not even as independent as the inspector general, and has no independent authority; and, all authority is derivative from the Attorney General and can only report to the Attorney General.

Mr. MCCONNELL. That would be fine with this Senator. Would the majority leader join me in supporting that?

Mr. MITCHELL. I do not know if the clause exists here. But my point is it is a meaningless act.

I am a former prosecutor. I can say to my colleagues it sounds good to appoint a special prosecutor but it is meaningless. It is like taking one of your employees and saying, I now designate you by this title, you have no different authority than you have in the current position, but you have this fancy title.

What we should do, and will have a chance to test this year, is pass an independent counsel law. I ask my colleague, when I bring up the independent counsel law that will create the authority to do what he wants, will he support that?

Mr. MCCONNELL. I say to the leader I have a lot more confidence in the professions down in the Justice Department than he does. I do not assume that these special prosecutors or positions under current law without the independent counsel statute are simply going to be led around by the nose by the Attorney General.

I do not think whether or not we have an independent counsel statute is

the issue before us. The question is whether this is going to be properly pursued by those who have the authority to do it under the laws that exist today.

Mr. MITCHELL. Mr. President, if the Senator does not think the independent counsel is the thing to do, why did he raise it in the debate? Why did he point out that a previous Attorney General appointed an independent counsel and contrast the last counsel with this Attorney General?

Mr. MCCONNELL. I cited how serious it was treated. This is not being treated as a serious problem, I say to my friend. That is the issue.

Mr. MITCHELL. I want to say, Mr. President, finally, what is acknowledged here is that this problem to which the Senator refers has nothing whatsoever to do with these nominees, nothing.

These are five well-qualified people. All of them were approved unanimously by the Foreign Relations Committee. And only in an institution with the rules of the U.S. Senate could those five people be held hostage on a completely unrelated matter, and the mechanism of holding hostage is a filibuster.

Mr. President, from 1919, when the rules of this Senate regarding filibusters were changed, for more than a half century, into the 1970's, there were fewer than one filibuster a year in the Senate on average. Frequently there were whole Congresses, a 2-year period in which a single filibuster did not occur. The filibuster was reserved by a restraint of Senators, by common consent to matters of grave national importance.

Now we see that a filibuster is used almost every day on almost everything that comes before the Senate. Right now in this Senate there are six different filibusters going on at one time. And in the last Congress, the 102d Congress, there had been filed 48 motions to end filibusters.

Here we have a filibuster, five of them, on five nominees—who are, everybody admits and agrees, qualified—because of some completely unrelated matter.

I say that is obstructionism for six filibusters going at one time in the Senate. Is it any wonder that the American people question what we are doing? Yet over and over again our colleagues resort to the filibuster on the most trivial of matters.

I just hope my colleagues will join in defeating this filibuster and saying let us get on with the business, and let us not just do this every time we have a problem, especially an unrelated problem.

Mr. President, I urge my colleagues to vote for cloture. End this filibuster. Let us approve these nominees. They should not be held hostage any longer to this unrelated matter.

Mr. PELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. PELL. Mr. President, I would like to comment here that I agree with the majority leader about the use of the filibusters. I can say that in 32 years here I have never voted to prolong one. I have always voted for cloture and intend to continue doing so.

I would point out, too, that the independent counsel, in the previous occasion cited, was appointed almost 1 month after completion of the inspector general report. In this case, the inspector general has not even completed his report yet.

I yield the floor.

Mr. MCCONNELL. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes and 55 seconds.

Mr. MCCONNELL. I yield 2 minutes to the distinguished assistant Republican leader.

Mr. SIMPSON. Mr. President, I thank the Chair.

This is a curious arena. One day we are on one side and the other day the other side, and our allies one day are adversaries the next. That makes this a remarkable institution. Today I wish to speak in support of what Senator MCCONNELL is doing.

Last Thursday, October 28, I came to the floor to address the Chamber on a fairly innocuous matter—certain documented criticisms which I had of the 34-million member AARP. I am still digging out from the mail on that. I think that the mailman had a hernia from hauling that mail in.

I was unable to immediately deliver my researched text on that matter. Instead, I became embroiled with Senator SARBANES in a rather free flowing off-the-cuff debate covering a rather wide range of controversial issues—none of which were novel issues to this Chamber. We went from the use of the filibuster, to who is responsible for gridlock, to the double standards utilized in assessing the Clinton administration versus the Bush administration, to the use of holds, to why there was a hold placed on these specific nominees, and then we returned to the double standards of how State Department personnel file investigations were conducted in the Bush administration as differing from the handling of those in the Clinton administration. It was a wonderful, free ranging, toe-to-toe debate that I had with one of the best in that line of work—my friend and the able counselor Senator PAUL SARBANES.

I noted during the course of our debate that Senator MCCONNELL, who had indicated an objection to these nominees was unable to be in attendance due to a family emergency, the loss of his mother. I know the pain of that tragedy from my own father's death in

June. I said that if he had been on the floor, he could have explained with much more clarity and persuasiveness than I the reason for the various holds. I have learned a great deal more about this matter since October 28. On that date, I misspoke. In the heat and energy of the debate, I said that I would vote for cloture. I have since learned—the hard way—the only way I do learn—that my observation about my colleague, Senator MCCONNELL, was absolutely correct. He does know a great deal more about this issue than I do, and I regret that he was not able to be on the floor to defend the assault against his quite appropriate holds last Thursday.

I have now learned that all—all of them—Republican requests for an expeditious investigation into this matter have either been wholly ignored or at a minimum, not been given any degree of priority. I, for one, do not at all appreciate the cavalier lack of responsiveness which Senator MCCONNELL and others have received from the administration on this very important issue. It is quite unfortunate that we, in the minority, have to avail ourselves of procedural devices such as holds just to get the attention of the administration as to legitimate requests. That is, now what is happening here, and I intend to fully support Senator MCCONNELL, and our fine Republican leader, Senator DOLE in their efforts to find out the truth in this matter. Therefore, armed with a much better grasp of the facts than I had last Thursday, I will vote against cloture. I wanted to explain my change of position.

However, I also do know Swanee Hunt, she is a splendid person and so very well qualified in all ways for her diplomatic post. She will represent America and her Government well. I am very impressed with her. I am going to make every reasonable effort to break Ambassador-designate Hunt out of this group of holds.

I regret any confusion which my statement regarding the cloture vote might have caused to Senator SARBANES or to anyone else who listened to or observed our debate or subsequently read the CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Kentucky has 2 minutes 51 seconds.

Mr. MCCONNELL. Mr. President, the issue here is a double standard—last year versus this year; prominent citizens like former Governor Clinton versus ordinary Americans like the 160 Bush administration officials who had their files searched.

With regard to the inconvenience of these five extremely well-connected and, in many instances, affluent people, I apologize for that. But it is one of the few ways you can get attention of an administration, particularly if you are in the minority.

This is not a device that this Senator has very often used. So I do not do it

lightly. But I think the issue here is a double standard. I hope that the Senate will not invoke cloture as a further message to the State Department, let us get this report out, and let us get it out soon.

This issue is not forgotten. It is not going to go away. That is the message I want to send today, and I hope Republican Senators will stick with us on this.

I yield whatever remaining time I have to the Republican leader.

Mr. DOLE. Mr. President, I regret that I have not heard all of the debate. I have been representing the majority leader and myself at the White House on the North American Free-Trade Agreement. The President signed the transmittal letters, and I thought that was rather important.

I think what we are about to do has been pretty well explained. I know this is a painful process, particularly for the nominees who are being held. I remember going through it when I was a majority leader when somebody, for some reason—and I did not think it was a bit related—would say we are going to put a hold on the nominees. Of course, the problem is trying to find time to make it work.

Senator MCCONNELL makes a pretty good case, and he explained it to us yesterday. It is about searching a personnel file of 160 political appointees.

What a difference a year makes. When the passport file of one individual was examined—after Freedom of Information Act requests from several news organizations—a firestorm shook Congress. Stories critical of the action occupied the news media for days. The Secretary of State offered to resign. An inspector general report was completed, and an independent counsel was appointed—all in less time than has elapsed since the first story on the search of personnel files.

Then President-elect Clinton condemned the use of the State Department for political purposes, and promised "if I catch anyone using the State Department like that when I'm President * * * I will fire them the next day."

Well, maybe President Clinton has not caught anybody yet. As far as I know, no one has been fired. But somebody searched the files and somebody leaked their contents to the press.

On September 9—almost 2 months ago—Senator MCCONNELL and I wrote to the Secretary of State and asked four simple questions: Who authorized the search, for what purpose, who received the information, and is the individual still employed.

I do not know if the Secretary can answer the questions. I do not know if the Secretary even saw the letter. I received a response from an Assistant Secretary deferring to the inspector general's investigation.

I have received no additional information from the administration. The

double standard is at work again. First it was Travelgate and now it is filegate. While enormous legal fees and personal hardship are still being endured as a result of the independent counsel's probe of the passport affair, there is silence about the search of personnel files. No answers and no accountability.

Mr. President, I do not like delaying anyone's confirmation. I believe a President has the right to have his or her people in place. I also recognize the nominees under consideration did not have anything to do with this sordid episode. I recognize they are inconvenienced by this process.

Finally, I recognize that there are complaints about the hold process from some on the other side of the aisle. Just as we saw new conversions in support of Presidential flexibility in foreign policy in the last few weeks, we are witnessing complaints about Senate process that were never aired during the previous 12 years.

The five nominees were placed on the Senate Executive Calendar on October 5. This delay, while unfortunate, has been only the latest in the often long nomination process. As part of this process, these individuals submitted information about campaign contributions, criminal records, financial transactions, and other sensitive background information to the executive branch and to the Foreign Relations Committee. This information—like the information in the Bush appointees' files—should not be subject to unauthorized review and disclosure.

I am certain these nominees would not want to see their personnel files disclosed to the news media. They should not be.

I am certain the nominees would not want their personnel files ransacked by this or any future administration. They should not be.

And I am certain if their files were searched, they would want answers, and they would want accountability.

Answers and accountability—that is what the Senate will vote on. I urge my colleagues to oppose cloture for these nominees until the State Department provides some answers and accountability.

I think this is an important vote. It is important not just to Senator MCCONNELL, it is an important vote for us. If we cannot get the information, this may not be the best way to proceed, but it is the only leverage that the Senator from Kentucky has. I think he is using it appropriately, and I hope we support his efforts.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island has 2½ minutes.

Mr. PELL. I yield whatever time is desired by the majority leader.

Mr. MITCHELL. Mr. President, I will not repeat all that has been said in the debate, but will simply summarize.

Within 24 hours after this matter became public, it was referred to the inspector general for investigation. That is the appropriate course of action. The inspector general is in fact—and is supposed to be—independent. So it is inappropriate to apply political pressure to the inspector general with respect to this or any other investigation.

Third, the nominees now in question were approved unanimously by the Foreign Relations Committee. No question has been raised as to their qualifications. Indeed, the persons who are today going to vote against the nominees have praised the nominee's qualifications. So let us all understand that this is a completely unrelated matter. It has nothing to do with the nominees. I think it is not the right place or the right time to filibuster and hold up these nominees in this way.

I think the fair course of action is to let us proceed to consider and vote on the nominees. If a Senator does not like the nominees and does not think they are qualified, he or she has the right to vote against the nominee. Let the inspector general complete his individual, independent investigation as it should be.

I yield the remainder of our time. I believe we are ready to proceed.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motions to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 411, Alan John Blinken to be Ambassador Extraordinary and Plenipotentiary of the United States to Belgium:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Bill Bradley, Paul Simon, Joseph Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Patrick Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 413, Tobi Trister Gati to be an Assistant Secretary of State:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Paul Simon, Joseph Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Patrick Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 414, Swanee Grace Hunt to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Austria:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin,

Paul Simon, Joseph Lieberman, Jay Rockefeller, Harlan Mathews, Dale Bumpers, Patrick Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 415, Thomas A. Loftus to be Ambassador Extraordinary and Plenipotentiary of the United States to Norway:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Bill Bradley, Paul Simon, Joseph Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 420, Daniel L. Spiegel to be Representative of the United States to the European Office of the United Nations, with the rank of Ambassador:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Bill Bradley, Paul Simon, Joseph Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the five nominations, Executive Calendar No. 411, Alan John Blinken, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium; Executive Calendar No. 413, Tobi Trister Gati, of New York, to be an Assistant Secretary of State; Executive Calendar No. 414 Swanee Grace Hunt, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria; Calendar No. 415, Thomas A. Loftus, of Wisconsin, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway; and Executive Calendar No. 420, Daniel L. Spiegel, of Virginia, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will now call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 42, as follows:

[Rollcall Vote No. 349 Ex.]

YEAS—58

Akaka	Feinstein	Mikulski
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boren	Harkin	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Brown	Jeffords	Reid
Bryan	Johnston	Riegle
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Campbell	Kerry	Sarbanes
Conrad	Kohl	Sasser
Daschle	Lautenberg	Shelby
DeConcini	Leahy	Simon
Dodd	Levin	Wellstone
Dorgan	Lieberman	Wofford
Exon	Mathews	
Feingold	Metzenbaum	

NAYS—42

Bennett	Faircloth	McCain
Bond	Gorton	McConnell
Burns	Gramm	Murkowski
Chafee	Grassley	Nickles
Coats	Gregg	Packwood
Cochran	Hatch	Pressler
Cohen	Hatfield	Roth
Coverdell	Helms	Simpson
Craig	Hutchison	Smith
D'Amato	Kassebaum	Specter
Danforth	Kempthorne	Stevens
Dole	Lott	Thurmond
Domenici	Lugar	Wallop
Durenberger	Mack	Warner

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 42. Three fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motions are rejected.

The majority leader.

NOMINATION OF ALAN JOHN BLINKEN TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM

Mr. MITCHELL. Mr. President, am I correct in my understanding that the pending business is Executive Calendar No. 411, the nomination of Alan John Blinken, to be Ambassador to Belgium?

The PRESIDING OFFICER. The majority leader is correct.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 411, Alan John Blinken to be Ambassador Extraordinary and Plenipotentiary of the United States to Belgium:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Bill Bradley, Paul Simon, Joseph

Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

NOMINATION OF TOBI TRISTER GATI TO BE AN ASSISTANT SECRETARY OF STATE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to Executive Calendar No. 413, the nomination of Tobi Trister Gati to be an Assistant Secretary of State.

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

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 413, Tobi Trister Gati to be an Assistant Secretary of State:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Paul Simon, Joseph Lieberman, Jay Rockefeller, Harlan Mathews, Dale Bumpers, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

NOMINATION OF SWANEE GRACE HUNT TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to Executive Calendar No. 414, the nomination of Swanee Grace Hunt to be Ambassador to Austria.

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

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 414, Swanee Grace Hunt to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Austria:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Joseph Lieberman, Paul Simon, Jay Rockefeller, Harlan Mathews, Dale Bumpers, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

NOMINATION OF THOMAS A. LOFTUS TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senate proceed to Executive Calendar No. 415, nomination of Thomas A. Loftus to be Ambassador to Norway.

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

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 415, Thomas A. Loftus to be Ambassador Extraordinary and Plenipotentiary of the United States to Norway:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Bill Bradley, Paul Simon, Joseph Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

NOMINATION OF DANIEL L. SPIEGEL TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senate proceed to Executive Calendar No. 420, the nomination of Daniel L. Spiegel to be the Representative of the United States of America to the European Office of the United Nations.

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

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 420, Daniel L. Spiegel to be Representative of the United States to the European Office of the United Nations, with the rank of Ambassador:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Bill Bradley, Paul Simon, Joseph Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, if I might have the attention of the distinguished Senator from Kentucky, we have just had one cloture vote on all five nominations. Although a majority of Senators voted to terminate the filibuster, it was fewer than 60 and therefore we cannot proceed with the nominations.

I have just filed five cloture motions and I now ask unanimous consent that the vote on those five be a single vote, as was the vote this morning.

Mr. MCCONNELL. Mr. President, reserving the right to object, could I ask the leader for a brief quorum call while I discuss my options?

Mr. MITCHELL. Certainly.

Mr. MCCONNELL. I reserve the right to object.

Mr. MITCHELL. I will withdraw the request until such time as the Senator has had a chance to consult, and I now suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the five cloture motions just filed be combined into one for purposes of the vote to be held under rule XXII.

Mr. MCCONNELL. Mr. President, I must inform the majority leader there is an objection on this side as to that UC.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I regret the objection, but certainly the Senator has a right to object. I will state then there will be five cloture votes on Friday morning as a result of this action unless some prior agreement is reached. Every Senator should understand that.

Second, let me say that I respect the right of any Senator to use the rules to the fullest, but what we are seeing here

is just sheer obstructionism—sheer obstructionism. We have five qualified nominees who were approved unanimously by the Foreign Relations Committee. There was not one word challenging their ability or qualifications. Indeed, the very people who voted against them praised their qualifications and then voted against them.

But to make an unrelated political point, these five people are being held hostage in an act of sheer obstructionism. That is most regrettable. I think it is most unfortunate. Here we are in the U.S. Senate now with six filibusters occurring at one time—six filibusters at one time. There was a time in the not too recent history when it took 6 or 8 years to have six filibusters. Now we have six filibusters going at one time and filibusters directed, in this case, against five nominees who everyone can see are well qualified. I just do not think that is right. I regret it.

I say to my colleague, we are going to keep filing cloture motions and we are going to keep going on this issue until these nominees are confirmed. I made a commitment to the nominees last week that I would bring their nominations before the Senate last week.

I now make this further commitment to them. We are going to keep after this until they are confirmed. They should not be in this position. They should be now serving in the offices to which they have been nominated and recommended by the Foreign Relations Committee. We are going to stay here in the Senate as long as it takes to get these nominees confirmed.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, with all due respect to the majority leader, the issue is 160 ordinary citizens who have apparently had their rights violated and the fact that the State Department cannot get an IG report out in 8 weeks to give us some indication of whether criminality may have occurred.

I will say to the majority leader, as I said previously, we are going to continue to debate here. I take no personal pleasure in putting holds on these nominees. This is not something I frequently do. I know he is exasperated because this happens from time to time, but rarely by me. The issue is how do we get their attention. I have not been here as long as the leaders, but I am unaware of any other device by which we can get their attention.

So the notion that this Senator, at least, is just sort of willy-nilly bringing the Senate to a halt is just not correct. There is an important issue involved here, and that is the rights of these 160 American citizens whose rights may have been violated and whether or not they are being treated

in the same way as a candidate for President of the United States was treated for apparently the same kind of violation this time last year. That is the issue.

So, again, I apologize to these individuals. They are all very well-connected, several very affluent. I think they can survive this temporary inconvenience. Surely they can, but that is what is before the Senate: Are we going to get the attention of the State Department? Again, I am sorry it came down to this. But that is the issue in terms of this Senator.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I would like to make one further point. This repeats what I have said on this Senate floor several times.

As the Republican leader knows, I have been the principal advocate in this Congress and in this Government of this Senate and the House adjourning by Thanksgiving. I am the one who raised the issue. I pressed the issue in meetings with the leadership, and I pressed the issue in a meeting with the President and the Vice President directly. For that, why, I get so many of my colleagues come up to me privately—Republicans and Democrats—and say, "Mr. Leader, we're all with you, we want to get out of here Thanksgiving."

But if we are going to have to spend days and days on filibusters over nominations of persons whose qualifications are unchallenged, then the chances of this Senate completing its action on what we must do, I would say, are declining rapidly. I will just say now to Senators, I strongly encourage you not to make any plans for after Thanksgiving. If we have to go through this, if we have to take this kind of time on filibuster after filibuster after filibuster, delay after delay after delay on something that should take this Senate 5 minutes, then I say to Senators, in all seriousness, and most regretfully, do not make any plans now for the period after Thanksgiving.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

The Republican leader.

Mr. KERRY. Mr. President, I thought that I was recognized.

Mr. MITCHELL. Mr. President, under the rules of the Senate, the majority leader has priority recognition and the Republican leader has next recognition.

Mr. KERRY. I apologize.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I will indicate that the Secretary of State will be up tomorrow, I understand, before the Foreign Relations Committee. I understand he will be asked about this problem and maybe it can even be resolved.

I have never made a practice of putting holds on anybody. I say there are some on each side who do that frequently and some more often than not. I do not know of any time the Senator from Kentucky has ever done that. It is certainly our hope it can be resolved very quickly. When the Secretary of State spoke to me about 30 days ago, he said he was going to take a personal interest in this and try to do something.

It is a little different when you have one-party governments. You have the White House controlled by the Democrats and the Congress controlled by the Democrats. If this had been the other way around, we would have had hearings. The Senator from Massachusetts would have dreamed up some hearing and we would have had hearings all over the place. Do not worry about it, we would have had hearings day after day after day to get this done. We do not have any hearings. We do not have anyplace to go. There has to be some protection for the rights of the minority. We hope to be in the majority after 1994, but we are not there yet.

So we have to do what we have to do. We do not like to inconvenience people, but it is a one-party Government. You see what has happened. The Attorney General will not write a letter; she will not investigate anything. We cannot get the committees to do anything. I have written I do not know how many letters to the distinguished chairman of the Judiciary Committee on Travelgate and I do not know how many problems. No sale.

If somebody can give us an alternative or somebody is willing to have a hearing—maybe the Senator from Massachusetts is going to announce that today he is going to have a hearing—we will be happy to cooperate, but we do not think it is going to happen. The only recourse we have is precisely what we are doing now. We do not like to do it, and if the majority leader would like to ask the appropriate committee to have a hearing on this specific thing, then we might be able to work out some accommodation.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me say to my friend, the Senator from Kansas, the distinguished minority leader, I do not disagree with him, nor even with the Senator from Kentucky. There is an appropriate expectation that this investigatory process work fairly, and it ought to work fairly.

The Senator has a right to expect that these 160 citizens are properly going to be protected through the process. I do not disagree with that at all. And, in fact, the Senator is correct to assert those rights. But I disagree that it is necessary for the Senator or for the Republican side to stop five Ambassadors,

several of whom will fill extremely important positions in terms of intelligence assessments and other issues, in order to get what they are trying to get.

Why do I say that? I say that because the process is working now. If you will look at what happened in the Clinton passport case, when the Republicans were asked to investigate, they did not ask the inspector general to investigate until some 2 weeks after the story broke in the press. In this case, the very next day after the press reports appeared, the inspector general was asked to investigate. The State Department does not control, or the Secretary of State does not control, the speed with which the inspector general can perform that investigation.

As the Senator from Kentucky knows, the inspector general is investigating. He has said his report will be out momentarily. It is not necessary to hold these people up in order to get the report. The report will be forthcoming.

Second, the Republicans have asked for the GAO to investigate in addition. The GAO is investigating.

Now, fair is also fair on this side of the aisle. In the Clinton passport case, the independent counsel never came into the picture until 1 month after a report was made by the inspector general. So we should not be here debating whether or not we are going to have a special prosecutor before we even have a report, a report which is promised and forthcoming.

So I just think it is unnecessary to hold up these nominees. I think that the Senator is going to get his report, these 160 people are properly going to get vindication, and I will commit, if the Senator from Kansas wants a hearing, if we do not get a report in an adequate number of days, we can have a hearing on this issue. But we ought to put these people in place. They are just being obstructed and held back without a rationale.

In the Clinton passport case, the press reports appeared on October 9. It was not for 2 weeks that the inspector general was asked to come into the case. In this particular case, the inspector general was brought in the very next day. So in fact the process is working faster, and if fair is fair, we ought to hold ourselves today to the very same standard that was acceptable for the Republicans only last year. And that is by proceeding to get the report from the inspector general and then deciding whether or not a special prosecutor is needed.

I will commit to the Senator from Kentucky, if there is anything in there that indicates a special prosecutor, then it ought to happen, because fair is fair and the process ought to apply to both sides of the aisle equally. But it is just wrong to hold up these nominees over this issue. One of these people has taken his child out of school. He is liv-

ing in a hotel. He rented his house because he was told he was going to be in Geneva weeks and months ago. That person is now sitting in a hotel room with huge bills, kids out of school, family life totally disrupted, and he has nothing to do with this particular issue.

So if fair is fair for citizens, for those 160, it is fair for these five. There are larger national interests at stake in putting these people into these positions, and we ought to get about the business of doing it.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I am not sure the distinguished majority leader wanted to continue this debate, and I wish to accommodate him by not continuing too long. But let us look at last year and look at this year.

Last year, five news organizations filed freedom of information requests for Clinton files. That is how it began last year. This year, there were not any FOI requests, none at all, nothing initiated the process this year. Last year, Clinton's files were pulled. This year, 160 files were pulled. Last year, dozens of Members of Congress demanded hearings and the IG, GAO, independent counsel and special prosecutor investigations. That is what we were all clamoring for last year.

This year, I asked for the Attorney General to take a look at it. Senator DOLE and I wrote to the Secretary of State asking him four simple questions. Last year, no information in the files of Governor Clinton was provided to the press. This year, contents of at least two files we know were linked to the Washington Post. Last year, the Secretary of State briefed the chairman of the Foreign Relations Committee. This year, the Secretary of State asked the staff to tell Senator DOLE and Senator MCCONNELL. He passed the buck to somebody else. Last year, there was an IG report in 30 days. In 30 days, Mr. President, there was an IG report. This year, 8 weeks and holding. No report.

Last year, the Secretary of State offered to resign. This year, the Secretary of State is dodging the issue. Last year, newspapers ran front-page attack stories for 2 weeks. This year, the media views this as sort of a nonstory. Last year, the Attorney General appointed independent counsel. This year, Senator DOLE and I cannot even get an answer, a simple answer from letters.

With the Attorney General, it must be a problem with the post office down there, as I indicated earlier. The Attorney General does not even answer her mail.

So that is the issue. That is the issue. The reason holding up the nominees, the device chosen, is because there are

not any others. As the leader pointed out, we are not exactly running the Government these days, and we do not do it lightly. There is a simple way to resolve this problem—an easy way.

Mr. President, to resolve the problem. Why does not the IG finish his job, send up the report, and that will solve the problem.

I yield the floor.

Mr. KERRY. Mr. President, I do not want to prolong the debate.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I know my friend does not either. But let me say I have my own suspicions that there may have been some wrongdoing here, and if there is, it absolutely ought to be dealt with properly.

But last year, officials of the State Department went out in the dead of night and themselves went to Suitland and pulled the file. This year, they went through the proper channels and openly requested a whole group of files, for whatever reason. I do not know if the reason was appropriate, but I do know it did not happen in the dead of night.

I do know the IG took it on immediately and, according to the statements of the Senator from Kentucky by his own admission a moment ago, it was not until after the IG's report that there was any call for an independent counsel.

Now, I think the Senator from Kentucky knows, because I know he has had a relevant conversation, that this report is going to be forthcoming shortly. I think he knows because of that conversation—and I am not at liberty to talk about it, nor is he—that this is not going to be prolonged. So in point of fact, I think we are not really engaged in a process that fairly is treating these other people now.

So I reiterate, if there is wrongdoing here, we all are responsible to see that it is taken care of. I believe the IG will have a report shortly, and I believe it will be dealt with appropriately. I think the Senator knows that.

Mr. McCONNELL. Mr. President, let me just say I hope this is the end of the debate that I thought ended a little while ago. But the letter I sent to the Attorney General of September 1, 1993, has not been answered.

With regard to the IG report, I certainly hope the Senator from Massachusetts is correct. I hope the IG report is forthcoming. It might be a terrific idea for the IG to indicate on what date we might suspect to receive that, and I think that would solve the problem.

I thank the Chair.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar Order No. 260,

S. 1607, a bill to control and prevent crime.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, reserving the right to object, and I shall object, I just say in the interim we hope to meet at 1 o'clock to see if we can resolve some differences on our side. There were meetings yesterday with Senator HATCH, I think, and Senator BIDEN, but many of us were sort of confined to the floor. So we hope we can resolve that and let the majority leader proceed to do it without the necessity of debating a motion to proceed or filing cloture. We should have that, I hope, resolved by 1:30, 1:45, no later than 2 o'clock.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, it had been my hope—I previously stated both privately to the Republican leader many times and publicly many times—that we would attempt to proceed to the crime bill immediately following the disposition of the prior matter. In order to accommodate the Republican leader, I now ask unanimous consent that there be a period of morning business until 1:45 p.m.

Mr. DOLE. Will the Senator yield further?

Mr. MITCHELL. Yes.

Mr. DOLE. As I indicated to the Senator last night, because we discussed this last night, the majority leader felt it might be necessary to file cloture. If we cannot resolve it, then, as I indicated last night, cloture could be filed today and still ripen tomorrow.

Mr. MITCHELL. Right.

Mr. DOLE. So we will try to accommodate the majority leader's request. If there is anything we can take up in the interim between now and 1:45, we will try to get consent for that.

Mr. MITCHELL. I am advised that we do not have any measure that could be completed within that short period of time. So, Mr. President, I now ask unanimous consent that we have a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. MITCHELL. And, Mr. President, that the morning business period be until 1:45 p.m.

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

SIEGE OF HAZRATBAL MOSQUE

Mr. REID. Mr. President, tensions between India and Pakistan are at their highest level since the end of the last of their two wars. The powder keg which threatens to explode into a

third—and potentially devastating—war exists in the continuing standoff at the Hazratbal Mosque in Kashmir.

The standoff is in its third week. The official Indian report indicates that the offensive began as Indian security forces surrounded the mosque allegedly to capture more than 100 armed militants and their cache of weapons reported to be inside.

Efforts to end the standoff peacefully have thus far failed. The Indian Government says that it is attempting a negotiated settlement, and that those trapped inside have threatened to blow the mosque, and themselves, up if the Indian troops refuse to leave.

The facts, however, are disputed by Kashmiri leaders. They say the mosque is occupied by approximately 200 civilians who sought shelter before returning home after their long pilgrimages. Reports from independent journalists indicate that if there are militants present, they are very few.

Throughout the last 2 weeks, the Kashmiri leaders of the All Party Freedom Conference have organized several peaceful marches to demonstrate solidarity for those in the mosque.

Indian border security forces have responded to these demonstrations with swift and brutal retribution. More than 50 civilians have been killed in separate incidents, and hundreds more have been injured. Many of the political leaders and demonstration organizers have been savagely beaten and arrested. International journalists caught in the melee have also been beaten.

This disparity in interpretations of the situation at the mosque does not lend itself to a peaceful solution. And a disquieting end to the siege could be the match which sets off the powder keg of India/Pakistan tensions.

The United States is principally situated to affect a positive solution to the standoff—both at the mosque and the larger impasse between India and Pakistan.

Several opportunities have recently emerged to make this possible, including the development of the All Party Freedom Conference and the election of the Benazir Bhutto as Prime Minister of Pakistan.

In previous discussions about a settlement to the Kashmiri dispute, the Government of India stated that it would negotiate only with moderate Kashmiri representatives seeking a peaceful, rather than armed solution. The All Party Freedom Conference is an organization of 27 Kashmiri political parties ranging across the political spectrum. Its expressed goal is a peaceful solution to the Kashmiri conflict. The emergency of this political structure and nonviolent platform provide the opportunity to develop a structure for negotiations.

The events that prompt the opportunist for initiating dialog among the

three parties to the dispute are the election of Prime Minister Bhutto and the congratulatory message sent to her by India's Prime Minister Rao. Rao's message contained a statement that India looked forward to a "comprehensive dialog with Pakistan to discuss all matters of mutual concern, including issues related to Kashmir."

Prime Minister Bhutto's reply was equally as promising. She stated that, "My government is prepared to engage in serious and purposeful discussions in order to resolve this issue * * * through peaceful negotiations."

The United States should seize the momentum and capitalize on the gestures of good will by facilitating discussions among the three parties before the opportunity fades.

WHY THE DEFICIT WON'T GO AWAY

Mr. HATFIELD. Mr. President, during consideration of the unemployment compensation benefits legislation last Wednesday, the Senate's back-to-back votes on two amendments starkly illustrate why reducing the Federal deficit is such an intractable problem.

First the Senate voted on a motion to waive the Budget Act to make in order an amendment offered by Senator GRAMM. The amendment would have reduced the statutory cap on discretionary funding in fiscal years 1995 through 1998 by a total of approximately \$2.1 billion, the amount Senator GRAMM argued would be saved by the termination of the superconducting supercollider project in his State. Senator GRAMM stated that his goal was to reduce the Federal deficit. The vote was 58 to 30 in support of the motion to waive the Budget Act, 2 votes short of the 60 required to amend the Budget Act and change the cap on discretionary spending.

Immediately after that vote, the Senate voted on a motion to waive the Budget Act to make in order an amendment offered by Senator MCCAIN. The amendment would have eliminated the earnings test on Social Security benefits. Senator MOYNIHAN, the chairman of the Finance Committee, observed that the effect of the McCain amendment would be to increase Federal spending, and thus increase the Federal deficit, by \$26.4 billion in fiscal years 1994 through 1998. The motion to waive the Budget Act for consideration of the McCain amendment also failed, by a vote of 46 to 51. In those two back-to-back votes, Mr. President, I think we can discern the nub of our problem when we attempt to reduce the Federal deficit.

Forty of our colleagues, Mr. President, from both sides of the aisle, first voted for the consideration of the Gramm amendment in order to reduce the deficit by \$2.1 billion, and then turned right around, within minutes,

and voted to consider the McCain amendment and increase the deficit by more than 10 times as much money.

I have served here 26 years, Mr. President, and I had begun to think that I could no longer be surprised by the actions of this Senate. But those back-to-back votes last week astonish me. First we were treated to impassioned speeches about the imperative for deficit reduction through a reduction in funds for discretionary programs, and then we heard equally impassioned pleas for a deficit increase through greater entitlement spending, and 40 Senators voted for both.

I suspect that all Senators, and I know that this Senator, have occasionally strayed from perfect consistency on the many complex issues that come before us. That is not especially unusual. What was striking to me was that these two votes were taken back-to-back, one right after another, and therefore starkly illuminated one example of Congress' inability to reduce the Federal budget deficit.

HEWITT-TRUSSVILLE HIGH SCHOOL; AN ALABAMA BLUE RIBBON SCHOOL

Mr. HEFLIN. Mr. President, on October 21 and 22, the Department of Education honored 260 outstanding Blue Ribbon schools as part of its national recognition ceremonies here in Washington. Approximately 700 members of local school delegations from across the country were here to recognize the excellence of these junior and senior high schools. One of these Blue Ribbon schools was Hewitt-Trussville High School in Trussville, AL, a suburb of Birmingham.

The strength of Hewitt-Trussville is its responsiveness to student needs and community expectations. It has developed a reputation for excellence, based on its strong academic and extra-curricular programs. Because of the high quality education offered at Hewitt-Trussville and its feeder schools, the Trussville community is experiencing tremendous growth.

The faculty and staff at Hewitt-Trussville is comprised of dedicated professionals who keep abreast of current educational trends and technology to provide students with a state-of-the-art education. Through professional activities, publications, and college course work, teachers constantly update their methods and materials, enabling them to respond even more effectively to the students' unique needs.

We often hear about what is wrong with our schools. Blue Ribbon schools provide an excellent model of what is right with our schools. They represent the diversity of American public and private schools at their best. Many have overcome serious obstacles to make significant improvements and all are working hard to meet our national

education goals. The Blue Ribbon Program is an important way to demonstrate that our Government cares about our children and is committed to the reform of our education system in order to assure a bright and sustainable future.

I am proud to commend and congratulate Hewitt-Trussville High School for being selected as a Blue Ribbon school poised on the cutting edge of the future in secondary education.

MARS HILL BIBLE SCHOOL: AN ALABAMA BLUE RIBBON SCHOOL

Mr. HEFLIN. Mr. President, on October 21 and 22, the Department of Education honored 260 outstanding Blue Ribbon schools as part of its national recognition ceremonies here in Washington. Approximately 700 members of local school delegations from across the country were here to recognize the excellence of these junior and senior high schools. One of these Blue Ribbon schools was Mars Hill Bible School in Florence, AL.

Mars Hill has roots deep in the soil of northwest Alabama culture. It has been continuously accredited by the State Department of Education since its founding and by the Southern Association of Colleges and Schools since 1971. It is located on 70 acres of land adjacent to Cox Creek Parkway, the major eastwest loop around Florence, a city of over 36,000 residents. Although the area has suffered economic hard times in recent years, Mars Hill's enrollment as a private school has remained stable. Nearly all of its graduates attend college. Over the past 7 years, 97 percent of the students have entered or plan to enter college. Mars Hill graduates have earned degrees from such prestigious institutions as Harvard, Cornell, Vanderbilt, Georgetown, and Northwestern.

We often hear about what is wrong with our schools. Blue Ribbon schools provide an excellent model of what is right with our schools. They represent the diversity of American public and private schools at their best. Many have overcome serious obstacles to make significant improvements and all are working hard to meet our national education goals. The Blue Ribbon Program is an important way to demonstrate that our Government cares about our children and is committed to the reform of our education system in order to assure a bright and sustainable future.

I am proud to commend and congratulate Mars Hill Bible School for being selected as a Blue Ribbon school poised on the cutting edge of the future in secondary education.

HONORING U.S. ARMY YOUTH SERVICES

Mr. GRASSLEY. Mr. President, on the occasion of the 25th silver anniversary of U.S. Army Youth Services. I would like to congratulate this fine organization. U.S. Army Youth Services is an organization whose mission is to strengthen the total Army family by providing professionally managed programs to meet the developmental needs of youth that enhance quality of life and support mission readiness worldwide.

Established in 1968, this organization has, over the years, positively impacted the lives of youth before and after school, during school holidays and vacations, on teacher in-service days, and even during school closings due to inclement weather. All of which contributing to their development. They offer youth a chance to build within themselves a wealth of positive, pleasant, magic memories that will strengthen and sustain them through their childhood and adulthood.

The youth services professionals who are part of U.S. Army Youth Services have consistently organized school-age programs and services in a manner that allows youth to have input, involvement and ownership, to have a sense of achievement and recognition, to have opportunities for social interaction and to contribute to others. They have planned, developed and implemented services that benefit youth in terms of personal development, physical development, psychological health, positive values, self-expression, learning, and social growth.

Further, through provision of leisure services for youth, they have promoted positive democratic values such as responsibility, individuality, diversity, leadership, respect for others, and teamwork.

This November 1993, as Army Youth Services professionals meet at the University of Northern Iowa to commemorate their silver anniversary and to further enhance their knowledge and skills related to youth, we salute them. The U.S. Army, and its families, have been strengthened and enhanced by the work of this organization and the men and women who are a part of it.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at \$4,432,981,908,566.84 as of the close of business yesterday, Tuesday, November 2. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is \$17,258.43.

VIOLENCE IN AMERICA

Mr. MOYNIHAN. Mr. President, 2 months ago, the National Center on

Health Statistics released data showing that the rate of out-of-wedlock births in the United States increased to 29.5 percent in 1991. For whites it was 21.8 percent, for blacks 67.9 percent. And matters are almost certain to get worse. For the last 20 years, the out-of-wedlock rate has increased without interruption. When plotted on a graph, the annual rates fall along a straight line, rising at just under 1 percent a year. At a recent hearing before the Senate Finance Committee, Dr. Lee Rainwater, one of this Nation's most respected students of the subject, predicted that the rate will reach 40 percent by the year 2000.

Not surprisingly, the most serious problem is in urban America. In Newark, Atlanta, Cleveland, St. Louis, and Washington, DC, two-thirds of all the children born in 1991 were to unmarried women. In Detroit, it was close to three-fourths. In these communities, the traditional family has virtually ceased to exist. And it shows.

In 1965, I wrote an article in America on this subject. Included was this assessment:

From the wild Irish slums of the 19th century Eastern seaboard to the riot-torn suburbs of Los Angeles, there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rational expectations about the future—that community asks for and gets chaos. Crime, violence, unrest, unrestrained lashing out at the whole social structure—that is not only to be expected; it is very near to inevitable. And it is richly deserved.

Charles Murray makes much the same point in an October 29 article in the Wall Street Journal. Had we been asked in the mid-1960's to imagine a society in which out-of-wedlock births had reached today's levels, he writes, our prognosis would have been somber:

*** if the proportion of fatherless boys in a given community were to reach such levels, surely the culture must be "Lord of the Flies" writ large, the values of unsocialized male adolescents made norms—physical violence, immediate gratification and predatory sex.

And indeed that is what we have got. Recently, NBC broadcast a five-part series, entitled "Society Under Siege" which focused on the growing violence among young people in this country. The series reports on events in Salt Lake City, UT, Topeka, KS, San Francisco, CA, and Raleigh-Durham, NC, places not normally associated with the worst urban violence. In Salt Lake City, we hear about a child gang called Tiny Toons which has members as young as 7. NBC's Roger O'Neil reports that Salt Lake City's officials say the gang problem is not about race and has very little to do with drugs. Instead, "kids are in gangs because they need a sense of self-esteem, a sense of being. They get that from the gangs. You

know, 'c'mon in, you're our buddy now. You're a part of us. We're family now.' The gang, it seems, is the only family these children have.

Interspersed among the stories are jarring statistics—"In New York city alone it costs more than \$960,000 to treat each gunshot victim. * * * " "Medical care for victims of violence now costs this country up to 18 billion dollars a year. * * * " "Being shot is now the second leading cause of death among America's young people. * * * " And we see examples of communities responding to the crisis. In San Francisco, emergency room doctors call for violence to be defined as a preventable disease. Salt Lake City has night basketball games. Raleigh-Durham has mentoring programs.

Last year I wrote an article, "Defining Deviancy Down," for the American Scholar in which I argued that the amount of deviant behavior in American society has increased beyond levels that we are capable of acknowledging. So we have redefined deviancy so as to exempt much conduct previously stigmatized. That is what has happened to urban violence. Because there is so much of it, we have come to see it as normal. That's why the NBC series is so important. It demands from all of us that we stop acquiescing in this deviant behavior and do something about it.

Mr. President, I ask unanimous consent that a transcript of the NBC series be printed in the RECORD.

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

SOCIETY UNDER SIEGE

MONDAY, OCTOBER 4

America Close up now: Society Under Siege. Tonight we begin a week-long series of reports on the problem of violence among young people—spiraling out of control.

Arrests of individuals younger than age 18 for murder, assault, rape—up from more than 58 thousand a year to more than 87 thousand. A 50-percent increase in just four years.

Murder victims age 19 and under—thousands of them. An increase of 54-percent in ten years.

This week, we'll visit four American cities facing these problems, and searching for solutions.

Tonight: Salt Lake City, Utah. A city you might think was free of this kind of youth violence. Think again. NBC's Roger O'Neil reports.

Nat Sot—(cops break down the door) It was a wakeup call—for the gangs and for the community. In a metro wide police crackdown beginning before dawn today—salt lake city police arrested 27-suspected gang members.

This weekend, enforcement of a teen curfew law was stepped up—authorities are trying to take back the streets from the 185-gangs and 17-hundred youths they have identified as gang members or wanna-be's. The population of salt lake is less than 750-thousand.

Just 4-years ago—the cops weren't even tracking gangs, but then—they weren't losing this war.

Sot—Lt. Jim Bell (40-46) Salt Lake City Police. "We can arrest em and charge em and send em through the system, but they're back out on the street generally before the officer can get his paperwork done."

Until this summer—most people here denied their city had a gang problem, then they heard about a child gang called "tiny toons" and kids as young as 7.

Sot—spray painting, stealing stuff from people, robbery, and they were shocked when a high school football star was charged with killing another teen.

Finally in Sept—at the family oriented state fair—another shooting.

Nat Sot—(vender at fair) "He just reached down and shot the kid."

In the 1st 9-months of this year—more than 3-thousand gang related crimes—that's almost double for all of last year. Officials say the gang problem in salt lake is not about race and has very little to do with drugs.

Sot—Craig Trujillo (1:31-1:40) "Youth Works" board member. "Kids are in gangs because they need a sense of self esteem, a sense of being. They get that from the gangs. You know, 'C'mon in, you're our buddy now. You're a part of us. We're family now."

Sot—Anousak Kaykeo (1:41-1:46) Former gang member: "I just needed someone to turn to . . . like my second family. That's what a gang is."

Roger O'Neil (1:47-2:03 NBC News. "In Salt Lake City, the Mormon Church is unquestionable the most powerful institution. In the past, it has taken positions on everything from abortion to women in the workplace to drinking coffee. But on the issue of kids, gangs, and guns—the hierarchy of the LDS Church has been remarkably silent.

In a written statement to NBC News, church officials said "those members who chose to ignore the laws . . . may be placing their church membership in jeopardy." Others—are beginning to offer solutions. Tomorrow, the mayor will ask city council to get tough.

Mayor Dee Dee Carradini (2:20-2:23) Salt Lake City. "We've got to get guns out of the hands of our kids and second we need beds. We can arrest these young people, but there's no place to put them."

A special session of the legislature will take on guns & gangs when it meets next week.

Nat Sot . . . (b-ball team brakes huddle) "1,2,3 . . . defense" preventative solutions to joining a gang are just beginning in salt lake. Night basketball, which seems to work in other cities, has started, and a new, job training program is underway. Experts say offering kids a carrot rather than the stick is a lot more effective.

Sot: v <Miles Kinikini/Former Gang member> 2:46-2:53. They need attention, they need love, and that's something the community has got to offer. And it's a long way to go, but they gotta offer it.

Sot . . . (no id . . . Trujillo again) "You just can't lock everybody up. I mean you're not dealing with just a few young boys. You're dealing with girls. You're dealing with kids as young as 6 years old. How you going to lock up a 6-year old?"

Even if locking them up was the solution—this city doesn't have the jail space. Most of the juveniles rounded up this morning are back on the streets tonight.—For America close-up—Roger O'Neil, NBC News, Salt Lake City.

And these notes: In Queens, New York, today . . . an 18-year was the victim of a drive-by shooting. The killer, unknown. And

at a Sacramento, California bus station . . . two children ages 12 and 13 . . . shot and left to die. Police are looking for the killer.

TUESDAY, OCTOBER 5

On America Close Up tonight . . . we continue our week-long series: Society Under Siege. A look at the rapidly increasing problem of youth violence. Statistics tell part of the story:

For example . . . being shot is now the second leading cause of death among America's young people. Only car accidents claim more lives.

And the problem of gang violence . . . reported in 10 cities in 1981. Ten years later it's much, much worse.

This week, we look at four American cities trying to find solutions. Tonight, NBC's Dawn Fratangelo reports from Topeka, Kansas. One city that didn't use to have a gang problem. One where violence now takes a terrible toll.

Sot:In:2:40 "They remember her, how she was, the smile she always had on her face."

Sot:In:1:11:29 "They strangled her and beat her patch and took her car."

Sot:In:1:11:00 "It was the most devastating, horrific thing that's ever happened to this family and always will be.

Last April—Violence shattered the Gardner family when their 16-year-old daughter and sister, Mandy, was murdered.

Sot:In:1:06:15 "The kids that did this to Mandy in jail joked and laughed. In the courtroom they laughed about it. I don't know if they know they killed a human being."

In this Prairie city of 120-thousand, Mandy's family is not the only one touched by violence. Just visit the local cemetery.

Sot:In:7:13:08 "Well, Amanda, of course—16."

Sot:In: "She was killed over a car. There's a 17-year old over here that was killed for a car. An 18-year old that was killed over this way over a 50-dollar argument. It just goes on and on.

Sot:In: 8:00:39 "He was murdered in a house by one of his friends. It was a dare to shoot him and he shot him, five times."

Sot:In:9:07:46 "He just didn't take one life. He took a whole family, (mother and father sob) Since January—There have been 105 shootings and 18 murders in Topeka. Most committed by people under age 20. Only five years ago—there were just eight homicides.

Sot:In:15:19:28 "Gangs, drugs, violence. They are nothing new to this area. But many admit Topeka ignored them, was afraid to admit they were creeping into this small Midwest city. That denial has the city in a race to catch up."

Sot:In:10:19:00 "You're not carrying any gun? Positive." Anti-crime units which began a year ago are targeting high risk areas with operations like this one.

Sot:In:11:10:07 "Do you think this saturation is working? In this area, yes. It's definitely working. Anytime you saturate an area with tons of cops, it's definitely going to have an impact on crime."

Gangs from Chicago and Los Angeles were looking for new recruits—both black and white. But in Topeka? Within a matter of years—it hardly seemed like Kansas anymore.

Sot:In:11:17:05 "People have to realize that Dorothy is still Dorothy, but now she's carrying a gun and Toto's no longer a terrier, he's a rottweiler and he's here to bite and that's the way Kansas has turned." The aggressive new police chief wants to turn around that image—but needs help.

Sot:In:4:03:59 "Let's don't just say we're gonna put more police officers out there.

Let's get some people involved with the youth of our community. If the youth are causing the problem—what can we do with them." One solution is the Topeka youth project.

Sot:In:13:10:45 "One of you all go up on the ladder." Run by a former Chicago gang member—Darryln Johnson—it trains 16 to 20-year-olds for employment.

Sot:In:13:19:33 "I joined when I was 15, got shot when I was 17, then I was pretty much rock bottom and my mom heard about Darryln and he's been helping ever since."

Sot:In:15:01:15 "Some of this stuff is just a shock. And when you're shocked the next thing you need to do is educate yourself so you and others around you don't become victims." That shock kept Topeka from reacting quickly. Now it's scrambling for solutions. There is talk of a curfew, more police precincts—anything to keep more young people from ending up here.

Sot:In:8:06:56 (Nat Sot of Kid looking at tombstone). "It's a beautiful tombstone." For America Close Up, Dawn Fratangelo, NBC News, Topeka Kansas.

And of course it's not just Topeka. City buses in Portland, Oregon now have armed guards after two girls, 13 and 14, were wounded in a gang shooting. And in Los Angeles, the school board voted this week to require police patrolling city schools to wear uniforms in hopes of deterring violence there. Tomorrow night: San Francisco. Same problems, different solutions.

WEDNESDAY, OCTOBER 6

America Close-up tonight, Society Under Siege. . . continuing our special series on the growing violence among young people in this country. The numbers tell part of the story.

For example, medical care for victims of violence now costs this country up to \$18 billion dollars a year.

In New York City alone it cost more than 96-hundred dollars to treat each gunshot victim. Last year the City had almost six thousand of them.

Of course the cost of youth violence is not just measured in dollars. In many cases victims pay the highest price. Something we've seen in all four cities we're looking at this week. Tonight, San Francisco and the view from the emergency room. NBC's Margaret Larson.

San Francisco general hospital. Nats up: One of these stab wounds went into his chest and partially collapsed his lung; 19-year old Davis Avilar was stabbed repeatedly near the heart with a screwdriver.

Sot: His blood pressure is dropping; Dr. Geno Tellez, a trauma surgeon, is battling to keep Avilar alive. It's a scene played out daily in the city's mission district, where gang violence is an entrenched way of life.

Sot: We get angry, we get mad, we kill one of them, they kill one of us, it doesn't stop. In the first six months of this year, 15 juveniles have been arrested in murder cases here, just one arrest short of the total for all of 1992.

Sot: (q) There are more and more kids getting arrested, more of you getting killed, where does that stop? It doesn't stop, nationwide, violence is the leading cause of death and disability for people 15 to 34 years old.

Standup: on the basis of those figures, violence among young people is now being considered a public health issue, and it's being called an epidemic.

Sot: I think if nothing is done it will keep escalating and we'll definitely just destroy ourselves. So Dr. Tellez is exploring a different approach . . . treating violence not

just as a crime . . . but as a preventable disease. He says public health education can make a difference . . . similar to the attack on smoking, drunk driving or

Sot: you need to get involved and get out there . . . funded with A small part of a 30-million dollar grant from the non-profit California Wellness Foundation, Dr. Tellez recruits other physicians for community outreach programs. He also spends time in the mission district sharing information with social service experts and developing a support network for young violence victims after they've left the hospital.

Sot: My concern is to follow these kids to find out where they are going and where they are headed, he also wants children to know that violence on the streets isn't Hollywood make-believe.

Sot: It does hurt and you do not get up off the street and walk away. . .

Sot: It hurts and it hurts badly they are extremely unaware of how bad it really is. Dr. Tellez and his colleagues see the worst of it, and that's moving many health workers toward activism and a demand for health care reform to include violence prevention programs.

Sot: They don't like treating a little four year old who's been shot in the stomach with five nine-millimeter bullets and when you get that kind of perspective outside of the hospital into the policy arena that has force. But they all know it's an uphill battle. As Geno Tellez scrubs for surgery on one victim, more arrive downstairs.

Sot: (beeper) We got something else coming in. Tellez believes the medical community can offer some solutions in the war on violence, but he also knows it's a war that, so far, we are losing.—For America Close-up, Margaret Larson, NBC News, San Francisco.

It's not just California. In Florida, teenagers stand accused of killing a foreign tourist. Police announced today that four boys—ages 13 to 16—are under arrest for the murder of a British man at a highway rest stop near Tallahassee last month. Tomorrow night, searching for solutions in North Carolina.

THURSDAY, OCTOBER 7

America Close-up tonight . . . we continue our week-long special series—Society Under Siege. A look at the growing problem of violence among young people. The statistics tell part of the story.

For example: 75-percent of America's teenagers say being threatened with violence in school is a problem.

And many times . . . the threats involve deadly force. Young people bring an estimated 270-thousand guns to school every day.

Tonight . . . the fourth city in our series . . . Raleigh-Durham, North Carolina. A place where some caring adults are trying to rescue a generation. NBC National Correspondent Brian Williams.

Gloria Vaca is trying to save the children of Durham.

"Why don't you go home and tell your mother about this. She knows about it? She knows about it. . ."

Gloria Vaca's job is to save kids from one of the roughest neighborhoods in the country. She knows all the little ones . . . and can tell you which of them aren't likely to see the age of 16.

"I have a program that can help your kids . . ."

Gloria finds adult mentors for children in trouble. Often, that means taking them to her house at night . . . because for them, home is often too dangerous.

"Durham is a particularly bad town for children and I would dare say there are lots

of towns like us, and I don't know if America knows that." It is not one of the country's largest urban areas. It is Raleigh Durham North Carolina. The land of good jobs, good schools and safe streets. For most—it is an image the area enjoys: the Fortune 500 Companies who moved here and brought thousands of families who, in turn, bought thousands of nice homes.

Many, in this region of 3/4-million people, came here to get away from big-city life. They did not expect this: in the years 1985 to 1991, the number of juveniles arrested for violent crime jumped 103 percent.

Last year alone, 28-thousand assaults were reported in North Carolina schools, resulting in suspension, or arrest. "Some of you get mad at me because you are here. I'm not the reason why you're here."

Sheriff John Baker can tell you all about those numbers. He's surrounded by them. His county jail is over capacity . . . and no one in this group is over 17. "I never dreamed that some of the crimes that are committed elsewhere would be committed here. But it's here and it's real . . . it's reality."

The Oxford Manor housing project in Durham . . . is home to poverty, violence, and the children who live with it. At night, the often heavily-armed drug dealers take over . . . and patrolman Charles Soles does his best.

"It's very, very depressing to be arresting a 15-year-old kid with shooting a gun at school. I arrested an 8-year-old one time up here at a school with a gun, and he was getting ready to pull it on us."

This is visitor parking at Raleigh's East Wake High school . . . and the visitor is armed. A deputy sheriff walks the halls every day . . . since fighting here got out of hand.

"I'm embarrassed to say there's a deputy sheriff roaming the halls of my school. But it's better now."

At nearby Millbrook High School, the off-campus shooting death of a student in April left the guidance counselor questioning her own safety.

"I never thought 20-years ago that I would be in a profession where I would be scared or I would have fear, or I would check that my life insurance policy was paid off."

"Everybody is concerned and many of them are scared. We've got to do something about it. We can't ignore this anymore."

The Governor says the answer is getting to children and preaching anti-violence before they're five years old.

Sheriff Baker says the answer is teaching discipline at home, and not at school . . . or in jail.

And Gloria Vaca says the solution is what she's doing: finding enough adults to watch over the children who are in danger.

That's too many children to count, right now. For America CloseUp, Brian Williams, NBC News, Raleigh Durham, North Carolina.

And of course it's not just North Carolina. Last night in Buffalo, New York, a 16-year-old was shot to death during a fight between 2 groups of boys. Even after the shooting the fight continued. Police think it was the tragic result of a "turf" war.

Tomorrow night, tough problems, and some tough talk on solutions.

FRIDAY, OCTOBER 8

BROKAW: When Nightly News continues, America Close Up—Society Under Siege. We wrap up our special series on youth violence in this country with some tough talk about a tough problem. Tom Brokaw, anchor:

Tonight, Society Under Siege, our America Close Up series on violence among the young

in America this week. We know that violence has reached epidemic proportions—six kids a day are dying from gunshots. It's the number one cause of death for young black males, and it's everywhere. What we learned this week is that violence among the young is not just a big-city problem. Topeka, Kansas . . .

Unidentified Man: There's a 17-year-old over here that was killed for a car, an 18-year-old over this way that was killed over a \$50 argument.

BROKAW: It's also going on in Salt Lake City, Utah, Raleigh-Durham, North Carolina.

Ten years ago, gangs were in 10 American cities; now, they're in 125 cities. Communities are trying everything to cut down on the carnage. In Topeka, cops on bikes. In Raleigh-Durham, where violent crime is up more than 100 percent in six years, adults are taking on children headed for trouble.

Unidentified Doctor: One of the stab wounds went into his chest and partially collapsed his lung down.

BROKAW: In San Francisco, the medical community is treating violence among the young as a public-health problem. If there is a common theme, it is that too many young people grow up with no sense of right and wrong; too many young people grow up with violence as a routine part of their lives; too many young people have no one to turn to if they want another way of life. Tonight, we want to talk about this with two people who have been powerful lights, and blared loud noises. But several of the negotiators said those tactics disrupted the progress of their work, in effect, punishing Koresh after he let some people leave the compound. With continued negotiating, the report says more people might have left voluntarily. But a former government prosecutor concludes that David Koresh would never have come out.

Mr. Edward Dennis (Former Federal Prosecutor): In a last, fatal act of manipulation, he choreographed his own death and the deaths of most of his followers. This was the final act of a man who held himself out to be God.

WILLIAMS: The report finds no evidence of child sexual abuse during the standoff. Attorney General Reno was told there might have been when she was briefed on plans for the raid. This isn't the last we'll hear of Waco. In January, 11 of Koresh's followers go on trial, some of them charged with killing four federal agents this spring. Pete Williams, NBC News, Washington.

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TOM BROKAW, anchor:
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BROKAW: In San Francisco, the medical community is treating violence among the young as a public-health problem. If there is a common theme, it is that too many young people grow up with no sense of right and wrong; too many young people grow up with violence as a routine part of their lives; too many young people have no one to turn to if they want another way of life.

Tonight we want to talk about this with two people who have been studying the problem of violence among the young in America. Dr. Deborah Prothrow-Stith is a Dean at the Harvard School of Public Health and author of "Deadly Consequences," a study of violence among the teen-agers in this country. And Bill Bennett, former secretary of education and drug czar in the Reagan and Bush administrations.

Dr. Stith, let's begin with you. Let me ask you, we have seen a rising curve of violence in this country. Is there any good news out there?

Dr. DEBORAH PROTHROW-STITH (Harvard University): Well, I think there is good news out there. I travel all over the country, and I'm impressed with the number of parents, teachers, outreach workers, teens themselves who are struggling with this issue, who have started programs, using videotape, using curricula in the schools, doing midnight basketball, doing street outreach work; a number of people. Just-people have decided that we've got to do more than lock kids up, and they are really taking that to heart. I think we are on the verge of a groundswell, really, of a national movement to prevent violence in our relationships.

BROKAW: And Bill Bennett—in North Carolina tonight—a lot of people do want to lock up more kids, but the jails are already full. Is there a role for the federal government in coming up with more pro-programs to head off violence in the first place?

Mr. BILL BENNETT (Reagan Cabinet Secretary): Yeah, I think there is role, Tom. Video efforts, curricular efforts, midnight basketball are all fine, but these kids need, more than anything else—it's parents. And what these boys that we have been seeing all week on your show need—we've been watching—are fathers. And we—a lot of them don't have fathers. You go back into the history of these children, you will find there is not a good strong male presence in their lives.

Now what does the federal government do about that? It can't supply male role models, but it can think about its policies in welfare; it can think about its policies toward the family, in terms of taxes; and it can think about educational policy. But the fundamental issue, I think, is to recognize that civilization does not come in our genes; it has to be taught, and it has to be learned. And that requires the basic social institutions to be stronger than they are today.

BROKAW: Dr. Prothrow-Stith, should there be more outrage within the community about what is going on with too many mothers having babies at too early an age and fathers not around?

Dr. PROTHROW-STITH: Well, I think that's an important factor. But I think it's important to know that no one factor is going to solve this problem. I mean, there are many, many men raised by single mothers in this society who are not only decent, productive

citizens, but they are not violent. Right, children do need fathers. Children need an extended family. They need recreation programs. They need a society that's going to love them and raise them. And if any one part of it isn't perfect, which is always the case, other parts of the society and of the family and of the school can take up the slack.

What we have now, I think, more than a breakdown in families, is a breakdown in community. We have a society that promotes violence, that encourages violence. We have people who make money off of violence. They sell guns. They sell movies, teaching our children that violence is the way to solve problems. So it's more than a family issue.

BROKAW: Bill Bennett, let me ask you about the drug situation. You were the drug czar. A lot of these gangs are fueled by drugs. Looking back, do you think it would have been better to spend more money on education and less money on interdiction, which has not worked very well?

Mr. BENNETT: No, no. I think you've got to keep the money coming. We spend more money on everything, and I think you've got to continue that effort. But let's—let's remember the juvenile justice system has broken down. We don't have a system in which kids put in a lot of time in prison. The juvenile justice system needs to be reformed.

Let me just come back to the point. Communities are important, but the most important community for the child is the family. And if we don't get—make that institution stronger, we're going to keep repeating more and more of this.

BROKAW: Bill Bennett, Dr. Deborah Prothrow-Stith, I can assure you that we'll have you back, because we have a commitment to talk about this subject in the weeks to come here on Nightly News. Thank you both very much tonight.

Dr. PROTHROW-STITH: Thank you.

BROKAW: Thank you.

TRIBUTE TO VICE ADM. JERRY O. TUTTLE

Mr. WARNER. Mr. President, I rise today to recognize and honor Vice Adm. Jerry Tuttle, U.S. Navy, as he retires upon completion of over 38 years of faithful service to our Nation.

A native of Hatfield, IN, he was selected for the Naval Aviation Cadet Program after earning recognition as the honor recruit at enlisted recruit training in 1955, designated a naval aviator and commissioned in October 1956.

Vice Admiral Tuttle, a Navy Gray Eagle, has performed in a consistently outstanding manner under the most challenging of circumstances. His career has included assignments to the staff of the commander, Naval Air Force, U.S. Atlantic Fleet; Attack Squadrons 44, 15, 112, 174, and 81; Fighter Squadron 112 and the Office of the Chief of Naval Operations. He has served as aide and flag lieutenant to the Commander in Chief, U.S. Pacific Fleet, he has commanded Attack Squadron 81, Carrier Air Wing 3, replenishment ship U.S.S. *Kalamazoo* (AOR-6), aircraft carrier U.S.S. *John F. Kennedy* (CV-67), Carrier Group 8 and Carrier Group 2/Battle Force 6th Fleet. He has served as Special Assistant to

the Chief of Naval Operations and as Deputy Director for Intelligence and External Affairs at the Defense Intelligence Agency. Vice Admiral Tuttle was the naval inspector general from August 1984 to November 1985, after which he was Deputy and Chief of Staff for the Commander in Chief, U.S. Atlantic Fleet. In May 1987, he was assigned as Director, Command, Control, and Communications Systems, the Joint Staff. From May 1989 to December 1993, he served as Director, Space and Electronic Warfare.

The vice admiral's consummate leadership, revolutionary vision, and unrelenting energy and resourcefulness have marked him as a national asset, both within military and civilian circles. Throughout his career he has brought a spirited enthusiasm for improvement in efficiencies saving the taxpayer millions while modernizing the fleet. Forthright and direct, he has bypassed roadblocks and raced toward the goalpost in every endeavor he has pursued. His steadfast loyalty to the Navy and the Nation have colored him a patriot of immeasurable esteem. Vice Admiral Tuttle has directly contributed to the readiness and success of our Nation.

Vice Admiral Tuttle's distinguished awards include the Defense Distinguished Service Medal; Defense Superior Service Medal; Legion of Merit, 4; Distinguished Flying Cross, 3; Meritorious Service Medal, 2; Air Medal, 23; and the Navy Commendation Medal, 4.

A man of Vice Admiral Tuttle's talent and integrity is rare indeed. While his honorable service will be genuinely missed, it gives me great pleasure to recognize him before my colleagues, and to wish him "fair winds and following seas," as he concludes a long and distinguished career in the U.S. naval service.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BIDEN. Mr. President, I understand that we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. BIDEN. I ask unanimous consent that I be able to proceed as long as necessary in morning business.

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

THE CRIME BILL

Mr. BIDEN. Mr. President, it seems that we have been here before. For over 2 years now as chairman of the Judiciary Committee I have been trying to

get an opportunity for a vast majority of my colleagues who wish to fashion and vote on and pass an anticrime bill to the floor and to be able to vote on it.

My distinguished Republican friends, none of them are here at the moment, understandably, have for 2 years successfully—not quite 2 years, I guess it is now probably a little over a year and a half, depending on where you begin to figure that they have attempted to prevent us from voting—our Republican friends who say they are concerned about the rising tide of violence in America have opposed us being able to proceed to and vote on the crime bill.

Mr. President, we were supposed to start on the crime bill today. We were supposed to start on the crime bill last week. As a matter of fact, there was even talk we were going to start on the crime bill 2 weeks ago.

Many of my Republican friends, including the distinguished Senator from Utah, and others, have worked very hard to fashion the crime bill and discuss the crime bill. And so I want to be very blunt as to why I am beginning my opening statement on the crime bill that is before us which I am not going to call up at this moment because I have been informed that we do not have permission to move to, to use the Senate terminology, move to the crime bill, that our Republican friends are again I guess at this moment debating whether or not they are going to grant us permission under the rules to proceed to debate the crime bill that is at the desk.

I guess there are seven or five filibusters that our Republican friends have going here, and I guess one filibuster is as good as another. But the unfortunate thing is that this filibuster if it occurs and turns into a filibuster, and that is not certain yet, all we know is we do not have permission to move to the crime bill now under the Senate rules—if we are prevented from doing so, for the next couple of days, I will be put in the position a little bit like I was in the Dellinger debate—he has now been confirmed by the Senate—of making my statement in behalf of Mr. Dellinger in the wee hours of the morning and without anybody on the floor.

(Mr. KERREY assumed the Chair.)

Mr. BIDEN. So what I am going to do—and I realize it is a bit unusual—is I am going to make my opening statement on the crime bill, whether anybody likes it or not. Because the fact of the matter is, I think there is—and I have been saying this for years now—no subject of greater consequence to the American public in their immediate lives than us dealing with the crime issue. None, not the economy, not jobs, not anything.

There are tens of millions of Americans who are literally like my wife and my mother and my father and my brothers and sisters and sons and daughter, who literally have changed

their lifestyle in the last several years because of the fact that they are afraid that if they conduct themselves as they normally have, whether that means going to the Super Fresh on Friday evening to get the groceries, or whether it means going to the automatic bank teller on the way out on a date for my sons, and/or my wife and I to go to the movies. We now do not go to the automatic teller after dark.

We found out that it does not matter whether we go after dark or in the light of day. There are the same amount of crimes. This past weekend, my wife tells me we are not going to do the shopping on Friday nights anymore. This is in a middle class neighborhood where the crime rate is not particularly high, and they now have guards in the suburban shopping center that is in a relatively affluent area, so that women and men can get from their cars to the grocery store and back out to their cars. My wife says, "I am going to do that during the day, and I am changing where I am going to shop. I am going up to a place on Concord Pike,"—Route 202 where I live—and I am going to do it in the afternoon."

Last Sunday after mass, she goes off to the Super Fresh—I think that was the particular store on the Concord Pike in my little town of Wilmington, DE—at 1 o'clock in the afternoon and does what every father and mother has to do, which is go get the order for the weekly groceries, and pays an incredible amount of money. I do not know how people do it when I look at what it costs. She gets the order, with literally 20, 30, 35 bags sometimes, a lot of bags of groceries, loads them in the back of the car and leaves feeling safe.

Later that afternoon, in broad daylight, 4 o'clock in the afternoon, over the radio—and my wife has been home an hour and a half. I helped her unload the groceries, and we are sitting there talking with the radio on in the kitchen, a local station. At that very Super Fresh, we find out that two kids walked in with handguns, or semi-assault weapons, and randomly shoot two people and hold up the whole Super Fresh. I think it is the Super Fresh. I want an opportunity to be able to correct the RECORD if I have the wrong store, but it is not relevant to the story.

So people are afraid, and with good reason. When I am here at night—I commute every day back and forth to my home State. I have the luxury of being able to do that, as it is only a 250-mile round trip commute. Other people could not possibly do that, but I am so close. Well, not too long ago, we were in very late at night. When I stay late, I get a hotel room down at the bottom of the hill here at the Washington Court or the Hyatt Hotel. It makes a lot more sense, and it is more convenient for me. We were out of here

very late at night, and I start down, and one of the floor staff of the Sergeant at Arms says, "We will get you a ride down in a car." I said, "It is only four blocks, I will walk down." He said, "You cannot do that." I said, "I have been doing this for a long time." This is in the late spring of this year. He said, "Well, the reason you cannot do that in clear, lighted areas is that in front of the Hyatt Hotel a Congressman was coming out of a reception, and he got stabbed and beaten up and thrown in the gutter."

I said, "Wait a minute. You walk through beautiful parks and the national Capitol to get to a local hotel, a first rate chain hotel, the Hyatt, with security and lights and everything around it, and I cannot walk there anymore?" So they were kind enough to provide a driver to take me down—under some duress. It got to the point that the staff was so concerned, it was not worth the fight. So I got in the car and rode down.

The fellow driving me down for my safety works for either the Senate or the police, or Sergeant-at-Arms, I am not sure which. He is a wonderful fellow. I have seen him around for 15 years. I said, "Is this really necessary?" He said, "I am afraid it is." He said, "I was going home two nights ago, and I stopped into the local convenience store in my neighborhood." And he described it in the Washington area. By the way, this is not just here, it is all over America. He said, "I pulled up to a self pump gas station" like up our way; every locality has different kinds and names of these places. But it is a convenience store and gas station, and you pump your own gas. He says, "I am getting out to pump my gas, and there is a guy who walks from behind the pump and pulled her out of the automobile after she finished pumping her gas, and he takes her car. As a former police officer, I chased the guy. He ends up spinning out the car, and I have the car trapped, so I get out of my car. He rolls down the window and says, "Hey, man, you do not want to do this." He reaches in a seat, and he has a semiautomatic weapon. And I said, "You are right, no problem, I do not want to do this." He stepped back, and the guy drives away.

I was in one of our major cities. I was there because I have had a wonderful relationship for the last 20 years with the police organizations of this country. They are always very kind and generous to me in their compliments and support when I am in other cities. I am making a speech in one of the five largest cities in America, and I walk outside to go to the airport, and the mayor of that town arranged for me to get a ride to the airport. It was very nice. Instead of one police officer taking me out, there are three. I said—there was one woman, actually—"Why are there three of you?" One said, "We

just want to talk to you and thank you for all your work on the stuff you have done for police in the crime bill. We want to thank you."

We are riding along, and I said, "What is it like?" They said, "Well, it is changing, Senator, it is getting very bad." I said, "What do you mean?" This was one of the finest police organizations in the country, in one of the five largest cities in America—these police officers, one of whom was I believe a lieutenant—and I am not certain of that—sitting in the front seat, and one in the back seat with me and one driving. He turns around and says to me, "Here is an example: Two nights ago"—and he points to the driver—"he was going home with his partner finishing the 11 o'clock shift, and as he is finishing the shift, he got a call to report to an area up on the lake where there was a warehouse"—or it was a river or a dock—"because there was a major drug deal going down." So they showed up. They have 5 more minutes and they are off. They pull in behind these two cars that have their trunks backed up to one another making this exchange in this alley, according to the police officer. He has no reason not to tell me the truth. He said he pulled in, he and his colleague got out of the car and told everybody to freeze. He said they were standing between the cars—the people making the alleged drug deal—and they reach into the trunk, all of them, and pull out such firepower like the Terminator, like in the movie.

I asked, "What did you do?" He said: "What could we do? We had our pistols. We were standing there. There were six people with guns that could literally, Senator, take our car off the frame."

I asked, "What did you do?" He said: "I did something I never did in my entire life as a police officer. I slowly backed out of the alley and said, 'No problem; no problem,' and backed out of the alley."

They called for help. By that time, they closed their trunks and they were gone.

So here we are. Police officers are outgunned. My wife, mother, brother, sister, aunt, uncle, me, and everyone else in America are literally changing our lifestyles.

I look at these wonderful pages, and I mean this sincerely: These are wonderful kids who are here. I look at them, and I will bet that not one of your mothers or fathers does not call you every night to ask are you OK; not merely because you are away from home at school—we all call our kids when they are away at school—but I bet half of you had a pretty hard sell on your mom and dad as to why they should let you go to Washington, DC.

By the way, when I got here, everyone was from out of town. I bet half of you, or two-thirds of you, have parents who live in the area. I do not appoint

pages. I am a senior Senator. I have a right to appoint pages; I do not appoint them. The reason I do not is not that I do not think this is a phenomenal opportunity for young men and women to see how this Government works and does not work, and to gain some respect for the institution, and this institution in particular.

But most people from Delaware who would be pages do not have an aunt, uncle, father, mother, brother, or sister who lives in the Washington area. I am afraid to take responsibility because of the nature—as well as you are protected, and you are. The Senate takes a lot of time and effort. But I must tell you, I think it is fair to say in my 21 years here, there were only two people I ever asked to be a page; one without pay.

You know, it is really sad, especially when there are things we can do about it.

Now I hear all of the rhetoric about how we are all wanting to fight crime. God love them, as my mother would say, my Republican colleagues are not letting us even debate it. I am seeking morning business, to use the vernacular of the Senate, which means there is a period of time you can say anything you want to say on any subject. You cannot act on legislation, but you can talk.

I will be very blunt with you, Mr. President. The reason I am talking, hopefully, is to embarrass the Republican colleagues, in their 1 o'clock meeting, to decide: Hey, wait a minute; it makes no sense not to let us proceed to the crime bill. I hope that their parliamentary instincts are going to be overcome by their consciousness of the need to do something about crime.

Now, let me say one other thing before I get to the details of the crime bill. There was a very articulate, bright young Congressman, whom I never met—I do not even know whether he is a Democrat or Republican—who was on CNN this morning on that call-in program. I was shaving, and watching the CNN program and hearing him discuss the crime bill that is up before the House. He started off, and said everybody should understand—and he made me realize I should make this clear at the outset, as well, when we start to talk about crime—there is not much the Federal Government can do to correct the crime problem that exists in the States in a fundamental way, because crime is local.

When our Founding Fathers wrote the Constitution, they had a fear of a number of things. One, they had a fear of the abuse of power. That is why we have a separated Government that is separated into judiciary, legislative, and the President, who have equal powers, and power cannot reside in any one place. But they also were fearful of having a standing army, and they were fearful of a national police force. They

had a very bad experience with a national police force. So they said, for criminal justice and for education, that that is a local decision; local people should control their police officers, their law enforcement units, their courts.

So there is a very sound principle of federalism that is at work here, which translated says that constitutionally we would not be able to, in most circumstances, pass a law here saying all the States must do the following: All the States must send anybody who commits murder to the death chamber. I happen to support the death penalty. But we do not have the right to say that we can impose upon a State the requirement that they pass a death penalty. We cannot impose upon a State that they must have 1 police officer for every 100 persons or for every 1,000 persons. We cannot impose on the State a lot of these things we would like to do.

All of that which my friends and my constituents and the American people see on television of late, whether it is a very enlightening program, whether it is 60 Minutes or the local news broadcast or a special on violence in America, all the things you see on television about what happened in Florida to those tourists; and what happened in Washington, DC, with those predators who broke into that jewelry store owned by a Korean man and woman and just pistol whipped her and shot him—which was on national television all over—all of those things you see are things beyond the control of the Federal Government.

They are not Federal prisoners who are out, not having served their term for a violent offense. They are not Federal prisoners who have been sentenced to life imprisonment who get out in 4 years. They are not Federal prisoners who, in fact, have been released because there is no prison space; they are all State prisoners. All of them are State prisoners. You can probably find one or two who are Federal prisoners in the Nation. But, by and large, they are all State prisoners, because back in the seventies, with the leadership of everyone from people like the deceased Senator McClellan to Senator KENNEDY, a senior Senator here, and—I must say, self-servingly—me and a few others, we decided that we should change the way the Federal criminal justice system should work.

A bunch of us said we should do three or four basic things. First, we should have a speedy trial act, so if violent criminals are arrested—and they are innocent until proven guilty—we force the prosecutor to make a judgment. We say they must go to trial within 60 days. There is a reason for that. If we do not send them for trial in 60 days, you have to set bail. If they make bail, they can be out on the streets again. The best way to make sure, if you

think it is a particularly dangerous criminal, is to get him or her to trial as quickly as possible.

So we passed a thing, which I helped write, called the Speedy Trial Act, and it is the law now in Federal courts in Federal jurisdictions.

Then we came along, and even though we had Republican Presidents most of this period of time, and said now we need more Federal judges because there is a backlog of cases. So we created roughly another 150 judgeships. We increased the size of the Federal judiciary by about a quarter. It cost a lot of money for taxpayers to do that.

But I saw no sense in having Federal prisoners sitting in prison and/or put out on bail and/or not being tried because there were not enough judges to try the cases.

Then I found out from my experience as a trial lawyer handling criminal cases, that there was an uneven distribution of sentences. We had all these studies done, and we found out that, depending on the Federal judge you got, you received a different sentence. Some judges have a particular animus toward robbers, some toward rapists, and some toward whatever. So we would find out there was no uniformity, I say to my friend from Colorado who is on the floor; no uniformity at all. Someone convicted of robbery in a Federal court in Denver might get 6 to 7 years; someone convicted of robbery in a Federal court in Delaware might get 19 years; and someone convicted of robbery in a Federal court in San Francisco might get no years and get probation.

The second thing I learned from my experience is we do not know how to rehabilitate. We have no idea how to rehabilitate. It is a noble urging and instinct on our part, but the truth is, when a criminal is rehabilitated, we do not know whether it is real, or not to recognize it; and second, if we are convinced it is real, we do not know why he got rehabilitated. He literally—and I am not being facetious—may have seen God; he may have come to religion. He may have decided that his son's or daughter's future was hanging in the balance. He may—whatever.

We did not know why it happened. It may be because of the program he went through in the prison system. We had no notion at all why. We used to have the indeterminate sentence. We used to allow a parole board to decide when or when not someone was rehabilitated. So he appeared, after a certain period of time, before a parole board. Usually the good actors or actresses got paroled, and the ones who were not so good did not get paroled.

But we found it bore no relationship to the base of knowledge we have as individuals or as a society to know when someone is rehabilitated.

So, over the objection of many of my liberal allies, I, along with several

other people, coauthored a thing called the Federal Sentencing Commission.

And what did we do? We had—not the judges—a commission appointed by the President and the Senate, Congress, that sits there and says, "OK, the Congress says it is a crime to rob a bank," to take an obvious and simple example. A sentencing commission sits down and says, "OK, we believe bank robbers should get 11 years in jail." OK. If that is the case—I do not know what it is, by the way; we will find out for the RECORD how many years it is. But 11 years in jail.

So, the law we wrote says, hey, if you got sentenced and convicted, the Federal judge has to give you an 11-year sentence. He or she cannot say, "Well, I understand that your background was such that your mother may have not loved you when you were 7, and your father left you when you were 1. And, by the way, when you got to school, you sat next to someone who was anti-social and that rubbed off on you and, therefore, we realize you had it tough."

You cannot do that. They go to jail for 11 years, flat. I nicknamed the bill "The Same Time for the Same Crime." Because what was happening in the past, all the studies showed, if you were young and black without a father, you got the 11 years. If you were white and affluent and committed the same exact crime, you got 2 years or probation.

So, both from the standpoint of our having knowledge that we did not know how to rehabilitate and, second, that fairness should exist in the system—that is, everybody treated equally—and, third and most important, I believed then and I believe now that the most important element of a criminal justice system as it relates to punishment is certainty of punishment—not severity; certainty of punishment. And this made it certain.

But then, as my distinguished former colleague from Maryland, one of the great Senators, in my view, Senator Mathias—he is no longer here; a Republican—he said, "What this is going to do is it is going to fill up more prisons, now that judges cannot put people on probation." And he was right.

So, I, along with others, introduced legislation to spend more money to build Federal prisons, supported strongly by the Republicans as well.

So now, what do we do? We do not have an overcrowding problem in the Federal prisons. As a matter of fact, we have enough money already appropriated to meet the expected needs of the Federal prison system through the year 1998. So we got to work at the Federal level. It is a much easier problem at the Federal level, I acknowledge, than at the State level.

In the entire Federal system, there are only 80,000-plus criminals in jail behind bars. At the State level, there are over 850,000 in State penitentiaries and

another roughly 400,000 in city and county jails. That is a big problem. That is a lot of money. That is a lot harder than 80,000.

But, that is what brings us here today. If the States had the money, if the States had the willingness to, not mirror in every respect the Federal system, but if they did, we would have less of a problem, I respectfully suggest.

And I might stipulate at the outset of this discussion of crime, unless we get at the root causes of crime, we are not going to solve the problem. This will not solve the crime problem in America. Even if the States did everything the Federal Government has done in the past, it will not solve the problem.

We still have, as Senator KERRY of Massachusetts will show us later in the debate, we still have a staggering problem of, for example, unwed mothers, children having children. This year, I believe it is this year—and Senator KERRY will do this later—based on studies originally started by Senator MOYNIHAN before he was a Senator, somewhere on the order of 70 percent of one population group in America will have children born out of wedlock. And in another population group in America it is like 40 percent, and in the largest population group, racial group, in America, something like 25 percent.

So, roughly—again I do not know the exact figures; Senator KERRY of Massachusetts knows them well—roughly somewhere around 35 to 45 percent of all the children born in America next year will be born without a father, born without any male figure, without any support, without anything, and will be born to women who are children.

We can solve that problem. If you said to me, "Joe, if you could wave a magic wand and solve that problem overnight or pass your crime bill with all these good things in it, which would you take? Which would impact most upon the crime rate?" I would say, "Let me wave the wand, dear God, that made families whole again," not merely because I like families, but because it would have a greater impact on crime than anything we could do.

So I want to make it clear to those editorial writers and to those people in my State and other States that Senator BIDEN is not for more police and more bricks and more mortar and more boot camps and more drug courts and all that.

Is that not just ignoring the problem? The answer is, it is dealing with a symptom—an important symptom that must be dealt with, because we must take back our neighborhoods—but it does not in any way undercut the truth of the argument of those who say that we have to look at the root causes. We must. We must.

So I want to make clear the bill I am about to describe in some detail, this

bill, is not the answer to the crime problem. This is to bring some relief, immediate relief, to people under siege in America. And it is one of only four parts of a Democratic crime strategy which we will be unfolding over this Congress. The first is a crime bill. The second will be a gun bill, dealing with the Brady bill, to do something about handguns.

You know, there were 24,000-plus murders last year. I remember, in the committee my committee staff wrote for me a study that they did for 6 months on projecting what the murder rate would be 2 years ago. We said the murder rate, there would be more than 24,000 Americans murdered. People said—some, not all, said—“That is absolutely hyperbole. It is grandstanding. It is just to get a report.”

Guess what? We were wrong. And 24,300-some people were murdered in America that year.

Now, not all were murdered by guns. Roughly 14,000, 15,000, in that range, were murdered by guns. The rest were murdered, as the NRA says, by kitchen knives and baseball bats.

“We are not going to outlaw baseball bats, so why should we have a waiting period for guns?” That is the argument we are going to hear. But the fact is, roughly 14,000 to 15,000 people got killed by guns.

Now, of the people who got killed by guns, the police tell us that roughly one in six or one in seven of those was a gun in the possession of a convicted felon. That convicted felon walked into a gun store and legally bought that gun.

Now, again, because I think the biggest mistake we can make discussing crime with the American people is to engage in hyperbole, I will stipulate, as we lawyers say, that that felon, if he could not buy it in the gun store may have been able to go buy it somewhere else in the black market. But the fact remains, he bought it in a gun store.

Now, it seems to me, to put in place a system that makes it not possible for a felon to buy a gun in a gun store is not a bad idea. In my State of Delaware, we put in a version of the Brady bill, a waiting period. We do not have a waiting period anymore, because we spent the money to get our computers up on line so that any gun store dealer about to sell a gun can take a driver's license, pick up the phone, call and say, “John Doe,” Social Security number or driver's license number so and so, “is that person able to buy a gun?” They press a button and it goes zip, because they have all the convictions listed on this particular computer, and says, “Whoa, John Doe? What was that license number again or Social Security number?”

“No, he is a convicted felon.”

As a matter of fact, we found in my State there were convicted felons on the run. And so we found out that they

would say to the gun store people, “Look, I know it is a little dangerous, but can you keep the guy there? Show him more guns. We are on our way.”

The reason why these folks are convicted felons is not because they have high IQ's. They are stupid, most of them. They are not only predators, they are stupid. The real smart ones do not get caught.

So, guess what? Truly, the Delaware State Police will walk in and say, “You want to buy a gun? By the way, you are under arrest. You are supposed to be in jail.”

I do not know the number—1 in 10 of the people who walked in to buy the guns were convicted felons. It shows how smart they are—right?

So, the point is, let us say it is not going to solve it. When we get to the gun bill it is not going to solve the problem. But, incrementally it makes a little bit of a difference. It will help the problem. And at whose inconvenience? I mean, how badly is anybody going to need a gun that if they do not have it up on the computer they cannot wait 5 days to buy it?

You wait 5 days to pick up your car when you buy it. You wait a day and a half to get your suit altered, if you buy a new suit. What can be so urgent that you have to walk in, you need that gun today? Why is the NRA upset about it?

Then we are going to move to a third piece in the strategy of how we Democrats—many of we Democrats—let me speak for this Democrat—think we should deal with crime. Then we are going to, hopefully, God willing, pass my legislation called Violence Against Women Act.

Women are victimized in America by violence at a much higher rate than men. This is not an accident. I thought I knew—it is a presumptuous thing to say—I thought I knew as much as anybody in the Congress about violence in America, having dealt with this subject more than I ever wanted to deal with it, having come here as a young Senator 20 years ago. But I found some startling statistics 5 years ago. I was going over the FBI statistics on crime and found that violent crime among young men as victims, was slightly down. Violent crime against young women had doubled; 50 percent.

Wait a minute, can this be right? Why is this?

Part of it is our attitude about violence against women. We have a sick attitude in some sectors of this country and among a small percentage of the males in this country. We still think women to be chattels. They are “my woman.”

There are still men in this country who think they have the right to take the back of their hand to a woman. No woman—no woman—no woman: Your wife, your lover, your coworker—no woman should be able to be touched for any reason without her permission, period. Period.

But we have State laws in this country where, in my State, for example, if a man rapes a woman that he knew who is—I think the term of art is a voluntary social companion, that is the term of art—he cannot be convicted of first-degree rape. He can be convicted of second-degree rape. Is that not enlightened? And my State is more enlightened than most concerning their laws, which I will not bother to go through now.

Why is that? Because the underlying premise is, if the woman was with the man she knew, she should have known better. Or, she probably did something to ask for it.

What a sick, sick notion.

So the third piece of our agenda is to deal with the rampant amount of rape in this country and victimization of women, including domestic violence.

I wish we could strike that phrase from our language—domestic violence. As if domestic means it is like a domesticated cat, it is not as bad.

Come with me to the emergency wards of this country and I will show you the fruits of domestic violence. In this town the vast majority of women who complain, the police show up on the scene where a woman is bleeding from an orifice, there is no arrest made.

If I walk out on the street corner right here in the Capital and I am hailing a cab, another man hails the cab, we both run for it and get into a fist-fight over it, the police officer does not say, “Do you want to swear out charges, Senator?” Or, “Do you want to swear out charges, Mr. Smith?” They just arrest us both. Because under our law if there is clear violation of the law that has been obvious to a police officer, whether or not he witnessed it originally, he is able to, under the law, arrest.

Guess what, they do not do that in domestic violence cases. A woman calls in an emergency, gets 911, her husband is beating the living devil out of her, she is locked in the bathroom, she is bleeding, she is beat up.

By the time the police arrive the husband said, “Here comes the cops. OK, they are coming. I want to tell you right now you swear out a warrant against me and I will be back for you.”

So what happens when the police walk in the house? We wonder why do women not swear out these warrants?

You have to swear out a warrant before they can arrest this guy. You are bleeding, disheveled, your clothes are torn, you have a broken arm—“swear out a warrant against him or we cannot arrest him.” Malarkey. They have a right to arrest right there.

Why does the woman not say that? I say to all those guys listening to this, how many of you, if you want to know what a woman felt like, how many of you when you were in the school yard or you were on the athletic field when

you were in grade school or high school, had somebody who was the bully in the class come up to you and say "give me your lunch;" "move out of the way;" "I want to borrow your car;" "By the way, they are nice sneakers, I would like to wear them." Or, just came up and pushed you in front of everyone.

And you are standing there and you have a clear shot right at his nose. How many of you heroes hit him? Most of you did what most normal people do. "He is 6 foot 3, 214 pounds and can fight. I am 5 foot 9, 144 pounds. If I hit him he will really be mad and kill me."

Is that not how human nature works? Is there a man listening to this who does not understand that?

Why can men not understand that is the position women are in? Not a whole lot of places police show up where there is a 190 pound, 6 foot 2 woman and a 5 foot 3, 104 pound man and he is beating her. Why is that the case? Usually because he cannot. But as a society what do we do?

So, the third piece of our agenda here is to deal with some of the things we can deal with at a Federal level. It will not stop violence against women, but force America to face up to the fact that women are victimized in our society and put our legislation where our rhetoric is. If we mean to do something about it, do something about it. That is the third part of this crime agenda.

The fourth part of our crime agenda is a major drug bill dealing with treatment, arrest, interdiction—that is the fourth part.

And the fifth part, I hope, if I have anything to do with it, will be to deal with assault weapons. There is no excuse for these military-style assault weapons. What possible social value do they have? And I am absolutely convinced, as a teacher of constitutional law who teaches at Widner University Law School and teaches the second amendment, that it is totally within our power, without doing violence to the second amendment, to deal with these weapons.

For those who are purists as far as the second amendment is concerned have a problem to face. If you tell me I cannot outlaw an Uzi or a semiautomatic Street Sweeper or a Tec-9 9-millimeter pistol that looks like a rifle, if you tell me I cannot do that under the second amendment, then answer me, can I outlaw your right to own a flame thrower? Can I outlaw your right, if you had the money, to buy a used F-15 jet with nuclear ordinance?

If I can do that, can I outlaw your right to buy a Czech tank? Czechoslovakia is no longer Czechoslovakia and has a problem. They had a great munitions industry. They built a lot of tanks. If you have a lot of money to buy a tank, can you buy a tank and park it in your back yard? Can you do that? Everybody out here would say,

"Oh, that's crazy." If you are making a second amendment argument that you cannot impact on the ownership of weapons, then how can you do that? If you can do that, then it seems to me if you acknowledge that—and some of my friends, in all honesty, will not acknowledge that, they believe you should be able to own a tank; there are some real interesting views on this subject—if you can do that, then you sure can do something about assault weapons without violating the second amendment. That is kind of our five-part plan.

So as we begin debate on S. 1607, the Violent Crime Control and Law Enforcement Act of 1993, I want to recognize two facts that form the premise of key crime fighting provisions in this bill and further acknowledge that this Crime Control Act, which I have introduced and we are going to hopefully debate and vote on in the near term, is not the answer to all the crime problems in America. It is the Federal Government's attempt to help State authorities with police enforcement portions of their problem and not the underlying social dilemma that exists in this country. That is for other legislation as well.

Let me go to the crime fighting provisions contained in the bill.

First and foremost, more police on our streets means less crime. There are only a few things we know for certain about crime in America, and that is, if you are standing on a corner next to a police officer, you are less likely to be the victim of a crime than you are standing in an area where there is no police officer. That we know.

Now, it sounds like I am being a little facetious, does it not? It sounds like I am being silly, but we know that happens. The more police on the street—not in the precinct house, not in a squad car, not at a radio, not at a seminar, not anyplace but the street—the more police officers there are on the street, the less likely there is that crime will be committed on that street.

I read my friends in the editorial pages of America saying that, "You know, we've tried that before and it doesn't work." It reminds me—and I do not remember the exact quote, although I try very hard to remember exact quotes—I do not remember the exact quote, but G. K. Chesterton allegedly said something to the effect that it is not that Christianity has been tried and failed, it is that it has been not tried and let alone. It is not that we have tried to increase the number of police officers in America and they have failed, it is that we have not tried.

The 20 largest cities in America during the decade of the eighties increased their police forces on average, I believe it is, 1.2 percent. It used to be in the decade of the sixties for every felony crime committed, there were three po-

lice officers in America. Now for every police officer in America, there are three felonies committed.

So I respect those who say, "BIDEN, you're trying to put more cops on the street is not the way to go." I respect that, if that is their view. But do not tell me you have evidence that it does not work because we have not tried.

So the first part of this bill is very plain and simple. We want police officers out on the street in the community he or she knows well, and when that occurs—so-called community policing—the opportunities for violence are reduced. It is a very simple proposition. Community policing increases opportunities to prevent crime from occurring and improves the opportunities of apprehending criminals more often and more quickly when crime occurs.

Again, I want to make it clear throughout this debate that these are local problems. These are not Federal police officers we are putting on the streets of our rural communities and our urban centers and our suburban communities. This is money we plan to—I will explain it in detail—provide to local governments and Governors from the Federal coffers for them to hire more police in their communities. The condition on which they can get this money is they must be able to show that they already have community policing in their area.

This also—I will be very blunt about it—is designed to force or entice States and cities and localities to move to community policing because there is a reluctance to move to it. The mayor does not want to take on the chief of police, the chief of police does not want to take on the membership, and most police officers, with any brain in their heads, would rather sit at a desk and do the command and control than be out on the street. I cannot blame them. But this requires them to put folks on the street.

The second thing it does is it requires them to not play the game with us they did back in the seventies when I first got here under the Law Enforcement Administration Act, the LEAA. We would give them money from the Federal level to hire more police and they would say they have a patrol of 100 people. The mayor of whatever city which has a 100-person police force would go to the city council and say, "Look, we have a deal here. The Federal Government is going to allow the money to hire five police officers. We will fire five of our existing police officers so they are not on the city payroll and we will hire those same five back and pay them with Federal money and then we will tell the folks in our city we cut those taxes but those Federal guys keep raising our taxes." That is what happened.

So this time around, this old boy, having been a local official—I used to

sit there as a county councilman and someone would come up with an idea and I would ask, "How much is that going to cost?" The county administrator or member of the council would say, "Oh, that's not going to cost anything, that's Federal money." That is Federal money. Well, this old boy has been there. The reason I wrote it the way I did, in conjunction with the Attorney General and the President, is I want to make sure the only way they can get the money, if they have a 100-person police force now, they must maintain that 100-person police force and we will give them extra help, but if they cut their police force, they lose their Federal money.

Another thing I found as a local official—it seems like 100 years ago I was a local official, but I was at one time—I found whether you are dealing with an individual or you are dealing with another governmental entity, they are much more responsible if they have to kick in something. Let me make an awful comparison.

I find my sons take a little more care of their bikes when they are kids or their automobiles when they are young adults when, in fact, I say, "I'll come up with X amount if you come up with Y amount." They have an investment. They have an investment in it.

So this money is not all free to the States that we have in here. We say we will provide the bulk of the money but you have to come up with some of the money, too, if you want these extra police officers. That way they are not likely to use them for anything other than law enforcement and out on the street.

The second premise of these crime fighting provisions in the bill is—first is more police—punishment for all criminals. Not unreasonable punishment for all criminals, not draconian measures for all criminals, but I go back—and I have been here 20 years doing this—but I still subscribe to the notion that to the extent we know anything about criminal behavior, it responds, if it responds at all, to certainty, the certainty of a punishment to follow a violation, if one violates the law.

The severity does not have much to do with it, the studies show, but certainty does. So the second premise of this legislation is punishment for all criminals that is thorough, swift, and certain. And it also must be as cost effective as possible.

This means that violent criminals must be removed from our communities, and those who have not yet committed themselves to violence but have broken the law must be deterred from future, more serious crimes.

These two goals are served in various ways by every provision of this 400-some page bill that I have introduced. Passing this bill is a critical first step in response to the violence increasing

in volume and degree in every State in this Nation. This violence, we all must recognize, is occurring, for the most part, as I said, at the State and local level where 95 percent of the crime is investigated and 95 percent of the crime is prosecuted.

This bill aims to offer Federal help, Federal help in the way of resources, of expertise, and of leadership, help to the States and localities that are now overwhelmed by crime. The key provisions of this bill include title 1, referred to as community policing. Title 1 of S. 1607 is a provision that will put 60,000 more local police officers on our streets, in our neighborhoods to practice community policing.

If we added more money, it would be 200,000 in my view, but it puts 60,000 local police in local communities on the streets.

Today, a typical urban police department assigns officers to large precincts. They ride in cruisers. They respond to radio calls from any and all parts of their very oversized beat. This system, in my view, and in the view of others who are much more expert than I, isolates police officers. They are strangers in the very communities they are trying to protect, and as a result they are always behind the curve through no fault of their own, responding after the fact to crime's occurrence and picking up the pieces after the violence has already been done. Community policing is designed to integrate police officers back into the life of the community so they can help prevent crime in the first place and are better positioned to respond when it does occur for apprehension.

It takes police out of their cars to walk smaller beats of 5- or 10-square-block areas. It allows them to learn who is in the community so that they know trouble spots, troublemakers and at-risk juveniles. They work cooperatively with community leaders, school officials, family workers, and others to tailor preventive programs that best fit that particular community or, more precisely, their beat.

Already used by progressive police departments in cities like Houston, Texas, and New York City, community policing has been created and is credited with helping reduce crime and enabling police and communities to work together to enhance the security of the community's residents.

Title 1 authorizes grants to States to cover the cost of 60,000 police officers over the next 5 years. States which participate must have matching funds, must come up with 25 percent of the cost for that new officer. But the Federal share is substantial and it is real. The Federal share is sufficient to cover the cost of salaries, benefits and training, and the administrative costs with the Federal share per officer of 75 percent of the cost for the first year declining over time to encourage States

to commit to the program. So the Federal share is 50 percent in the second year, 40 in the third year, 25 in the fourth, and 10 in the fifth.

Title 8 of this bill relates to prisons and boot camps. S. 1607 also contains grants to States for prisons and for boot camp programs that make the most of our limited resources. Our ability to reduce crime in a cost-effective manner depends directly on our ability to target offenders with the appropriate type of sentence. This means, first and foremost, that we must identify violent offenders and make sure they go to prison.

Second, it means separating the non-violent offenders who can be diverted from a career of crime and put them in a thorough, intensive, cost-effective program such as military-style boot camps, which will be no vacation.

Third, it means making drug treatment which cuts recidivism rates in half—by the way, you all should know that a criminal who has been convicted and is forced into drug treatment, those who have been forced into drug treatment have a recidivism rate—that is, they get out, they commit a crime and go back to jail—of only half of those who do not receive drug treatment. But it means making drug treatment available for all addicts who enter the criminal justice system, whether it is at the State or Federal level.

(Mr. GRAHAM assumed the chair.)

Mr. BIDEN. Let us take these one at a time. What can we do to ensure that violent offenders are sent to prison? What I hear most often, and I expect people in the gallery, people watching this on television know, is that people see on their televisions the State has had to release from its city or county or State prison, jail, a violent criminal who had not served out his or her time. As a matter of fact, the average amount of time served in a State prison for the sentence that has been ordered by a judge is about 40 percent. At the Federal level, it is 100 percent, effectively. At the local level, it is 40 percent of the time.

So you get convicted to 10 years. The likelihood is you will only serve 4, on average. If you get convicted for 5 years, it is only 40 percent. If you are convicted for 1 year, you will likely serve 4 months.

At the Federal level, if you are convicted for 1 year, you get 1. If you are convicted for 10, you get 10. If you are convicted for 20, you get 20. So it is very important to understand where the problem lies. At the Federal level, there is no need to authorize additional spending for new prison construction.

The current budget already includes funding to accommodate a projected 32-percent increase in Federal prisoners over the next 5 years. There is a prison space crisis, but it exists at the State level where some localities have been

forced to release criminals because of overcrowding. As I said, and I will repeat it probably 20 times in this debate, there are currently 32 States under Federal court orders or State court orders concerning overcrowding at one or more of those States' facilities.

Translated, it means they let people out of jail who should still be in jail. Translated further it means—as the Presiding Officer knows, who knows as much or more about this crime problem as anybody in the Senate, having been a former Governor of the State of Florida—sometimes they let violent criminals out because there is no space, or they do not prosecute in the first instance a case because they know there is no prison space.

By the end of 1992, State prisons were housing 840,000 inmates, and locked in local jails an additional 450,000 prisoners. The price tag for this incarceration is steep. State spending on prisons has doubled between the years 1986 and 1992, and there is no end in sight unless we get a lot smarter in how we use our resources in the criminal justice system.

To respond to this problem, at least in part, the bill I have introduced with the concurrence of the administration and the help of the Attorney General, focuses new prison funding on States and localities rather than the Federal level. It contains a \$2 billion grant program under which States can fund prisons for violent drug offenders. States can use these funds not only to build new State prisons—construction amounting to only 5 percent of the total cost of running the prison by the way—but also to operate State prisons that have already been constructed but sit idle for lack of operating funds at a State level.

That is what we do with violent offenders. We are going to give States \$2 billion so they can deal with these violent offenders.

Or, to encourage States to identify nonviolent offenders and put them in an alternative situation, more cost-effective programs are suggested in this bill. The States can use the grants of this \$2 billion to run military style boot camps. These camps provide a regimented program for work and activities for young, nonviolent offenders.

Rather than spend time in a traditional prison, they can serve the same term in a boot camp, where intensive physical training and work while in boot camp is then followed by education in the boot camp, job training in the boot camp, and drug treatment on release from the boot camp.

Moreover, running boot camps cost about one-third what a prison costs on a per-inmate basis. So moving nonviolent offenders into boot camps to free up prison space for violent criminals is a cost effective response to the prison shortage.

Third, both Federal and State systems, prison systems, suffer from the same key shortcoming, and that is the lack of drug treatment. Drug treatment, as former drug Director William Bennett has acknowledged, cuts recidivism rates in half or, put another way, it is cost effective.

For every \$1 spent treating a drug offender—I might add treating them while they are in prison—we save \$3 later in reducing crime, another high social cost that flows from addiction.

The need is great. Each year over 200,000 drug-addicted offenders are released from State prisons after having served some or all of this time without being treated. Approximately 15,000 addicts, drug addicts—and I might add the average drug addict commits about 200 crimes a year. There is a reason for their committing 200 crimes a year. They need your wallet to pay for their drugs. That is the reason they do it, among others, unless they are cocaine addicts and it is cocaine-induced paranoia where they turn around and shoot you just gratuitously like you saw on that film.

So, we release from State prisons about 15,000 addicted, still addicted, criminals and Federal prisoners without ever receiving any treatment.

At a Federal level, the bill I have introduced includes a provision which sets a schedule for the Bureau of Prisons to place all eligible Federal prisoners into drug treatment programs lasting between 9 and 12 months in facilities separate from the general prison population.

Let me explain that. A lot of people who have not worked in this area long wonder, JOE, why do they have to do this in a separate facility within the prison? Let me give you an example in my State of Delaware.

My State of Delaware has within its prison system a thing called the key program, k-e-y program. They found—and it is a drug program, antidrug treatment program—it does not lessen the term that the person serves in prison. It does not put them out on the street. It is not some, you know, wishy-washy, liberal, social activist, as is characterized often, program. These folks are in prison behind bars serving their sentence. And we found something interesting.

In order for them to be in the drug treatment program in the prison, do you know what we had to do? We had to take a whole section of the prison and segregate them. Not because they were rewarded. They did not get to go out in the yard, you know, like you see in the movies, the yard. They did not get to go to the gymnasium or physical facility or the basketball court the other prisoners used. They did not get to go to the prison dining room to eat. Those who signed up for the program and qualified, stayed in one small wing of the prison, further constricting their freedom even within the prison.

Do you know why? When they went out into the yard, drugs are as accessible in a prison yard as they are on a street corner. Every prison in this Nation, prisoners who are addicted have no problem getting drugs in prison.

I said that some time ago to Ted Koppel. I think he thought I was engaging in a little bit of hyperbole. He did a program on Night Line, I guess 3 years ago now, maybe longer, from Lorton prison here in Washington. And with his producers and his experts, and with a little bit of unsolicited advice from me—"suggest you get all of those prisoners, all of those tough guys in a cafeteria and ask them about drugs in prison."

They hooked me up, too. I was on the show. They put me up in the Senate studio. I was on a remote hookup when he was conducting the program from inside the prison. They let him inside the prison. They were talking of various things, they were interactive. I could talk to them and they could talk to me. I said, Ted, ask them how many use drugs in prison. How hard is it to get it?

These were a bunch of tough folks sitting in that room. I do not know whether there were 30, 40, 50, what the number was. When he said, "Can you get drugs?" They all said, "You kiddin' man, where you been? You crazy? Course you can." They went on in great detail to point out the availability of drugs in prison.

It was not just Lorton prison. It is the Delaware State Correctional Institution. It is every one of your State, cities, and jails and prison systems in your State.

So the reason why I wrote in this bill that if the States use it they can also use separate facilities separated from the general population. Do not, anybody, misunderstand that. That does not mean they can release the prisoner and treat them. It means they have to find another place behind that barbed wire fence where they treat these prisoners.

At least 50 percent of the prisoners with abuse problems who seek help must be in treatment by the end of 1995 in this bill; 75 percent by the end of 1996; and 100 percent by the end of 1997, or they do not get this money. The bill also requires periodic drug testing of Federal offenders in postconviction release.

For example, even after Federal prisoners serve their time, they are released, but not fully. They are released to a probation officer for a period of time after serving 100 percent of their sentence. I think we should test them. I think they should have to show up to their probation officer on a periodic basis, once a week or once a month, and be tested. If they test positive, they go back in jail. But I might tell you all, and most everybody shakes their heads when I say, yes, that is

right, it costs a lot of money; it costs a lot of money to test it. If you show up at your doctor, any of you folks in here, and go up and you want to get tested for anything in your blood stream, you do not get a bill for \$5. It is about \$125. It is an expensive proposition—but necessary.

For State prisoners, as outlined above, this bill targets grants to States for prisons housing violent drug offenders. In addition, the bill provides for programs for nonviolent drug offenders through follow-up treatment on release from boot camp prisons as well as through drug courts and other innovative projects, which I will discuss in a moment.

So let me sum this section up, this title that I have referred to here. The prison boot camp title in this bill will provide \$2 billion for State prison authorities to construct boot camps, to use it for operating costs of existing prisoners, and for drug treatment and drug testing. The reason why I want them to build the boot camps is because it costs one-third the cost of keeping somebody in a prison.

Second, out of those 840,000 prisoners now in State prisons, 160,000 of them are nonviolent, first-time offenders. Think about this. It does not take a genius to figure this one out. If you can take those nonviolent people, not at this point dangerous, and put them behind barbed wire on a Federal facility that has been abandoned, run by the State, in a boot camp circumstance, whether or not you are able to deter them from a life of crime by that measure, what does it do? It frees up, 160,000 prison cells. What does that do? Instead of the State then being under a court order having to release violent criminals after they serve one-tenth of their term, not try them or not put them in prison at all, it frees up a prison space for a violent criminal offender.

So even if boot camps do not make sense in terms of recidivism in terms of leading people away from a life of crime, the condition to get into a boot camp is that you must have a non-violent record, be a first-timer, and be young, translated "not as dangerous to the community." But you are still locked up behind fences. But it frees up up to 160,000 spaces now being taken up in every one of your States, 160,000 prison cells in State prisons, where you should put violent offenders serving the entirety of the sentence that they have been sentenced to.

There is one thing I did not mention, which I assume is obvious. But I deal with this stuff so much and talk about it. And the mistake we all make in Government is assuming that everybody has spent as much time on the subject as we have, and we start using shorthand. The reason why people only serve 40 percent of the time of their sentence in prisons in the States is not

because State judges are wishy-washy liberals or because the Governors are not tough on crime, not because State legislators do not want to get tough with violent criminals; it is because, if they put them in jail for 100 percent of their time, they would double the prison population. You can put 840,000 people in the prison cells available in the United States of America that are not Federal facilities if, in fact, you do not keep them in there—with the same number of cells—if you do not keep them in there for their entire sentence.

If tomorrow we passed a law and the good Lord came down and said every State must keep every prisoner in their cell until they serve the full term of their sentence, you have doubled the need for prison space—more than doubled. That is why the States do not do it. It is not because they are not good women and men, but because it costs tens of billions of dollars.

We will have an amendment later on—if they ever allow us to get to this bill—from some of my Republican colleagues. The amendment will say that we do not like BIDEN's prison provision. We want to spend \$3 billion on prisons, and it is going to say, in order to get any of this money, the States must have a truth-in-sentencing provision. That means they must keep all of their State prisoners in jail for 85 percent of their sentence—a Federal mandate—if they want to get Federal money. That sounds good. I am all for that. I want them to be kept in jail for their sentence.

Except it is not going to work, folks. Do you know why? If you are the Governor of Delaware, Pennsylvania, California, or Texas and your administrative assistant says they passed this bill, and there is \$3 billion for prisons, and we can apply for it and get \$200 million for new prison construction—we have to sign onto this deal—if we keep everybody in our State prisons for 85 percent of their time.

If the Governor has a brain in his head—and they do—he will turn to his crack legislative aide and say: OK, I am getting \$200 million; how much is it going to cost us to keep these folks in jail for 85 percent of their sentence? If that legislative aide has a brain in his or her head—and mine clearly do—that woman or man will turn to the Governor and say: You will get \$200 million, but you have to spend \$700 million to get \$200 million.

Do you understand what I am saying now? In order to be able to get the money, you have to have people serve double the amount of time they are serving now. I am for that. But to be able to do that, what happens is you have to double the amount of space. You are going to keep them twice as long. It is like your relative comes to stay. Say your mother-in-law comes. She is going to stay a week. No problem. Then you find out your mom is

coming the next week. You have one bedroom. If you double the amount of time your mother-in-law stays and your mom is coming the next week, you have to find another room for your mom to be able to stay, too. It is the same principle. It is not complicated. It is the same principle.

So the Republican provision—which you will hear about in this debate—is a legitimate proposal. States will be told you can get \$2 billion if you spend \$14 billion. I wonder how many Governors are going to come to all the taxpayers in this Chamber and say, I got such a deal that I am going to raise your taxes, and I am going to spend an extra \$12 billion because the Federal Government is good enough to give us \$2 billion. The net increase will be \$16 billion on prisons—a good thing. I wonder how many Governors are going to do that. Mine does not make them do that. Mine says, get smart, build these boot camps. Take this cadre of 160,000 people eligible for boot camps, nonviolent, first-time offenders or nonviolent offenders with minor criminal records that make up 19 percent of the 840,000 people in State prisons. Take them out and put them in boot camps. Now you freed up 160,000 spaces, if we funded that many and we do not. We do not fund that many.

That seems to me a lot smarter way to do it than to say to Governors, "By the way, we will give you \$2 billion if you spend \$14 billion." I think they are more likely to do this.

What is the net result? People committing these violent crimes are multiple offenders who are out, not having served the sentence. With the grace of God and good will of neighbors, we will have less violent crime. How much, I cannot tell you. I do not know the answer to that. Only the Lord Almighty knows that.

Let me move to another title in the bill, title VII of the bill, the drug court program for nonviolent offenders. Title VII of the bill is a grant program—that is Federal jargon saying we will just give the money to States—a grant program, as well as boot camps.

The key to the drug court programs is to identify those nonviolent offenders who can be diverted away from a criminal career and not take up a cell in a maximum security prison, because I want to reserve those for those wonderful predators who we should keep behind bars for a long time. In most States, such offenders either simply are released back into the streets or they occupy prison space that is in short supply. Neither of those is a good option, in my view.

These are not programs for violent offenders. They are cost-effective programs, these drug courts, that combine the concept of prevention plus responsibility to reach those offenders whose minor crimes have just brought them into the criminal justice system, but

who would not be sentenced to a prison system. Let me explain what I mean by not sentenced to a prison system.

Another chart. I know we are chart happy around here. I blame all these charts on Ross Perot, but it is a good way to illustrate.

The total number of State prison offenders who are on probation is 2.7 million people. There are 2.7 million people in the States of the United States who have been convicted, or pled guilty to, or are under the court-ordered supervision of someone within that State, who are not in a prison cell. These are not part of the 840,000 people in prisons or the 450,000 in county jails—2.7 million. Of those, there are 1.4 million who are drug offenders on probation.

So you have 1.4 million people wandering the States who have been convicted of a drug offense who are on probation, out of this cadre of 2.7 million. You have 800,000 of these 1.4 million who are drug offenders, who are at least being tested or treated that are under some kind of supervision.

But I say to my friend from Florida, who presides over this body, who—again, I am not being solicitous—knows more about this than me or anyone in this Chamber, having been Governor of Florida. Drug offenders who go untested, untreated, who are not in jail, who have been convicted or pled guilty to a crime, who have no supervision, 600,000 of them are wandering the streets. Six hundred thousand people who are convicted drug offenders, minor offenders in most cases, are wandering the street with no treatment, no supervision of any kind and no testing. So you have 600,000 of those folks.

Now, that is the reason we have these drug courts. No one can tell me any good comes from that. Some of these kids may be first-time offenders who tried it once, who pled guilty, who never will try it again. I do not want to lock them up in jail for the rest of their lives. That is not the point. But a whole lot of them who have no supervision are the very cadre of people from whom we are going to get the drug addicts of the future.

I apologize for again referring to the Presiding Officer, but he was part of, and he understands better than I do, how drug courts work in Dade County. That is the model we have used in this legislation. These are not programs for violent offenders. They are cost effective. They attempt to combine prevention and responsibility to reach those offenders whose minor crimes just brought them into the system, but who would not be sentenced to prison anyway. That is this group here.

Drug court programs combine the carrot of intensive supervision by probation officers and mandatory drug testing and treatment, with the stick of certain prison terms if the individual again strays from the straight and narrow.

Keep that in mind here. This will be characterized—and I will be delighted when my friend from Florida is not presiding and is here, and I see my friend from North Dakota. I should warn him I have another hour at least on this before I will move along. I do not mean to hold him from speaking to this, but I just want him to understand this is based on this schedule. But as to my friend from Florida, I am anxious when this debate gets going, for him to be down here on the floor when we are told that what we really do is coddle these people. The fact is there are 600,000 of these folks out there now who have no supervision at all in the States. These are not Federal prisoners. They are prisoners of the States.

So what we want to do is to get them into a system where there is intensive probation, supervision, testing and treatment, with the notion that if they stray after that then they do not get the chance to join this group again. They go to prison. They go to jail. They are incarcerated.

The bill authorizes a 3-year, \$1.2 billion grant program to States for programs designed to ensure certainty of punishment and promote deterrence, including programs that will offer drug testing on arrest, during prison and during participation in pre- or post-trial diversion programs and treatment, in alternative punishment for young crime offenders. That is the stuff by which \$1.2 billion will be spent by the States, so hopefully to move this 600,000 group into this.

A typical drug court program that could be funded works as follows: A nonviolent offender arrested on a drug charge is given a choice, go to prison, or enter an intensive supervision and treatment program. The alternative to prison is no free ride. Participants must get and keep a job. They must agree to random, mandatory drug testing. If they successfully complete the program, they do not have to do time. But if they flunk out of the program, they go to prison and serve all of their term. Punishment is certain unless they succeed fully.

Moreover, sanctions are increased incrementally each time there is a lapse. The idea here is there must be immediate and direct consequences for every mistake.

The result of one existing drug court program that is in Dade County, FL, are quite impressive. From June 1989 to December 1991, 1,740 offenders successfully graduated from the program—1,740—and only 3 percent of those people have been rearrested—3 percent. Before the drug court program was instituted, the rearrest rate for those offenders, those nonviolent, first-time offenders was 33 percent.

The program is saving money that can be redirected to incarcerating and treating violent career criminals. In Miami, it cost \$17,000 a year to keep an

offender in a county jail. The same offender can get the benefit of a drug court at the price tag of \$2,000 a year. It seems to me this is not only punishment, but smart punishment.

Currently, as I said, 600,000 offenders nationwide who meet the drug court profile of a nonviolent drug offender without a serious criminal record are now effectively ignored by the system. The drug court title programs can make a difference with that part of the offender population that can be deterred from further more serious crime.

Title VII and title XVIII relate to youth violence in this bill. More and more violent crime in our Nation is committed by juveniles. To respond effectively, we have to separate violent juveniles from those who have not yet committed themselves to serious criminal activity. Again, the problem of juvenile crime is one fraught primarily with the breakdown of the family and a whole range of other fundamental reasons, and is fought primarily at State and local levels.

The Federal Government's role is one of providing guidance and support, because there is not much else we at the Federal level can do.

The youth violence title in the crime bill encourages the States to hold juveniles responsible for their crimes.

Again, my basic thesis in all of what I have done for 20 years on the crime front is that certainty—not the severity, certainty—of punishment is a critical element in dealing with crime.

The youth violence title in the crime bill encourages the States to hold juveniles responsible for their crimes. It provides both for tougher treatment of serious violence and for important prevention and enforcement programs for juveniles.

First, it targets gang activity, which accounts for an ever-increasing percentage of violent juvenile behavior in this Nation, by creating new Federal penalties for violent crimes or drug crimes by gang members. When a gang member, who once before has been convicted of a drug offense or a crime of violence, commits another such crime, he gets up to 10 extra years' additional time to run consecutive with any other sentence he must serve.

The bill also triples the penalties for using kids to sell drugs in drug-free zones. There is a reason for that. What we have done here in the past at the Federal level and some State levels, we have significantly increased the penalty for crimes for adults who sell drugs in a drug-free zone.

Well, those gang members, those adults got smart. They are nothing, if not enterprising. They go out and they get young people, 12, 13, 14, 15 years old. They get them to go in. They pay them. They get them to go into the drug-free zone and do the same thing they were doing, knowing that if they get arrested, that young person, they

get treated as a juvenile and not as an adult.

So, although it is hard to stay one step ahead of crime, I want to make sure that anybody who is convicted of sending a kid into that zone to sell drugs, they have their sentence tripled. So whether they go into the zone or not, they get nailed.

Finally, the bill encourages States to treat those most violent among the juveniles as adults, providing grants for bind-over systems, to permitting the prosecution and sentencing of violent 16- and 17-year-olds as adults.

And I must tell you, it has pained me to get to this point, for I have been one for 20 years who has fought against making it easier for a child to be tried as an adult. But there are certain facts I can no longer ignore. And that is, the most violent offenders in our society today are not adults. The repeat violent offender is as likely to be a 16-year-old as it is a 22-year-old. And for those repeat violent offenders, this bill does not require the State to treat them as adults, but it allows them to if they meet two criteria. One, they are over the age of 16; and two, they are the most serious of the violent offenders with previous records.

But communities, in my view, must fight and try to deter juvenile crime at the same time we get tougher with it. The bill authorizes \$100 million for grants to States for antigang and anti-drug trafficking programs. Participating States must devote 50 percent of the money to, no more than 50 percent of the money, to law enforcement, and they must devote 50 percent of the money to prevention, because ultimately the answer lies in prevention.

Each community can devise programs that best fits their needs, whether they be investing in investigation and prosecution of juveniles involved in drug related crimes, targeting violent juveniles with increased effort of apprehension and punishment, or working to disband gangs ravaging rural as well as city neighborhoods, or developing programs for counseling and treatment of drug involved youth, or creating active programs to help high-risk kids with criminal behavior.

There are certain things that we found out that surprised even me over the years. In a public housing project where there is no boys clubs or girls clubs, the rate of violent crime and drug use in that project far exceeds a similarly situated housing project where there is a boys club or a girls club.

Sounds like what your mom used to say, does it not? Idle hands are a devil's workshop. Children without something to do, without some adult supervision, are going to get in trouble. How many times when we were kids did we hear that.

But we find out the most significant thing we can point to in inner cities

and in difficult neighborhoods that has impacted upon drug use has been the existence of a boys club or a girls club in a housing project. We should encourage more of that.

Examples, as I said, of success are already in use in boys clubs and girls clubs, as well as with antigang and drug programs. These are located in public housing projects. The program involves those at risk for gang recruitment and getting them involved in positive group activities designed to seek to instill self-esteem and some responsibility.

Look, all you have to do is turn on the television in any metropolitan area, as well as rural area, and watch the news broadcasts these days. I watched one last night. A young black girl in a high school, I believe she was a 10th grader. They were asking her questions about a lot of these kids. They were walking out and they asked her a question about whether or not she wants to join a gang, or be in a gang, or if she is worried about violence. She said, in very stark terms, "You got to watch your back all the time in the school. You've got to always be looking. You don't know whether someone is just going to come up and blow you away for no reason at all."

We wonder why kids get in some of these gangs. They are scared. They are children. Most of them are scared. We have to provide some alternatives for them.

The clubs I referred to focus, as well, on drug prevention and reduction and elimination. The program was named as one of 10 exemplary prevention programs in 1990.

A recently completed evaluation found, as I said, that public housing communities with clubs saw the number of children involved in dangerous activities decrease as more constructive educational and social activities were made available to them.

In this crime bill, we also include a thing called the Safe Schools Program to provide grants for anticrime and safety measures, to develop education and training programs for the prevention of crime violence and drug abuse and alcohol.

For example, the funds in this bill can be used to hire teachers for after school programs, for after school drug counseling and after school crime counseling; to hire police patrol officers, in some high schools, to patrol the hallways and the school campus; and for safety measures, such as metal detectors and video surveillance devices in hallways.

It is sickening that they are needed, but they are needed. The youth violence provisions of this bill attacks the program of juvenile violence from both ends—punishment as well as prevention.

This is the heart of our fight against crime. We cannot afford to lose the

next generation of juveniles to crime and drugs.

I will go back and note again, parenthetically, this bill does not deal with all of that problem. The drug bill will do a great deal more of what I am talking about as well as measures relating to the ownership and use of guns. But this is a step, and an important first step, in this four-part or five-part program that I envision.

There is another title in this bill, another section, title XIV called rural crime.

I think it was 4 years ago I put out a staff study pointing out that the rise of crime, and violent crime, was rising at a higher rate in rural America than it is in urban America. And everybody but the Senators who represent rural States thought maybe that was a bit of exaggeration, that I was just trying to spread the net of support for my measures.

Those of you who are watching, who are citizens, and those who are here from rural communities, I expect you could come before my Judiciary Committee and testify in some great detail how crime is on the rise even in your rural communities. There are a lot of reasons for that which, when we get into debate, I will speak to. But I felt it important that we address the specific problem of rural crime in this crime bill. It is on the rise and at a faster rate than in any other part of America.

According to the most recent report of the FBI, violent assaults rose 30 times faster—Did you hear what I just said? Thirty times faster in rural America than in our 25 largest cities in the United States of America. The number of rapes rose in rural America more than 9 percent while decreasing by nearly 4 percent in urban America.

Drugs also are an increasing menace to rural States. The number of arrests for drug abuse violations in rural America jumped almost 23 percent in 1992. New drugs, such as smokable methamphetamine or "ice," and a new inhalant referred to in the slang as "cat"—c-a-t—have proven especially popular in rural areas.

To meet this challenge, my bill provides \$50 million for drug-crime-fighting money to aid State and local law enforcement areas and 50 percent of this aid, \$25 million, will be divided equally among 19 rural States; the \$1.3 million per State that this would provide is enough to deploy an additional 50 drug-fighting police in each of the rural States, and this is above and beyond the grants for community policing also available to those States under title 1 of this bill which I discussed much earlier. The remaining 50 percent of this aid is targeted to rural areas in the other 31 nonrural States.

The bill also establishes a rural drug enforcement task force in every Federal judicial district encompassing significant rural lands. The goal is to

make these resources of Federal agencies, both in manpower and expertise, available to local law enforcement in rural areas who lack the staff and the funds to focus solely on investigating and prosecuting drug trafficking.

Think of how many towns there are in America, let alone my State, that have 2,000 people, 3,000 people. They have a police force of one person, two persons, or three persons. And all of a sudden in that rural State, they have happen what is happening all over the country—gangs like the Bloods and the Crips and others, who make a lot of money on producing synthetic drugs like methamphetamines, all of a sudden set up shop outside their areas because they are getting caught in urban areas.

What does that—God bless him or her—local police officer know about drug enforcement? How can they deal with it being across State lines?

So what we provide in this bill is the ability to have drug enforcement agents from the Federal Government and FBI agents from the Federal Government work with them in teams to teach them to provide them intelligence information and to actually work with them on arrests.

I think we have evidence that it has worked in the past. And it will work in the future.

So, these task forces, Federal task forces, will be chaired by the U.S. attorney in the district in which this rural community is. They will include representatives from State and local enforcement agencies, the Federal drug enforcement agencies, the FBI, the park police and forest services.

The Attorney General is specifically authorized to cross-designate Federal agents to fight drug trafficking in rural jurisdictions. This plan can effectively add hundreds of new Federal agents to antidrug efforts in rural America.

The Federal Government can also help rural law enforcement benefit from the expertise of Federal agents who have specialized in narcotics control. The bill directs the Director of the Federal law enforcement training center at Glynco, GA, to develop a special course specifically devoted to training rural law enforcement officers in the investigation of drug trafficking and related crimes.

As I go around America, that is the help I get asked for the most. We do not have the facilities in our State, Senator, to train a rural law enforcement officer. Can you arrange for us to get sent down to that first-rate outfit at Glynco, GA? Can they train us like they do the DEA agents and the FBI agents? The answer is yes, we can and we should.

These programs for community police, for prisons and boot camps and drug courts, for juvenile and rural law enforcement and prevention, these are

the heart of a solid effort to help States and localities fight the crime that plagues them.

These are the key programs of S. 1607 that can begin to make a difference in how secure Americans feel. They are the provisions, I hope, the Senate will focus on when we debate the anticrime legislation.

My bill does contain provisions on increased Federal penalties, on habeas corpus reform, neither of which, in my view, are nearly as important as what I have just finished describing in the fight against crime. But these issues have consumed hours of debate on the floor of this body so I will briefly address the tough, fair compromise provisions on these points included in this bill in the hope that we can quickly move on and keep our attention focused on passing a bill that contains a critical aid to State and local law enforcement and other programs I described.

Titles I, IV, and XV, the Federal death penalty and other increased penalties provisions of this bill, I will explain now.

S. 1607 authorizes the Federal death penalty for 47 offenses, most of which have passed the Senate previously. These include, for example, murder of a Federal law enforcement officer, drive-by shootings, terrorist murders, and car-jackers who murder.

As I said earlier, I support the death penalty. The death penalty procedures contained in the bill have also passed the Senate once before, either in the 1991 crime bill or as part of the drug king pin death penalty enacted in 1986. Among other specifics, these procedures, before you can be sentenced to death—these procedures set forth the intent standard that must be proven by the prosecution. They delineate the mitigating and aggravating factors a jury must consider in deciding whether to impose a death penalty. They outline the procedures by which a sentencing hearing is to occur. And they provide for appellate review of the death sentence.

The procedures allow the Government to present a victim impact statement at sentencing and the victim's family to testify at the sentencing hearing.

The procedures also provide that no one under 18 may be sentenced to death and that no one with a mental retardation—mental retardation, not mental illness, not temporary insanity—but certifiably mentally retarded, can be executed.

They also require juries to be informed of their options to sentence the defendant either to death or to life imprisonment without possibility of probation or parole. The death penalty provisions are tough and the procedures are fair.

In addition, the bill authorizes over 60 increased penalties for new offenses

covering violent crimes, drug trafficking, and gun crimes.

These include, for example, increased penalties at the Federal level for drug dealing in a drug-free zone, for use of semiautomatics in the commission of a Federal crime, for drunk driving with a child who is injured in that automobile, and others—increased penalties.

Title III is, in one sense, the least important and, in another sense, the most complicated and, in the third sense, the most controversial provision of this bill. It contains a tough and, in my view, fair habeas corpus reform package.

Habeas corpus is abused now by prisoners. My good friend from South Carolina, Senator THURMOND, will no doubt tell us of people who have been on death row for 16 years in his State who have filed many habeas corpus petitions. But everyone who is listening to this debate should know that anyone who files a habeas corpus petition—that is, a petition for a new trial on the grounds that they did not get a fair trial the first time—is already and by definition must be behind bars, out of harm's way, and no danger to society because they are in a jail.

The thing I find most confusing when I discuss habeas corpus—and I suffer from being a lawyer; and in law school and in my practice, I had to learn about habeas corpus, the so-called great writ, also mentioned in the Constitution, habeas corpus—is that most people, if you listen to the rhetoric on the other side of this argument, think somebody filing a habeas corpus petition is also the same person wandering the streets committing more crimes. As a matter of fact, I facetiously said in a previous debate, the way my colleagues described habeas corpus, you would think habeas corpus was a violent repeat offender crouched behind a garbage can in an alley in the city of Washington, DC, ready to leap out and rape someone or murder them.

Habeas corpus is a piece of paper. The piece of paper must be written by a defendant, slipped through the bars of a prison cell, and handed to someone to be mailed to a Federal judge. That is what a habeas corpus petition is. It says:

Federal Judge, they put me in jail. They violated my rights. I want you to look at it and see if I got a fair trial.

In layman's terms, that is what habeas corpus is. So I hope during this debate we will not get misled—and we will hear talk about we could totally eliminate habeas corpus—what a travesty it would be of 800 years of English jurisprudential reverence for habeas corpus—we could eliminate it and we would not make one person safer in America. Not one person in America who was, in fact, violated by someone who would be safer because we did not have habeas corpus at all.

So let me go to what habeas corpus does in this bill. Notwithstanding all that, it is still abused, and there are key components of the legislation the Attorney General and I and the President have endorsed and introduced here.

No. 1: It limits prisoners to a single Federal habeas corpus petition. One time they can slide a paper between the bars, figuratively speaking, and say, "I didn't get a fair trial," and a Federal judge must look at it. It places a 6-month time limit on that single petition. They get put in jail and they have to send that petition through the bars to the Federal court within 6 months of them having been convicted.

Next, it applies to both death row inmates and noncapital inmates for where the State has offered counsel for State habeas corpus proceedings. Translated, it means when that person got put into jail and they filed a habeas corpus petition to the State court, the State provided, if they did not have the money, provided a lawyer to help them draft that petition.

It allows certain exceptions—limited—for a second petition; that is, it starts off and says you can only send one note through the bars to the Federal court, except you can send a second one through in the following circumstances, and they are very extraordinary: One is to establish my innocence. To give you an example. The first one sent through said my constitutional rights were violated because they did not do A, B, or C in the State trial, and the Federal court looks at it and says that they did it the right way; your constitutional rights were protected, so you stay in jail; you do not get a new trial.

Then, a year later, 6 months later, 10 years later, while you are still in jail, somebody walks into the courtroom and says, "You know, when John Doe was convicted of murder, I lied at his trial. I am the one who killed Cock Robin. I did it."

Now that prisoner can say, "Hey, I have new evidence here. I am innocent. I did not commit the crime. I get a chance to send a second habeas corpus petition through the bars to the Federal court saying I am innocent based on real evidence."

There are a number of cases we have read about where people on death row have turned out not to be guilty. A case in point, one recently I think was in the State of Virginia where the prosecutor kept out of evidence material in the police file that proved that the person did not commit the crime. They said—I forget the facts of that case—but a case where they say, "Well, John killed Mary at 1701 Elm Street," and John said, "I wasn't there; I couldn't have been there because when I left my house to cross the railroad tracks, there was a 270-car train. I could not get through. It wasn't me." And the

prosecutor knew that there was a train that long but did not tell the jury and said, "No, that wasn't true. John did it."

Ten years later, they find out when they are cleaning out the police files that the policeman lied or the prosecutor lied or a witness lied. It seems to me a simple common decency if new evidence, real evidence of someone's innocence comes to the front at any time they are incarcerated, they should be able to slide a second petition through the bars and say, "I'm innocent; look at this evidence; it's new. We didn't know it at the time; you didn't know it at the time."

That is one circumstance in which they can file a second habeas corpus petition.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. BIDEN. Madam President, another one is to show that a constitutional defect existed in the sentence. That is not a constitutional defect in the trial. You were convicted properly, but it turns out that someone at the sentencing phase perjured themselves. They said in the sentencing phase—the way it works is, they do a presentence report. If it is a capital offense, they have a bifurcated trial, as I know my colleague who is a lawyer and a former Federal prosecutor knows—who is presiding now—at the Federal trial, do you get the death penalty or life?

One of the things considered is what the witnesses say at that point. If there is evidence at a later date that somebody lied at that sentencing proceeding, or your constitutional rights at that part were violated and you find out about it, you should be able to slide a second piece of paper through the bars and say, "Look at my sentence, Judge; they didn't do it the right way."

If we pass the legislation as we have written it here, it does not allow the petitioner to do what they do now, having filed 10 petitions, say I have a new idea. When I was a child, my mother did not breast feed me. I was fed by a formula, and the formula contained a nitrate in it and/or lead in it which impaired my ability to form a conscience. As a consequence of that, I cannot now be held accountable for the crime that I was convicted of having committed, even though I committed it, and I should get a new trial and be able to introduce this in evidence.

Those are some of the kinds of petitions that get filed, as outrageous as that. You cannot do those kind anymore under this bill. Only if you are innocent do you get a second shot, if you have evidence of it, or only if you can make a case that your constitutional right was violated in sentencing.

This legislation on habeas corpus specifically disavows the concept of full and fair, which would virtually eliminate Federal habeas corpus.

Let me remind everybody why we have Federal habeas corpus to begin with. Federal habeas corpus, that is reviewing a conviction at the State court level. Joe Doe is convicted in such and such a county in the State of X. It did not used to be, 100 years ago, that you could go to a Federal court and say did they do this the right way? But what happened was there was a famous case in a southern State, to remain nameless, where the prisoner was denied, the convict was denied an opportunity to prove that this State court had totally ignored his Federal rights under the Federal Constitution.

It was such an outrageous case and people became so angry at the miscarriage of justice, they said look, where a State court is ruling on a piece of the Federal Constitution, and a prisoner convicted believes that the Federal Constitution was not applied by the State, he should be able to go to a Federal judge and say, "I'm in jail, behind bars but I want to point out to you, Judge, when they arrested me, they beat me with a rubber hose and got a conviction," or "they set bail that was in violation of the eighth amendment," or they did any other number of things.

So if a State court made a mistake or refused to look at the Federal rights we all have under the Constitution, they said you ought to be able to look at them because there were States that were clearly not looking at them.

I might add, by the way—the Presiding Officer knows this—to 40 percent of the people who file a Federal habeas corpus petition, the Federal courts say yes, you are right; they did violate your rights; you get a new trial or a new sentencing proceeding. That is what it is now in capital cases—40 percent of the time the Federal Government says yes, you are right; the Federal judge says yes, you are right; they did violate your rights.

So it is not that these filings are all specious. But we greatly restrict it, I think fairly, but greatly restrict it.

This legislation allows claims of innocence based on newly discovered evidence to be heard by a Federal court. It requires States to provide indigent capital defendants—translated, no money, cannot hire a lawyer—with counsel, lawyers, who possess specific qualifications at all stages of State proceedings, authorizes Federal grants up to 75 percent for the additional cost that will be imposed on the State having to pay for this new counsel.

Let me put this in perspective. I say to my friend from Illinois, who presides, there is one State in America where, if you are assigned a lawyer in a divorce proceeding, you are able to be paid as a lawyer a great deal more money than you could if you are assigned a capital case.

In this particular State, they have a State law saying that if we assign you

to represent someone who is being tried for a capital offense, murder say, the most you can receive in a fee is \$1,000—\$1,000.

Now, how many good lawyers are going to take any of those cases? Who do those poor so and sos, the innocent ones, get to represent them? They get the worst lawyers. They get the lawyers who are not very smart, and they get the lawyers who never handle a criminal case or never handle a capital case, or they get a lawyer who did handle it, who is not going to spend a whole heck of a lot of time on it.

So we say, look, we will pass a rule saying that the Federal judges cannot look at these habeas petitions repeatedly, which drives you State prosecutors crazy, if you will help us out here; prevent the need for these to be filed. Give people who do not have money real, live lawyers to represent them, so constitutional rights are not violated, so we never get in this spot in the first place.

That is the tradeoff here. So we are ready to say we will shut down the number of times someone can file a petition from a State prison to a Federal court, requiring, I might add, a State prosecutor to respond—that is why the States get upset about it—if you will provide these people with some representation the first time around.

But there are those in this body who say we should make habeas corpus subscribe to something called the full and fair doctrine, which means that if the State prisoner received a chance to file a habeas corpus petition from a jail in a State court saying I did not get a fair trial, and he or she exhausts all of those remedies—that is, it goes to the lower court, the upper court, and they go through the chain of events in the State—regardless of whether or not the State court made a mistake, regardless of whether or not the State court interpreted properly, they say if you just go through the motions, you are not allowed to go to Federal court period, whether you are innocent, whether you have evidence of your innocence, whether it is clear your constitutional rights have been violated. If the prosecutor has taken it through the State court system, you cannot, for any reason, get into Federal court as a practical matter. Or, put another way, full and fair means no more Federal habeas corpus. This makes sure.

We explicitly say no, that is not what we are talking about here.

Madam President, habeas corpus reform is necessary to reduce abusive delays in carrying out State court sentences. To guard against that abuse, the provision limits prisoners, both on death row and behind cell bars not on death row, to a single Federal habeas corpus petition. For the first time ever, it sets a 6-month time limit on filing that petition. At the same time, it also helps ensure that we do not execute

people or keep people in jail in violation of the U.S. Constitution. To ensure fairness, the provision makes sure that indigent capital defendants get good lawyers at trial and throughout the State proceedings.

The Judiciary Committee hearings over the years have documented that capital defendants in many States receive utterly incompetent and utterly unqualified representation. I worked both with the prosecutors and the criminal defense bar to come up with the counsel provisions that would make a difference. This bill includes detailed qualification standards for lawyers defending capital indigent defendants.

The goal is to eliminate the very need for protracted habeas corpus proceedings by making the first criminal trial the main event where competent counsel work to keep errors from occurring in the first place.

The habeas provisions also recognize that if a death row inmate comes forward with new and exceptionally persuasive evidence that he is innocent he should have a chance to have a Federal court hear his claim before he is sent to death.

Finally, the provision makes sure that the Federal courts continue to play their historic roles as the final arbiters of the Federal Constitution.

The Republican alternative called the full and fair reform would make radical and unprecedented shift by giving the final word on what the Federal Constitution requires even where a State decision is wrong to the State courts. In the last Congress it was the opposition of the national prosecutors that stopped the passage of another habeas corpus provision and in turn the entire crime bill. The reform provisions in my bill which we will be debating S. 1607 has the support now unlike last time because we have made significant changes for the National District Attorneys Association, of over two dozen State attorneys general, and of Attorney General Reno, and the President of the United States.

It is has drawn a lot of fire from those who are unwilling to compromise. It has the support of those who agree that compromise is necessary to limit abuse and thereby preserve the writ of habeas corpus from further erosion.

Madam President, as we proceed, assuming our Republican colleagues allow us to proceed, to get about the Nation's business of helping local law enforcement and local officials deal with this virulent crime problem, as we proceed, I hope we do not lose sight of what matters most in fighting violent crime that America fears, not the legal debates over habeas corpus. That will not fight violent crime; not whether we have a few more or a few less incarcerated in our Federal penitentiaries, not whether or not we have additional

death penalty procedures, because the truth is I support the death penalty. I have 46 death penalty provisions in this bill. But I must say before the Senate and all the Nation that if we eliminated those 46 or we made them 106, it would make no dent on the violent crime problem in America.

In the last crime bill I had 50-some penalties for death in the bill. We asked the Republican Attorney General's office, had they all been in the law in the year 1990, I believe it was, how many people would have been sentenced to death under this significantly increased death penalty. Do you know what the answer was, Madam President? Six. S-i-x, six persons.

There is a simple reason for it. We will have Republican and Democratic colleagues jump up and down and tell you we are going to get death, we have a death penalty in this bill, and some people are going to praise me for putting 26 death penalty offenses in here, and I am a tough guy. The truth of the matter is it does not matter because all of the violent crime we are talking about falls within the jurisdiction of the States, 96 percent of all the crime is at the State level. We do not have the authority to pass a death penalty for each and every State.

So all you get to try at a Federal level under the death penalty provisions are those that fall within the Federal jurisdiction, a precious few. So as much as I support the death penalty with the proper safeguards built in, against putting the innocent to death, the honest to God truth of the matter is, if they worked perfectly, they will have little or no impact on the 5.7 million violent crimes committed a year in this Nation.

But you will hear on this floor, when this debate gets going, assuming they allow us to, you would think that habeas corpus and the death penalty are the important parts of this bill. They are poor. But in terms of affecting crime in the street back home where my wife shops, where my mother lives, where my brother works, it will have literally no impact.

The other parts are the important parts. So as I say again in conclusion, it is not whether or not we have more death penalties or a different habeas corpus but whether we can provide assistance to State and local law enforcement in the front lines of the crime fight.

S. 1607 offers real assistance targeted to putting more police on the streets and to helping States identify and imprison violent offenders and target for deterrence nonviolent offenders.

Madam President, these are very practical goals, the kind of goals that can make a difference, and I urge each of my colleagues to support this bill as we proceed.

Madam President, that concludes my opening statement.

I sincerely hope that my Republican colleagues will soon come to the floor and say, let us debate this bill, let us pass a bill to help the American people. Because if they do not, they will set a new record, figuratively speaking, for this body of having prevented the Nation's most deliberative body from acting on crime legislation for going on 3 years. It is outrageous; outrageous. They cannot say they care about affecting crime. They can come, and they will, and disagree with the Biden, the Clinton, the Reno approach to dealing with crime. They can do that. I am prepared to debate and take my licks and savor my victories on the parts that survive. But they cannot say they care about crime and say we are not even going to let the U.S. Congress vote on it.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CONRAD. Madam President, I thank the Chair.

I came over to the floor prepared to offer an important and substantive amendment to the crime bill. Madam President, imagine my surprise to find out that although we are at 2:30 in the afternoon we have not even gotten on the crime bill.

We are not on the crime bill because apparently the other side, the minority, has refused to allow us to proceed to the crime bill. I hope the other side will relent and allow us to proceed to a piece of legislation that I think is one of the most important subject areas that we can address this year.

Madam President, we do not need to go two blocks from this Chamber to see the urgent necessity for the U.S. Senate, and the U.S. House, to act on crime.

Within just four blocks from this Chamber a 12-year-old girl on East Capitol Street at 7:45 in the morning was raped.

Madam President, we just saw, days ago, the first life sentence without parole imposed in the District of Columbia in the murder of a 22-year-old woman who worked for us in the Congress, who came to this city fresh faced, ready to do good, ready to change things, ready to make things better. And she was grabbed by a fellow who was just out of a halfway house and was brutally murdered within blocks of this Chamber.

Madam President, 10 blocks from this Capitol, I could take any Member right now and we would be able to see heroin sales being made, drug sales being made, and nothing is being done.

Madam President, a number of weeks ago, I went home at 2:30 in the afternoon to meet a repairman, and I saw people casing our block. It was very obvious what they were doing. I called 911, and they never came. Madam President, I had a similar experience when my wife was attacked 8 blocks from this Chamber; I called 911, and it was busy.

Madam President, something very, very serious is going on in our society. There is a breakdown of social order. Nowhere can it be seen any more clearly than in this Nation's Capital City. And now we have an opportunity to turn to a piece of legislation to deal with at least a part of the problem. And I make no representation beyond that, because I think all of us know this is much more complicated than a crime bill. The incidence of children having children, the terrible poverty, the loss of hope, the loss of a sense of opportunity that crushes people's lives, that makes them feel they have no stake in this society, clearly contributes to crime.

In fact, in my wife's case, I spent 4 days with police officers—three black and three white. We sat in a witness room and talked at great length about what they see happening. I can remember so well when I asked, "What do you see? What is happening out there? Why is this happening?" Those police officers, black and white, started to relate to me experience after experience, things they had seen, things they had heard, things they had experienced.

One of them told me, "Last week, we took into custody a 12-year-old young boy, and he had \$1,800 in his pocket." They went back to that young boy's home, and they found a crack-addicted mother, a crack-addicted aunt, two siblings younger than the 12-year-old, and they found that the 12-year-old was providing for the entire family. He was paying the rent. He was buying the food. He was buying the clothing for the members of that family. He was 12 years old, and he had \$1,800 cash in his pocket.

How did he get that money? The charge was that he was selling drugs and serving as a lookout for others who sold drugs. What chance does that kid have in life? What chance do his brothers and sisters have? And what is going to be the societal impact of a life of crime for that young person? We know the terrible statistics, because those who start in life down that road rarely escape from it. They are going to be repeaters, and the crimes will get worse.

Madam President, we ought to turn our attention to this crime bill.

I see now that the Senator from Utah is on the floor, and others, and I hope very much that we can get on this crime bill so that those of us who have substantive amendments to offer will have a chance to do so.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Madam President, I hope my colleagues will bear with me today. I have a little bit of a hoarse throat.

Since we are about to take up the crime bill, I thought it was important to talk a little bit about that issue, to talk about what the differences are, what we are going to be debating when we actually bring up the crime bill here this afternoon, and what the fault line is in terms of where there are clear-cut differences.

I think that the President and Republicans agree on crime. I think our area of disagreement is on punishment. The President came into office, cut prison construction by \$580 million; and then immediately the President and the Attorney General started talking about overturning minimum mandatory sentencing.

I believe that the American people want more minimum mandatory sentencing. I think if there is a consensus on any issue in America, it is a consensus that violent, predator criminals ought to be in prison.

Every day, we read in the paper, we see on television and, too often, many Americans with their own eyes see terrible, brutal crimes being committed by people who have committed dozens of crimes before—whether we are talking about the lady in Maryland who was brutally killed in a carjacking and dragged for a mile and a half, and the baby was thrown out in the street; or whether we are talking about the tragic shooting at the swimming pool in the District of Columbia; whether we are talking about the murder of Michael Jordan's father; all of those crimes have one thing in common, and it is something that the American people finally have realized: In each and every one of those cases, the people who perpetrated those crimes were people who should have been in prison. They were people who had previously been arrested. They were people who had already been sentenced. And if the criminal justice system had not broken down, they would have been behind bars.

We do not know whether they would have been rehabilitated behind bars or not. We do not know whether they would have come out of prison as new people or not when their sentence was up. Hopefully, they would. But the point is that when they are behind bars, they cannot brutalize our people. They cannot kill people on our streets. They cannot impose this endless torture on our people.

So I think the first thing you are going to see in this crime debate is that Republicans are very serious about putting people in prison. One of the first amendments we will offer is an amendment to build 10 regional

prisons and to enter into a partnership with the States, whereby we will have joint funding to construct prisons that will be used to incarcerate State and Federal offenders who are violent criminals, who are predator criminals, who are repeat offenders, so that we can end this tragedy where violent repeat offenders, predators who are committing hundreds of crimes a year in many cases, are still out walking the streets.

We are going to hear from the distinguished chairman of this committee that his bill authorizes a lot of spending. I think most people know what that means. But let me explain it just in case some do not.

Authorizing the expenditure of money is a promise. It just simply says that we have written a law and we have said that it is OK to spend money.

The bill which will be brought to the floor of the Senate by the chairman of the Judiciary Committee does not provide one nickel of actual money. It does not hire one police officer. It does not fund a single program for a single dime. All it does is make grand promises of what we are going to do in the sweet by-and-by. It authorizes that money can be spent, but it does not provide the money.

As we all know, we are under a budget constraint. We have a spending cap. So the way to provide the money is to be willing to take it away from other uses. What our amendment will do on prison construction is provide \$3 billion to build 10 regional Federal penitentiaries to incarcerate State and Federal violent criminals. But in order to participate, States have to adopt and enforce a truth-in-sentencing provision, and that truth-in-sentencing provision will say simply this: If someone gets 10 years in prison, he or she basically has to serve 10 years in prison.

If they are willing to do that, they are serious about getting the violent predator criminals off the streets, and we want them to participate in this program.

The difference between what we are going to do in this amendment and what is being done in this bill is this bill makes a lot of promises. Government is very good at promises. But the bill does not actually do anything about funding.

What our amendment will do is cut Government spending by \$3 billion, taking \$3 billion out of the President's savings that he claims he is going to save by reinventing Government, lowering the spending caps over the next 5 years by \$3 billion, taking it away from those purposes and spending it on prisons.

The second amendment that we are going to offer is minimum mandatory sentencing for gun violators. We believe that someone who possesses a firearm during the commission of a violent crime or a drug felony, no mat-

ter what other crimes he or she commits, no matter what the sentence is for the violent crime or drug felony, just by having that gun with them when they are committing a violent crime or drug felony, we want them to get 10 years in prison without parole for that gun violation.

If they discharge that firearm with the intent to do bodily harm, we want 20 years in prison without parole. If they kill someone with that firearm, we want mandatory life imprisonment, and in aggravated cases, we want the death penalty. We want a three-time-loser provision. We want a provision of law that says if someone is convicted three times of a violent crime or a drug felony, major drug felony or a serious violent crime, that on the third conviction of any combination of violent crimes or major drug felonies, the time has come to protect society and we ought to have a three-time-loser provision which provides life imprisonment without parole for a three-time convicted felon who has violated the law or at least been convicted three times for violent crimes or drug felonies.

We want minimum mandatory sentencing for involving minors in drug conspiracies and drug felonies. We want minimum mandatory sentencing for selling drugs to a minor. Anybody who sells drugs to a child, no matter who their daddy is or no matter how society has done them wrong, in my opinion ought to go to the penitentiary for a minimum of 10 years. If they involve a child in a drug conspiracy or drug crimes, these hoodlums who use children to deliver their drugs ought to face a stiff minimum mandatory sentence without parole for involving a child in a drug conspiracy.

Those are issues that I feel very strongly about. I also believe they are issues that the American people feel very strongly about.

So I look forward to having a chance to debate this bill. I am not arguing that Republicans have all the good ideas on crime. I think there will be some issues where we will have a bipartisan basis of support. I think we need a very strong crime bill. If we are going to say we are going to do something, we ought to cut other programs to pay for it and in the process we ought to be providing money and not promises.

I want to ask my colleagues and the American people as they follow this debate, when you read in the newspaper or see on television that we are talking about hiring police officers or we are talking about building prisons, does it say that we actually provided the money, or did we promise to do it in the sweet by-and-by?

The problem with the sweet by-and-by is that often it does not come. On our amendment on prisons, we are going to actually provide the money by cutting Government spending, and that is a fundamental difference. I think that this is an important issue.

I think last night, all over America, at least in those places where people went to the polls, they spoke very clearly on this crime issue. They spoke clearly on it in New York City, in New Jersey, and in Virginia. I think what they said is there is not a substitute for grabbing criminals by the throat. No matter how they felt about subsidiary issues, I think the American people last night, in very large numbers, said: We are tired of our Nation being brutalized by violent criminals. We want something done about it. And they voted for candidates who are willing to do something about it. I think they are ready for the Senate to do something about it.

I hope that our colleagues are ready. I look forward to getting a chance to debate the issues. I think they are very important. I think if there is a top issue in America, the issue is crime. I think the American people have lost patience with a criminal justice system that does not work, a criminal justice system that seems more concerned about the rights of criminals than about the rights of law-abiding citizens.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. Madam President, I was unaware that we were under a time limit.

The PRESIDING OFFICER. Under the order previously entered, there was a time limit of 10 minutes.

Mr. GRAMM. Madam President, by a happy coincidence, I have just finished; thank you very much.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

EXTENSION OF MORNING BUSINESS

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that morning business be extended for another 20 minutes.

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

Mrs. FEINSTEIN. Madam President, I believe Senator LIEBERMAN would like to speak, and I would, as well.

THE CRIME BILL

Mrs. FEINSTEIN. Madam President, I would like to make this request to the leadership of this body to let this crime bill move ahead. I was elected by 5½ million people from the largest State in the Union. I believe the reason I was elected to this Senate is to do something about crime, first and foremost. It is something that I know something about, going back 30 years.

I will now describe a little bit about that, and then why I think it is so important that we move ahead.

Thirty years ago, I became the youngest parole board member in this

country. In the course of 5 years, I set some 5,000 felony sentences of women convicted of felonies in the State. I worked at the women's prisons. I inspected every prison in my State, and many throughout the world.

I then went on and became head of a reform committee, a member of the crime commission, ran for the board of supervisors, became president, and then headed the fire safety and police committee of that board.

As a product of assassination, I became mayor. My colleague was killed; the mayor was killed. And, as mayor, when the city had a very high crime rate, we reduced crime by 27 percent over 7 years, for one reason: We could get a 2-minute response time to an A-priority call by a police squad car.

That meant witnesses did not disappear, evidence did not get disturbed or removed, and there was a greater likelihood of making an arrest and, therefore, getting a conviction. And the crime rate, as we did this, went down.

Crime can be reduced. Now, we do not all agree on how. We do not all agree on what we can do. But I really believe the basic elements to begin to attack crime in this Nation are present in this crime bill.

I do not agree with the habeas corpus provisions. I will move, along with Senator HATCH, to remove them.

I am sorry there is not an assault weapons bill in this crime bill. I will move to amend it. There is no provision to increase penalties for crimes based on hate or prejudice.

Madam President, you and I are co-sponsors of a hate crimes bill, and we will move to add that to the crime bill. But let the debate begin.

Halloween was this weekend. Three youngsters trick or treating in Pasadena were killed with a semiautomatic assault weapon. And the Senate will not let this bill move ahead? It is wrong, Madam President. It is wrong.

Let me describe the ratio of the number of police officers compared with the number of violent felonies in major cities. In Boston, there are almost 7 violent felonies per police officer; in New York, 6½; in Newark, 10; in Jacksonville, 9.7; in Memphis, 6; in Atlanta, 10; in Dallas, 8; in Los Angeles, 10; in Oakland, 9.

This bill has funds for police officers that go on the streets of every community in this Nation. It has the drug court, it has the boot camps, it has the regional prisons, it has an increase in death penalties for those of us who happen to believe in the death penalty.

I happen to believe the death penalty is a deterrent. Let me tell you why I believe that.

When I was on the parole board, I was sentencing a woman for robbery in the first degree. I noticed on the form called a granny sheet that she had walked into a robbery with an un-

loaded gun, and that puzzled me. I said to her: "Why was the gun unloaded?" And what she said really startled me. She said: "So I would not panic, kill someone, and get the death penalty."

Now that was direct testimony by a felon to me that the death penalty was a deterrent. I was opposed to the death penalty in those days. It was the 1960's.

In the 1970's, in San Francisco, I walked into a mom and pop corner grocery store. The proprietor had been shot and killed. The wife had been shot and killed. The dog was shot and killed. There was brain matter and blood all over. And, all of the sudden, I remembered that woman who said: "So I would not panic and get the death penalty."

I am not proud that I believe the death penalty is a deterrent. I am not proud of that support. But since those victimized by murder and by aggravated assault are those least apt to be able to protect themselves, I believe the death penalty helps. And, yes, those people are people of color, they are poor people, and they are working men and women. They are the people who have to go to an automated teller machine at night to cash a check when they get off a shift, and get shot in the head. And there has to be a swift and rapid penalty.

I happen to believe that by your actions you can, in fact, abrogate your own life. We all live by our actions. We are all judged by our actions. And so the penalty, in a sense, does have to fit the crime. This bill moves in that direction and provides the death penalty for terrorist killings and death penalty for drive-by shootings.

I remember, in 1 year alone, in Los Angeles the equivalent of two 747's full of people were killed by drive-by shooters—in one city alone. Now, if two 747's came down in our cities, we would all do something about it.

So I say to those who are helping hold up this bill, let us come on the floor, let us talk about these things, let us debate guns, let us debate the death penalty, and let us debate boot camps.

One of the reasons I won is because this U.S. Senate would not come to grips with a crime bill last year. The people out there know what is happening. They expect that the basic responsibilities of Government are the social and economic well-being of the people. And crime is the No. 1 concern.

I think that this bill is a consequential bill; \$2 billion for boot camps for youthful nonviolent offenders with substance abuse problems, to construct regional prisons for violent drug offenders.

A Los Angeles program alone currently operates 19 substance abuse and treatment boot camps where an estimated 600 youthful offenders are treated each year. One-half of those who attend the boot camps do not commit other offenses. They work.

I know something about recidivism. This is a relatively low recidivism rate for young people; nearly 80 percent remain arrest-free after their release.

I remember when I grew up—Madam President, maybe you do, too—my No. 1 fear—and this was typical of the generation at the time—was that we might die from an atomic weapon. Do you know what the No. 1 fear of children is today? They might die getting shot going to school.

What kind of a society is this? Children do not know the difference between right and wrong.

The other night, a Senator sitting right over there from a State in the South told me about his daughter and son-in-law who were parked on the street, and the daughter heard a pop, saw a Versateller, saw a 16-year-old girl drop to the ground, and held that girl in her arms as she died, over \$20—over \$20.

Here in Washington, we all saw the Washington Post Monday morning, an 11-year-old: "What I want to wear at my funeral."

What kind of a society are we coming to?

The grandmother who, in her golden years, watches television in a room when inch and a half bullets come through the wall and go right through her, pinning her to the chair.

Or the father, standing on the corner with a baby in his arms, who gets a bullet in the brain. I have actually met one of those couples in Los Angeles, and I will never, ever forget it. Such pride to have a child; and such pain to stand on a street corner and have that child die from a random bullet from a gun.

We can do something about this. We can get assault weapons off the streets, if we care. We can change the system, if we care.

But if we get hung up on technicalities, I do not believe we belong in this body.

So I am here, from the largest State in the Union that needs this help, to say please, let us move ahead with this bill.

Madam President, because this issue is so important to the people of my State, I want to expand on several aspects of these remarks.

Madam President, I rise today to speak both as a member of the Judiciary Committee and as a Senator from a State where fear escalates day by day.

Fear has become an unwelcome resident in the homes of America. As crime rises and incidents of senseless, random violence increase, there is not a household that doesn't feel the cold breath of menace and terror, all the more so if there are teenagers in the home.

Just this past Halloween evening, two men jumped from behind bushes and sprayed semiautomatic gunfire at a group of youngsters on their way home. Three boys—ages 13 and 14—were

killed and three other young teenagers were wounded.

A recent report by the American Psychological Association said that teenagers are 2½ times more likely to be victims of violent crimes than people over 20 years of age.

Crimes such as murder and manslaughter, forcible rape, robbery, and aggravated assault have increased 23 percent since 1988, to an all-time high of 1.9 million incidents in 1992.

The grim, coldblooded shooting in Pasadena is one more reminder of the peril which young people face merely walking down a street in their neighborhoods.

When will the senseless violence stop? When will families feel safe once again?

I am no stranger to the fight against crime.

Thirty years ago, I served on a parole board and over the course of 5 years set sentences for some 5,000 women convicted of felonies. I also visited virtually every prison in California.

Since then, I have continuously been involved in the fight against crime. I served successively on a county jail reform committee, a crime commission, the fire safety and police committee of the San Francisco Board of Supervisors and as mayor of San Francisco. In each of these venues, I saw firsthand the devastating impact of crime that increasingly has become more brutal and senseless.

In the 1960's, serial killers or machinegun shootings were rare and rated huge headlines. Today, they have become so commonplace that they often receive little coverage. Gang warfare, drug dealing, and wholesale murder are conducted as if they were a sport as casual as a pickup game of basketball.

Violence is perpetrated seemingly without thought or remorse not only for those who are intended targets but for those who inadvertently find themselves trapped in the gunfire.

I have heard local horror stories: Children caught in a crossfire as they were cradled in their parents' arms; a grandmother slain in a drive-by shooting as she watched television in her living room; a mother of five killed in a gang shootout as she watered her lawn; and untold numbers of young people killed in gymnasiums, playgrounds, and hallways throughout America.

Fear has escalated in this Nation like I never thought possible. It is a sad commentary that even youngsters in their teens have become fatalistic about violence. I have heard of 11-year-olds who plan how they want to be dressed for their funerals.

All of us in the U.S. Senate are aware of the violence in this Nation—snipers turning guns on children in El Cajon and on police officers in Los Angeles.

It is time for this Congress to pass a powerful crime bill—one that will remove guns from the streets, put more

cops on patrol in our neighborhoods, and, once and for all, banish the demon of fear from the homes of America.

If there is one freedom that this Nation should enshrine as inalienable as any other is the freedom from fear.

Headlines tell this modern day story: "One Day on a Beat: 3 Bodies, 3 Killers, But No Suspects."

"Carjackers Take Victim on Terrifying Joy Ride."

"3 Boys Returning from Halloween Party Slain."

"Arsenals Amassed in LA County."

"Police Feel Like Targets in Hair-trigger LA."

"Hate Groups Seen Growing as Neo-Nazi Draw Young."

"Bang Bang: The Deadliest Game."

"Grim News on School Violence."

Let me describe in detail a few other stories from the streets of America:

In Petaluma, CA, on October 1, 12-year-old Polly Klaas held a slumber party. While her mother and 6-year-old sister slept in the next bedroom, a knife-wielding stranger appeared in Polly's bedroom. He grabbed Polly and told Polly's two stunned friends to count to 1,000, promising Polly would return. A month later, Polly is still missing—and this quiet community 45 miles north of San Francisco has been changed forever.

In Florida, 10 international tourists have been killed: A Canadian tourist gunned down as he went to buy milk; a British tourist shot dead in a parking lot; a visitor from Germany shot dead as he and his wife read a safety brochure on the side of a Miami highway. Four teenagers, one as young as 13, have been arrested for shooting and killing one tourist at a rest stop.

In Sacramento, CA, there have been 80 homicides this year, nearly double the rate in 1992. In September alone, 15 people were killed. Murders this year include a 19-year-old man dragged from his car at a busy intersection and shot in the neck; a man killed at an apartment complex, apparently because he parked in someone else's space; an 82-year-old man beaten to death on his front lawn by an assailant asking for a glass of water; a Little League coach killed by a stray bullet fired by a gang member 820 feet away; and a 16-year-old shot to death on a high school football field by a young man who accused the victim of stealing his bicycle. These crimes, coupled with a series of firebombings aimed at the Asian-American community, have led to an almost unparalleled level of fear in this tree-lined capital city of California.

In New York City, a 42-year-old drama teacher was shot four times in the back as he rode his mountain bike along a secluded path. Somehow, he managed to pedal 400 yards before he collapsed and died. His widow sadly remarked: "I feel like we don't realize how bad it is until it's someone we love."

We all must remember just how bad it is on the streets of America:

Every 22 minutes, someone in America is murdered. Every 5 minutes, someone is raped. Every 28 seconds, an aggravated assault is committed. Every 22 seconds, a violent crime is committed—reaching a total of 1.9 million last year.

In Washington, DC, alone there have been 1,284 slayings in the last 3 years—and only one-fourth resulted in convictions.

Ninety-four percent of all Americans polled last April said crime had gotten worse in comparison to when they were growing up.

Our streets are modern-day battlefields in the midst of a never-ending war.

This Congress has an opportunity to take a major step to reduce crime, to say simply and strongly: Enough is enough.

I want to thank the chairman of the Senate Judiciary Committee for presenting us with a balanced starting point for discussion.

I plan to focus my remarks today on three aspects of the crime bill:

More police officers;

Increased penalties for the most violent crimes; and

Improved safety for our children.

This crime bill increases the number of police officers, who will be able to respond more quickly to crimes.

As mayor of San Francisco, I saw the direct correlation between increasing police officers and reducing the time it takes to get them to the scene of the crime. The impact on crime is emphatic.

We added 300 cops over the course of 7 years. We achieved a 2-minute response time to priority calls. And crime decreased 27 percent.

This crime bill will:

First, put up to 60,000 more cops on the street through a 5-year community policing "cop on the beat" initiative.

Throughout the 1950's, there were 3.2 police officers for every violent felony reported. By 1990, there were 3.3 violent felonies for every serving officer—just one-tenth the effective force of 35 years ago.

The ratio in major cities is even worse: Boston 6.9 violent felonies per officer; New York 6.5; Newark, 10.0; Jacksonville 9.7; Memphis 6.6; Atlanta 10.3; Dallas 8.9; Los Angeles 10.0; and Oakland 9.3.

In inner cities throughout America, the number of felonies per officer is still higher. In East St. Louis, there were 26.7 violent offenses per officer. In Compton, there were 27.8 violent felonies for each of their 126 police officers.

Police officers today are outgunned and overwhelmed—and this bill will increase the number of officers serving our communities.

Second, this bill also will attract more qualified candidates to serve as police officers.

Modeled after the Army ROTC Program, the first-ever police corps will be established to offer scholarships to students willing to work for 4 years at a State or local police force once they graduate—\$100 million a year in 1995 and 1996 is allocated for the program. Candidates will be eligible for a \$30,000 scholarship over the course of 4 years—that's a considerable incentive for more men and women to consider a career in law enforcement. And priority assignment for officers will be given to those regions most in need of additional police officers.

Next, let me talk for a moment about the most violent crimes committed, and, specifically, the death penalty.

DEATH PENALTY

I do not take any pleasure in supporting the death penalty, and, in fact, in the early part of my life I was opposed to the punishment. In the 1970's, I changed my view.

When I served on a parole board in the 1960's, I was opposed to the death penalty. Back then, there was not nearly the level of violence, serial killers, or entire lack of regard for human life.

During this time, I was setting the sentence for a woman convicted of second degree robbery. She carried an unloaded weapon. I asked her why and she replied: "I didn't want to walk in, panic and kill somebody." Right then and there, that was graphic testimony that the death penalty was in fact a deterrent.

In the 1970's, when I served on the San Francisco Board of Supervisors, I walked into a "Mom and Pop" grocery store where the proprietor, his wife, and even their dog had been shot in cold blood. There was blood and brain matter all over the floor and walls. It was a terrible scene of carnage.

I thought back to the woman who said she did not load the gun because she feared getting the death penalty. And I knew the death penalty served as a deterrent.

As part of the crime bill, I believe the Federal death penalty should be imposed for 47 additional crimes, including: Murder of a law enforcement officer; drive-by shootings; kidnaping resulting in death; hostage-taking resulting in death; murder for hire; carjacking resulting in death; torture resulting in death; and terrorist killings.

VIOLENT CRIMES

And I do not think we should stop there. With crimes becoming more brutal, I believe penalties should be increased when:

A semiautomatic firearm issued during violent crimes or drug trafficking; Serious drug offenders or violent felons possess guns;

Anyone over 18 years of age uses anyone under 18 to deal or smuggle drugs—in fact, in this case, the penalty is tripled; or

Street gangs are involved in drug trafficking—up to 10 additional years in prison.

YOUNG OFFENDERS

Now let me talk about the young people of America and how we can try to prevent those without hope and without positive role models from living a life of crime.

The crime bill will provide \$2 billion to establish boot camps for youthful, nonviolent offenders with substance abuse problems and to construct regional prisons for violent drug offenders. At most, one-third of the grants would support regional prison construction.

A Los Angeles program currently operates 19 substance abuse and treatment boot camps where an estimated 600 youthful offenders are treated each year. One-half of those who attend the boot camps do not commit other offenses. Nearly 80 percent remain arrest-free after their release.

SAFETY IN SCHOOLS

So, while this crime bill provides a chance to turn about young offenders, it also increases the safety for children at public schools.

Today, only 30 percent of America's students surveyed in another poll feel safe going to and from school.

Metal detectors have been installed in school districts ranging from Los Angeles to Indianapolis. A total of 317 detectors are in Los Angeles schools.

This crime bill provides \$100 million to: Hire police patrol officers at schools; pay teachers to provide after school antidrug and anticrime counseling; support security measures such as metal detectors and video surveillance devices; and increase education and training programs to prevent crime and drug abuse.

Each program will help those fighting the daily battle against crime. Yet, no one can say these components will solve our crime problems because we all know that we are a long way from reaching that point.

I, for one, believe several components are missing from the crime bill.

In America: 14 American children are killed each day by guns, 13,000 people in 1992 were killed by handguns; and 60,000 people have been murdered at gunpoint in the last 5 years.

Firearms, in fact, kill more people between the ages of 15 and 24 than do all natural causes combined.

In Britain, Sweden, Switzerland, Canada, Japan, and Australia, private citizens generally must have a license to own a firearm and must submit to a background check that strictly guards against excessive firearms on the streets. In 1990, handguns killed 291 people in all of these countries, a minuscule number when compared to the more than 10,000 killed in the United States.

I want to offer several amendments to the crime bill.

ASSAULT WEAPONS

First, it is time to ban the scale, possession and manufacturer of semiautomatic weapons that can fire 30 to 50 rounds of ammunition within seconds, without warning.

California, New Jersey, Connecticut, and Hawaii all have various forms of bans on semiautomatic assault weapons. Yet, without a Federal ban on these weapons of war, anyone can simply cross State lines to purchase these weapons of mass destruction. And in many cases—such as the rampage in a San Francisco law firm where eight people died and six were wounded—copycat versions of semiautomatic assault weapons can be purchased, legally, anywhere in America. I say it is time to ban these modern-day machine guns.

HATE CRIMES

Second, it is time to increase penalties against crimes based upon hate and prejudice.

Molotov cocktails have been thrown in Sacramento in five hate crimes—including one case where the home of an Asian-American counsel member was firebombed. Last New Year's Day in Tampa, FL, two white men set an African-American man on fire with the intent to kill. I say it is time to increase the penalties for those who commit hate crimes.

I sincerely hope the Members of this body have the will to adopt and implement the crime bill.

It will take the collective wisdom to dispel myths that all too often cloud the ongoing debate about crime.

The wisdom to turn aside the utlta-powerful gun lobby and the fallacy of their saying, "Guns don't kill people, people do."

The wisdom to not let anyone think a gun at home increases safety when recent studies have shown that people in homes with guns were 2.7 times more likely to experience a homicide than those in homes without guns.

The wisdom to not water down this crime bill to the point it has no meaning for the people of America.

Passage of a Federal crime bill is a major start to increasing the level of safety in our communities and increasing the confidence of our citizens. And in the days ahead, I will pursue amendments that I hope will assist in our mutual efforts to see a strong, forceful crime bill pass and become law.

As we stand here today, none of us can lose sight of what is happening on the streets and the brutal, horrifying violence that occurs on a daily basis. This Congress must take a strong stand to put differences aside and to act on behalf of every American—the men and women, the mothers and the fathers, and, most importantly, the children of America.

It is time to pass a Federal crime bill and establish freedom from fear for all Americans.

I yield the floor and I thank the Chair.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

THE CRIME BILL

Mr. LIEBERMAN. Madam President, I rise to speak on the crime bill.

I must say that I rise with an underlying sense of confidence that we are going to take up the crime bill soon, because I cannot believe that any Member of the Chamber will stop the Senate from dealing with a problem that so threatens the freedom and security of the American people, that so undercuts our constitutional responsibility to protect and promote domestic tranquility.

Madam President, I want to respond, in that spirit, to some of the statements made by the Senator from Texas, [Mr. GRAMM], who talked about some of the varying proposals that will be brought forward here. And I want to extend to him this thought and this hope and this promise, which is that if there ever was an issue that should be nonpartisan or bipartisan, it is this issue of crime.

There may be differences of opinion on different aspects of this bill or amendments submitted to it, but I would hate to think that those differences are going to be based on party, and I am confident they will not.

Mr. HATCH. Will the Senator yield for just a comment?

Mr. LIEBERMAN. I am glad to yield.

Mr. HATCH. Madam President, I say to my good friend, who I think is one of the forces of reason in this body—if he would just yield for a second—that we are not trying to hold up this bill. We are trying to work it out and see if we can get a bipartisan consensus bill that everybody feels good about.

As you know, there are people all over Capitol Hill, some in this body, who would like to make this a big political thing. I would like to avoid that this year if we can. I would like to see if we can get together. And I might add, on both sides of the floor there are people who would just as soon have it out politically. I guess whatever we do is political, in the sense that there are a lot of different ideas on how best to do these things. But I think there is a large group of people who would like, both Democrats and Republicans, to get together and come up with an anticrime package that is bipartisan in nature, that would really work, and that would carry through both bodies and would be supported by the President and Attorney General Reno, and could be supported by the vast majority of all of us.

What we are doing with this time lag here is not delaying this, not trying to indicate anything other than we are

trying to get together and see what can be done.

By the way, I want to personally express my gratitude to my colleagues on the other side who are working with me and with us, both Senator BIDEN and me, and my colleagues on this side who really want to see this happen. Just like the distinguished Senator from Connecticut. In fact, I hope the distinguished Senator would be one, and I think he will be if I do not miss my bet, knowing him as well as I do—he will be one of the people who will bring about this accord.

It is not easy to do because for the last 8 years all we have done is battle over what kind of crime provisions we should have. I have to tell my colleague there are some wide differences as to how best to approach anticrime legislation. It is very difficult to get a consensus bill that really is going to make a difference.

Then even if we do get a consensus bill it is going to be well over \$10 billion over 5 years. So how do we pay for it? Are we just going to go through this big charade on the floor on an authorizing bill that has no money behind it, that says we are going to spend all this money, and then we do not have the means to pay for it? Some want an emergency provision to pay for it. We do not think that is the way to pay for a crime bill. Others want to increase taxes. We do not think that is the way. We have to cut somewhere and find moneys in order to pay for this bill.

Unfortunately, that is one of the challenges that I, as the manager on the Republican side, have to face. I hope my good friends on the other side will face that with us. Because, with all the screaming and yelling about crime—we could pass the most wonderful bill in the world but if we do not find the moneys and appropriate the moneys to back it up we are not going to get it done.

I want to just make it clear nobody here is trying to delay this, nor do I want anybody to delay this. I want to make that clear. But we do need some time to see if we can work out the basics on this thing rather than getting into another big brouhaha and just let the chips fall where they may.

There is a lot in both bills, both the Biden-Mitchell bill and the Dole-Hatch bill, that we can agree on or that we can assimilate and put together. We are doing our best to try to do that, and I want to compliment the distinguished chairman of the committee, Senator BIDEN, for being willing to sit down and try to do that. I want to compliment my colleague, Senator DOLE, for trying to play a major role to bring this about.

That is where we are. We have to take this time. I hope people come up here and talk about what they feel should be done and we will try to listen and glean from that what needs to be

done, but I thank my colleague for being one of those who, I think, is a voice of reason in this area with whom I hope we can work so we can get this done.

I thank my colleague for letting me interrupt him.

Mr. LIEBERMAN. I thank my friend from Utah both for his kind words and words of encouragement. Certainly; it vindicates my faith that we will move to the crime bill; if there is a delay in doing so it is temporary. I appreciate the fact he and others are working to develop a consensus that will be agreed upon by both parties.

If there ever was an issue, I repeat, that should be nonpartisan, this is it. Crime is not a Democratic problem. It is not a Republican problem. It is an American problem. It is the fundamental American problem today because it undercuts everything else we try to do in this society. And there ought to be an American solution, a response to it that is nonpartisan. So I wish him well in this work. I look forward to working with the Senator from Utah.

I would say this. If for some reason as time goes on reaching this consensus seems difficult or impossible or taking too long, let us bring the bill out here and let us put forward some amendments. Let us have debate. I think the consensus will emerge from that. I repeat, the differences of opinion that emerge will not be based on partisanship. They will be based on genuine difference of opinion and we will proceed from there.

Madam President, let me say during the last several months I have spent a lot of time visiting with police, prosecutors, citizens groups, State and local leaders, prison officials, judges, community organizations, and school officials in Connecticut to talk about this problem of crime and violence. I have talked with people who, like residents of just about every city and town across this country, are simply afraid to come out of their homes and go about the business of their daily lives. The cruel and often random violence of thugs and gangs now dictate the patterns of how too many Americans live, living in ways we could not have imagined a short time ago in our society.

Violence and fear of violence are forcing every one of us, and members of our families, to compromise our basic freedoms on a daily basis. The worst thing is some of us are beginning to be numb to the change. We accept what is as what always will be. We cannot in a free society do that.

Government has a first duty, before all others. That is to secure the safety of our citizens. We, quite frankly, as a government, Federal, State and local, are failing in that duty to safeguard the safety of our citizens.

Listen to the statistics, the FBI's latest statistics. One violent crime occurs every 22 seconds in America—a

violent crime. One murder every 22 minutes in America; one rape every 5 minutes in America; one aggravated assault every 28 seconds; one motor vehicle theft every 20 seconds; and one robbery every 47 seconds.

Those are outrageous, unacceptable numbers. Beneath those numbers are tragic human stories. Everyone of us can tell those stories.

In Stamford, CT, last June a young girl, I believe she was 7, attending a birthday party in a housing project, was suddenly caught in a crossfire between two young men shooting at each other. She was hit and killed.

A man attending a meeting at the office of the Archdiocese of Hartford, stopped, in his car, getting out of his car in a parking lot there—a wonderful citizen, a public servant, much beloved, in the robbery shot and dies sometime later. On and on these stories go, threatening the basic fabric of our society and the attitude of each one of us.

Our State and local police are simply overwhelmed. They are battling heavily armed, brutal gangs who barely blink before murdering and maiming their enemies, and who seem to care less if they spray bullets into a crowd of innocent people. The ages of these gang members and the raw cruelty of their crimes is chilling and it is unprecedented.

There is no single answer, no magic solution to the problem of crime. We need prevention. We need to deal with broken families and lost values. We need to provide better early childhood education.

Somebody said, and I think it is so correct, in another context and it fits here: One of the best anticrime programs would be hope. People who have hope for a decent future, for a decent life ahead, would never commit the outrageous acts of violence and criminality that are being committed by too many people in our society today.

It is time to recognize that the Federal Government must play a more active role in crime fighting. Though State and local governments have for historical reasons been principally responsible for crime control, the Federal Government has, over the decades, been involved itself. Although shockingly, today, we actually are less involved in the fight against crime at the Federal level than we were some years ago.

Today, the situation is out of control. More and more crime involves drugs and weapons that are transported over State lines, and gangs are increasingly national in scope.

So I commend my colleague, Senator BIDEN, chairman of the Judiciary Committee, and the ranking Republican, Senator HATCH, for crafting a program, a bill that will involve the Federal Government in the fight against violent crime in a way that will be responsible and effective. Chairman BIDEN is

a most articulate spokesperson about the terrible costs of crime in our society, its effect on so many innocent lives, particularly our children, and how Government must play a role in restoring order and fulfilling our obligation to protect the security of our people.

Madam President, this bill that Chairman BIDEN will bring forward does many things. One that I think is so important is that it puts more police on the streets, not just to arrest criminals, but to create a presence in the name of society that will prevent crimes before they occur, to give law-abiding citizens the confidence to come out of their homes onto the streets of their communities to walk with some confidence.

This is a fine bill that the chairman of the Judiciary Committee is bringing forward. There are some additions that I and others hope to make to this bill by way of amendments in the coming days. One of those amendments would provide grants to States for the purpose of creating more prison space for violent repeat offenders. Those are the criminals most responsible for the reign of terror on American streets, and it is on those criminals that the weight of our legislative muscle must be applied.

Too many are released too soon from prisons, mainly because of problems of overcrowding. Too many are never sent to prison, although convicted, because there is not room in the jails and their crime spree continues. Over and over again I have spoken to police on the streets of Connecticut who have said to me they cannot remember arresting an individual—man or woman—for a serious crime in their community who had not been previously through the court system over and over again.

It is time to close, to stand in the revolving door, and make sure that those who are arrested for crime are taken out of society and put away in prisons. To do that reasonably, the Federal Government has to give more resources to the States to build those prisons. That is what I hope to do by way of amendment that I will offer with my colleagues.

I agree it is time to pay the bill, provide the money. And, I hope, together with my Republican colleagues, we can find ways to do that, hopefully by virtue of spending cuts, including, for instance, cuts in programs like the super collider that have been accomplished.

Finally, Madam President, I will say this. With the cold war over, the fact is—and it is a terrible fact—that there is no foreign enemy that poses as much of a risk to the freedom and security of the American people as violent criminals on the streets of our towns and cities. We must meet that enemy with overwhelming force and restore civility and justice in the streets in neighborhoods where America lives. I believe

together—Republicans and Democrats—we can and will do that on the crime bill before this Senate.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON addressed the Chair.
The PRESIDING OFFICER. The Senator from Washington. Does the Senator seek to extend morning business?

EXTENSION OF MORNING BUSINESS

Mr. GORTON. Madam President, I ask unanimous consent for an additional 20 minutes of morning business, on the proposition that the Senator from North Dakota also wishes to speak in morning business.

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

TRADE

Mr. GORTON. Madam President, 2 weeks hence, as Seattle hosts the Asia Pacific Economic Cooperation Organization meetings, Congress is scheduled to vote on the North American Free-Trade Agreement. The time is unfortunate for many members of the administration, including the President, who will need to attend meetings in Seattle and lobby for votes in Washington, DC, at the same time.

The two events, however, are connected by more than just a coincidence of dates. One might say that APEC is where our country would like most to be but that NAFTA is a crucial step in getting there. No one questions that Asia is the arena in which our country will find a majority of its best trading opportunities during the next 20 or 30 years. It is there that we would like most to surmount and remove international trade barriers.

First, though, we will have to embrace a controversial trade agreement that would create a significant, but relatively modest, number of jobs. That agreement, because the debate over its impact has gripped our Nation, has become this decade's referendum on free trade. We will need to pass it before we can succeed as well as we would like to succeed in Asia.

The link between the two will be illustrated early during the APEC ministerial meetings in Seattle. The House vote on NAFTA is scheduled for Wednesday, the 17th of November, the first day of the conference. If the House approves, the Senate is likely to take it up the next day and will almost certainly pass it as well. In that case, the President will benefit immediately. He will be able to speak on behalf of our Government at APEC from strength. His country will have renewed its commitment to free trade, and he will be on the verge of signing into law an agreement about which several Asian nations have severe reservations.

APEC can and should be a springboard toward progressive, new trade agreements with Asia, perhaps accelerated by apprehensions about NAFTA. Asian nations are concerned that NAFTA will make American firms more competitive, that it will ease American dependency on Asian imports, and that the United States will use NAFTA as a source for some goods now imported from Asia.

These concerns about U.S. competitiveness and dependency on Asian imports are legitimate. Concerns about discriminatory tariffs, on the other hand, are not. Our tariffs against Asian nations will remain unchanged and firms from those countries that want to locate in Mexico will enjoy the same access to our market as Mexicans will. But the validity of Asian perceptions is not the issue. One of our ultimate goals through APEC, not this year but eventually, is to lower both Asian tariffs and nontariff barriers. During this month's meetings, the administration will push for a framework to facilitate the attainment of these goals. The Eminent Persons Group, a collection of economists picked by APEC countries to draft goals for that organization, will also make a splash by proposing an Asia Pacific free trade agreement.

If we are to be successful, however, in simply lowering Asian Pacific trade barriers, the Asians will need to concede more than the United States will. Nearly all of these Asian nations have trade surpluses with us, except for Hong Kong and Singapore. They also have higher trade barriers. We occasionally attempt to lower those surpluses by imposing retaliatory tariffs, but that confrontational game has not yet been used to reform our entire trade relationship with our most important trading partners.

This opportunity provides a better way to force the Asians to negotiate down barriers by freeing our trade elsewhere. So far, NAFTA seems to have provided a healthy incentive for such concessions. It is certainly one reason that the Asian nations are so interested in seeing the United States reaffirm its commitment to the Pacific rim.

Frankly, however, the United States has more to lose than to gain as a result of the NAFTA vote. Our credentials as free traders are at stake. If we lose this debate, perhaps our most controversial on trade since the Smoot-Hawley tariff, we will tell the world that we have turned protectionist. The GATT Uruguay round, the most important multilateral trade agreement in the world, will be an early casualty. There is almost no way that the President can convince his European counterparts that we will accept free trade with them after rejecting it with Mexico. The French clearly will use it as an excuse to reject agricultural trade concessions vital to an improved GATT.

A rejected NAFTA will also stop or slow Mexico's market reforms and perhaps its political democratization. It will tell other Latin American countries that market-oriented policies will not bring them free trade with the United States, one of their major reasons for pursuing reforms in the first place. It will offer the protectionist sectors in Asia a reprieve, while embarrassing the President at APEC.

All of these features are extremely important to Washington State. More than any other State, we rely on free trade and a Government that will resist cries for protectionism. Unfortunately, our reliance on free trade has not necessarily translated into support for NAFTA. Perhaps there is a perception that this is not our agreement, that it is an agreement for States to the south of us. NAFTA, however, is an agreement that will benefit Washington State in its own right. Our State's trade with Mexico has grown 577 percent since 1987, the fourth largest growth among all States. This is glorious testimony to the fact that when a restrictive market practice loses its protection, Washington State is among the first to capitalize. Our small businesses together with Boeing, Microsoft, PACCAR, our pear growers, apple growers, and others, all will gain when Mexican barriers are eliminated.

Furthermore, because we have sharpened our teeth on years of foreign competition, almost no one in Washington State will lose under NAFTA.

But NAFTA is still more important for what it means to our trade with these other nations. It is a crucial step to a more prosperous future, a future dependent on more and freer trade with East Asia. We in Washington State will have a good seat later this month to see how this process works.

Let us hope that view does not include a rejected NAFTA.

The PRESIDING OFFICER. The Senator from North Dakota.

ORDER OF PROCEDURE

Mr. DORGAN. Madam President, how much time is remaining under the unanimous-consent agreement?

The PRESIDING OFFICER. There are 13 minutes remaining in morning business.

Mr. DORGAN. Madam President, I ask unanimous consent to consume the 13 minutes remaining in morning business.

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

DEALING WITH VIOLENT CRIMINALS

Mr. DORGAN. I rise to discuss briefly the topic that was raised today by the chairman of the Senate Judiciary Committee, Senator BIDEN. I wish to compliment Senator BIDEN and Senator

HATCH and others, who I know have worked hard on the crime legislation, to bring a crime bill to the floor of the Senate.

I have served now in the Congress for nearly 13 years, and we have had many crime bills, some of which were crime bills in name only, some of which had some substance, but I think most people on both sides of the political aisle and perhaps in both Chambers, the House and the Senate, now understand this is no longer an exercise to simply talk about addressing crime. This must be a response to what is becoming a crisis in this country, an epidemic of violent crime.

We had a lot of controversy for a couple of decades about the war in Vietnam. In over a decade in that war, over 50,000 Americans were killed. We now see 23,000 Americans murdered every year in this country.

I come from a rural State and a very small part of a rural State. I grew up in a town of around 300 people where people did not lock their doors, ever. Many homes had doors without locks. People would go on vacation for 2 weeks and not lock their doors. It is still that way in my hometown.

Fifty miles from my hometown, which is where we traditionally traveled for services, dental service, and so on, is a town of about 10,000 to 11,000 people. My aunt and uncle live there, and just last summer, when I was in town—I had called them saying I was coming—they said, "We will not be there, but feel free to stop by and go in the house." I said, "How do I get in?" They said, "The door isn't locked." They always keep a door open. They were out of town on vacation as well. Some of that still exists in some of our States and some of our communities—not much.

I grew up, as I said, in a town of 300 people. When I came to Congress, I lived about two blocks from this building. Two blocks from this building, if you walk around, up and down the streets, you will find that virtually every place has bars on its windows. Every apartment, every house, at least on the first floor, they have bars on virtually every window. I lived there for a few years and then began to wonder who was the prisoner. I eventually moved away from Capitol Hill and now drive to work about 10, 12 miles into the Capital, but it has not changed for those who remain here—bars still exist on all the windows. The fact is there is a great deal of crime, not just here but in all the cities in this country.

But it is especially sad that in our Capital City, in this country's Capital, we do not have what are truly called safe streets.

I have been working on some amendments to the crime bill for some while and am anxious to offer them when we get the bill to the Chamber, and I would like to describe a couple of those amendments.

But I would like also to describe why I am concerned about this. As I said, I come from a State where we have a crime rate that is relatively low compared to the crime rate you see around the rest of the country. But we are not immune from violent crime.

A couple of weeks ago, I told my colleagues about having picked up the Washington Post and reading a story about a Saturday shooting here in Washington, DC. I remember how it tugged at my heart and probably all of the rest of you who saw it. It was a young 4-year-old girl who was on a playground on a sunny Saturday afternoon with her mother. Her name was Launice Smith. Launice Smith in that tranquil, peaceful setting on a beautiful Saturday was shot in the head and subsequently died.

The next day, on a Sunday, the same weekend, a lovely, wonderful young woman from North Dakota, 59-year-old Donna Martz, who used to bring tour groups to the Capitol—she worked part time as a tour guide, and she had just finished a tour and was staying overnight in Bismarck, ND, and then was going to go home to Rocklake, which is a 3-hour drive from Bismarck. That Sunday morning in the parking lot at the motel in Bismarck, ND, in a rather peaceful setting, Donna Martz was abducted—apparently abducted, put in the trunk of a car, and subsequently, several days later, murdered in the desert in Arizona.

The fact is no one in this country is really immune from the violent acts of crime that are occurring.

Another inescapable fact is that we know who commits these violent crimes. We know the criminals. Did we know the person who allegedly shot Launice Smith, this innocent 4-year-old child? Of course we did. That person had been in the criminal justice system before. We knew who that person was. Did we know the people who allegedly abducted Donna Martz in Bismarck, ND? Sure, we did. They had been in the criminal justice system before.

Look at all the other crimes you have read about this summer. Read one and answer this question. Did the alleged perpetrator, if they discovered the person who allegedly committed this crime, have a record? Was that person in jail before? I guarantee you the answer will be yes.

These are not strangers committing these crimes. These are people we have known. They have been in jail and out of jail, right through the greased, revolving doors of our criminal justice system. I guarantee you.

Six percent of the criminals in this country are committing two-thirds of all the violent crimes and every one of them have a rap sheet as long as my arm. Our criminal justice system fails innocent people because it allows people to go in and then back out.

Why does that happen? Why are we unable to keep people who commit violent crimes in jail? Because the system is faulty, and that is what we need to fix with this crime bill.

Now, I will be the first to admit that our job is to search for reasons this exists. What are the core reasons out there? What is happening in this country that has changed America? What has happened that has made this a violent place? What has happened that this is the murder capital of the world?

We need to find those reasons and respond to them and deal with them. I imagine that those reasons can fill not one book but many books dealing with broken dreams and tragedy and child abuse and poverty and, yes, television violence, and certainly drugs.

I am willing and interested and anxious to deal with all those root causes, but I guarantee you this, more important than that for this moment, for people like innocent 4-year-olds on our playgrounds and grandmothers in towns in rural States, we need to protect innocent people from those who commit violent acts of crime.

How do we do that? First of all, if we know who is committing most of the violent crimes, we need to find the method by which we can put them in jail and keep them in jail once they are convicted. In almost any city in this country, in almost any jurisdiction, you find that rather than putting people in jail, they are letting people out.

We have prison release programs. Why? Because we cannot afford to keep people in jail. We do not have enough prison cells; it is too expensive. Because there are not enough cells, people who commit violent crimes are back on the street, able to commit more violent crimes. The first thing we need to do is decide that it is too expensive for the people of this country to have violent criminals on the street. It ends in tragedy for innocent victims. The first thing we need to do is find a place to put those who commit violent crimes.

How do we do that? There is an easy way to do it. We have about 1 million people, give or take a few, in prison in this country—if you consider people in jail for less than 1 year, you get more than a million—but about a million in the Federal and State system, most in the State system. About 50 percent of those million are nonviolent. They are in jail or in prison for drugs or various offenses, but nonviolent.

We do not need a big, strong prison wall with a big, thick door to keep nonviolent people incarcerated. We can surely create prison work camps or prison areas in converted or abandoned Air Force bases or Army bases, or we can keep several thousand of them at much less cost. They are nonviolent, lower risk. We can put thousands of them in prison work camps or similar institutions created from the over 100

military installations we are closing, or similar facilities. And if we take 100,000 nonviolent people out of our prisons and put them in those facilities that cost one-fifth of what a prison cell costs us, that will open up 100,000 prison cells in which we can put violent criminals and keep violent criminals.

First, find the space to put violent criminals. I propose a relatively low-cost way to do that by taking the nonviolent criminals out of their cells and putting them in alternative incarceration facilities. Yes, incarcerate them; absolutely. Keep them incarcerated for their full sentence. But it does not have to be in a full maximum-security prison cell. Let us vacate those cells and put violent criminals in them, and keep them in them.

No. 2, a little bit of truth in sentencing. In my judgment, we do not need to give good-time benefits to violent criminals. Those who commit violent acts in our country do not deserve good time. They deserve to go to jail and to serve their entire sentences. Did you know that in the Federal system, there is the presumption of automatic good-time benefits? In other words, we provide good time, and the presumption is they automatically get it. That makes no sense at all.

We, in my judgment, should not have good-time benefits for those who commit violent acts. I am not going to be able to solve that entire problem in this bill because, of course, much of the criminal justice system, the bulk of it, is controlled by the States. But I am going to be able to deal with, at least in part, the good-time benefits that are now automatically given by the Federal system. I intend to offer an amendment on that.

Third, I want victims of violent crimes all across this country, especially in the Federal system, to be able to testify at sentencing hearings and parole hearings.

I saw on television the other evening a story about a fellow that committed an incredibly violent crime in this region of the country. That person was in court, and they were showing that person on television and talking about the sentence. Why, you would have thought that person was part of the church choir, dressed up with the most wonderful looking clothes; neat, nice. He looked like a terrific young person. I am sure at the sentencing hearing, they had the priest or the minister there; they had the neighbor, the barber, the mother, all with tears in their eyes, talking about what a wonderful young person this was, a person with a record as long as my arm.

I want the victim, or the victim's family, to be present at the same hearing, to talk not about what a wonderful young man the person is who committed the crime, but about what this crime meant to the victim, and what this crime did to their lives.

Every criminal jurisdiction in this country ought to have a requirement that victims or victims' families have the right to testify at sentencing hearings and at parole hearings.

We do not know necessarily what will work in the criminal justice system. We do not know necessarily what will work, but I guarantee you this: We darned sure know, all of us darned sure know what does not work. What does not work for anybody is to let violent criminals out of their cells and back to our streets.

I am told by prison authorities, you know, we need to be able to dangle in front of a prisoner the potential of a shorter sentence in order to better be able to manage them in prison. I say, that is just terrific. That gives you the opportunity to take a violent criminal and better manage them in prison, so they get out earlier. So who manages them on the street when they are about to commit the next murder or the next violent crime?

The fact is, we know what does not work. What does not work is what we are now doing. We have a spinning, revolving door in our criminal justice system. We know who the killers are. We know who commits violent crimes, and we do not deal with them appropriately.

I am hesitant to talk about specific crimes, but let me just for a moment. All summer, we read about one particularly notable crime, the tragic death of Michael Jordan's father, a basketball star's father, who was killed as he was sleeping at the roadside. Those who allegedly perpetrated that crime, are they strangers? No, of course not. Both are known to the criminal justice system; both of them. Again, I defy you to find a crime of high visibility anywhere in this country, and look at the perpetrator and ask yourself, was this a surprise? No. You could have predicted it. We failed the victim because our system did not take that violent criminal, put that criminal in jail, and keep that criminal in jail.

To all of those out there who listened to me and said: I understand that is get-tough talk, but what about the reasons these crimes exist? What is causing it all? I understand all of that. I want to deal with that. All of us want to deal with that. We want a different country, a better country, one that has better values, restoration of values, less crime, less violence. We are not going to get there tomorrow, and while we are waiting and while we are searching, we need to protect innocent Americans against the increasingly tragic and violent acts of a criminal class that is getting out of our jail cells and back to our streets.

That is our job. When we debate this crime bill, I hope that in the process of amending it and considering the provisions the committee has brought us, we will do something for this country that is real.

Let me again compliment Senator BIDEN and Senator HATCH and the others on the committee who have worked hard on this legislation. This is no easy task. The American people expect a lot of us. I should say to them that we are dealing with the Federal system. The bulk of the prisoners, the bulk of the crime, the bulk of the jurisdiction is not ours; it is State and local. But we must take the lead. The American people look to us to lead in a constructive way to respond to this epidemic of violent crime in our country.

Madam President, I yield the floor.
The PRESIDING OFFICER. Who yields time? The Senator from Tennessee.

Mr. SASSER. Madam President, I ask unanimous consent to continue for 30 additional minutes as if in morning business.

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

Mr. SASSER. Madam President, a few weeks ago and just a short drive from here, a 4-year-old girl, as my friend from North Dakota has previously stated, was murdered in cold blood at a playground while she watched a football game with her mother.

If I did not know the dateline of the story—Washington, DC—I might have thought it was Sarajevo, where death stalks the streets every moment, where the innocent fall prey to mindless acts of violence and savagery. But, no; this little girl lived right here in the Capital of the United States; an innocent child who became the latest victim of the brutal streets in this city, a little child who became another statistic of the wanton, sickening violence which has stuck its roots deep into our society and which threatens to rip us apart.

Over the last 30 years, violent crime has increased 10 times, a tenfold increase in violent crime over that last 30 years.

For many of the citizens of this country, violent crime has turned their streets into war zones, full of armed gangs of thugs who have no conscience, who have no compassion, who care nothing for their neighbors.

Chaos has replaced order in our cities and in the schools of this country. And a tide of violence and murder is overwhelming the understaffed police forces of this Nation. Like casualties of war, the lists of the dead grow longer with each passing day. This country would not tolerate a foreign war where 10,000 to 20,000 of our soldiers were killed every year, but that is the toll on the streets of this country, as we lose the war on crime.

Lawlessness thwarts our ability to govern. Crime saps our vitality. Terror and violence imperil the education of our children. Tourists from abroad are frightened for their lives in coming into the United States of America. You

do not need a think tank to tell you that this society is failing at its most basic levels, and we are not doing enough to stop it.

For those of my colleagues who think crime is limited to the blighted inner cities of this Nation, or those who think that they can immunize themselves out in the suburbs against this violence, I say: Think again.

I want to share a story with my colleagues, something I have not discussed publicly before, something I am reluctant to discuss, because it involves my own family. But I believe it is important that I mention it as we debate this bill.

In late September, my two children witnessed the murder of a young woman at an automatic teller machine. They were the first on the scene to try to give her aid and comfort. It did not happen in a blighted inner city; it happened right across from the campus of Vanderbilt University, one of the great learning institutions of this country, in Nashville, TN. They came home and told their mother and myself the story, and I think every parent would know the fear and anger that I felt at that moment. I also realized that as much as we try, parents can no longer shield their children from violent, brutal, wanton, and random crime. The reason is obvious. The Boston Police Commissioner, Bill Bratton, said, "We are losing the streets." Do you know what? Police Commissioner Bratton is right. We have permitted violent crime and lawlessness to rise to a State of a national emergency—so much so that the Mayor of this Capital City asked the President to call out the National Guard to keep order and protect the citizens of the Nation's Capital. That is what we have come to.

Madam President, we have to bring this nightmare to an end. But hand wringing and righteous indignation and ringing speeches are simply not enough. We have to bring order out of this violent anarchy. We need a blueprint to put more police on the streets, to take back our neighborhoods from the hoodlums, from the thugs, from the murderers, to put the violent among us behind bars, and to try to deter our young people from taking the first wrong step to a life of crime.

We passed in the past two Congresses strong crime control bills, but these efforts unhappily withered in the face of filibusters and in the face of threatened vetoes. But it is a new year, and there is a new administration, and there is a renewed call from the American people for action on crime.

Indeed a recent Wall Street Journal poll revealed that crime has overtaken health care as the public's No. 1 concern. Get this: A USA Today poll found that 80 percent of our fellow citizens are willing to pay higher taxes if it will put more police on the streets of this country. I am not surprised. The American people are sick to death of violent

crime. They are fed up with drugs, and they are fed up with violence. They have had it up to here with murders, robberies, rapes, and carjackings. They are tired of being prisoners in their own homes. They are tired of being afraid to walk their own streets. Like the character from the movie "Network", they are "mad as heck, and they are not going to take it anymore." They want their Government to do something about it.

Madam President, fortunately, we now have a plan before us that responds to the challenge laid down by the American people. I commend and congratulate the distinguished Senator from Delaware, the chairman of the Judiciary Committee, Senator BIDEN, for bringing this legislation to the floor.

This crime bill, this anticrime legislation, will provide the resources and the framework to begin the battle against the criminal epidemic that threatens to overwhelm all of us and threatens the very fabric of our society and our culture. It is based on two very elementary, key principles, the two "P's": police and punishment. The bill will provide more police to deter crime, and it ensures that punishment for criminal acts will be swift, certain, and effective.

We all know that most crime is local. It is the local police officer who is on the front line of the fight against crime. But the front line—what has come to be called the "thin blue line" that protects us—is often frayed because of cuts into city and State budgets. In the 1950's, there were 3.2 police officers for every violent felony. Today, it is just reversed. There are 3.2 felonies for every police officer. In other words, we devote to each violent crime in the 1990's one-tenth of the police power that we did 40 years ago.

Given what is happening in our society, that simply is unconscionable. It is our job now to repair that thin blue line with additional manpower.

I am talking about police who are well trained in municipal police work and who have a deep knowledge and understanding of the communities that they are assigned to protect.

On August 29, the Los Angeles Times stated in an editorial that the Los Angeles Police Department could easily use an additional 3,000 officers just to keep pace with criminals. Let me repeat that. The Los Angeles Police Department needs 3,000 more officers just to keep pace with the increase in crime. Unless they get 3,000 more police officers, they will lose ground with less.

Another 5,000 officers would allow the Los Angeles Police Department to adopt a powerful community policing program that would pack a serious wallop against crime. And that is what we need, a community policing program with the police walking the streets, knowing the neighborhood, knowing

who lives in the neighborhood, knowing who the weak are, knowing who needs help, and knowing who the brutal might be lurking to wreak violence on others living in the neighborhood.

This legislation before us will provide important new resources to our law enforcement agencies in their battle against crime. It authorizes over 5 years \$3.4 billion to put 50,000 more police officers on the beat. Some will say \$3.4 billion is a lot of money, and it is. But really it is the cost of one nuclear aircraft carrier and the aircraft to go aboard it.

What do we need most? More police officers on the street, or another nuclear aircraft carrier when we are the only nation in the world that presently has nuclear aircraft carriers?

Other programs, especially the Police Corps proposal, which I have introduced with Senator SPECTER and 20 other cosponsors, will put tens of thousands of additional police officers where they are needed most, right in the middle of the fight against crime, like smoke jumpers parachuting into a fire, as we have seen out in California this past week.

Taken together, these programs will fulfill the commitment of the President to put 100,000 new police officers on the streets of this country.

I am encouraged that the legislation before us contains the Police Corps initiative. It shows that we are serious about crime, that we are ready to match our rhetoric with our action. I remind my colleagues that this innovative proposal has been approved by the Senate as part of previous crime bills. But let me just once again outline for my colleagues how the Police Corps bill would work.

It would establish a program similar to the Reserve Officers' Training Corps, the ROTC, and in return for scholarship assistance, a student would agree to serve 4 years in a State or local police force upon graduation from college. The Police Corps Program offers a way to enlist the best and brightest of our young people into the fight against crime. They will come from every race and every corner of this society to join this noble and vital effort to restore peace to our streets.

The recruits in the Police Corps will not only gain the benefits of a college degree but will receive two summers of extensive Federal law enforcement training. For an immediate impact, seniors and juniors in college would be recruited into the program, trained, and be on the streets within a year of the bill's passage.

There is another major benefit from the Police Corps that should be recognized. Far too few of our citizens understand the pressures and dangers that our police officers face. Too few of us know what it is to walk into a battleground every day where violence has become a way of life and a way of death for many police officers.

When some of the graduates of the Police Corps complete their 4-year service, they will move on to other careers, naturally. But they will know what it is like to serve as a police officer. They will share that knowledge with their family, with their friends, and with their community, and I firmly believe this would increase respect and support for the brave men and women who put their lives on the line for us every day. Many of these young Police Corps graduates will remain in police work as a career, and they will bring into the police forces of this country college-educated young people who will bring energy, and perhaps fresh approaches to some of the police work that is going on now.

It is a means I think of upgrading the quality of our police forces over a period of years while at the same time increasing the manpower that is available for the police forces of this country.

Now, the Police Corps enjoys broad bipartisan support and has been heralded by some of the leading newspapers in the country. The Los Angeles Times says of the Police Corps, and I quote: "It could make a big difference in Los Angeles and many other cities." Syndicated columnist Robert Novak trumpeted the Police Corps as the "good news from the President's crime bill." Newsweek, the magazine, proclaimed that the Police Corps idea "contained a multitude of social and spiritual virtues."

Now, increased manpower is only the first part of the equation. Deterrence of crime and the arrest of violent criminals begins the process of bringing order out of anarchy. This bill takes us the next logical step. It ensures swift, certain, and effective punishment for criminals.

The legislation provides grants to the States and localities to construct prisons for violent offenders. States can also apply for grants to run military-style boot camps which I think will be highly effective with first-time youthful offenders. These camps afford a regimented program of work and discipline for young, nonviolent offenders where they can learn the discipline necessary to make their way productively in our society and learn a respect for law and for their fellow citizens.

But make no mistake about it. For those youth who engage in violent crime, particularly in gang activity, the bill creates new stiff Federal penalties. Under this bill the punishment will fit the crime and will make no effort to spare the rod and spoil the child.

(Mr. WELLSTONE assumed the chair.)

Mr. SASSER. Mr. President, as I mentioned in my opening statement, crime has spread its insidious tentacles into every part of this country. It was

once thought that you could escape crime, that you could simply shield your family from the ravages of drugs by fleeing the cities for the peace of countryside. But now you can run but you cannot hide from violent crime. Rural crime is on the rise. It is rising at a faster rate than in any other part of this country. Violent assaults rose 30 percent faster in rural America than in our 25 largest American cities. Let me repeat that statistic. Violent assaults rose 30 percent faster in rural America than in our 25 largest cities.

The number of rapes jumped by more than 9 percent in rural counties while decreasing 4 percent in urban America. And the number of arrests for drug offenses in rural areas skyrocketed by a staggering 23 percent in 1992.

So crime is not confined to the inner-city. Now to meet this new threat to our rural communities this bill also contains an important rural drug initiative. It provides \$50 million a year to States like my own State of Tennessee to fight drugs. It also includes another \$1 million each year to train law enforcement officers from rural jurisdictions. This section further creates a rural drug task force to coordinate antidrug efforts in rural America.

Those of us who represent large rural areas, as I do, have been saying for some time that scant attention has been paid to the problems of rural drug enforcement. As drug enforcement has increased along the gulf coast in recent years, drug smugglers have moved inland.

For instance, my own State of Tennessee is easily within range of the aircraft commonly used by drug smugglers flying from South America. My State contains many small, rural airports and airstrips that are particularly vulnerable to use by drug smugglers. Law enforcement officials in Tennessee have identified several such airports which need additional surveillance.

State and local law enforcement agencies simply do not have the manpower to monitor these airports and airstrips on anything approaching a regular basis. The rural crime section of our bill will allow us to explore new ways to attack the special problems rural law enforcement agencies face.

Mr. President, let me conclude by saying that this crime bill is a tough bill. The crime bill is not only tough, it is innovative. It combines the best and most forward-looking ideas in law enforcement with the resources to make them work.

During the 2 weeks we consider this legislation, crime will be all too real and immediate for many Americans. It will come in the form of a gunshot from a passing car, a drive-by shooting, a mugging on the subway or the bus stop, a drug deal on the corner. Too often, the victims of the criminality are the children.

And we are all victims when we forfeit our safety and live in fear.

So let us debate this bill, but at the end of the day we simply must form a consensus and take action. Again, I commend the distinguished chairman of the Judiciary Committee, Senator BIDEN, for bringing this bill to the floor and the able Attorney General, Ms. Reno, for helping craft it. It is a bill deserving of all my colleagues' support. We have to be one nation in spirit because we are surely one nation in fate. An anxious but hopeful American people expect that we will act and bring them some measure of safety and security on their streets, in their schools, in their work places, and in their homes.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call.

The assistant legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Illinois is recognized.

THE CRIME BILL

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President.

I am only going to take a moment.

I have had the occasion now to preside for the last 2 hours and listen to the debate, or the beginnings of the debate, on the crime bill which is soon to be brought to this floor for consideration.

In that regard, Mr. President, I think that sitting there in the chair, I had an opportunity to watch the faces of the people who are visiting the Senate today, visiting in the gallery. The concern was evident, frankly, on the faces of the people who came to share with us in this deliberation about this issue. It is indeed the number one issue of concern for, I think, every American.

Listening to the speeches about the crime debate, for a moment I thought, well, we heard speeches about getting tough on crime before. We have heard, and no doubt will hear in the ensuing days and weeks, a lot of holding forth on the issue of crime; what is wrong with it, what we can do to fix it, how we can get our domestic house back in order.

But I daresay, Mr. President, the comment I wanted make this afternoon was simply this: if there was ever a reason to be hopeful, if there was ever a reason to be optimistic about the direction that we are going to take on crime, it is the crime bill that is before us and the kind of support and the enthusiasm of the Members of this body around this legislation, as well as the issue to which it pertains.

I just listened to Senator SASSER, who spoke eloquently about the Police Corps component of the legislation. There are others who have talked about the other sections of the legislation, specifically going to the way we treat juveniles and the like. And, Mr. President, I will have more to say on the specific issue of juvenile crime and my own amendments to that point at a later time.

But, I daresay, I think that the real reason for optimism here, the real reason for a hope is that for probably one of the first times I see a glimmer of hope that indeed we are not just talking words about being tough on crime, but rather we are talking about getting smart about crime, as well. And that, Mr. President, is a long overdue development in the consideration of this very emotional and volatile issue that I think is very welcomed at this point in our history, and necessary.

We cannot continue to go down the path that we have been going—just building more prisons, just putting mandatory minimum sentences on the books. Just railing that we are going to be tough on those criminals has done little, if anything, to solve the problem.

In fact, I think one of the things that is so frustrating to so many of us is that the statistics, the numbers, the incidents of violent crime, particularly, has risen, indeed even skyrocketed, just at the time when everybody has been saying we are going to be tougher on crime, going to build more prisons. Indeed, prison construction has quadrupled in the last decade. We have put more money into building more jails and putting more people in them; and, at the same time, to see almost a direct correlation in the decline of our respective safety than anyone would sense, could look at, and say, well, something is wrong with this.

What is wrong with this picture? I submit, Mr. President, what is wrong with the picture is that we have been focusing on, if you will, closing the barn door after the horse is out.

We have been focusing in on building prisons to put those people after the harm has been done to the community, after our domestic security has been impaired, after we have already suffered from the ravages of that criminal activity and that lawlessness to which Senator SASSER refers.

This crime legislation says we are going to take some proactive steps on the front end of the process. We are going to try to close that door a little bit before the horse gets out of it. We are going to try to take some steps to give us the mechanisms, the tools, with which to combat crime before our people are victimized.

I think that is a major step forward. That is the really good news that comes out of this legislation. That is the opening of an opportunity, I believe, that we should not miss.

So I want to encourage my colleagues to bring the bill forward, to work out whatever remaining differences and difficulties there may be so we can take up the specific provisions.

One knows it is not a moment too soon—or a moment too late, really—for us to have the addition to the community police that this legislation contains. I come from, as the Presiding Officer no doubt knows—the men in my family were all in law enforcement. My brother, my father, my uncle were all police officers.

In the old days when my uncle first started on the force, we used to have what were called beat cops. The beat cops would walk the neighborhoods. They were people who were known in the community. Everybody knew them. The guy on the corner would offer a cup of coffee, and the beat cop was someone who was there, as much a part of the neighborhood—well, in the neighborhood where I grew up we always had the winos in the neighborhood as well. But the beat cop you know. He was there, and he was able to prevent crime as well as to stop crime and deal with the malcontents. He knew where the problems were. He knew Mrs. Jones' son was a bad actor and he was likely to be the one that stole something from down the street. He knew it was time for Johnny to be in class and not hanging out in the alley. He knew what was going on in that community.

I daresay we now can talk about "he or she," thank goodness, but the fact is that the old-fashioned idea of the beat cop really has been revived with what we call "community policing." The concept really is not all that different. It is not just that we would put an occupation force of new police out here in the communities, but, rather, we would have individuals working with the communities in the communities to help make those communities safe, to give the citizens and the residents of those communities the tools they need. Very often the people who are the most victimized by crime, who most want to see it resolved, who most want to see it out of their neighborhoods are the people who are themselves the most intimidated, the most frightened of being part of a system of resolution of the issue.

They are the ones who are the most afraid to talk to the police, are the most afraid to participate in patrolling the neighborhood or speaking up about the crack house or the drug house or the bad actors in the neighborhood.

I believe this approach, community policing, will go a long way to resolving that and giving communities a sense of connectedness again so those social networks, those kinds of networks that allow for stable and strong communities, can operate again in order to give us back the safety and the security we need.

There are other aspects of this legislation. I mentioned I only wanted to take a moment because I could not resist the temptation, having listened to the debate while I was presiding. But let me say this.

I think this issue is one that is particularly prone, frankly, to partisan bickering. I just hope, as a newcomer to this body, that we can put that aside—to the extent it is ever possible in the context of something as visible and emotional an issue as is crime—that we can put aside the partisanship and the bickering and really get to taking up the specific parts of the crime bill and the specific amendments that the Members of this body intend to put to this legislation.

This issue is entirely too important to all Americans to be hung up in Republican versus Democrat politics. I think, in fact, if anything, the people will be justified in running us out of town on a rail if it does get hung up in partisan bickering. This is an issue, I think, we have an obligation to move on. If anything, the kind of support in the public, the kind of attention this issue has received, suggests the American people absolutely want to see us do something. More than do something, I think the American people are saying, "Enough of the verbiage, enough of the flowery speeches. Do not tell me you are going to be tough on crime, and then not doing something realistic about it."

This gives us a start. There are some parts that, frankly, I would like to see as well. I would like to see the assault weapon provision as part of this legislation, and it is not. It will be taken up separately. I would like to see the Brady bill as part of this legislation. That will be taken up separately.

Certainly, as we approach the issue of what to do about guns, what to do about juvenile criminals, what to do about the revolving door in our prisons, what to do about taking back our streets and giving us the opportunity to have community police, what to do about the safety considerations that Americans feel—as we take up those constituent parts, I am hopeful we will be able to do it in the spirit of this debate, in the spirit that says the American people are entitled to have us address their domestic security. They are entitled to have us act on this crime legislation. They are entitled to have us pass out of this session a crime bill that works. And a crime bill that works is one that, I suggest, gets smart on crime as well as tough on crime.

I believe this crime bill has the elements of that, and I certainly encourage the negotiators who are back there somewhere hammering out the details of the procedure we are to undertake, I encourage them to get on with it so we can take this legislation up and begin seriously to concentrate on getting this legislation passed. The moment

has passed in which we can dilly-dally about this. The people want to see us take some action, take some sensible action now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXTENSION OF MORNING BUSINESS

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the period for morning business be extended for an additional 30 minutes, with Senators permitted to speak therein for up to 10 minutes each.

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

Ms. MOSELEY-BRAUN. Mr. President, since no one is here and we would just listen to the call of the roll, I will speak for a few more seconds while we wait for someone to come to the floor and talk specifically about some of my proposals.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, one of the things I had mentioned—and, again, I am speaking extemporaneously as you can see—but one of the points I wanted to raise as part of the deliberation about the crime bill had to do with the whole issue of juvenile crime. In that regard there are several aspects which ought to be noted.

One is the tremendous increase in juvenile crime. If anything, the crime rates for the ages between 12 and 18 have skyrocketed. While the crime rates for the other age groups have been on a more level basis, the crime rate among juveniles has skyrocketed. There are many, many factors giving rise to this, not the least of which has been described by some of my colleagues who have spoken on this issue on the floor this morning.

But there are a couple of points I hope to raise as part of the crime bill debate, going to the issue of taking another look at juvenile crime. In the first instance, one of the problems with our juvenile criminal system is we have failed to revisit the issue for really almost 100 years in this country. One hundred years ago—generations ago—there were reforms in the criminal justice system that suggested we take juveniles out of the criminal justice system and treat them "in loco parentis" were the words; the State would act in the place of a youngster's parents. That youngster was not of the mental capacity to be able to consider fully or

participate fully in the normal criminal justice system so we would spin that person out and set up a separate set of courts in order to deal just with the crimes committed by young people.

The juvenile justice system was considered at the time it was enacted as a tremendous reform because, quite frankly, there was the somewhat sorry legacy of youngsters of 12, 13, 14 years old being hanged for crimes in certain parts of this country.

So, the shocking nature of that gave rise to the notion that, "Well, we really should treat juvenile criminals like juveniles because, after all, they are younger, they can't know the gravity of their activity, they can't really know what it is they are doing."

I think, Mr. President, that we have seen a dramatic sea change in that issue and the way that that issue ought to be considered. In fact, if anything, I would commend to this body that we need to take a good, hard look at the way that we address and deal with juveniles generally as part of the criminal justice system.

Young people now have access to information that is unparalleled. They have access to the media, they have access to newspapers, they have access to a whole host of things that were not available to young people a generation ago. Certainly the statistics and the information that we have about juvenile crime suggests that not only do they have access to additional information, but they are acting out on that information and acting out on this revised role in our society in ways that are especially chilling.

We have seen, for example, young people, juveniles being used as mules, if you will, used as carriers, not only of drugs but of weapons by older juveniles who know that because you are under a certain age, you cannot be prosecuted in the same way. You will not go through the same criminal justice system, you will not have the same punishments applied to you. And so, as a result, in all too many instances in gang situations and sometimes not in gang situations, it is the younger juveniles, the 14-, 15-, 16-year-olds who are actually the trigger men, who are the hit men or girls, as the case may be, who are actually the ones perpetrating the most violent of crimes and our statistics show that has increased also. It is a scary proposition indeed.

As a result, I think we have to take an approach that gives us the capacity to have what I call a carrot, a stick, and a few peas. The peas come from the First Lady's comment about peas a couple weeks ago, the notion being that we have to provide, on the one hand, support for juveniles, support for them not to get engaged in criminal activity, as well as a very clear and consistent message that if they do get involved that they will be treated with, they will be dealt with as criminals and not just as children.

So, as a result, I have proposed as part of the crime package, I have proposed a specific amendment that goes to the issue of juvenile crime. One of those amendments calls for mandatory education. That is the carrot part. All too often we find young people, when they are put in detention facilities, do not get the educational support that they would require, and so their schooling falls off, and whatever chance they had of getting beyond criminality goes out of the window because they are not equipped, they are not provided the opportunity and the skills to do anything else. They are not there, denying effectively a chance for education.

Fortunately, in all too many instances there are educational services on the books, but when it really comes down to it, that individual, the youngster himself—him or herself—may not actually receive the kind of schooling commensurate with the kind of schooling that would be available were that person outside of the juvenile facility.

So part of this requires mandatory education consistent with standards set by the Department of Education so that we can assure that youngsters who are incarcerated who are already in detention facilities will get a chance to be educated. Again, that is the carrot.

The stick is that a youngster who kills somebody, a youngster who commits an attempted murder, a youngster who commits a drive-by shooting should not get off because he or she is only 14 or only 15. This legislation, this amendment provides that we will try juvenile criminals as criminals from the age of 13, if necessary, within the range of a specific category of very heinous crimes, including murder, attempted murder, drive-by shootings, and specific criminal heinous assaults with a weapon. Why would we separate that out?

It seems to me, Mr. President, that in the first instance, the criminal justice system in and of itself does provide for due process, does provide for rights to counsel, does provide for a system that really may not exist in the juvenile justice system standing alone. But as much the point, I think it is of critical importance that we let the young people know that, again, just by virtue of your age you are not going to get off with killing somebody with an assault weapon, with a handgun, because you have not yet hit your 16th birthday or you have not yet hit your 17th birthday.

I am going to tell a story, and I am going to hold on my statement until later, but I want to share with you a story that is very personal—not very personal—but a story that happened to me personally. I was back in Chicago and I went to a restaurant. I sat at the counter at the restaurant. The guy sitting next to me was sitting there, and

he did not look too happy. You start a conversation with someone. I said, "How are you doing?" He said, "I'm not doing too well." He said, "My only nephew is right now laying in a hospital with a bullet in his brain. We don't know if he is going to make it or not." Of course, I was shocked. Apparently the youngster was at school—actually a fairly good school in Chicago—a couple days before. He got into an argument with another youngster in school. That youngster took out a gun and shot him in the head. He came back to school the next day with the gun on him, bragging about how "they can't do anything to me, I'm still 15."

It seems to me, Mr. President, that we have to send a real strong and clear signal that being 15 does not give you a license to kill somebody and a license to go into a system in which you are not held accountable for your actions; that you can be as accountable at 15 as you can at 16. You can be held to account at 14 for murder and for these heinous crimes committed with a weapon. That is what that amendment will do.

There is some mitigation and vitiation, if you will, of the harshness of that approach with the provision that within 3 years, a juvenile will be able to have his or her sentence revisited to see if the sentence continues to be appropriate. So there is a revisitation within 3 years for appropriateness of the sentence. Then, like other juvenile criminal laws, it allows for expungement of that individual's record at the age of 18, again, should that person be rehabilitated.

But I say to you, Mr. President, the time has come for us to send a loud and clear message to young people that they have to function like citizens, they have to function in a responsible manner and certainly that we are not going to tolerate murder by children and not treat them like criminals. It is just that simple.

So, Mr. President, I want to say—again, I do not want to take up all the time—I see the minority leader is on the floor and I do not want to take the time from whatever it is that he has to add to this conversation or debate—except to say I am encouraged by the fact that this crime bill gives us the opportunity to take a fresh look with new eyes at some of these longstanding problems. I am optimistic and hopeful that we can get on with the business of taking up and considering this legislation. Thank you.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Mr. President, it is my understanding that we are in morning business; is that correct?

The PRESIDING OFFICER. That is correct.

CRIME BILL

Mr. DOLE. Mr. President, Senators BIDEN and HATCH are meeting as we speak. So I would like the record to reflect, nobody is holding up the crime bill. I guess they are trying to see how they can best facilitate handling the bill so they can move it expeditiously once it is before the Senate.

There is no objection on this side to bringing up the bill, but I think the managers feel it might be more useful to them to see if they can work some things out in advance before the bill is up and open to amendment.

So I will say we do not know of any reason to hold it up. But I do believe they are consulting now and perhaps they can reach some agreement that might expedite the handling of the legislation.

STATE DEPARTMENT NOMINEES

Mr. DOLE. Mr. President, earlier this morning, the distinguished Senator from Massachusetts, Senator KERRY, was here to discuss with Senator MCCONNELL Senator MCCONNELL's hold on certain State Department nominees because Senator MCCONNELL was trying to receive certain information from the inspector general.

I made the point at the time when you have one-party rule where they have the White House and the Congress, it is difficult for those Members on this side to exert any leverage to get certain information we think we are entitled to. If it were the other way around, the majority party could be holding hearings and doing a lot of things to put pressure on any department or agency to get the information they want.

I guess, as I understand, during hearings on the BCCI case, Senator KERRY may have held up the nomination of Bill Barr, to become Attorney General, for a few days until he received certain information, certain documents related to the Justice Department's own criminal investigation of BCCI.

The documents normally would have been strictly confidential, since BCCI was a pending criminal case. But they were forced to go over these documents, case by case—maybe it was appropriate, I assume it was appropriate. The point is, the nomination was held up. I assume if they had not done this in 2 days, it would have been held up 10 days, 20 days, 30 days, 40 days.

I want the record to reflect there is a lot of precedent around here for holding up nominees to get information that may not even be related to the nomination. Certainly, the Senator from Kentucky has no desire to hold the nominees. We have no quarrel with the nominees. They ought to be approved, and I hope that the Secretary of State, when he appears before the Foreign Relations Committee tomorrow, will give us some indication of

when we may expect a report from the inspector general which concerns somebody at the State Department going through the files of 160 people. I do not know their names, do not know who they are. As far as I know, they were political appointees in the State Department of the Bush administration. Rifling through their files, looking for what? We do not know. But it was a big, big issue here not too many months ago, and we think that somebody ought to look into it and determine whether or not some law was violated. If in fact it was, then to take whatever appropriate action.

JUDICIAL NOMINEES

Mr. DOLE. Mr. President, we are going to be on the crime bill, and the focus is certainly long overdue because we need to go to work immediately. I hope a lot of people who may be watching the debate or listening to the debate or reading the debate understand there is only so much that can be done by the Federal Government when it comes to crime. We will have a lot of anecdotal evidence on the Senate floor, but there are limits on what the Federal Government can do. And that point will be made by speakers on both sides of the aisle as far as I know.

But we do need a short-term solution to sort of staunch the bleeding on our streets. One thing about incarceration, if people are in jail, they are not going to commit any crimes, no question about it.

So in the Republican approach we propose to spend \$3 billion in funding to build and operate new prisons.

You go back and take a look at what happened to some of these cases. Had these repeat offenders been behind bars where they belong, serving their sentence instead of getting out early, the second or third or fourth or fifth crime may not have happened.

So we have to make a choice. We may have to make an investment. If we are talking about protecting the average American, I think it is very important that we approach this in a way that builds prisons but tells the States it is not a dumping ground for Minnesota or Kansas or any other State. Unless they reform their laws to make certain that they serve a certain sentence, certain percent of their sentence, then they cannot put their prisoners in these regional prisons.

Each State would be allowed to sentence its most violent criminals to these prisons but only if it keeps up its end of the bargain by adopting a reform called truth-in-sentencing. A 15-year prison sentence should not mean 5 years or 10 years. It should mean 15 years or a sentence very close to it. If we had truth-in-sentencing, the father of Michael Jordan would still be alive today. And if liberal parole policies were ended, Launice Smith, the 4-year-

old girl recently gunned down in a Washington playground, would still have a childhood and a future.

The thugs who committed these crimes all had one thing in common. They all had prior criminal records. They entered our criminal justice system and then slid through its revolving door, legally and with tragic consequences.

So if we are going to build regional prisons, we are going to permit States to use those prisons, we are going to make certain States adopt the truth-in-sentencing law because otherwise it is not going to do any good if Federal money is going to be spent to warehouse State prisoners who are going to be let out in this revolving door process to go out and commit additional crimes. If we are not serious about putting an end to some of this, then we can all make great speeches and vote for the weakest provisions—that has been the case around here the last several years—and say, boy, we are doing a good job on crime.

If you look at the election results just yesterday, crime was the issue, the big issue. Whether it is New York City, the State of New Jersey, the State of Virginia, or many of the mayor races, crime is the issue. They are looking at us, Democrats and Republicans alike, to get tough. If we are not willing to do it, we are going to find out the electorate is going to demand others do more.

Now, we can put more police on the streets, and we can build more prison cells, but all these efforts will be wasted if we do not back them up with judges who are willing to enforce our criminal laws and not find some excuse to let criminals roam the streets.

During the Warren Court years, the Supreme Court headed down the wrong road, overturning years of established precedent, creating new rights for criminal defendants and making it tougher to put criminals behind bars.

The Warren Court's legacy remains with us today—and Chief Justice Warren was a Republican, I would add—with the rising crime rate, overburdened courts, and an American people who rightly sense that our criminal justice system is tilted in favor of the purveyors of crime and against its victims.

Judges, and the decisions judges render, can make an enormous impact on whether criminal justice is dispensed swiftly and with some certainty. That is why it is critical that the Clinton administration choose its judicial nominees with great care.

It is one thing to talk a good game on crime, but it is far more important to back up the talk with action. By appointing judges who interpret the criminal laws, not in accordance with their own political philosophy or vision of social justice but, rather, according to the intent of the laws' drafters.

Unfortunately, one recent judicial nominee, Rosemary Barkett, currently

the chief justice of the Florida Supreme Court, appears to be a proponent of the criminal-as-a-victim-of-society approach. In one notorious case, involving a brutal, racially motivated murder, Justice Barkett opposed the imposition of the death penalty, joining a dissent claiming that the defendant's impatience for change, for understanding, for reconciliation matured to taking the illogical and drastic step of murder. His frustration, his anger, and his obsession with injustice overcame reason.

Overcame reason.

So because he was impatient and because he had not matured, because he took the illogical step, then there ought to be some mitigating circumstance.

The dissent, in which Justice Barkett joined, goes on to say that the victim of the brutal murder was not really a person but, rather, a "symbolic representation of the class causing the perceived injustices."

Not a person, just a member of a class that caused all these injustices that brought about an illogical act and made this person angry and his obsession with injustice overcame his reason and somebody got murdered.

Well, I do not know what all that means, but it means that somebody is going to be before the Senate, if the nomination is approved by the committee, and it seems to me we need to give that nominee a very careful look.

Yet another nominee, Martha Craig Daughtrey, also appears soft on the death penalty. In fact, during her tenure on the Tennessee Supreme Court, she joined a dissent from a key ruling declaring that the Tennessee statute imposing the death penalty for felony murders is unconstitutional. The dissent offered this textbook example of judicial activism:

Implicit in death penalty jurisprudence is the recognition that the standards of decency are not static but evolving, that society is not stale but maturing, and that the level of community morality will continue to rise until the reasoned moral response of the people of Tennessee will be that the death penalty is cruel and unusual punishment.

A third nominee, Thomas Shanahan, who has been nominated to fill a vacancy in the Federal district court in Nebraska, has dissented in several key cases upholding the convictions of child sexual abusers and drug offenders.

These dissents, as I understand them, have hinged on technical interpretations of evidentiary rules and State criminal laws. And make no mistake about it, technicalities do matter, for if Judge Shanahan's views had prevailed in these cases, the convictions of vicious child sex abusers and violent drug offenders would have been overturned.

So I just say that we ought to take a look at these nominees very carefully,

just as they looked at all the nominees of President Bush and President Reagan very carefully, and maybe these quotes and maybe things they have stated they can explain.

So I do not suggest anybody make a judgment but reserve judgment until after they have had an opportunity to come before the committee and review their records in greater detail. But what we have seen so far is not particularly encouraging.

So it is important to put more cops on the street. It is important to keep violent criminals behind bars. But let us not forget that the gatekeepers to our criminal justice system are the judges.

If we are to begin to slam the door on crime and criminals, we will need Federal judges who view law and order as something more than just a slogan.

So I would say whoever it is, whatever administration, when you talk about somebody on the district court, lifetime appointment, appellate court, Supreme Court, lifetime, then I think we want to be very careful that we know what we are doing before we vote to confirm somebody who may have an impact on our families, our communities, our States, whatever it may be, and how they see the law. They ought to interpret it and not give us their personal view.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I know I have exceeded the 5-minute limitation but I ask unanimous consent that I may proceed on another matter.

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

HEALTH CARE REFORM

Mr. DOLE. Mr. President, we had just last Friday a very what I thought was a good hearing on health care in Kansas City, MO. There were seven Senators present, and Judith Feder, one of the administration's key specialists on health care. And we were very honored to have Mrs. Clinton come to Kansas City and speak to about 2,500 people who were packed into a room—there would have been more if we had had more room—to talk about health care, and indicate at that time, at least as far as I know, there was a lot of flexibility in the President's plan; and, in effect, reaching out not to us necessarily but to the people in the audience who had some misgivings about some of the President's plan.

So I thought overall it was a very successful hearing. Then we went from the urban area to a rural area of Kansas. Unfortunately, Mrs. Clinton could not attend that. We went from Kansas City to Garden City, KS, on Saturday of last week, and had about 450 people there from rural areas in western Kansas.

We discussed how health care differs in small areas and rural areas where you do not have the economies of scale, where you do not have the physicians, and all of the technology.

Since that visit I have been noticing in the papers some comments made by Mrs. Clinton with respect to the insurance industry. In past weeks we have also heard about the alleged excesses of the pharmaceutical industry. Its possible future could bring criticism of other players in the national health care debate—maybe hospitals, probably physicians, or dentists or anyone who is a provider; anybody who provides health care or insurance or whatever it might be.

I think we have to be very up front about it. There are real problems we face as we do our best to reform our health care delivery system. But in my view creating an enemies list is not the way to go about it. We just cannot say we will just make the insurance companies villains or the pharmaceutical companies or the physicians or the dentists or the hospital administrators or the nurses or whoever it may be, and just try to divide everybody, divide and conquer.

There are certainly bad apples, as Mrs. Clinton has indicated, in every barrel. That is true of the health care industry as well as other industries and certainly this Senator is well aware of the shortcomings of the insurance industry when it comes to the availability of reasonably priced insurance coverage for individuals and small business. But there is also a lot to be proud of in our health care system; a lot of insurance companies to be proud of in our health care system; thousands and thousands and thousands of employees all across America who are in the industry working every day, making an honest living, providing for their families, not gouging anyone.

And it seems to me that we should not just single out any one group or any one industry, and say it is their responsibility.

So there is a lot to be proud of in our system, firm foundation upon which we should build a better delivery and financing system.

Because there are no easy answers to these difficult challenges, it will often be tempting to blame someone or something. It is often said that you have to have a villain or you cannot succeed. So before the Soviet Union we spent more money for defense. There is now something else we can spend more money for, our domestic problems—not to pick out somebody out there that will get the attention of the American people, rightly or wrongly, and sort of make that person or that industry or that group the villain so that then you would be able to do certain things you could not have done otherwise.

It just seems to me that we cannot be tempted to do that. If we are going to

have a bipartisan consensus, both sides need to avoid such actions. And as far as I know, inflammatory rhetoric is not going to bring us closer together.

I am a member of the Finance Committee; the distinguished majority leader is; 18 other members, 11 Democrats, and 9 Republicans, all reasonable, objective, all good Members of the Senate as far as this Senator knows. We have to deal with these problems with insurance companies, with pharmaceuticals, with every other group, with consumers of health care, and along with maybe another one or two to try to put together a plan by some time next year.

We are going to be asking these same companies to make changes, to make health care accessible and affordable—and the industry representations—as to the potential effects. The reform system must be fair, as must our response.

The public deserves no less, and they want the facts, not fiction. If we find someone who is carrying on some egregious practice that adversely impacts on anybody in America, regardless of race, color, creed, age, sex, whatever, then we ought to make certain we protect anybody from such activity.

But on the other hand we want to make certain while we are doing that that we do not bludgeon somebody else who has no responsibility and has no involvement at all, as I have said, just out there trying to make it work and trying to create jobs and opportunities and better health care for all Americans.

NAFTA

Mr. DOLE. Mr. President, on the North American Free-Trade Agreement, I was honored to be at the White House this morning with the President and leaders in the House and the Senate from both parties.

The President signed this transmittal document that will transmit the implementing legislation to Congress. Then on the 17th of November the House is going to vote. Once this gets up, or this starts the clock running, and I hope we can advance that timetable, it is a 90-day clock, significantly. And if they vote on November 17 and it passes, then it comes to the Senate.

Mr. President, the implementing bill accompanying NAFTA is a very good bill. It is a clean bill, which means around here it is not loaded up. It does not contain a lot of extraneous matter, if any. It makes the necessary changes in U.S. law to bring us into conformity with the obligations we have agreed to under the North American Free-Trade Agreement. It makes a few other changes that Members of Congress were concerned about, all of which in my view improve the future operation of the trade agreement.

Mr. President, NAFTA, or the North American Free-Trade Agreement, has

been blamed for virtually every economic affliction and woe found in the country today. In fact, some say it causes the common cold. It causes almost everything bad in America, all this North American Free-Trade Agreement.

I give NAFTA's opponents credit for their tenacity. However, I deplore the effect of their scare campaign on the people who just wanted the truth.

Instead, people are hearing, and sometimes unfortunately, sometimes believing many of the half-truths about NAFTA. Certainly, I do not wish to deny anyone's right to support or oppose NAFTA. I do not question their motives. It is a very important agreement. I can certainly honestly see why some would be opposed to it.

But I think people are entitled to their views, but they are not entitled to their own facts. The facts are facts. You cannot change the facts. I cannot change the facts.

I support the North American Free-Trade Agreement. If somebody else is on either side who is opposed to it, they cannot change the facts either.

So it seems to me that we ought to be approaching this again in a bipartisan way, in this case Republicans are working with the President. There are probably more Republicans working with the President on the North American Free-Trade Agreement than Democrats are working with the President.

The President, I think, is making a good effort to make certain we get it passed. Why? Because it is the right thing to do. I asked a former President why should I support NAFTA. He said, "I will tell you why. It is the right thing to do." Five former President's have endorsed NAFTA: President Carter, President Reagan, President Bush, President Ford, President Nixon, and the sitting President, President Clinton. As far as I know, they do not have any agenda with Canada or Mexico. They do not have any interest in any trading companies or going to make any profit by supporting the North American Free-Trade Agreement.

So it seems to me that we ought to at least consider their endorsement, not that they know everything but take a lot of wisdom, combine all the years of those five, plus President Clinton, covers a lot of time, a lot of dealings with Mexico, a lot of dealings with Canada.

So this is a very important vote. If this measure is not passed, then we are going to be held accountable for the drift that will follow in world trade negotiations for the failure of the Uruguay round, for the sudden loss in credibility that the United States will experience as it tries to deal with its trading partners. We will be held accountable for rejecting the opportunities to lock Mexico into the profound economic change that has undertaken,

unilaterally, with the past decade is much to the credit of President Salinas.

In the meantime, every economic woe and affliction that NAFTA opponents try to pin on this agreement will continue. United States companies will face extraordinarily tough competition from manufacturers around the world, from Japan, Germany, as well as from China, Indonesia, and Mexico. Some jobs will continue to be destroyed in this country due to factors that have nothing to do with trade. Companies will continue to decide to produce outside of the United States.

If all that happens, if NAFTA is defeated, who will the opponents blame then? I guess I will conclude by saying I think the North American Free-Trade Agreement is a window of opportunity to raise our standard of living right now, to ease existing burdens on doing business across national borders.

Keep in mind that Mexico is going to lower their tariffs. Ours are low now. We are told by the experts that in the first year of this agreement, if passed, we are going to sell 2 billion dollars' worth of automobiles in Mexico. That is 12,000 to 15,000 jobs, or more. There are 700,000 jobs in America now creating products we sell to Mexico. American jobs in America. Every time \$1 is spent in Mexico for imports, 70 cents of that finds its way back into the United States. As Mexico's economy gets better, then they will spend more money.

Also keep in mind, if this agreement is approved, countries like Chile, Venezuela, and Argentina are waiting in line to make the same kind of agreement. That means more trade and more jobs.

I have met with every farm group in my State—maybe I missed a few—and I guess there are one or two smaller farm groups opposed to it. But everybody else—the corn people, wheat people, livestock people, cattle, hogs, whatever—are all for the agreement. So agriculture sees the opportunity. Small business men and women see opportunities.

So I suggest that the anti-NAFTA "list of horrors" will be the costliest red herring we have ever encountered, if we allow it to determine the fate of this historic trade agreement.

I commend the President, the former Presidents, and the Democrats and Republicans in the House, where it is going to be a much tougher battle. I did point out this morning at the White House that a lot of our Western States' Senators who support NAFTA are getting so frustrated with the actions of the Secretary of the Interior, Mr. Babbitt, when it comes to western lands, that some of the votes we may have counted on may be slipping away.

I hope that the Secretary of the Interior is listening. If he is supporting NAFTA, he ought to be up here talking

to some of the Western States' Senators, Republicans and Democrats, before those votes slip away. It is not about grazing fees, it is about what some would call the "war on the West," about a 19-page document that is put into legislation without any hearings that affect a lot of different interests in the West.

From that standpoint, we may be in some danger on the Senate side. But, hopefully, the Secretary, or maybe even the President, will step in and see if he cannot reconcile or resolve the differences now out there when it comes to adopting the conference report on Interior appropriations.

I thank the Chair, and I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed as in morning business.

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

THE CONCERNS OF WESTERN SENATORS

Mr. CRAIG. Mr. President, the Republican leader has just spoken to a very important issue that has this western Senator extremely concerned at this moment, and that is the insensitivity of this administration. But, more importantly, the outright direction of the effort to form new public policy that would significantly change the way western public land States are able to deal with the economies of those States as it relates to public land resources.

Am I talking about the grazing fee battle? Yes, I am. But that is only a symbol now of what appears to be a growing and much broader effort on the part of this administration to significantly change public policy. And it will significantly change the West, the economy of the West, the small communities of the West, and the livelihoods of people who, for three or four generations, have depended upon reasonable and responsible access under public policy directed by this Senate and this Congress and this Government to those public land resources.

Let me give you an example of what I am talking about. Last week, Assistant Secretary of Agriculture Jim Lyons announced the reassignment of Forest Service Chief Dale Robertson and Associate Chief George Leonard out of the Forest Service and into a USDA position. What am I talking about? I am talking about the firing of the Chief of the U.S. Forest Service. That is what the term "reassignment" means. It is called a 60-day temporary reassignment, move you over here, and you are out.

Why is this to be talked about, Mr. President? Because this is the first

time since the days of Gifford Pinchot, the founder of the U.S. Forest Service, that this kind of policy has ever been used. Why? Because there is no doubt that this administration does not want to follow standard procedure. And what is it? It is to select from inside the U.S. Forest Service, and through the Senior Executive Service, qualified men or women who have had the training and the talent to lead the Forest Service and manage an agency that is a very large business, managing the forested lands of this Nation.

Well, the Forest Service has its critics. You, Mr. President, and I know that, and some of this criticism is undoubtedly warranted. But this approach is amazing to me, at a time when society wants to reflect different changes in public land management policy; and certainly you, Mr. President, and I have agreed and disagreed on that at times. What we do recognize, though, is the need for good management and stability, whether it is a person that is reflective of my interests, or your interests, or our interests collectively. What is important is talent, talent that understands how to manage a huge agency like the U.S. Forest Service.

Well, a week ago I criticized this effort. I do not know whether that bore fruit or not, but all of a sudden, what appeared to be a political appointment, which would have been truly precedent setting, has now been changed; and in a temporary setting, Assistant Secretary Lyons has named Dave Unger as the Acting Chief. He is a member of the Senior Executive Service, is an impressive person and has an excellent resume. But I notice that this is not permanent, this is only acting.

Why should it not be permanent? Why does this agency not deserve to have permanent people in place managing it, giving it stability and direction, and not a temporary? They have had a freeze in place in the U.S. Forest Service now ever since this President came to town, and it has recreated great frustration. Seventy Forest Supervisors—70 of the top management people of the U.S. Forest Service—last week, sent a letter to this President, Secretary Espy, Assistant Secretary Lyons, and said, "We disagree with your approach. We ask you to do it differently. We ask you not to politicize it." To my knowledge, that has not quite been done yet. Senator MARK HATFIELD, myself, Senator WALLOP, and Senator BURNS sent a letter to the chief of the Forest Service last week expressing similar concerns.

So when the Republican leader, Senator DOLE, speaks about Western Senators who are increasingly alarmed that this administration will not listen to what is important balanced policy, that does not destroy small communities in our Western States, that does not reflect continued policy to take

more and more fiber out of production so that my logging communities have fewer people working at a time when we have to stabilize forest policy in this country, bring stability of leadership to the U.S. Forest Service, what do we get?

We get a firing of the Forest Service Chief. We get an Acting Chief put in his place. And the criticism and the turmoil go on.

(Mr. CAMPBELL assumed the chair.)

Mr. CRAIG. Mr. President, Secretary Espy, Assistant Secretary Lyons, please, wake up. Give us leadership and give us stability, and let my Western communities continue to work and my ranchers to continue to graze under policies environmentally sensitive and responsible and recognize whether it is trees or grass or rocks. What is important is a wise and effective utilization of those resources in a balanced manner that is done in a way that all of us can agree on, that does not change nearly 100 years' worth of public land policy in this country, recognizing its importance in creating jobs, in fostering economies in western public land States.

Is there a war on the West? Well, for all intents and purposes there clearly appears to be. Mr. President, you can put that war to bed if you will direct your Secretary of the Interior to get on with the business of solving the grazing issue and if you will direct your Secretary of Agriculture to get on with the business of bringing leadership stability to the U.S. Forest Service. Those criticisms will go away, and you will have a Western group of Senators who will say, "Yes, Mr. President, we will work with you in solving these problems because you are now approaching them in a balanced fashion."

That is the issue that we have to deal with. If they cannot deal with it, then we will continue to fight as we must fight for those who we represent in our Western States. That is our charge and our responsibility.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. LOTT] is recognized.

Mr. LOTT. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

CRIME IN AMERICA

Mr. LOTT. Mr. President, when I go home to my State of Mississippi—and I know this is true for many of my colleagues—I get a few questions about the North American Free-Trade Agreement, but not a lot. I get some expressions of concern about the health care legislation and questions about how individuals can deal with their health care problems of cost and access.

From those living in rural areas, I get a few questions about issues that we are debating here on the floor of the Senate. But no issue seems to me to be of greater concern to people and growing worry to people than crime in America—violent crime, juvenile crime, drug-related crime. That is a major concern.

People in America are afraid to walk on the streets of our country now. They lock themselves in their houses with multiple locks and bars on their windows. They are scared to death.

If you just listen to the news media, you think, well, this is only in the big cities; it is in Washington, DC, where we have had over 382 people murdered in this year, or maybe New York or Los Angeles, someplace like that. No. It is not just in the big cities. It is everywhere. It is in my State of Mississippi.

We now have gang problems in Mississippi in some towns. We have drive-by shootings on the streets and highways in the Jackson, MS, area. We had a student killed at Philadelphia, MS, a week or two ago. It is everywhere.

In my opinion, it is one of the, if not the most, important issues we face in America today.

The people want us to do more. They want the Federal Government to do more.

Now, the question is, What can the Federal Government do that will really help fight crime on the streets and the byways of this country? That is an important question and one we are going to be trying to answer here as we take up this legislation, S. 1607, the Violent Crime Control and Law Enforcement Act, and other legislation, like the very important legislation that Senator HATCH, of Utah, has proposed.

I know that the problems of crime are going to have to be solved, for the most part, in the family and in the local community, with individuals getting involved in the towns, cities, counties, and States of America and supporting law enforcement.

There are fundamental problems here, including the breakup of the family. There are all kinds of excuses or explanations. But what we have to find are some answers as to how we deal with this problem.

The answer is not just adding policemen on the streets, although they obviously need more help. The answers are with the individuals in America. But the Federal Government can and should have an important role in trying to help solve these problems.

It seems, since I have been in Congress—16 years in the House and now 5 years in the Senate—that we do this just about every 2 or 3 years. We take a run at it. We produce a little something. It does not seem to make much difference.

Far too often, in my opinion, we have gone in the wrong direction. Far too often, legislation coming out of Con-

gress has been aimed at protecting criminals' rights, with very little attention given to the rights of victims—how we can help them and repay them for the crimes that have been perpetrated on them—and the rights of society.

We have a judicial system that for years has made it more and more difficult for us to put people in jail and punish the criminals. They quite often were turned out on the streets, and all of the emphasis was on how to protect the criminals' rights. It is time to stop that, and we have a chance to do it this year.

We saw in the elections just yesterday all across the country that crime is a big issue. People are worried about it. And they expect us to take some actions now to help deal with this problem at the State and local levels.

Many among the national news media and our colleagues here in the Senate quite often say the way to control crime is gun control. That is not the answer. The answer is certain and swift punishment for criminals and a little attention to the rights of the victims.

There are some good features in this legislation we are going to be considering. I hope that after a lot of thought, debate, and some amendments, we can come together on a crime package that will really address the problems we have in America. But we have a long way to go.

I believe that if you commit a crime, you should do the time, hard time. The surety of punishment is absolutely essential. I think that mandatory minimum sentences for violent crimes make good sense. Yet, in the legislation that has been brought to the floor of the Senate, there is an effort to begin to minimize or do away with mandatory minimum sentences. Judges do not necessarily like them. They say mandatory minimums tie their hands and make it more difficult for them to do the job.

But I think that for certain identifiable, specific, heinous felonies, mandatory minimum sentences are supported by the American people. I was just looking at some polling information this week that showed 60 to 70 percent of the people think we should have definite mandatory minimum sentences for certain crimes.

Also, I think we should not tie the hands of our law enforcement officers when they are acting in good faith. The so-called exclusionary rule—I do not want to get into fancy legalistic terms—simply means that police should be able to search and seize items that can be used in evidence if they have just cause and reason to believe there is something to be found. There are others who think that is a technicality, and we should let criminals out if we do not have exact compliance with the rules.

When police officers act in good faith, we should use that evidence, and we should convict people of the crimes with that evidence.

Law enforcement people make mistakes, and there should be protections. That is what the courts are for. But to automatically exclude evidence when police are acting in good faith and good judgment is a serious mistake.

A lot of emphasis is placed on crime in the cities. We talk about police on the streets. What about the rural areas? There are no policemen in the rural areas. Yet, now we have growing crime in rural areas. We have growing drug abuse problems. We have clandestine drug labs in these rural areas. We need to talk more about making sure that law enforcement is available to the rural areas in this country.

I do not think that we should allow death-row criminals to abuse our judicial system by filing endless appeals. And that is in this legislation we are going to be considering; habeas corpus, the lawyers call it. To the men and women in the street, all they know is people are convicted, sentenced to execution—many times—and the appeals go on for years and years and years.

I have already heard Senators stand up here today and cite horrible examples, and there are so many of them. Every one of us knows of some heinous crime—some murder, some despicable act by a criminal. The criminal may go to trial, may get out, may be convicted and sentenced, and years and millions of dollars then are spent trying to avoid the punishment that had been imposed.

We should limit and narrow the appeals, not continue to expand them. And expansion is what you have in this Biden legislation, as I understand it.

I do think we should provide more assistance for our local law enforcement people. But I do not think one more police officer on each beat in America is going to solve the problem. It is something we can do. It is something we can agree on. We need to provide more assistance to local law enforcement people, but we should not kid ourselves that is going to stop the problem.

We should have more prisons—more Federal prisons and regional prison facilities. We have been talking about it for years, yet it does not happen. Judges and other officials are turning criminals back out on the streets because they do not have a place to put them.

These repeat offenders that go into jail for a little while and get back out are the ones committing about 70 percent of the crimes in America. We have to have the facilities to house these people for their full sentences, because they are robbing and brutalizing the American people.

We have all these military installations we say we are going to close. We talk about conversion from military

usage to other usages. And yet it is not happening. The facilities are there. This would be a good use. Let us take action on it.

I think we should impose the death penalty for drug kingpins, yet there are many in this Chamber who do not agree with that. They think it is a serious problem, but would not deal with these kingpins in a serious way. What they are doing is murder, just as surely as if they pulled a trigger of a gun. So we should have serious and sure punishment for these drug kingpins who are selling drugs and pushing them on our kids and the American people.

I am going to offer some amendments as this legislation goes forward. One of them has been endorsed by the National Sheriffs' Association and by a number of other groups. It is called the Lifer amendment. It says, very simply, if a person has been previously convicted of two State or Federal felonies, a third felony conviction draws a sentence of life in prison without parole. It makes good common sense, and I think we need to do that. One felony, two felonies, and if you commit a third one, you are out; you are in prison for life. I urge my colleagues to take a look at this amendment. I think there will be a lot of support for it.

But there are some other things we can do that will help fight crime. One of them is an amendment that is referred to as the Triad. Triad programs are being done now in a number of States as joint efforts of local sheriffs' departments, police departments, and senior citizens groups. The sheriff's departments and police departments meet with our senior citizens, work with them on how they can protect themselves, and stay in touch with them. It is a magnificent approach that costs almost nothing and can help our elderly, who, quite often, are preyed upon by criminals because they think they are an easy kill, so to speak.

So I do want to offer these amendments. I want my colleagues to take a look at these amendments. I want us to have tough legislation this time. Let us not just spend 3, 4, 5, or 6 days talking about this and then pass out a crime package that really does not accomplish anything, so we can go back to our constituents and say, "Oh, we got tough," when we know we did not.

This time, let us really do it. Because the American people are not going to be fooled this time. The situation is desperate. We need good, strong legislation, and we should work together to make that happen.

Mr. President, I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. MOYNIHAN] is recognized.

Mr. MOYNIHAN. I thank the Chair.

(The remarks of Mr. MOYNIHAN pertaining to the introduction of S. 1616 are located in today's RECORD under

"Statements on Introduced Bills and Joint Resolutions.")

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH].

ANTICRIME BILL

Mr. HATCH. Mr. President, we have been trying to work out a consensus bill in the background. I made a lot of headway on our side, and I really believe that we can come up with something that will be the first time in 8 years where both sides of the floor can come up with an anticrime bill that will do a lot of good in this country. If we cannot, then we have to lock horns here because we differ widely with the crime bill that the majority has brought to the floor.

There has not been a day of hearings on it, not even a second of hearings on it, and that is OK, except that we would have to explore the provisions of it and make sure that there are some changes so we really will have some anticrime aspects to the bill.

Today, the Senate is supposed to begin the consideration of the omnibus anticrime legislation. Senator DOLE and I introduced a comprehensive crime bill on August 4. Our bill, the Neighborhood Security Act—Mr. President, I would like to yield to the distinguished majority leader without losing my right to the floor.

The PRESIDING OFFICER. The majority leader, Mr. MITCHELL, is recognized.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar Order No. 260, S. 1607, a bill to control and prevent crime.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (S. 1607) to control and prevent crime.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH], is recognized.

Mr. HATCH. Mr. President, today the Senate considers the omnibus

anticrime legislation. As I said, Senator DOLE and I introduced a comprehensive crime bill on August 4. Our bill is based in large part on the crime bill I introduced with Senator DOLE on the first day of this Congress.

In September, Senator BIDEN introduced his crime bill, S. 1488. It embodied the administration's crime plan and was supported by the administration. While there was some important common ground in these competing bills, there were profound and critical differences in several key areas. These differences, in my view, reflect the opposing approaches to crime.

The administration and its supporters in Congress stress drug treatment and alternative sanctions. I support drug abuse treatment and prevention. I, too, believe that we must tackle the root causes of crime, but these worthy objectives cannot be pursued at the expense of further endangering law-abiding citizens or at the expense of catching, prosecuting, and incarcerating violent criminals.

The Dole-Hatch bill, in contrast, has as its focus the apprehension and incarceration of violent criminals. To its credit, Senator BIDEN, our distinguished chairman, recognized some of the flaws of the administration's bill and on Monday introduced a new crime bill which includes more money for boot camps and prisons—among other things—things which we support.

Still, as I will discuss in a moment, the new Biden bill remains wholly inadequate. A few weeks ago, the FBI reported, not to anyone's astonishment, that the number of violent crimes committed last year increased over the previous year. Over 1.9 million violent crimes were committed in 1992. We went from 350,000 back in 1960 to almost 2 million violent crimes by 1992. In my own home State of Utah, the increase in violent crime exceeded the national average, due in large part to increased gang activity and drug trafficking.

These figures illustrate that violent crime threatens all Americans, be they from rural or urban States. It is time for Congress to step up to the plate and deliver the anticrime resources and assistance our States and local communities so urgently need.

The title of the Dole-Hatch bill, the Neighborhood Security Act, suggests a test by which all so-called anticrime measures should be judged. Our priority is to help make our neighborhoods and communities safer from the scourge of crime. If a proposal does not further this objective, it should not be part of our crime bill that we pass through the Senate. A bill furthering this objective, in my view, must not only provide resources to law enforcement agencies, it must also provide procedural and substantive changes in the law to facilitate both the apprehension and the conviction of those who

are threats to society in the carrying out of just sentences.

Our Nation's current criminal liability system lacks credibility. It lacks this credibility not only because we have failed to provide treatment on demand to violent criminals and drug traffickers, but rather because we fail to back up our threatened punishment with the resources necessary to ensure that punishment.

According to the Department of Justice, the typical prison sentence for a violent crime is 5 years. Let me just go through this truth-in-sentencing chart. A typical murderer in this country is sentenced to 15 years, but serves only 5½ years. That is shocking. A typical murderer is sentenced to 15 years but serves only 5½ years. Do you wonder why we have so much murder in this country?

A typical rapist is sentenced to 8 years, but serves only 3 years on average. Do you wonder why we are filled with rape in this country? Just look at these figures.

A typical mugger is sentenced to 6 years, but serves only 2 years at best. Do you wonder why we have so much violence in this country? Just look at those three statistics and it is enough to make you sick.

Like I say, according to the Department of Justice, the typical prison sentence for a violent crime is 5 years, but the average sentence served is only 2.16 years. The typical sentence, I said, for murder is 15 years, but the offender generally serves less than 6 years—for murder. A typical rapist is sentenced to 8 years but serves only 3 years. Given the lack of credible punishment, is it any wonder the Los Angeles gangs have been faxing death threats to police departments? That is happening in this country.

Let me outline 12 key reasons to support the Dole-Hatch bill, and I will then elaborate on some of these points.

Reason No. 1. The Dole-Hatch bill contains truth-in-funding. We pay for our proposals by cutting overhead expenses in the Federal Government by 5 percent over the cuts proposed by the administration and by capping the overhead payment rate for federally funded university research at 90 percent of the current levels.

So we pay for our bill. The Biden bill is not paid for.

Reason No. 2. The Dole-Hatch bill builds more prisons to house State and violent Federal offenders. It authorizes spending over \$2 billion over 5 years for new Federal regional prison construction and \$1 billion in State grants for operational and maintenance expenses for State prisons.

The original Democrat bill provided only \$200 million for grants to States for boot camps, an alternative sanction, and regional prisons which provide drug treatment—\$200 million. That is like a fly on the sea.

To his credit, Senator BIDEN recognized that their bill fell short in its commitment to greater prison space. They have moved closer to our Republican position on prisons, but they are not there yet. Their bill still stresses after care and treatment over incarceration. I believe in both. And unless we are tough on crime, the after care is not going to do much good, and the treatment is not going to do much good.

Reason No. 3. The Dole-Hatch bill enhances our drug enforcement efforts. Our bill does much more for urban and rural drug enforcement than the Democrat bill. For example, we provide \$250 million more in enforcement grants and add tough new environmental penalties for the operation of clandestine drug labs.

Reason No. 4. The Dole-Hatch bill addresses the need to return a greater degree of safety to our Nation's schools. Our bill establishes Federal safe school districts and spends \$1 billion over 5 years for school safety. The Democrat bill spends \$300 million over 3 years. The difference is \$1 billion under the Republican bill over 5 years, \$300 million by the Democrats over 3 years. The \$300 million is not enough for that problem. We want safer schools for our kids.

Reason No. 5 to support the Dole-Hatch bill. The Dole-Hatch bill encourages the States to implement greater truth in sentencing through the establishment of sentencing guideline systems and bail reform by conditioning their use of the new regional Federal prisons on enactment of those reforms.

Reason No. 6. The Dole-Hatch bill provides \$2 billion for the hiring of additional police officers and gives priority in hiring to military personnel who lose their jobs while the military is downsizing. While the Democrat bill also contains a grant program to place police on the streets, their proposal favors big cities over smaller cities and rural areas, and you cannot do that. We have problems in those areas as well.

Reason No. 7. The Dole-Hatch bill provides enhanced mandatory minimum terms of imprisonment for the use of a firearm in the commission of a crime. If a person uses a firearm, they ought to be slammed and slammed hard.

Dole-Hatch also mandates life imprisonment for three-time losers. The Democrat bill actually repeals mandatory minimum sentences for drug traffickers and drug dealers, even those who may have some violent criminal record in some cases.

Reason No. 8. The Dole-Hatch bill spends \$120 million in additional funds for counterterrorism operations and programs over 2 years and establishes a special mechanism for removal of alien terrorists. The Democrat bill has no equivalent provisions at a time when we see an increase in terrorism in our society.

Reason No. 9. The Dole-Hatch bill contains tough criminal alien and alien-smuggling reform proposals. It spends, over 5 years, \$300 million to hire 1,000 additional Border Patrol agents; \$385 million to hire 1,000 additional Immigration and Naturalization Service criminal inspectors, and \$13 million for criminal alien tracking. There are no equivalent provisions in the Democrat bill. Dole-Hatch also provides for prompt deportation of any criminal aliens upon completion of their sentences.

Reason No. 10. The Dole-Hatch bill ends the abuse of habeas corpus, of our current habeas corpus system by placing tough, strict limits on post-conviction petitions for relief in provisions supported in the Senate 58 to 40 in the last Congress. The Democrat bill is more favorable to convicted murderers than current law. Keep in mind those convicted murderers may get 15 years but they only serve 5½. You wonder why we are murder capital of the world right here in Washington, DC.

Reason No. 11. The Dole-Hatch bill establishes an enforceable death penalty for 47 offenses, including major drug trafficking offenses, and establishes the death penalty in the District of Columbia. The Democrat bill fails to authorize the death penalty for drug kingpins in the District of Columbia.

It also establishes unnecessary procedural requirements that will make it extremely difficult to impose a death sentence.

Reason No. 12. The Dole-Hatch bill closes legal loopholes for criminals. It extends the good faith exception to the exclusionary rule to warrantless searches, making it easier to convict rapists, drug dealers, and murderers. The Democrat bill does not. Dole-Hatch also encourages the Department of Justice to implement policies which will challenge existing technicalities limiting the admissibility of voluntary confessions by criminal defendants.

All are important reasons why our bill is tough on crime, tough on criminals in contrast to the Democrat bill.

A critical difference between the bills is that the Dole-Hatch bill actually pays for itself through specific budget cuts elsewhere. By capping payments for federally funded university research at 90 percent of current levels, we save \$1.54 billion over 5 years. By cutting overhead in the Federal Government by 5 percent above the cuts proposed by President Clinton, we save \$6 billion over 5 years. We will have CBO letters to back up the numbers.

The Biden bill simply promises that the money will be spent. Now, this is an authorization bill and he cannot make that promise, unless you do as we have done, provide right in the legislation from where the money is going to come.

I believe that any crime bill we pass must include a funding mechanism. We

can authorize anything, but if we do not fund it, it is not going to be carried out. So it is a sham. This administration is cutting Federal prison construction and the number of DEA agents. The Office of Management and Budget recently proposed that the drug treatment and education funding be cut. What kind of anticrime attitude is that?

Given these cuts in DEA agents and drug treatment and education, it is a legitimate question to ask whether the administration really actually plans to pay for the bill once Congress passes it.

Now, on the subject of police on the streets, both the Dole-Hatch and the Biden crime bills authorize substantial funding for the hiring of additional police officers. The Dole-Hatch bill spends over \$2 billion on law enforcement assistance. However, the Democrat bill unfairly benefits big cities over smaller, more rural cities. Big city mayors under their proposal will apply directly to the Attorney General for law enforcement grants. Smaller cities and towns must first compete for State approval and then must apply.

According to the International Association of Chiefs of Police, big cities stand to gain nearly 40 times as many officers as smaller cities. Finally, 15 percent of their money does not even have to be spent on law enforcement salaries. Instead, the Attorney General can distribute this money as she sees fit.

Another striking contrast between the Dole-Hatch and the Democrat crime bills is their approach to prisons. Unlike the Democrat bill, the Dole-Hatch bill recognizes the importance of our Federal and State corrections system and the necessity of having adequate prisons if we are to take back control of our streets.

It does not matter very much how many police officers, Federal law enforcement agents, and prosecutors we hire if we do not have the adequate space in which to imprison criminals convicted of crimes meriting incarceration.

The Democrats' new, updated prison proposal, the one just filed this week by Senator BIDEN, consists of \$2 billion in funding for boot camp and regional prison camps to States and a mandate that Federal prisons provide drug treatment on demand to all prisoners.

Their treatment allows all Federal prisoners, including the most violent, to have their sentences reduced, if you will, at the Bureau of Prisons' discretion if they complete a drug treatment program.

Boy, I can see where everybody is going to do that. You can imagine the sincerity of that.

Rather than sending violent criminals to prison, their bill will spend \$1.2 billion on a so-called drug courts program which will permit nonviolent and some violent offenders to avoid prison

and enroll in alternative sanctions and residential treatment programs. One can legitimately question whether this administration is taking an increasingly nonpunitive approach to drug crime by cutting Federal prison construction and pushing for these alternative sanctions. I do not call them sanctions at all. It is alternative softness.

The Democrat bill requires that all relevant legislation that Congress passes include a prison impact statement which details how much prison space a given offense will require and the costs associated with the offense.

Mr. President, our response to criminal conduct should not be controlled by how much prison space is currently available. Rather, we should determine the appropriate level of punishment for given offenses and be sure that adequate prison space is constructed.

Instead of lowering prison sentences that are provided for offenders of drug trafficking and throwing money at treatment programs for nonviolent offenders, we should build additional jails and prisons.

Georgia's Democrat attorney general, Michael Bowers, has been an unspoken advocate on the need for additional prison space. He is a Democrat. Georgia's Attorney General Bowers has said, "All of the police officers in the world are not going to make a difference on the crime situation unless you provide a place to put the criminals. Unless you do that, this is a waste of time."

Now it is not news to anyone that many State prison systems are seriously overcrowded. My own State of Utah is forced to house inmates in other facilities on a contract basis.

Let me just show you this.

Utah prison capacity. The fact is that in 1990, we were operating in the green, which is the operational capacity of the State. That is the best they can do right now. As of 1992, we started to go out of the green. In 1993, we are completely out of the green. By 1996 we will not know what to do. We just plain do not have the capacity. That is not unusual in other States as well. It is not just Utah. I use my State because it is near and dear to me. But I think you would find a similar situation in most other States in the Nation.

Are we going to let all these hardened criminals go because we do not have the guts to do what is right? To incarcerate them and make them serve the time they need to serve? I hope not.

Nor is it news that some systems let criminals go free, either by placing them on probation or releasing them early to make room for the next batch of criminals.

As of the end of 1991, State prisons combined were at 123 percent of average capacity. That is according to the U.S. Department of Justice, Bureau of

Justice Statistics, in a report of May 1992. That figure actually understates the problem since some of the States currently at or below capacity have reached that position only after releasing prisoners early rather than build new prisons. The States have chosen or they have been ordered to create a revolving door by releasing numbers of prisoners to meet a cap on prison population.

The Dole-Hatch bill provides over \$3 billion for prisons, \$2 billion of which will be used to fund the construction of regional prisons to house State and Federal violent offenders. The remaining \$1 billion is for grants to States for construction, operation, and maintenance of jails and prisons. This can include boot camps at the States' discretion.

Importantly, the Dole-Hatch bill also encourages the States to reform their criminal justice system. Our bill conditions State participation in the regional prisons program on enacting criminal justice reform measures that will bring about greater truth in sentencing. It encourages the States to implement a sentencing guideline system similar to the Federal system—eliminate parole and reform liberal bail laws if they want to get the money.

The Democrat bill, while it puts more money into prisons than its previous version, still fails to address the need for truth in sentencing and contains regressive sentencing policies which allow prisoners to be released up to a year earlier if they complete a drug treatment program.

Look at this. This is typical. The operational capacity cannot take care of the criminals. So we are releasing them to go right back on the street and commit the same crimes over and over again. It is ridiculous. We should do what the Republicans are demanding here, and that is greater prison space.

Just look at this violent crime clock. We have one violent crime in this country every 22 seconds; one murder every 22 minutes in this country. Small wonder. We are so soft on them that the average murderer spends a little less than 6 years in prison. There is one forcible rape every 5 minutes of our lives, one robbery every 47 seconds, one aggravated assault every 28 seconds.

It is an amazing thing if we tallied it all up. And we are letting them get away with it because we are not putting them in prison and keeping them there, especially violent criminals.

My fellow Utahns are really concerned about the growing problem of gang violence. According to the Salt Lake area gang project, a multijurisdictional task force created in 1989 to fight gang crime in the Salt Lake area, there are at least 211 identified gangs in our region with over 1,700 members.

The project informs me that gang-related crime incidents have risen from

388 in 1991 to over 2,300 in the first 6 months of this year. While many of these offenses are property crimes, assaults and shootings continue to grow as well.

Our young people need to be steered away from gang involvement. Law enforcement needs more tools to intervene early in the lives of these troubled minors. Gang intervention efforts are critical to both the Salt Lake Valley and the entire State of Utah and multiplied many times over across the country.

Both the Dole-Hatch and the Democrat bills respond to the growing problem of gang violence, but our bill does a great deal more. Both bills propose that the powerful arm of the Federal Government be made available to the State and local law enforcement agency to help combat gang violence. So the Dole-Hatch bill makes it a Federal offense to engage in gang-related crimes.

In addition, we make it an offense under RICO, the Racketeering Influence Corrupt Organization legislation, to involve juveniles in criminal enterprises. We also provide for adult prosecution of serious juvenile offenders and provide resources for additional prosecutors and State and local law enforcement officers. We also ensure that antigang task forces, like the Salt Lake area gang project, will continue to be eligible for Department of Justice assistance grants.

As I noted a moment ago, the Dole-Hatch prison proposal makes funds available to the States which can be used by the States to build and operate boot camps if they so desire. Boot camps instill a sense of discipline and self-worth in the minds of troubled young men.

I have also sponsored other legislation to establish a \$100 million grant program for efforts at the State and local levels and by private not-for-profit anticrime organizations to assist in prevention and enforcement programs and at fighting juvenile gangs. I hope to incorporate this measure into the final crime bill.

Both bills recognize the need to address the growing problem of rural crime and drug abuse. Yet the Dole-Hatch bill provides more resources. It provides \$250 million in additional law enforcement grants for rural areas. These grants can be used for fighting drug trafficking and gang-related crime in rural areas.

My State of Utah is not only a drug transshipment point, but more of the drugs are also staying in the State. These funds are urgently needed to help our State police and other law enforcement agencies control the growing illicit drug activity within Utah's rural region.

Our bill provides \$110 million in drug prevention and treatment grants for rural areas in all of our States. Utah is

not the exception; it is the rule. We are having these problems everywhere.

Sometimes the headquarters of Federal agencies—although I have to say with regard to Utah, that being a State where we have a tremendous highway system and a lot of small airports, it is a transshipment State for all of the West and, frankly, for all of the country. It is a crossroads of the West. So we do have some problems that are unique to our area where we need some unique help that I think benefits the whole country.

Sometimes the Federal agencies here in Washington downplay the problems of violent crime and drug dealing in rural States like Utah. That is a mistake. I want to see the Federal Government pay closer attention to the concerns of rural States. The Dole-Hatch bill follows through on this.

Another area of difference is how each bill addresses the problem of increased violence in and around our Nation's schools. The Dole-Hatch bill establishes safe school districts and spends \$1 billion over 5 years for school safety. The Democrat bill spends only \$300 million over 3 years; \$1 billion in our bill, \$300 million in the Democrat bill. Our bill allows school districts to elect to qualify as Federal safe school districts. By choosing to be a Federal safe school district, local communities will get Federal assistance for schools, security equipment such as metal detectors, and assistance to our security personnel. They will also get Federal assistance in prosecuting weapons offenses at or near schools. It is unfortunate that our school administrators have to worry about purchasing metal detectors and surveillance cameras, but that is the sad reality of today. The Dole-Hatch bill takes a major step forward in returning a greater degree of peace and security to the schools.

The Dole-Hatch bill recognizes that addressing crime cannot be accomplished without responding to the fact that illegal immigrants account for a significant amount of crime. Over 10 percent of California's prison population are illegal immigrants. Over 25 percent of Federal inmates are illegal aliens.

The Dole-Hatch bill provides for prompt deportation of any alien who is not a permanent resident and who the Attorney General determines to be readily deportable. This would not result in shorter sentences; it would simply provide for immediate deportation after the alien's release.

Our bill also permits Federal judges to order deportation at the sentencing phase of the trial. The bill restricts defenses against deportation of criminal aliens and enhances penalties for re-entry.

Finally, the bill increases penalties for alien smuggling and makes it a RICO offense. The bill authorizes and pays for 1,000 new Border Patrol agents

and 1,000 new INS criminal investigative agents. Where our bill aggressively tackles these problems, the Democrat bill fails to respond at all. The Biden crime bill fails to address the problem of criminal aliens in any real way. In my view, the problem of criminal aliens must be addressed as part of any true crime bill.

Our Nation's shores have historically been isolated from the growing scourge of international terrorism. Yet, the World Trade Center bombing brought a quick end to that false sense of security. The Dole-Hatch bill responds by spending \$120 million for new counterterrorism operations and programs over 2 years and establishes a special mechanism for removal of alien terrorists. There are other provisions in the Dole-Hatch bill that the Democrat bill replicates, but they have no equivalent funding or terrorist removal provisions. So there are other provisions.

With regard to habeas corpus reform, another major difference between the bills is how each bill addresses the important issue of habeas corpus reform. When I refer to habeas corpus procedures, I am talking about the body of case law, interpreting a statute passed in 1867, which has served to provide convicted State criminals with a virtually unlimited right of Federal judicial review of their convictions. Abusive habeas corpus litigation, particularly those cases involving State-imposed death sentences, has undermined the public's confidence in our criminal justice system by causing a lack of finality in the system. Unnecessary litigation and delay in the imposition of constitutionally imposed death sentences have taken a toll on States, victims, and law enforcement. In my State of Utah, convicted murderer William Andrews delayed the imposition of a constitutionally imposed death sentence for over 18 years. There was no question that he had committed the heinous murders that took place. He did not even deny it. Yet, for 18 years, we went through, I believe, something like 28 appeals, all the way up to the State courts and all the way up to the Federal courts.

The Dole-Hatch bill curbs the abuse of habeas corpus by State and Federal prisoners. It contains a provision identical to a measure I sponsored that passed the Senate by a vote of 58 to 40 in 1991. It is modeled after a proposal for death penalty litigation developed by the Powell Committee, chaired by former Supreme Court Justice Lewis Powell. The States may opt in to the procedures. If a State opts in, it must provide counsel in State collateral review. In exchange for providing counsel, the petitioner is limited to a single habeas petition. The Dole-Hatch bill improves upon the Powell proposal by including the full and fair rule of deference for State court adjudications

and placing time limits upon habeas corpus petitions in Federal courts.

While the Dole-Hatch bill is in the best interests of law enforcement, the Biden bill would undermine the death penalty and promote even more delay in litigation than under current law. In an effort to reconcile the differences between death penalty opponents and those seeking true habeas corpus reform, Senator BIDEN and the National District Attorneys Association, the NDAA, negotiated a so-called compromise proposal.

While I believe the NDAA and Senator BIDEN engaged in a good-faith effort to resolve the differences between competing habeas corpus proposals, I must oppose their proposal because it is more favorable to convicted murderers than is our current law. It is a retreat from true habeas corpus reform that passed the Senate in 1991. I fear that it may well result in de facto repeal of the death penalty by making capital punishment litigation too protracted and costly.

The Biden bill does not give the States the choice of opting in or out like the Dole-Hatch bill. Instead, it mandates that States adopt expansive and costly appointment of counsel provisions for capital cases—not just expansive and costly, but very, very deliberately difficult to fulfill.

While the bill purports to require that all Federal habeas corpus petitions must be filed within 6 months from the completion of the State litigation, a close examination shows that the 6-month statute of limitations contains several tolling provisions which will entirely undercut the limitations period. These events will actually encourage more delay than is warranted, and more delay than under current law. For example, the legislation allows the period to be tolled during any period in which the petitioner is incompetent. It is unclear how incompetency may be determined. For example, will it apply to the petitioner's mental competency at the time of a habeas hearing, while writing his petition before it can be filed, while assisting in preparing the petition? These tolling exceptions are vague and encourage subjective application by Federal courts.

We have judges sitting in Federal court who will go to any lengths to try and stop capital punishment in spite of the law, in spite of the clear-cut capital punishment constitutional law that exists.

Furthermore, the bill suggests that it codifies the landmark Teague decision or doctrine, but it does not. In *Teague versus Lane*, a 1989 case, the U.S. Supreme Court established an essential rule of finality for all habeas cases. Under this doctrine, Federal courts must apply the law in effect at the time a State conviction became final. New rules of law prescribed by

the judiciary after the conviction becomes final will not be applied retroactively, nor will convicted criminals be permitted to seek the establishment of new rules via Federal habeas review.

If you allowed that, that means every time there is a new criminal decision by the Supreme Court or any appellate court, there would be the right of a habeas corpus petition on the part of the prisoner.

Without the Teague doctrine and its concept of finality, there can be no closure to a case because each new rule developed by the Federal courts could provide the basis for a new challenge to a death row inmate or other criminal's conviction or sentence.

(Mr. DASCHLE assumed the chair.)
Mr. HATCH. Mr. President, the Biden bill overturns key rules and cases in this area, weakening the Teague doctrine. This means there will be less finality than under current law. The Supreme Court decisions on retroactivity are not unanimous decisions. They are often 6-to-3 or 5-to-4 decisions. These are matters as to which reasonable people can disagree. That is precisely why we need one Supreme Court, and not 650 Federal trial judges, deciding the fundamental question of whether the Supreme Court decisions apply retroactively or prospectively.

If Federal trial judges are given the discretion not to follow Supreme Court precedent on retroactivity, which is what the Biden bill provides, then it is entirely foreseeable that the same proportion of trial judges, three out of nine, or four out of nine, will decide the issue differently from the majority of the Supreme Court. Those are pretty good odds for a convicted murderer facing a constitutionally imposed death sentence. Even though the Supreme Court has ruled that he cannot obtain the benefit of a new case and that his sentence is constitutionally sound, the Biden bill will allow him to take his chances with the more than 650 Federal trial judges out there.

Let us take a look at who stands to benefit from having Supreme Court decisions applied retroactively. In the first instance, the most obvious beneficiaries will be prisoners who have been incarcerated the longest—the law has changed so much since they were imprisoned that there would arise multiple opportunities for them to argue that they are being unconstitutionally confined.

One case is William Hierens in Illinois. He has been serving a life sentence for the brutal mutilation murder of a child since the late 1940's. He has filed habeas petitions and other petitions in Federal court for years. I imagine he would like nothing better than to be able to argue that the 1986 *Batson versus Kentucky* decision on preemptory jury strikes applies to his case and requires a new trial—a new trial after 45 years. The Biden bill would permit it.

How would the Biden bill permit Hierens to benefit given the Supreme Court's ruling in *Batson* was applied prospectively? By permitting individual Federal judges, of which there are over 650, to determine whether the *Batson* decision constitutes "a watershed rule of criminal procedure implicating the fundamental fairness and accuracy of the criminal proceeding." That is the test the courts would apply under new section 2257(b)(2) of the Biden bill.

Other notorious criminals who are awaiting passage of the Biden bill include Charles Manson, Sirhan Sirhan, and others. Each of these vicious killers would like to have the standards now recognized in 1993 as appropriate for reviewing their convictions from the late 1960's and early 1970's. And, that is just what the Biden bill will give them. In fact, if the Biden bill had been in effect at the time of the Robert Alton Harris case, which took over 13 years to complete, or the William Andrews case, which took 18 years to complete, the States of California and Utah would likely still be litigating those cases in Federal court at the cost of millions of taxpayers' dollars, and I should add millions of unnecessary spent taxpayers' dollars.

Some may assert that the Biden bill captures the basic essence of the Teague doctrine. If that is really the case, then why does Congress need to codify it? The truth is that Senator BIDEN has made no secret of his problems with the Teague doctrine. His bill narrows the definition of new rule and expands the opportunities to apply new rules retroactively, broadening the avenues for habeas review. Any bill that weakens the Teague doctrine undermines the interests of finality, which is what our reform efforts are supposed to accomplish.

The Democrat bill's Teague modifications expand the rights of violent, justly convicted criminals, beyond those rights prescribed by the Constitution, to the detriment of murder victims' families and all other law abiding citizens. In my opinion, no bill which weakens the Teague doctrine can be called an anticrime bill.

By the way, those victims have to live every year of their lives with habeas corpus petitions coming in year, after year, after year, having all of that murder brought back to their lives. It is just wrong. Yet that is what the Democrat bill does.

The Biden bill also weakens established limits on successive petitions, overturning the U.S. Supreme Court decision in *Sawyer v. Whitley*, 112 S.Ct. 2514 (1992). This decision permits a successive petition where an actual innocence exception is established. This requires the habeas petitioner to show innocence of the crime itself or "by clear and convincing evidence that but for constitutional error, no reasonable

juror would find him eligible for the death penalty." (Id. at 2523.) The Court's holding in *Sawyer* is repudiated in at least two respects. First, the "clear and convincing" showing is abandoned. Second, and most significantly, the Biden bill permits successive claims to be filed based on the "existence of additional mitigating evidence." The Supreme Court in *Sawyer* expressly rejected this avenue for successive petitions, recognizing that the principle of finality would be eviscerated without this limitation.

Some may argue that the Biden bill does not overturn *Sawyer*. That is not the view of the prosecutor who argued *Sawyer* before the Supreme Court. According to John Mamoulides, the Louisiana district attorney who argued *Sawyer*, the Biden bill "totally guts *Sawyer*." This view is expressed in a letter he sent to Senator BIDEN and me.

Further, the Biden bill overturns the Supreme Court's decision in *Herrera versus Collins*, a 1993 case, by routinely permitting, for the first time, I might add, Federal habeas review of belated claims of factual innocence by death row inmates. This provision is touted as being an escape valve intended to provide Federal jurisdiction in the rare case a State might choose to ignore new evidence which clearly exonerates a wrongly convicted man of capital murder.

Yet, despite the rhetoric surrounding this provision, the Democrat bill would permit relief even in cases where the convicted murderer has not shown that a Federal right was violated, and in cases where the murderer is, in fact, guilty of the murder and he or she concedes guilt. This provision, in an attempt to address a problem which does not exist—State executions of innocent people—creates unprecedented rights to additional Federal review which will increase litigation and delay in death penalty cases.

I believe that the habeas proposal contained in the Democrat bill will hinder and, eventually, defeat our efforts to pass a true crime bill this year. The legislation constitutes an unprecedented and substantial intrusion into the State criminal justice system. The Hatch-Dole habeas corpus reform proposal, which the Senate has already endorsed by an overwhelming majority, is the only true habeas corpus reform measure presently before Congress. Should the Senate pass any habeas as part of the crime bill, it should be a true reform measure, not this phony thing they have in the other bill.

DEATH PENALTY

Although both bills provide a comprehensive Federal death penalty for 47 separate offenses, the Democrats' bill procedures for imposition of a death sentence would make the death penalty extraordinarily difficult to impose due to standardless jury discretion. It rejects the rule approved by the Supreme

Court in *Blystone v. Pennsylvania*, 110 S. Ct. 1078, and *Boyd v. California*, 110 S. Ct. 1190, both 1990 cases. Regardless of the aggravating factors that might be present, a jury is not required to impose a death sentence and is explicitly authorized to substitute life imprisonment as an alternative to the death penalty. Moreover, the Biden bill provides explicitly that the use-of-a-firearm aggravating factor does not apply in certain firearms cases. The bill also unnecessarily limits the jury's access to evidence, both mitigating and aggravating, during the sentencing phase of the trial. In all, the Democrat bill's death penalty provisions are so watered down that, when combined with the habeas provisions, it is almost certain that the penalty will rarely be imposed.

Also, apparently at the Justice Department's suggestion, the Democrats' bill drops a provision authorizing the death penalty for drug kingpins, which was included in last year's conference bill. This change is based on the Department's apparent belief that the death penalty in such cases is unconstitutional, a retreat from the position taken by the Bush administration. A tough-on-crime administration would include this provision and fight for its constitutionality in the courts. The Democrats' bill also does not include a death penalty for the District of Columbia. Both of these provisions are contained in the Dole-Hatch bill.

I think it is time we had a death penalty in the District of Columbia, the murder capital of the world. It is a disgrace.

EXCLUSIONARY RULE

Another difference between the bills is the exclusionary rule. The Dole-Hatch bill extends the good faith exception to the exclusionary rule to cover warrantless searches to make it easier to convict murderers, drug dealers, and other criminals. The exclusionary rule is a judicially created rule which bars the use of illegally obtained evidence at trial. In 1984, however, the Supreme Court limited the scope of the rule in *United States versus Leon*. The Leon decision held that the exclusionary rule does not bar the use of evidence seized by officers acting in objectively reasonable reliance on a search warrant. The Court correctly reasoned that, in such a case, there is no deterrent value against illegal police conduct in throwing out the evidence and freeing the criminals.

Our bill extends the commonsense approach of the Leon decision to cases involving warrantless searches, where the police officer has an objectively reasonable belief his or her search is lawful. Indeed, this extension has already occurred in the 5th and 11th Circuits (*U.S. v. Williams*, 622 F.2d 830 (5th Cir. 1980)).

I am pleased to see that Senator BIDEN has dropped the regressive exclu-

sionary rule proposal he has included in past bills from this year's bill. That former proposal, under the disguise of codifying current law, actually departed from current law in favor of criminals and criminal suspects.

GUN CONTROL

The President's plan calls for passage of the Brady bill, although the Democrats' bill, at this time, does not contain this provision. The Brady bill may be well intentioned, but it will not work. A waiting period on the purchase of firearms from legitimate dealers, will do nothing to stop the illegal acquisition of firearms. If someone is planning to commit a crime with a gun, there is a greater chance that he or she will buy that gun from someone operating out of the trunk of a car. It will only serve to infringe on the second amendment rights of law abiding citizens. The Dole-Hatch bill recognizes this and, instead of punishing the law abiding men and women of this country, ensures swift and appropriate penalties for violent offenders.

In closing, President Clinton has pledged to work with the Congress in an effort to solve this country's diverse crime problems. There is no doubt that passage of a true crime bill must be one of our top priorities. Had the Democrat bill been considered by the Judiciary Committee rather than taken up directly on the floor, I believe that we might now be considering a bipartisan bill. Nevertheless, I still believe that we can engage in a bipartisan effort to pass tough, true anticrime legislation, and I invite my colleagues on the other side of the aisle to join me in such a project.

I think we can do it. We are very close, if we could just get some on both sides to back off on the amendments that could be put on the Brady bill but really would stop a full bipartisan anticrime bill like I would like to enact.

Mr. President, I ask unanimous consent that I be permitted to yield 5 minutes to Senator MCCONNELL without losing my right to the floor.

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

The Senator from Kentucky is recognized for 5 minutes.

THE INSPECTOR GENERAL'S REPORT

Mr. MCCONNELL. Mr. President, I thank my good friend from Utah for giving me a few moments this evening.

As we all know, we had a cloture vote this morning on a matter of principle.

I want to, at the outset, thank the Republican colleagues of mine who stood with me this morning in order to jog, if you will, the administration into replying to some earlier requests that I had made, and the Republican leader and I had jointly made, to try to get some progress toward getting an inspector general's report out of the

State Department on an issue that is of great importance to the country, and that is the potential violation of the Privacy Act of 160 State Department employees.

Interestingly, enough, Mr. President, right after that vote, two letters came sailing over the fax.

The first letter, from the Department of Justice, dated today, received after the cloture vote of this morning, indicates in pertinent part—and this is, I assume, the long-awaited reply to the letter of mine to the Attorney General back on September 1. In pertinent part, the letter from the Justice Department, dated November 3, 1993, and received after the cloture vote this morning, says:

The retrieval and disclosure of the information from the State Department personnel files is currently being investigated by the Criminal Division of the Justice Department, in conjunction with the State Department Office of the Inspector General. After the completion of the investigation, the Department of Justice will determine what further action is appropriate.

I assure you that the allegations raised by the appearance of the article in the Washington Post will be appropriately handled by the Department of Justice.

Mr. President, I ask unanimous consent the text of this letter be printed in the RECORD.

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

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, November 3, 1993.

Hon. MITCH MCCONNELL,
Subcommittee on Foreign Operations, Committee
on Ethics, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: This responds to your recent letter to the Attorney General requesting the appointment of an Independent Counsel to investigate the apparent retrieval and dissemination of information from the personnel files of 160 political appointees who served in the State Department during the Bush Administration.

The Attorney General does have discretionary statutory authority, described in 28 CFR §600, to appoint an Independent Counsel to investigate specific allegations of criminal wrongdoing. However, the exercise of that authority is reserved for extraordinary circumstances, where there is a compelling reason to believe that an investigation or prosecution by the Department of Justice would be compromised by an actual or perceived conflict of interest. We do not believe that such extraordinary circumstances are present here. The retrieval and disclosure of the information from the State Department personnel files is currently being investigated by the Criminal Division of the Justice Department, in conjunction with the State Department Office of the Inspector General. After the completion of the investigation, the Department of Justice will determine what further action is appropriate.

I assure you that the allegations raised by the appearance of the article in the Washington Post will be appropriately handled by the Department of Justice.

I hope this information is helpful. If we can be of further assistance with regard to this

or any other matter, please do not hesitate to contact this office.

Sincerely,

SHEILA F. ANTHONY,
Assistant Attorney General.

Mr. MCCONNELL. In addition, Mr. President, I received a copy of a letter, after the cloture vote today, dated November 3, today, from the inspector general at the State Department, addressed to Senator PELL, with a carbon copy to me.

This letter says, in pertinent part, Mr. President:

The investigation should be completed this weekend. I expect that we will deliver a prosecutive summary on Monday, November 8, to the Public Integrity Section of the Department of Justice. This summary will reflect the results of our interviews with nearly 60 people (some of whom we have reinterviewed as appropriate), and our intensive study of telephone and other records. Key interviews were conducted under oath.

"The Department of Justice," according to the letter from the IG and the State Department, "determines whether or not a referral from an IG will be accepted for prosecution."

It says later in the letter:

However, Justice is aware of the sensitivity of this matter, and I will request an expedited review.

Finally, Mr. President, the letter goes on:

If Justice declines to prosecute, I will promptly forward a comprehensive administrative report to Secretary Christopher.

Mr. President, I ask unanimous consent that the text of this letter from Inspector General Funk to Senator PELL, a copy to Senator MCCONNELL, be printed in the RECORD.

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

DEPARTMENT OF STATE,
THE INSPECTOR GENERAL,
Washington, DC, November 3, 1993.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: Having watched some of the televised cloture debate this morning, I think it would be helpful if I gave you a report on the current status of my inquiry into the retrieval and review by State's White House Liaison Office of Bush appointee files.

The investigation should be completed this weekend. I expect that we will deliver a prosecutive summary on Monday, November 8, to the Public Integrity Section in the Department of Justice. This summary will reflect the results of our interviews with nearly 60 people (some of whom we reinterviewed as appropriate), and our intensive study of telephone and other records. Key interviews were conducted under oath.

The Department of Justice, which has been working with us from the outset, determines whether or not a referral form an IG will be accepted for prosecution. I cannot predict how long it will take for this decision to be made. However, Justice is aware of the sensitivity of this matter and I will request an expedited review.

If Justice declines to prosecute, I will promptly forward a comprehensive administrative report to Secretary Christopher. Im-

mediately after that, I will send our report to you, to other members of your committee who desire it, and to a number of others on the Hill who have expressed an interest. I will also be pleased to personally brief you and any other members who wish this, on our findings, conclusions, and recommendations.

Although we have moved expeditiously, our investigation has taken two months to complete. I have refused to sacrifice a thorough, objective and fair investigation for speed, recognizing that the duration of our review caused some pain to the Department of State and some unease on the Hill. But that, as Senator Mitchell and you noted this morning, is what the independence of an IG is all about.

For the record, I want to emphasize that nobody in the Administration, at any time, sought to pressure me or my staff to move faster or slower on this matter or, indeed, to influence us in any way whatever.

Sincerely,

SHERMAN M. FUNK.

Mr. MCCONNELL. Let me say, Mr. President, again, I want to thank those who stood with me this morning in this effort to get results from the State Department. Those results have now been achieved.

I was interested all along in getting a time certain for some kind of IG report so that we could get a sense that this was going to be handled appropriately.

I say to my friend, the assistant majority leader, I am now satisfied that this investigation is going to move forward and be handled appropriately and, hopefully, expeditiously, and I will be more than happy, I say to Senator FORD, for the cloture motions to be vitiated.

As far as this one Senator is concerned, it would be perfectly all right. I cannot speak for our whole side, but, as far as this one Senator is concerned, I would be more than happy to see the nominations be approved this evening.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair must inform the Senators that the Senator from Utah had yielded the floor to the Senator from Kentucky for 5 minutes.

Mr. MCCONNELL. I yield to the Senator from Kentucky from my time.

Mr. FORD. Mr. President, I will talk to the majority leader. I appreciate my colleague's offer. I will see if we cannot expedite that tonight and, if not, we can maybe set a time certain for tomorrow.

Mr. MCCONNELL. I thank my friend from Kentucky.

And I especially want to thank the Senator from Utah for giving me a few moments at this time.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. HATCH. Mr. President, my colleague from New York desires to speak for about 20 minutes. I would like to

retain my right to the floor as soon as he has completed his speech. He may have longer if he desires, but as soon as he has completed, I reserve my right to the floor.

The PRESIDING OFFICER. The Senator retains his right to the floor.

The Senator from New York.

Mr. D'AMATO. Mr. President, I thank my colleague from Utah, Senator HATCH.

Mr. President, I would like to not only put into the RECORD but refer to a very significant speech, probably one of the most significant speeches that it has been my pleasure to read.

It was an address given by the presiding justice, Francis T. Murphy, of the Appellate Division of the Supreme Court of New York. That is basically the court that has jurisdiction over all of the trial courts in New York City.

Justice Murphy gave this address to the Fordham University School of Law Alumni Association on March 7, 1987, in the Grand Ballroom of the Waldorf Astoria.

The Justice started out by saying:

This year is the bicentennial of the Constitution of the United States. From law schools, we shall have learned papers and books. From government, a tumult of speeches. From banks and department stores, copies of the Constitution for school children. Television will feature documentaries, dramas and solemn men in scholarly argument. In spring, prizes for high school essays. There will be photographs taken on county courthouse steps, memorial sets of glasses, and patriotic advertisements by manufacturers of cigarettes, whiskey and deodorants.

Above it all, the Bill of Rights will be in center stage, immigrants on stage left, war dead on stage right, blacks, Indians, Hispanics, and Asians in between.

So attuned are we to political events that we can write the scripts before we hear the speeches and see the programs. So turned off are we to political events that only with effort do we pretend to enthusiasms we do not feel. Politics has become for us a remote service industry in which we hold no shares, whose campaign products are often as indistinguishable as our cars.

What kind of people have we become?

Are we the people of the United States who adopted the Constitution in order to "establish Justice * * * promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity?"

After all, a Constitution is only as good as the people who live under it.

Consider how we live in this city, and in cities throughout the nation.

Government has no more essential duty than the protection of the lives of its people. Fail in this, and it fails in everything.

I am going to say that again, Mr. President. Justice Murphy said it in 1987. He said it eloquently.

Government has no more essential duty than the protection of the lives of its people. Fail in this and it fails in everything.

I would ask my colleagues, if you were to rate our Government as it relates to protecting the life of its citizens, how would you rate us? Would you give us an A plus? Would you say

that we have had a superior success in this? Would you give us a B? Or a B plus, and say we have been pretty good at it? Would you give us a C, and say we are passing, and that while we could do better it is not too bad? Would you give us a D, and say it has been pretty poor? Or would you give us a F, and flunk us for having done a terrible job, for having created a situation in which most urban centers are in anarchy, where people are afraid to leave their homes or to go to work or to open the door at work for fear that they will be a victim, or to run a shop—whether it is in Washington, DC, or Rochester, NY, or Syracuse, NY, or New York City itself, or any of the great urban centers not only in my State but throughout this Nation? The judge went on to say:

Such failure is unthinkable, yet the society in which we live was unthinkable only a generation ago. If then someone had said that in 1987 hundreds of thousands of apartment windows in New York City would be covered with metal grates, that private guards would patrol the lobbies, hallways and rooftops of apartment buildings, that streets would be deserted at night and churches locked by day, we would have thought him insane.

* * * * *

We hear but do not listen to the ordinary man and woman. It is they who are the victims of crime, and they in their anguish have something of value to say.

They tell us that their lives, burdened by personal problems involved in simply living, must be led in a society in which a brutal attack upon them by a robber surprises no one. They tell us that they are denied the small pleasures of life—a morning's visit to a church or synagogue, an evening's stroll in summer with one's husband or wife, a subway ride with their children to a park. They tell us that they cannot visit the sick and the dying in hospitals because they may be beaten or killed in a subway or on a street. They say that such a half-life is no life at all. They tell us that criminals have taken the city, that crime has beaten government to its knees, that the moral passion for justice has been drained out of society and, in its place, there is an overwhelming sense of helplessness. They say that they fear that they have grown too used to crime. They wonder whether society, for all its pretensions, has become pitiless.

The ordinary man and woman are right, and everyone knows it because we are that man and woman.

Has the Constitution established justice, promoted the general welfare, and secured the blessings of liberty to us and our children in such a city?

What has happened to us, a people who once know how to fight back?

What makes us submit passively to universal vandalism, robbery, and assaults of every kind?

What makes us so weak, that we will allow ourselves to be violated?

Do we feel no shame that we live in the most criminally violent nation in the West?

Yet what will history say of a generation that allowed its children to fall into addiction?

At this very minute, there are about 200,000 heroin addicts in New York City. Consider what that means: one in every 30—one in every 30—of New York City's residents is a

heroin addict. In New York State, 390,000 children between the ages of 12 and 17 regularly use drugs such as cocaine and amphetamines. In 1988, New York State will have 270,000 heroin addicts, to say nothing of 1,500,000 abusers of drugs such as cocaine and amphetamines, a figure that excludes marijuana.

During the 1984-1985 school year, nearly 6,000 persons were arrested in New York City for narcotic sales to school children. About 60 percent of those arrests were made in or within 2 blocks of elementary schools. The primary target of many of the narcotic sellers were children ages 5 to 11.

One day historians will point to those children as proof that our insensibility towards them was a warning of how cheaply we valued human life, how we were disposed to accept every evil, even when evil tapped on our window and asked us for our young.

At first sight, there is much in our lives that is normal. In morning, people rise, trains run, masses in their millions move through their accustomed ways. Computers are switched on, books are opened, stock exchanges roar, judges judge.

In reality, modern man knows that concealed behind this orderly progression of life there is an emptiness, a sense that life is going out like the last lights in windows before dawn. He works for and celebrates material things, but he celebrates them alone, keenly aware of that emptiness, that sense of half-being that no drug, no drink, can drive away.

It is true. Modern man lives in an existential dilemma. He does not know the ultimate meaning of his life and doubts that life has any meaning. Whatever his moral pretensions may be, he has in fact driven God out of his life, out of his office, out of his home.

He therefore lacks a moral center. Having none, he is incapable of moral outrage. He is insensible to the pain of others. No immoral act, whether it defiles a child or a nation, holds his attention for more than ten days—or ten minutes.

You who sit here today, you represent the hidden soul of America, if you would but know it. You are the hidden treasure of this nation, if you would but know it. You affirm God and a moral order. You have a philosophy for the life of the soul. You do not have an agenda for its death.

You believe in firm justice for the violent criminal who attacks you and your family. You believe in mercy for the criminal when he deserves it.

You believe that you will be held accountable for whether you fed, clothed, and educated the poor. You are therefore willing to have less, if the poor need more. You know that man's happiness lies in denying himself for his brother. You know that a nation of self-seekers is a hell, but that a nation infused with the ideal of a sharing community is the place that you want to prepare for your children.

It is for you to say whether, under our Constitution, you shall have that community, or that hell.

Mr. President, I spoke to Judge Murphy today and told him that I would refer to parts of his speech during the debate on the crime bill. I think that, unfortunately, the judge's observations, which were so accurate in 1987, are even more accurate today as it relates to the State in which we have allowed the predators in society to beat us to our knees.

We are about as committed as a nation to undertaking a battle to give our people the right to live without the pervasiveness of fear and crime as the next media event, as the next election nears. We have lost our moral compass and everything has been broken down to political expedience.

We will pass a bill and say that we are going to incarcerate the hardened criminals, and we will not provide the funds to do it. We will pass a bill that fails to attack the violent predators to see to it that there are real sentences attached to those who use guns in the commission of these crimes.

We will see to it that there is a bill that, when it comes back from the House of Representatives, will not hold the predators accountable for their killing, for the anarchy that they have created in our communities, for the fear. We will continue to allow people to assault others with guns, and we will continue to have a system that metes out punishment based upon the amount of prison space available, because, notwithstanding that we sentence them to prison for 5 years or 6 years or 7 years or 8 years, they will be paroled in jurisdiction after jurisdiction after having served little, if any, time simply because we have no space.

We will make billions of dollars available for worthy causes throughout the world, but we will not make billions of dollars available to see to it that predators are taken off the street and not released before the appropriate time or sentence. And I am talking about the kinds of people that maraud, whether it is in Washington, DC, or whether it is in Pittsburgh. We, as a Congress, should be ashamed of allowing our Nation's Capital to reach a state where the Mayor has to call for the use of the National Guard. Washington is not a State. We are the governing fathers of this area. If we abdicate our responsibility, a responsibility which the local officials have dodged because they are afraid to build a prison—they do not know where they can build one.

And so if you put a thousand more police on the street and you make so many more arrests of vicious predators and you continue to release them in parole with little bail or no bail during the pendency of this action, what do you think the result will be? It will be an ever-increasing scenario of violence followed by more violence followed by more crime. When we parole people after they have served little time, not because they have been rehabilitated but because there is not sufficient space, they then have disdain for the law and they understand why plea bargaining takes place because there is little room and there is little ability to handle these cases.

Mr. President, I intend to offer, when the bill—probably tomorrow—comes up, legislation that in some small way

begins to say that we are serious and that we are not looking for just placebos. The Brady bill—I am not going to discuss the merits of whether we should have it or should not have it. The fact of the matter is, though, if we had it, it would do little to diminish the kinds of crimes that Justice Murphy was speaking about. We can all go home and beat our breast. Oh, we can accuse X, Y, or Z of not supporting it and then say they consequently are not concerned with the violence that occurs.

We can pass more legislation making it more difficult for citizens to obtain, whether it is an automatic weapon or whether it is a handgun, or whether it is a rifle—we can do all of that, and I will say to you again, the results are not going to be measurable and will have little, if any, impact on the type of violence that we have seen not only in our urban centers, but even in the suburban areas and, in some cases, our rural areas.

So let us be honest. Let us really have the decency to say, how are we going to judge the significance, the impact of this? Will it really make the kind of difference that people are looking for? Will it really free people to be able to walk the streets with a sense of confidence that they are not more likely to wind up a victim? I do not believe that it will, and I believe there are very few here who would argue that the Brady bill would bring that about.

So let us lay that aside. If you want to control the use of guns, then why not—in addition to whatever legislation restricting them, recognizing that there are 40 million-plus guns out there, recognizing that the drug dealers and the hooligans are not going to register regardless of what bills you pass—look at those who are marauding? If 3 to 4 percent of the criminals are creating 70 percent of the crime, does it not make sense to target them? Does it not make sense to go after them with the appropriate penalties? Does it not make sense to determine that where there are previous convictions that we hold them in preventive detention? Does it not make sense to see to it that you have the prisons necessary to hold them?

Does it not make sense to say, by gosh, we believe that if you use a gun in the commission of a crime, that act, in and of itself, constitutes a felony punishable by at least 10 years with no parole; that if you shoot someone or discharge a gun deliberately in the commission of a felony, that there be an additional 10 years, 20 years; that if you use a silencer or a machinegun, that should be punishable by 30 years; that if you should kill someone wantonly with no mitigating circumstances, you come into a store, you put a gun into the face of a poor clerk, he or she offers no resistance, they give you the money, and before that robber

leaves the store, he deliberately kills that person, opens up on him, shoots him, should there not be the death penalty and should there not be the ability of a jury of this person's peers to make a determination as to whether or not there were any mitigating circumstances?

If we are serious, then we should take on the predators with serious manners and serious purposes and not just come before the people and say, "We passed a bill and, by the way, this bill authorizes the construction of 3 billion dollars' worth of prisons," and then not fund the 3 billion dollars' worth of prisons. Why be hypocrites? If we are serious and we understand that 90 percent of the crime is taking place in areas that do not have the financial ability, that do not have a court system capable of handling these cases with a reasonable degree of speed, that do not have, ultimately, prison facilities, what it means is that as you send one predator in the front door, two go out the back door to be discharged into society, early release, parole, to continue the violence.

Without there being a certainty of punishment, we delude ourselves. I am not suggesting that the legislation that I intend to offer will be the be all and the cure all, but I am saying that unless we have the courage to go after this and not just the bombers and the terrorists and those people, again, who add a dimension to the quality of life that detracts so greatly—but it is not those kinds of crimes that have created the pervasive fear in our society. It is the robber who, on a daily basis, marauds our cities and our counties. It is the person who has no regard for the rights of others who, on a daily basis, whether or not he wants to take care of his addiction, is willing to stick a gun in someone's face. These are the crimes that people cry out to have some relief from, not the exotic.

So while we have a death penalty section for bombers, and I support that, and while we have talked about building prisons, and I say yes, that is important, we are kidding the people unless we make a commitment that we are actually going to fund that. For us to stand here and say what a wonderful job we are doing is absolutely nonsense. And for us to fail in our primary responsibility—that is, to provide for the public safety, that is, to continue to look the other way and to think that the cities and States of this Nation can undertake this battle without our assistance—is absolutely ludicrous.

Last year, we passed legislation which would have made the use of a handgun that came over interstate lines a Federal crime. That is a crime that has shared jurisdiction, one, where the Federal Government would have the right to prosecute—this is not novel; this is not new—in kidnapping cases, in gambling cases, in arson

cases, in cases of robbery, extortion, the use of drugs, the sale of drugs. We have State jurisdiction and we have Federal jurisdiction.

If we are serious about the Federal Government doing something about the use of illegal guns that have come over State lines—and 90 percent of the guns that are used in the commission of crimes cross State lines—then, by gosh, why should we not get this Nation totally committed to undertaking this war against criminals? Why should we be asking for the National Guard when we have local police and facilities, local courts and Federal courts and Federal prosecutors and Federal prisons that should be employed in this battle?

Now, if we want to say that we do not think it is important to keep our streets safe, if we want to say that we think that the Federal courts have such a high place in our society that they should not be used in this battle, if we want to say that the use of guns that are killing our children, that we express such outrage and concern about should not be a priority of the Federal Government, then let us say it clearly.

Let me tell you what happened when that legislation passed here overwhelmingly. It went to the House of Representatives. And there a letter was sent on September 19, 1991, to the chairman of the Judiciary Committee of the House of Representatives, the Honorable JACK BROOKS. Let me read this letter to you. It came from the chambers of the Chief Justice of the Supreme Court of the United States.

Dear Mr. Chairman:

I am writing in my capacity as Presiding Officer of the Judicial Conference of the United States to convey the opposition of the Judicial Conference to proposed legislation that would provide for Federal jurisdiction over offenses traditionally reserved for State prosecution. I enclose a statement expressing the objection and the reasons therefore in more detail.

I appreciate your serious consideration of these views.

And this is the statement:

FEDERALIZATION OF STATE PROSECUTIONS, POSITION OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

The Judicial Conference of the United States opposes legislation adopted by the Senate which would expand Federal criminal law jurisdiction to encompass homicides and other violent State felonies if firearms are involved. Such expansion of Federal jurisdiction would be inconsistent with long accepted concepts of federalism and would ignore the boundaries between appropriate State and Federal action.

Let me comment just on that paragraph.

First of all, we have shared jurisdiction as it relates to kidnapping, shared jurisdiction with gambling, arson, robbery, extortion, drug sale, and on and on it goes. But the most important area, the use of firearms, that are killing our kids and keeping us prisoners

in our homes, firearms that come over State lines, firearms that are not manufactured in my State, we say that we should regulate and put out positions as it relates to how long you can take to buy them, but after you buy them we do not care if somebody goes and shoots someone. That is a State responsibility. It is a Federal responsibility to say that you have to wait 5 days, but if you kill someone in the commission of a robbery, we do not give a damn. That is incredible.

Oh, we do not want the concept of federalism. Our people are being slaughtered by the thousands. The concept of federalism.

Now, let me tell you something. Lots of Congressmen and Senators hid behind this. They said, oh, the Supreme Court, the Judicial Conference says it will cost too much.

I will read on. Let us analyze this great document.

In addition, Federal jurisdiction of virtually any crime committed with a firearm that has crossed a State line will swamp the Federal courts with routine cases that States are better equipped to handle and will weaken the ability of courts effectively to deal with difficult criminal cases and present uniquely Federal issues.

Let me tell you something. I do not know what is more important, whether it is some kind of Federal statute that someone has broken that is a unique thing. But if they want to handle unique issues and say that they are not concerned about protecting the lives and the property of citizens in this country, let them get up and say it because that is what they are saying. They are saying they have more important business.

What is more important than providing for the public safety of our citizens? Tell me. The gun cases, they are not important. The States can handle them. Well, the States cannot handle them. They are paroling people out there because they do not have the resources, they do not have the prisons, they do not have the prosecutors, and we continue the revolving door system right here in Washington, DC. We should be ashamed of ourselves, the Nation's Capital—the marauding, the killing.

And what do we do? We sit by while the Mayor says give us the National Guard. We should be doing something. We are doing nothing. If we should not go after people who are using guns to murder and kill our kids and innocent citizens, I do not know what we should be doing. I think that is a responsibility the Federal Government should undertake, and it is a serious one.

Let me read the next paragraph.

Not only will bona fide Federal criminal prosecutions suffer—

Bona fide criminal prosecutions are going to suffer.

If the Senate's expansive firearms provisions are adopted, but Federal courts over-

burdened by criminal cases will be unable to carry out their vital responsibilities to provide forums for civil cases.

Now, let me tell you, I have never heard of a more self-serving reason not to become involved in the battle for civility.

I have here an article by Judge Eisele. Judge Eisele is from the Eastern district of Arkansas. Judge Eisele goes on to say:

We are frequently told that our criminal dockets are interfering with our other civil dockets, and this has certainly been true in a few of our Federal districts. But the number of felony filings per judgeship only increased from 44 in 1985 to 58 in 1990.

That is the number of cases per Federal judge.

In 1992, that number fell to 53.

In other words, the cases per judge, criminal cases, has actually gone down.

Now, I want to ask again, where are our priorities?

It is wonderful, and we should be concerned, when the Supreme Court and the Chief Justice, speaking on the position of the Judicial Conference, says look, we do not want to handle these cases. They are incidental. We think we should handle more lofty matters.

I would just simply say that I do not believe there are more lofty concerns than those that relate to protecting the public. As the judge said in his speech, Government's first responsibility is to protect its citizens. Therefore, I will be offering this legislation. I will read the judge's statement again in its entirety. I will be prepared to go through a long debate. I will bring this up and continue to bring it up. And, if I have to create discomfort, then so be it. I will continue to push this matter.

Mr. President, I do not think that there is a more important matter to deal with than how we see to it that people who use firearms for illegal purposes understand and know that they do so at great peril, their own peril; that we are really serious about cracking down on the epidemic of violence that has overtaken this society; and, that unless we do at least begin to commit the Federal Government to a real war on crime, then we are abdicating our responsibilities.

As the judge has indicated, we then just speak as politicians with no credibility, and the people really, I think, should view us in that manner.

Administration after administration, Congress after Congress, has wrestled with this problem, but has not devoted the kinds of resources that we are capable of devoting to really trying to make an improvement and bring that failing grade that we deserve, an F, at least up to some respectable level.

Mr. President, I thank the Senator from Utah for having been as gracious as he was in permitting me to make this statement.

I yield the floor.

Mr. HATCH addressed the Chair.

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

Mr. HATCH. Mr. President, I would like to yield 10 minutes to the distinguished Senator from South Carolina without losing my right to the floor, and 12 minutes to the distinguished Senator from Alabama.

Mr. BIDEN. Mr. President, will the Senator yield for 30 seconds while the distinguished Senator from New York is on the floor?

Mr. HATCH. I would be happy to do that without losing my right to the floor.

Mr. BIDEN. Mr. President, let me suggest to my friend from New York, he is a close personal friend as well as a colleague, that although I am not crazy about his amendment, I want to compliment him. He is a man who has been consistent not only in dealing with the penalty, but he is also, if I am not mistaken, a supporter for limiting access of guns to felons in terms of their ability to purchase them.

As I understand, correct me if I am wrong, he is a supporter of what has become known as the Brady bill; he is a supporter of not only trying to make the penalty harsher, if in fact someone uses a firearm in the commission of a crime and/or murder, but he also has been one who has been willing to make it more difficult for people who should not have guns, to get guns.

Mr. D'AMATO. I have supported that position, as the Senator correctly stated. But I must say to the Senator that I believe that without there being the kinds of penalties and enforcement, and not only penalties that we make for other courts, but that we become involved there and use our resources, it becomes rather meaningless.

Mr. BIDEN. Mr. President, I thank my friend from New York. I do again want to compliment him on his consistency. It is a little seen trait in life, let alone in the American political system. I compliment him for that. And I look forward to debating aspects of the amendment that he has before us when that time comes.

I thank the Senator from Utah for yielding to me. I appreciate it.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 10 minutes.

AN OMNIBUS CRIME BILL, S. 1607—THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. THURMOND. Mr. President, today the Senate begins consideration of an omnibus crime bill to address the violence that has swept across this Nation.

There have been several comprehensive anticrime bills introduced during this Congress. It is my firm belief that S. 1356, the Neighborhood Security Act of 1993, is the most desirable response to violent crime and appropriately focuses on accountability as a priority in our criminal justice system.

The chairman of the Judiciary Committee introduced S. 1488 earlier this year as the anticrime bill for President Clinton. We had no hearings in the Judiciary Committee on this proposal. The chairman has decided to bypass committee consideration, opting instead to take this matter up directly on the Senate floor. Both bills, the Republican and Democrat proposals, are broad and similar in scope yet contain fundamental differences upon close review.

The focus of the Democrat proposal is on drug treatment programs and sanctions other than prison for those who break the law. The Republican proposal appropriately supports drug abuse treatment programs while focusing on accountability. It is our priority to hold violent offenders accountable, to improve the credibility of the criminal justice system, and to provide support for law enforcement. Also, our proposal provides over \$3 billion for prisons. This money will fund badly needed prison space to house State and Federal violent offenders as well as temporary operational money for State prisons. I will later speak to the need for additional prison space which will reduce overcrowding and ensure that those who commit crimes will completely serve their sentence.

There had been credible questions raised concerning the Democrat proposal and just a few days ago, the chairman introduced yet another crime bill which is similar to S. 1488 with a few changes. I am pleased the chairman is allowing his proposal to move closer to the anticrime initiatives which are found in S. 1356, the Neighborhood Security Act of 1993.

Every day our Nation's law enforcement officers face a daunting challenge to maintain a peaceable society. Each one of them is on the front lines in a war that seems to have no end. It is their sacrifice and willingness to put their lives on the line that is essential to our free and democratic society.

Mr. President, we must remain steadfast in our commitment to a crime-free America and step up our fight against vicious criminals who prey on law-abiding citizens. The statistics are alarming when it comes to violent crime. There is a murder committed every 22 minutes, a rape every 5 minutes, a robbery every 47 seconds, and a violent crime every 22 seconds. Equally alarming is the fact that a typical murderer is sentenced to 15 years, but serves roughly one-third of that sentence before being released. Rapists, on average, are sentenced to 8 years but serve only 3 years. Persons convicted of violent crimes are sentenced, on average, to 5 years in prison but actually serve only 2 years, 2 months.

In too many instances criminals are arrested numerous times before they are truly held accountable. For example, a recent study by the Bureau of

Justice Statistics reveals that 28 percent of the offenders entering prison would have still been in prison for a previous offense had they completely served their prior sentence. A recent survey of nearly 4,000 prisoners released early in Florida because of prison crowding found that nearly one in four were rearrested for a new crime at a time when they would otherwise be in prison. These 950 people, who were supposed to be in prison for earlier crimes, were responsible for 2,180 new crimes, including murders, armed robberies, rapes, aggravated assaults, burglaries, and drug offenses.

The Nation's law enforcement officer knows firsthand how frustrating this cycle can be. They do their job arresting violent offenders only to see them back out on the streets. When the violent criminal has no respect for our criminal justice system or fear of punishment, there is little to deter their criminal behavior. There is a small segment of the population responsible for a large share of violent crime in America. These hardened, chronic offenders commit a staggering number of crimes. It has been estimated that many of these violent predators commit over 100 crimes per year.

In a determined effort to reduce the level of violence in this country and give law enforcement the resources necessary for carrying out their responsibility, I worked with a number of my colleagues in the Senate to draft the Neighborhood Security Act of 1993.

This omnibus crime bill, S. 1356, authorizes \$7.5 billion in spending on anticrime and criminal justice programs. Within this legislation, to make our neighborhoods and communities safe, is over \$3 billion for prisons. This funding will be used for the construction of regional prisons to house State and Federal violent offenders. Also, we provide \$1 billion in grants to States for operation and maintenance of jails and prisons. Without doubt, many State prisons are seriously overcrowded. Accordingly to the Department of Justice, there are more men and women in State and Federal prisons than ever before. A lack of prison space should not be a factor in sentencing or parole. Our provisions will help close the revolving prison door and alleviate the problems of early release. Adequate prison space is a critical link in the State criminal justice system. It does little to arrest, prosecute, and convict violent offenders only to see them prematurely released. State participation in regional prisons will be conditioned on the adoption of greater truth-in-sentencing laws. This will ensure that violent offenders are truly held accountable for their actions.

Also, among other provisions, our omnibus crime bill authorizes \$2 billion for additional police officers, an enforceable Federal death penalty, mandatory minimum penalties for gun-related offenses, and much needed reform

of Federal habeas corpus to bring finality in capital cases.

Our habeas corpus reform will ensure that constitutionally sound death sentences are carried out in a timely manner. It will limit death row inmates to one appeal and accords State decisions, which are fully and fairly decided, an appropriate degree of deference. There is no doubt that it is a true habeas reform proposal which would bring an end to unnecessary litigation. Mr. President, I will later discuss in greater detail the stark contrasts between the Republican habeas reform and that of the Democrat proposal which I believe would actually prolong litigation in capital and noncapital litigation.

If there is to be change in the criminal justice system, it must be based on accountability. The Neighborhood Security Act of 1993 which I have described is based on accountability and provides law enforcement additional resources to allow them to do their job.

Mr. President, I believe that we can reach agreement with our colleagues on the other side of the aisle to fashion a crime bill that the American people deserve. This should be a bipartisan effort because there is no room for retreat in our fight against drug abuse and violent crime which are so closely related. It was with disappointment that I learned the Attorney General had the death penalty provisions for drug kingpins dropped from the President's crime bill. I had additional concern when I learned that the Attorney General was not supportive of language to provide mandatory punishment for mostly repeat violent offenders and those who use guns in the commission of a drug or violent offense. Nonetheless, there remains much in common between our proposals and I am hopeful that a consensus anticrime bill will soon be agreed upon as it is our primary responsibility to protect the public. Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, as we begin debate on the floor of this year's crime control legislation, I would like to remind my colleagues here in the Senate that last year, over 6 million Americans fell victim to violent crime. By merely glancing at the latest statistics, one can see that crime continues to increase at an alarming rate. You have already heard the chairman speak about the rapid growth of violent crime on our streets. I will not repeat this troubling data. Mr. President, it is time for the Senate to help stop this epidemic.

Before the Senate is a crime package that has the potential to go a long way toward combating violent crime. This bill contains many provisions that will aid law enforcement officials in their work. While there are aspects of this

bill that I strongly support, there are others about which I have serious reservations. However, in this speech, I will limit my discussion to favorable aspects.

Year in and year out, there has been a steady increase in violent crime. At the same time, the number of police walking the beat in the Nation's 10 largest cities is only about 1 percent higher than when the previous administration's first drug strategy was released in 1989.

The bill before us today proposes to implement a 5-year program that will increase by 60,000 the number of cops on the beat. As we all know, if the war on crime is to be won, law enforcement must control the streets. Not only does this proposal substantially increase the number of police officers, it is also designed to integrate them back into the life of the community in which they protect. More effective law enforcement occurs when police officers interact with the community to which they are assigned.

By broadening the Federal death penalty curtailing frivolous appeals by inmates, and reforming the antiterrorism statutes, this body has the chance to turn back the tide of violent crime in this country.

But I must stress, Mr. President, that our debate cannot be limited strictly to these high profile issues. Chairman BIDEN has introduced S. 1607, which is comprehensive legislation that addresses many areas of crime and law enforcement that many people overlook.

For example, S. 1607 has a section that will expand the Federal funding for State boot camp programs. Boot camps serve as a viable alternative to adding inmates to our already overcrowded Federal prisons. This program is unique in that it targets first-time offenders, in an attempt to keep them away from career criminals, who often lead young people into becoming repeat offenders. In my own State, Mobile County is currently operating a highly effective boot camp that could easily serve as a model for such programs throughout the Nation.

Provisions are also made to combat this country's rapidly growing street gang violence. As everyone knows, street gangs have long been a problem for law enforcement in major metropolitan areas. What many do not realize, however, is that these violent organizations have begun to invade our smaller cities. In fact, news reports from my home State told of recruiting trips into Mobile and Montgomery by both the Bloods and the Crypts; two of the most notoriously dangerous street gangs in recent history. These gangs have become sophisticated to the point that the technology they use to commit crimes is more advanced than that used by law enforcement to fight them. We must help level this uneven playing

field. By strengthening penalties for violent youths and committing funds which target juvenile gangs, law enforcement will have a better chance to win this battle.

One of the most important sections of S. 1607 relates to rural crime; specifically violent crime relating to the drug epidemic. This is an aspect of crime control that many overlook because crime in rural areas does not garner the media attention like crime in urban areas. Yet, trying to fight illegal drugs in a rural area is one of the greatest challenges law enforcement officials face.

The geographic vastness of rural areas, coupled with limited resources, combine to make the struggle against this type of crime a difficult task. Simply because someone chooses to live outside an urban area does not automatically make them immune to violent crime. This provision realizes the need for targeted resources in this regard. Resources which will prove beneficial not only to Alabama, but the Nation as a whole.

Still another provision that I feel is worthy of the Senate's consideration is the one that will increase the penalty for drunk driving when a child is in the vehicle. Unfortunately, this irresponsible behavior occurs all too often. Hopefully, by strengthening the law in this area, adults will think twice before endangering not only their lives, but possibly the life of a young child.

S. 1607 would amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that grants awarded to States and local agencies which would help strengthen their fight to provide safer streets and neighborhoods to each and every American are not diverted to Federal programs. We must make a better effort to outfit all law enforcement officials who are on the front line of fighting crime.

Mr. President, there is another feature of S. 1607 which I believe merits our support in the Senate. The drug court program is one that is currently being tried in my home State of Alabama, and one that I feel can truly make a difference in our criminal judicial system. This innovative program combats crime through drug testing, drug treatment, and alternative punishments for young drug offenders. This of approach to rehabilitation mainly focuses on supervision and treatment of nonviolent, drug-addicted offenders. Unfortunately, many who are charged with minor drug-related offenses are put back on the streets with no supervision and often turn to a life of committing violent crimes.

The drug court will enhance the court's options in the disposition of cases, giving the defendant a far better chance of pursuing a course of lawful and productive conduct.

I want to turn next, Mr. President, to a provision contained in S. 1607 which I

strongly support; a provision popularly known as the Police Corps. This proposal has previously passed the Senate by a wide margin, but it was subsequently dropped in conference.

Quite simply, it would provide for the establishment of an organization similar to Reserve Officer Training Corps or ROTC. This program would allow State and local law enforcement agencies to recruit people who would agree to serve a term as a police officer or with another local law enforcement agency, while in return these young people would receive financial assistance for their college education costs.

Essentially, this is a competitive Federal scholarship. A college student selected by a local law enforcement agency could receive financial aid in exchange for 4 years work with a State or local police force. If the student fails to complete his or her obligation, the student must repay the money earned toward scholarship plus 10 percent interest.

The Police Corps Program is flexible, allowing students to pursue their core curriculum—and, like ROTC, there would be two summers of specialty training. This program is broadly supported throughout the law enforcement community and hopefully will attract bright, disciplined, and dedicated young women and men to assist in our Nation's war on drugs and violent crime.

Mr. President, in closing let me state that the public expects, and the Congress has a duty to enact, a strong and responsible crime bill. Legislation, when first enacted, is rarely perfect and is usually the product of compromise. The vehicle upon which we embark our journey over the ensuing days is not perfect but it is a solid first step. S. 1607 recognizes the importance of local law enforcement agencies as the first line of defense in the war on drugs and violent crime. I commend the chairman and his staff for their hard work and commitment to this measure and I look forward to working with my colleagues on this important legislative initiative.

The PRESIDING OFFICER. Who yields time?

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Utah.

Mr. HATCH. Mr. President, we are really working hard behind the scenes to see if there is some way we can resolve this problem.

I particularly thank the distinguished colleague from Delaware, the

chairman of the committee, for the efforts that he is making, and others are making as well.

What we would like to do is come up with a consensus crime bill that will really do something about crime, make a dent on crime, but that means a lot of cooperation from almost everybody in this Chamber from both sides of the floor. It does take time to try and work out some of the complicated problems that various colleagues have with our bill. We are trying to do that as best we can.

I am happy to yield, without losing my right to the floor, for such comments the distinguished Senator from Delaware wishes to make.

Mr. BIDEN. Mr. President, will the Senator yield for a question?

Mr. HATCH. Yes.

Mr. BIDEN. Mr. President, we have been attempting to see whether we could resolve some of the conflicts inherent in this omnibus crime bill. As usual, they tend to come down to guns and habeas corpus.

There has been an offer made, and ongoing negotiation about whether or not we could seek an agreement where by any gun legislation, stiffening penalties or making it more difficult to gain access to guns, be withheld from this piece of legislation in return for, very bluntly, withholding the debate on habeas corpus, in return for which we withdraw my habeas corpus and no other habeas corpus would be added.

After some Herculean efforts in making this possibility known to Democrats as well as Republicans, there are still, with good reason, several Republicans and several Democrats who wish to proceed absent any agreement. The distinguished Senator from Utah and I are basically prepared to do that.

But one of the things that I hope we will not do, I do not want to hold out any false promises to my colleague that I think such an agreement can be worked out. I am sure that my friend from Utah cannot guarantee it could be worked out either. We are going to continue to attempt to see whether we can reach an accommodation.

But I ask my friend from Utah whether or not it would not make sense for us to proceed on a number of the amendments that our colleagues have that do not relate to the subject matter we are attempting to negotiate. Our distinguished colleague from California [Mrs. FEINSTEIN] has an amendment that has passed the House of Representatives. It relates to increased penalties for crimes that are characterized as hate crimes.

Now, I know my friend from Utah, and a number of Senators on that side of the aisle are not anxious, for a myriad of reasons, to have votes tonight.

My question is whether my friend would be willing to enter into a unanimous consent agreement where the Senator from California would lay

down her amendment tonight on hate crimes—nothing to do with guns, nothing to do with habeas corpus, nothing do with the hot button issues, although it is contestable—and we agree to a time certain and vote on that amendment tomorrow.

In the meantime, I assure my colleague, I will continue, to use the vernacular here, to run the traps on whether or not we can get an agreement on the whole bill.

But I hope we will not fail to act on amendments unrelated to the issues we are trying to compromise on while we are attempting to get an agreement, which, in all probability, is going to be a very difficult thing to do anyway.

So my question is: Would my distinguished friend from Utah be willing to yield to the distinguished Senator from California for purposes of her laying down and arguing her amendment tonight, and possibly working out a time agreement where we could vote relatively early tomorrow morning so we could move on with this crime bill while we negotiate?

Mr. HATCH. Mr. President, I appreciate the question of the distinguished Senator. Here is one of my problems. I talked a number of my people on this side out of bringing their amendments to the floor tonight in order to give us some time to try to work out the problems.

On our side, I believe that we can deliver on what the distinguished Senator has asked me to work out. And I know that he needs a little more time on his side.

But, where I am in trouble is that I have asked my people, when I had the floor, not to raise their amendments tonight and give us this time. Now, if I turn and allow my good friend from California to bring up her amendment, I am afraid I am going to offend a number of people I talked out of bringing their amendments up this evening. Maybe I should not have done that, but I have been doing it in good faith, trying to get this matter resolved. That is the problem.

I have some desire to support the distinguished Senator from California on her amendment, as one of the prime authors of the hate crimes legislation that did pass the Congress, and one who argued for it at a crucial time when it needed to pass.

But what I would like to suggest is that the distinguished Senator from California talk about her amendment without laying it down, as did the distinguished Senator from New York [Mr. D'AMATO], take the time and chat about it—and I will be glad to yield the time—but not lay the amendment down, and let us see if we can get through this evening without any amendment as we try to work out a bipartisan agreement.

I think it will lend itself to our doing that if we can.

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

Mr. HATCH. Yes.

Mr. BIDEN. Mr. President, I want to make it clear to my friend from Utah that I think we should no longer delay on the prospect that we will get an agreement. I think perhaps the best way to get an agreement is for us to get under way on the bill and begin to vote on the relevant amendments.

There is a list of, I do not know how many—my staff is all in the back and I do not know what the number is. But I think there are scores of amendments that Democrats as well as Republicans have. I would like to get started on them.

Now, what the Senator suggested is that he will not yield the floor for the reasons stated, but he would yield for the purpose of the Senator from California discussing her amendment but not, in the Senator's vernacular, laying down her amendment. So there would be no amendment before the Senate, but the Senator from California would be in a position to begin to discuss her amendment and indicate that this is the amendment she is going to lay down when she can get the floor.

Mr. President, to be perfectly blunt about it, I do not know that we have any choice. The Senator from Utah has the floor. I would much prefer him to yield the floor under a time agreement to my friend from California and let us get going on it, actually.

But, absent that, there is not much that I think we can do. I think we would all be better off if we just entered into a time agreement. The effect would be the same. The effect would be that we would have this amendment as the first item to be voted on tomorrow. There would be no vote on it tonight.

I think that would satisfy everyone. We would then be in a position of everyone knowing there would be no procedural votes or other votes here tonight.

So when my colleague from California and my colleague from Utah finish conferring, I will renew my request to the Senator from Utah to allow the Senator from California to lay down her amendment, let us get started in earnest, debate on something that we can vote on tonight, notwithstanding the fact that the Senator from California still has the floor.

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

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MITCHELL. Mr. President, I regret that we have been unable to make

any progress on this important bill throughout the day today. We were prepared to go to this bill and proceed with it this morning. It is now nearly 8 o'clock in the evening and literally nothing has happened. This is a Wednesday, the middle of the week, and it had been my hope that if we made some progress on the bill, we could complete action for the week at a reasonable hour on Friday. That has obviously not occurred and it is now clear there are not going to be any votes this evening. There will just be more discussion.

Therefore, I simply want to put Senators on notice that we are going to have a very long session tomorrow and all day on Friday, and possibly into the evening on Friday, because we now are 3 weeks from the anticipated end of the session and we simply cannot afford to have a full day in the middle of the week, on a Wednesday, in which nothing happens because of delays, one delay after another.

Therefore, the purpose of my remarks is simply to put Senators on notice that we will be here all day tomorrow for a long day with votes, and we will be here all day Friday for a long day with votes, even if it is necessary that there be procedural votes as we have had in the past 2 days on the other matter.

Mr. HATCH. Will the majority leader yield?

Mr. MITCHELL. Certainly.

Mr. HATCH. Mr. President, I respect the majority leader, but I have to tell him we have had people here ready to offer amendments all night. Frankly, I have held them off because we have been under the impression that we have both been working in good faith to try to resolve this. We have reached the point where the distinguished Senator from Delaware tells me he does not think he can resolve it at this time, but there is still hope.

We did not even get to this bill until after 6 o'clock tonight. It was not even called up until then.

Mr. MITCHELL addressed the Chair.

Mr. HATCH. I gave a 45-minute speech thereafter, and we have been going ever since.

I do not think it is either side's fault that the day has dragged on like today. All I am saying is there is a legitimate effort here to try and come up with a consensus bill that will do something against crime.

For our side, I believe we can put them together on what we have been discussing.

Mr. BIDEN. Will the Senator yield for just a moment?

Mr. MITCHELL. Will the Senator yield to me?

Mr. HATCH. I do not want there to be a misimpression here.

Mr. MITCHELL. There is a misimpression.

Mr. HATCH. You are giving the misimpression.

Mr. MITCHELL. The Senator said we did not get to the bill until 6 o'clock. The reason we have not gotten to the bill until 6 o'clock is because Republican Senators objected to bringing up the bill.

I sought consent to go to the bill this morning shortly after 11 o'clock and Republican Senators objected to going to the bill. Therefore, we were not able to get consent from Republican Senators to go to the bill until 6 o'clock.

Now the Senator says we have not had action because we did not go to the bill until 6. Having caused the delay, the Senator now invokes the delay as a reason to support his position.

Mr. HATCH. If the Senator will yield, it was brought up at 12:30, but regardless of what happened, we have had opening statements all afternoon. Time has not been wasted and both sides have legitimately and in good faith been working with a variety of Senators to try and resolve this. If we could resolve this, we would have one of the finest bipartisan crime bills in the history of this country. It would be a large bill. It would be a costly bill, but one well worth the cost. It would be bipartisan. I think the President would be pleased with it. Everybody here I think would vote for it and, in the end, it would be a wonderful achievement.

If we do not get that done, we are going to be in the biggest quagmire anybody ever saw. It would be like we always are on a crime bill. It is a full free-for-all with everybody bringing up what they want to bring up on this bill.

The distinguished majority leader knows better than anybody here, having lived with it all these years—and he has been an eminent and a great majority leader—that is the way it works around here. Sometimes you just have to try and work out the sides. But there has been no desire to delay on our side.

Mr. MITCHELL. Mr. President, I just want to say, I have announced publicly for 2 weeks that we were going to go to this bill when we reached this point. I had announced it every day last week. I announced it on Monday. I announced it on Tuesday.

Mr. HATCH. That is true.

Mr. MITCHELL. And here we are 3 weeks before the end of the session, a day in the middle of the week and I am told that the meetings about the bill would not begin until after we are ready to go to the bill.

What I am saying is, it would have been very easy on anybody's part to have meetings 10 days ago when I announced we were going to this bill; 9 days ago when I announced we were going to this bill; 8 days ago when I announced we were going to go to this bill and—

Mr. HATCH. Will the Senator yield?

Mr. MITCHELL. Yes.

Mr. HATCH. This bill did not even come to the floor until Monday. This is

a new bill. There has not been one day's worth of hearings on this bill. There has not even been a chance for anybody to go through it, except those of us who work hard in these areas. I am not finding fault with that.

The distinguished Senator from Delaware has tried to make the bill better by filing a bill this Monday. That is 2 days ago. I have to say that I understand the frustrations of the distinguished majority leader. The only thing I am objecting to is not that the frustration is not justified in the sense he wishes we could move faster on these matters, but I am objecting to it being characterized as though we are delaying it over here. We are not. We are trying to resolve it.

If we could resolve it, if we could reach this agreement, I think we can pass this bill in 3 or 4 hours, which would save us the 2 or 3 days we are going to have to go through, maybe more, on this bill if we do not resolve it.

Mr. BIDEN. Will the Senator yield?

Mr. HATCH. I will be happy to.

Mr. BIDEN. Mr. President, let me cut through this. We do not have an agreement. The Senator from Utah cannot produce an agreement. I cannot produce an agreement. It is about time we produce a bill. We should just move forward and have a bill.

Mr. HATCH. Fine with me.

Mr. BIDEN. I am prepared to continue to work while the bill is going on. I am sure the Senator from Utah is prepared to work. The fact of the matter is he cannot deliver and I cannot deliver on the proposed compromise, but we should deliver the American people a bill. If it means slugging it out on the floor, let us get to slugging it out; let us get a bill; let us get amendments up; let us move on.

Mr. HATCH. Mr. President, that is fine with me, but I think we can deliver over here and we intend to. But let us face it, if we cannot right now, let us go at it. But we certainly have been in good faith trying to do so on a bill that was filed 2 days ago and which is considerably different than the bill that was filed months ago.

So I am happy to go. I am happy to yield to the distinguished Senator from California who has an amendment, with the understanding that she will debate the amendment tonight and leave it open for debate in the morning because Senator HELMS would like to comment about it in the morning and then we will go from there.

Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, not very long ago, when people around the world were asked to describe America, they used words like "strong" and "free" and "proud." Today, somehow their description of America is best expressed by words like "violent" and like "scared."

Of course, it is no wonder. In the past generation, we have seen crime grow exponentially. When President Kennedy was elected, there were three police officers for every serious crime. Today, there are three serious crimes for every police officer. Most crime is fought at the State and local level, of course, and today no State, no locality is any longer free from crime.

In my view, one of the major reasons for the increase in crime over this period has been the increasing failure of the criminal justice system to punish credibly. Unfortunately, the bill before us is premised on the perceived need for reduced punishment. This bill calls not for increasing punishment, as most of the polls show that the public is demanding from their various legislative bodies, but instead it perceives a need for reducing punishment.

This bill promotes alternative, less onerous punishment. This bill allows prisoners who complete a drug treatment plan to gain a 1-year reduction in their sentence. It is not hard to understand what will happen if these provisions become law. A potential criminal will know that instead of going to prison, he will only face an alternative punishment that is less severe and probably takes him away for just a shorter period of time.

Even a criminal who previously committed violent offenses can get reduced sentences if he undergoes such treatment. If we reduce sentences for prisoners who undergo treatment, we will create terrible incentives. First, we will have more offenders because they know that their sentence, already much shorter than publicly advertised, can now be a year shorter. They will be back on the streets, possibly harming new victims, a year sooner.

The other incentive will be for increased drug use. Today, a potential drug user faces stiff punishment if he takes drugs. But, look at this bill. Under this bill, a person thinking about drugs will know that treatment will be made available if he uses drugs and that, if caught, his sentence may be cut if he is willing to undergo treatment.

This sends a very wrong message to our young people. We need to strengthen incentives, instead, against using drugs. We should not do those things that promote the use of drugs.

The bill before us will also encourage crime by cutting back on the death penalty.

Once again, by weakening available punishment the Senate passed earlier, this bill will reduce crime less than it should, or otherwise would. Consider the specific example of the death penalty for drug kingpins: In the last Congress, the conference report from that bill provided for the death penalty for drug kingpins, for kingpins who murdered for purposes of blocking prosecution and for drug felons who kill with

reckless disregard for life. All three of these provisions that were in that bill a year ago are dropped from this bill.

Obviously, we will have more drug kingpins without these provisions. Once again, this bill has reduced the penalties available to stop very serious crimes. Worse, I believe, it has been done for political reasons.

Just a little bit of history. In 1990, the then head of the Office of Legal Counsel, William Barr, testified that the death penalty for drug kingpins was constitutional.

His testimony formed the basis for a reasoned Justice Department opinion based on a history of Federal death penalty statutes dating back 200 years regarding espionage and treason as well as on Supreme Court precedent.

General Barr concluded that the death penalty was constitutional for serious harms even when the defendant did not personally kill someone.

General Barr addressed two Supreme Court decisions in particular. First, he relied on its 1987 decision in *Tison versus Arizona* which upheld the death penalty when the defendant acted to create a high risk of death but actually killed no one.

Second, he relied on the 1977 decision of *Coker versus Georgia*, which found the death penalty for rape unconstitutional. *Coker* left open the possibility that crimes which do not cause death, but pose a significant risk of death to many individuals, are in fact constitutional.

Running large drug dealing enterprises then would clearly fall into a category for which the application of a death penalty would be constitutional. But these provisions were removed. Why? We do not know for sure. The Attorney General, who opposes the death penalty, promised that her personal views would not affect her willingness to enforce the law. She said through a spokesman that these provisions are unconstitutional under *Coker*. Why? When my staff called the Justice Department for a copy of the new Office of Legal Counsel opinion, I and my staff received no response. Is there in fact a studied opinion as there was under General Barr in the previous administration? If so, I would presume that it must not support the Attorney General's position. This is hardly surprising since it does not square with *Tison*.

Certainly one of the three provisions—killing while engaged in a drug felony with reckless disregard for life—is clearly constitutional.

The Justice Department has not only weakened the death penalty, I believe it has now become politicized. The invasion of important constitutional questions by political objectives is extremely troubling to me. The drug kingpin death penalty provision enjoys overwhelming support. It is in fact very necessary, and it is in fact, as I

have demonstrated, constitutional. If the Justice Department does not think so, it should make public the reasons and the legal justification for its position. Otherwise, we can only conclude that the Department wants to be weak on drug kingpins. The constitutional argument that the Attorney General has made so far is nothing short of being a fig leaf.

As we debate this bill—and it has been debated all day—I and others will continue to point out weaknesses in this bill. I hope that we will be successful in strengthening this bill. Crime cannot be controlled by reducing punishment, as this bill does. This administration seems to think that the way to fight crime is to address root causes. Certainly, one cause of crime is a punishment system too lenient and too uncertain to adequately prevent crime. As important as it is to address the so-called root causes of crime, we should not in any way let up on being tough on the criminal and the punishment of that criminal while we are trying to do something about the root causes of crime.

I hope that my colleagues will join me in efforts to make this bill stronger. The American people want us to be tougher on crime. They are right. They expect us to be right. We fail them if we pass this bill as it is now written.

I think that we on this side of the aisle, the minority Members of this body and the loyal opposition to a President of the opposite party, should point out when the administration does not follow its own rhetoric. I believe that performance in office must be commensurate with that rhetoric, whether the rhetoric of the campaign or the rhetoric of an administration after it takes office.

In the case of child pornography, something we are going to be dealing with later on in this legislation, Janet Reno, the Attorney General, has expressed, and rightly so, much concern about the plight of children in America and doing something about it.

She expressed her position, in agreement with mine, in hearings on the subject of child pornography. And yet just this week the Solicitor General, her Solicitor General, President Clinton's Solicitor General, went to the Supreme Court to argue that a person who had been convicted under child pornography legislation, been convicted in the district court, his conviction upheld in the court of appeals, should not be found guilty on appeal to the Supreme Court. Contrary to positions that the previous administration had taken on an interpretation of the child pornography statutes, this administration argued that the relevant statutory intention should not be that of those who own the child pornography literature and films, those who sell them and those who produce them, but should instead turn on the involve-

ment of the child in the literature or the films.

The Solicitor General went before the Court and argued contrary to congressional intent, an intent I know something about because I was involved with the passage of that legislation in the middle 1980's, that the child—people under 18 years of age, and in this case that a 10-year-old should somehow act in a lascivious way for a pornographer to be found guilty under this statute.

That was the argument of the Solicitor General, and the Supreme Court has now sent the case back down to the circuit court of appeals to take into consideration the opinion of the Solicitor General. All of a sudden we have gutted a child pornography statute. This administration is going to make it very difficult to convict people trafficking in child pornography. That happens to be a multibillion dollar business in the world. Child pornographers will be able to get away with exploitation if the prosecuting attorney is required to show that a young person of any age, must act in a lascivious way for the pornographer to be found guilty.

When we passed that statute, we were concerned about protecting the child, the very same way that the Attorney General talks about protecting the child. How can anyone ever prove that the person who films some 6-year-old that is used in child pornography is guilty if it must be proved that that 6-year-old is acting in a lascivious way?

That is saying it is OK to the underworld out there that is making billions on child pornography to take advantage of these young boys and girls under 18 years of age and get rich off of it.

It seems to me that we should not be sending that sort of a signal if we are an Attorney General and concerned about children. We should have had the Solicitor General up to the Supreme Court and instead of arguing that this person who had been convicted should get off, should have forcefully contended that that statute's constitutionality should be upheld, that the conviction should be upheld, and that the intent of Congress for a broad interpretation of that statute should be followed. But we did not have it. The reality failed to match the rhetoric.

Similarly, on the subject of the death penalty, we have a President who, during the campaign, emphasized that when he left New York, he was going back to Little Rock to authorize the execution of a person convicted in Arkansas because he wanted to demonstrate to the electorate of this country that he was very strongly in support of the death penalty, and that he was going to be tough on crime.

If you are the President of the United States who really supports the death penalty, then if you supported it dur-

ing the campaign, you surely will 1 year later. But how do you then permit the sort of conflicting signals sent by an Attorney General that supports legislation withdrawing the death penalty provisions, particularly when in her confirmation hearings even she said that despite personal opposition to the death penalty, that she had used the death penalty, and that she was going to support that type of legislation here?

Whether it is child pornography or whether it is the death penalty, or I think of even in my own State of another issue unrelated to crime and toughening up the criminal codes, this administration spoke differently before it was elected than after. I remember this President on September 27, 1992, on a farm outside of Indianola gave a speech on agriculture. He berated the Bush administration because the Bush administration was not pro-ethanol enough, that the Bush administration was not concerned about the farmers enough, that the Bush administration was not fighting for the sale of pork to Russia through the use of the export enhancement program, and that, by golly, if he got to be President, he was not going to forget about the farmer.

And the Bush administration, perhaps very late, issued some very pro-ethanol regulations. What happened within 2 or 3 days after this President was sworn into office? He withdrew those regulations, and supposedly to be reinstated after a little bit of review. But they dropped them into a great big black hole. We do not even know whether we are going to have any pro-ethanol regulations or any ethanol regulations at all. When you get a combination of big oil and extreme environmentalists pushing together against ethanol, you sometimes wonder.

But here we have a President who promised a strong pro-ethanol position in his administration and made no delivery—in fact, we took a step backward from where we were in the previous administration. Just as we have a President who says he is for the death penalty, but we have a bill up here that is being supported by his Attorney General without certain death penalty provisions in it. And we have child pornography statutes weakened by the Solicitor General of an Attorney General who says that she is very concerned about protecting children.

In a very real sense it is like talking out of both sides of your mouth. And if there is a reasoned change of position in all of these things, I would have respect for anybody who wants to change their mind. But I do not even hear that. I do not hear anything.

But I think on the bill before us, we have an opportunity to correct some of these discrepancies. I do not know if we have any opportunity to correct anything about ethanol, but we will have an opportunity to correct discrepancies

about the death penalty and child pornography. I hope we do it.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1097

(Purpose: To direct the United States Sentencing Commission to promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for hate crimes)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mrs. BOXER, Mr. CAMPBELL, Mr. INOUE, Ms. MOSELEY-BRAUN, Mr. D'AMATO, Mr. KOHL, Mr. DECONCINI, Mr. LAUTENBERG, Mr. LEVIN, and Mr. ROBB, proposes an amendment numbered 1097.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 404, between lines 11 and 12, insert the following:

SEC. 2405. DIRECTION TO UNITED STATES SENTENCING COMMISSION REGARDING SENTENCING ENHANCEMENTS FOR HATE CRIMES.

(a) DEFINITION.—In this section, "hate crime" means a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

(b) SENTENCING ENHANCEMENT.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall ensure that there is reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances that might justify exceptions.

Mrs. FEINSTEIN. I ask unanimous consent that I be recognized tomorrow morning when the Senate resumes consideration of the bill to make my statement regarding my amendment.

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

Mrs. FEINSTEIN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

ON PRESIDENT CLINTON'S FOREIGN POLICY

Mr. MOYNIHAN. Mr. President, yesterday Ambassador Richard Schifter, a most distinguished public servant, delivered an important address at a symposium here in Washington sponsored by the American Enterprise Institute. The title of his address was "Is There a Clinton Doctrine?" and its subject was the spate of editorial and other commentary in recent days about the conduct of foreign policy by this administration. Ambassador Schifter—a man who has well served Presidents of both parties—offers an extremely thoughtful analysis of recent developments and the efforts of the Clinton administration to conduct foreign policy in the post-cold war era.

I know that these remarks will be of great interest to my colleagues and I ask unanimous consent that they be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

IS THERE A CLINTON DOCTRINE?

(Remarks by Richard Schifter, Special Assistant to the President and Counselor, National Security Council, at a Symposium sponsored by the American Enterprise Institute on November 2, 1993, in Washington, DC)

"A vague global policy which sounds like the tocsin of an ideological crusade. . . Its effects cannot be predicted." These were the words of Walter Lippmann. And representative Harold Knutson added: "I guess the dogooders won't feel right until they have us all broke." But the New York Times compared Truman's call, on March 12, 1947, for aid to Greece and Turkey to the Monroe Doctrine. And so the Truman Doctrine was born.

The Greek-Turkish aid program was only the cornerstone of a substantial edifice built in the Truman years, which contained all aspects of a comprehensive U.S. foreign policy, a policy which served us well for forty years. Its objective was summed up in President Truman's farewell address: "Whether the Communist rulers shift their policies of their own free will—or whether the change comes about in some other way—I have not a doubt in the world, that a change will occur. I have a deep and abiding faith in the destiny of free men. With patience and courage, we shall some day move on into a new era."

We are now in that new era. In fact, we have been in it for some years. We did not need a Bush Doctrine, nor do we now need a Clinton Doctrine, namely a catch phrase to describe one particular aspect of foreign policy. What we need is vision in formulating a

U.S. foreign policy built on a bipartisan consensus, a policy which can guide us in dealing with the new problems which we face in the post-Communist world.

It may not have been possible to create a comprehensive framework immediately following the Communist collapse. In the euphoric days of late 1989 and early 1990 we did not yet see the difficulties which lay ahead. There was talk of "the end of history" and "a new world order." That new world order is now with us. It is a better world order, one in which our very survival no longer depends on a policy of mutual assured destruction. But it is a world order which poses new dangers as well as new opportunities, and which thus does not allow for a laissez-faire approach. We ignore these dangers only at serious risk to our security and we fail to take advantage of the new opportunities at substantial cost to us. Aware of the calls to a new isolationism which emanate from both extremes of the political spectrum, we need to develop a policy consensus of what Arthur Schlesinger once called the Vital Center.

The essential elements of such a policy consensus, as spelled out in the recent Administration speeches, should include the following elements, designed to protect our most critical security interests:

(1) Joining with other nations in efforts to combat the proliferation of weapons of mass destruction.

(2) Seeking international safeguards against international terrorism.

(3) Formulating a strategy to deal with movements, whether in secular or religious garb, which consider the West in general and the United States in particular its enemies, which seek to overthrow governments friendly to us, which engage in terrorism and which, if they succeed, could seriously affect our economic security.

(4) Support of democratic governments as our natural friends and allies. Recognition of the existence in today's world of countries in which democracy has gained a foothold but is at risk, and of the fact, therefore, that it is in our interest to help strengthen fragile democracies, thereby enlarging the democratic space on the globe.

(5) Recognition of the interrelationship between our domestic economic strength and a foreign economic policy based on a commitment to the expansion of international trade on a level playing field.

In addition to the foregoing points, which are of critical security concern, we have other national interests. We have a stake in international tranquility. There are long-run benefits to be derived from an international system which seeks to prevent or stop breaches of the peace. Beyond that, the American people, more than any other, tend to contribute a hefty dose of altruism to the formulation of foreign policy. The pictures of starving children pull at the heartstrings of Americans more than at those of people of any other nationality.

Reaching a consensus on the foreign policy questions in which our national interest is indirect or basically humanitarian may very well be more complicated than where it is direct and central. And yet, we need to develop guidelines for such a consensus, rather than allowing policy to be driven day by day by television images. Where a threat is indirect, we need to ask ourselves as to the potential of it developing into a direct threat. Where the problem is humanitarian, we need to ask ourselves how serious the problem is, whether our role can help resolve it, what our financial burden is likely to be, whether the

lives of U.S. soldiers would be put at risk, and, if so, at how great a risk. Finally, we need to ask ourselves whether our involvement is likely to have the support of the American people, and whether the United States will be alone or will be joined by others.

This is the setting in which it is appropriate for us to turn to the United Nations. Having preserved for ourselves the right to proceed in self-defense, alone or in coalition, under Article 51 of the United Nations Charter, we should look to the United Nations Security Council for action on other threats to the peace, breaches of the peace, or acts of aggression. The answer to those who warn against abdication of U.S. policy formulation to the UN is that the Security Council cannot take any action over our veto. What is more, the Security Council is unlikely to take creative action without U.S. leadership or, at least, strong support. The extent to which our resources and our soldiers would be involved in any efforts at peacekeeping or peacemaking should be proportionate to our interest in the matter.

The problems posed by the former Yugoslavia, Somalia, and Haiti fall into the category just described. In the case of Yugoslavia, the Milosevic government decided, when it could not prevent the dissolution of the Federation, to use its control of the Yugoslav National Army and the support of ethnic Serbian irregulars to create a greater Serbia by force of arms and to use so-called ethnic cleansing to secure its hold on the land it would seize. Hostilities began in Slovenia in June 1991 and quickly shifted to Croatia. By January 1992, the Serbian-populated area of Croatia had been *de facto* separated from Croatia. Shortly thereafter serious armed clashes began between Serbs and the mostly Muslim Bosnian forces. In the spring and summer of 1992 the world witnessed the atrocities which became known as ethnic cleansing. By November 1992, 70% of Bosnia was in Serb hands and has remained so.

Except for its agreement to UN sanctions imposed on Serbia, the United States had distanced itself from the fighting in the former Yugoslavia in the more than eighteen months which preceded the inauguration of President Clinton. After taking office, the Clinton Administration tried to modify previous U.S. policy by becoming more active on the side of the victims of aggression. But it decided not to act unilaterally. The effort to engage our allies had only limited success. We continue to do what we can to press for an end to bloodshed and as fair a resolution of the conflict as can be obtained.

Somalia posed a problem of mass starvation brought about by a breakdown of any semblance of law and order. That breakdown had occurred in the wake of the revolt which overthrew President Siad Barre in January 1991. By the summer of 1992 Somalis were dying of hunger by the tens of thousands. Armed thugs prevented relief shipments from reaching their intended beneficiaries. These were the circumstances under which the United States, in December 1992, under the umbrella of a UN Security Council Resolution, and with strong public approval, ordered 28,000 combat-ready troops into Somalia to help end the problem of mass starvation. It should have been clear then and it certainly is clear now that if our interest is to accomplish more than merely postpone the death of hundreds of thousands of Somalis by a year or so, the international community will have to find a way to protect the production and distribution of food in Somalia.

And then there is Haiti. Located in our hemisphere it is of special interest to us. It has been misgoverned for decades. There is no doubt that President Aristide was chosen in a free and fair election and has the support of a substantial majority of the Haitian people. Acting once again under the UN umbrella, we are seeking to restore a duly elected head of state to his office. Whatever questions may have been raised about some of his past pronouncements, there is a reasonable chance that if he returns to power under the auspices of the international community, that community will be able assure that human rights are respected and that the economy improves. Under those circumstances the current pressure for illegal emigration to the United States would likely be significantly diminished.

These three country situations have been branded as Clinton Administration policy failures. A fair analysis of the facts would characterize them for what they truly are: largely inherited problems which have received a great deal of media attention but are not central to our security concerns, nor are they policy failures. There are some problems which are simply beyond our ability to influence with available resources. We must nevertheless seek to deal with them, not ad hoc, but in the context of their long-term implications for our foreign policy. Above all, though, we must keep in mind that serious foreign policy analysis produces a rank order of priorities which differs vastly from the judgments of newsworthiness made by the editorial staff of CNN. We must not let media judgments prevent us from paying attention to the issues of our time which have historic significance. There is more to a peacetime foreign policy than debates on the deployment of small detachments of U.S. troops.

While the final decision in foreign policy formulation rests with the President, there is, as I suggested earlier, a sincere interest in the Administration for a constructive bipartisan or nonpartisan dialogue. We all need to commit ourselves to such a dialogue. It is in the interest of our country.

WITHDRAWAL OF CLOTURE MOTIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the five cloture motions be withdrawn.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 411. Alan John Blinken, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium;

Calendar 413. Tobi Trister Gati, to be an Assistant Secretary of State;

Calendar 414. Swanee Grace Hunt to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria;

Calendar 415. Thomas A. Loftus, to be Ambassador Extraordinary and Pleni-

potentiary of the United States of America to Norway; and

Calendar 420. Daniel L. Spiegel, to be the Representative of the United States of America to the European Office of the United Nations.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nominations considered and confirmed, en bloc, are as follows:

DEPARTMENT OF STATE

Alan John Blinken, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Tobi Trister Gati, of New York, to be an Assistant Secretary of State, vice Douglas P. Mulholland, resigned.

Swanee Grace Hunt, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

Thomas A. Loftus, of Wisconsin, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway.

Daniel L. Spiegel, of Virginia, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MESSAGES FROM THE HOUSE

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution:

S.J. Res. 115. Joint resolution designating November 22, 1993, as "National Military Families Recognition Day."

The message also announced that the House has passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 142. Joint resolution designating the week beginning November 7, 1993, as "National Women Veterans Recognition Week."

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3160. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to make technical corrections necessitated by the enactment of Public Law 102-586, and for other purposes.

H.R. 3341. An act to amend title 38, United States Code, to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor.

The message also announced that the House has agreed to the following concurrent resolutions, in which it asks the concurrence of the Senate:

H. Con. Res. 135. Concurrent resolution calling for the United States to take further steps to establish an international fishery agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the Donut Hole.

H. Con. Res. 169. Concurrent resolution to express the sense of the Congress that the United States should seek compliance by all countries with the conservation and management recommendations and agreements adopted for Atlantic bluefin tuna and other highly migratory species by the International Commission for the Conservation of Atlantic Tunas, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 115. Joint resolution designating November 22, 1993, as "National Military Families Recognition Day."

At 4:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1507. An act to make technical amendments to the Higher Education Amendments of 1992 and the Higher Education Act of 1965, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1308) to protect the free exercise of religion.

At 8:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following joint resolution:

H.J. Res. 205. Joint resolution designating the week beginning October 31, 1993, as "National Health Information Management Week."

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3160. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to make technical corrections necessitated by the enactment of Public Law 102-586, and for other purposes; to the Committee on the Judiciary.

H.R. 3341. An act to amend title 38, United States Code, to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor; to the Committee on Veterans' Affairs.

The following measure was read and referred as indicated:

H. Con. Res. 135. Concurrent resolution calling for the United States to take further steps to establish an international fishery

agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the Donut Hole.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1711. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the U.S. Government, Fiscal Year 1994"; to the Committee on Governmental Affairs.

EC-1712. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Managing Federal Information Resources"; to the Committee on Governmental Affairs.

EC-1713. A communication from the Chairman of the Nuclear Waste Technical Review Board, transmitting, pursuant to law, the annual report of the Office of Inspector General for calendar year 1992; to the Committee on Governmental Affairs.

EC-1714. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report of the Office of Inspector General for fiscal year 1993; to the Committee on Governmental Affairs.

EC-1715. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-118 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EC-1716. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-124 adopted by the Council on October 5, 1993; to the Committee on Governmental Affairs.

EC-1717. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-125 adopted by the Council on October 5, 1993; to the Committee on Governmental Affairs.

EC-1718. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-128 adopted by the Council on October 5, 1993; to the Committee on Governmental Affairs.

EC-1719. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-136 adopted by the Council on October 5, 1993; to the Committee on Governmental Affairs.

EC-1720. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "National Education Statistics Act of 1993"; to the Committee on Labor and Human Resources.

EC-1721. A communication from the Chairman of the Federal Election Commission, transmitting, proposed regulations relative to "Best Efforts"; to the Committee on Rules and Administration.

EC-1722. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report on veterans' employment in the Federal

Government for fiscal year 1992; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs:

Eugene A. Brickhouse, of Virginia, to be an Assistant Secretary of Veterans' Affairs (Human Resources and Administration).

Kathy Elena Jurado, of Florida, to be an Assistant Secretary of Veterans' Affairs (Public and Intergovernmental Affairs).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. CONRAD, Mr. PRESSLER, Mr. GRASSLEY, Mr. HARKIN, Mr. DURENBERGER, and Mrs. KASSEBAUM):

S. 1615. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1616. A bill to amend the Internal Revenue Code of 1986 to increase the tax on handgun ammunition, to impose the special occupational tax and registration requirements on importers and manufacturers of handgun ammunition, and for other purposes; to the Committee on Finance.

By Mr. GREGG:

S. 1617. A bill to amend the Export Administration Act of 1979 with respect to exports of computers, telecommunications equipment, and semiconductors; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. CONRAD, Mr. PRESSLER, Mr. GRASSLEY, Mr. HARKIN, Mr. DURENBERGER, and Mrs. KASSEBAUM):

S. 1615. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions.

INVOLUNTARY CONVERSION OF LIVESTOCK LEGISLATION

• Mr. DASCHLE. Mr. President, today I am introducing legislation to provide equitable treatment under the tax law for farmers and ranchers who are forced to sell their livestock prematurely due to extreme weather conditions. I am joined in this effort by Senators DORGAN, CONRAD, PRESSLER, GRASSLEY, HARKIN, DURENBERGER, and KASSEBAUM.

Last summer, Midwestern States suffered severe floods, which devastated lives and property along these States' rivers and shorelines. President Clinton responded quickly by providing disaster assistance, \$2.5 billion, including \$1 billion for agriculture, in emergency aid to flooded areas in the Midwest.

In addition to receiving disaster payments many farmers will be able to take advantage of provisions in the Internal Revenue Code designed primarily to spread out the impact of taxes on farmers in these situations. Ironically, however, while farmers who lose their crops due to floods are covered under these provisions, farmers who must involuntarily sell livestock due to flood conditions are not.

Normally, a taxpayer who is on the cash basis of accounting, as most farmers are, must report income in the year in which he or she actually receives the income. The Tax Code, however, outlines certain exceptions to this rule where disaster conditions generate income to the farmer that would not otherwise have been received at that time. For example, one exception allows farmers who receive insurance proceeds or disaster payments when crops are destroyed or damaged due to drought, flood or any other natural disaster to include those proceeds in income in the year in which the income from the crops would otherwise have been received—usually the year following the year in which the insurance proceeds or disaster payments are actually received.

Two other provisions deal with involuntary conversion of livestock. The first provision enables livestock producers who are forced to sell herds due to drought conditions to defer tax on any gain from these sales by reinvesting the proceeds in similar property within a 2-year period. The second provision allows livestock producers who choose not to reinvest in similar property to elect to include proceeds from the sale of the livestock in taxable income in the year following the sale.

For no apparent reason, the two provisions dealing with livestock do not mention the situation where livestock is involuntarily sold due to flooding. Thus, floods and flood conditions do not trigger the benefits of those provisions. Yet, many livestock producers during the recent floods had no choice but to sell livestock because floods had destroyed crops needed to feed the livestock, fences for containing livestock were washed out, or other similar circumstances had occurred.

Our proposal would expand the availability of the existing livestock tax provisions to include involuntary conversions of livestock due to flooding and other weather-related conditions. This would conform the treatment of crops and livestock in this respect.

A provision similar to our bill was passed by Congress last year in H.R. 11,

the Revenue Act of 1992. That legislation, of course, was subsequently vetoed by President Bush.

Let me emphasize that the tax provisions we are dealing with here affect the timing of tax payments, not forgiveness of tax liability. I should also make clear that this measure would be effective as of the beginning of this year, making the relief it provides available to those who were affected by the flooding this past spring.

We should not shut out some farmers—livestock producers—from the disaster-related provisions of the Tax Code simply because the natural disaster involved was a flood, instead of a drought. That just doesn't make sense, and I urge my colleagues to give this bill favorable consideration.

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

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

S. 1615

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

SECTION 1. TREATMENT OF LIVESTOCK SOLD ON ACCOUNT OF WEATHER-RELATED CONDITIONS.

(a) DEFERRAL OF INCOME INCLUSION.—Subsection (e) of section 451 of the Internal Revenue Code of 1986 (relating to special rules for proceeds from livestock sold on account of drought) is amended—

(1) by striking "drought conditions, and that these drought conditions" in paragraph (1) and inserting "drought, flood, or other weather-related conditions, and that such conditions"; and

(2) by inserting " FLOOD, OR OTHER WEATHER-RELATED CONDITIONS" after "DROUGHT" in the subsection heading.

(b) INVOLUNTARY CONVERSIONS.—Subsection (e) of section 1033 of such Code (relating to livestock sold on account of drought) is amended—

(1) by inserting " flood, or other weather-related conditions" before the period at the end thereof; and

(2) by inserting " FLOOD, OR OTHER WEATHER-RELATED CONDITIONS" after "DROUGHT" in the subsection heading.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges after December 31, 1992.●

By Mr. MOYNIHAN:

S. 1616. A bill to amend the Internal Revenue Code of 1986 to increase the tax on handgun ammunition, to impose the special occupational tax and registration requirements on importers and manufacturers of handgun ammunition, and for other purposes; to the Committee on Finance.

REAL COST OF HANDGUN AMMUNITION ACT

MR. MOYNIHAN. Mr. President, I rise today to introduce the Real Cost of Handgun Ammunition Act. This is a measure which we could consider as part of the crime bill or, in any event, will be considered as part of the health care legislation which is now before the Congress also.

I raised the matter with Mrs. Clinton when she appeared before the Finance

Committee with respect to the health care bill—and that was some weeks ago—and again this morning with Secretary Bentsen, the Secretary of the Treasury, whose Department includes the Bureau of Alcohol, Tobacco and Firearms.

Mr. President, the Federal Government has taxed the manufacture of ammunition since 1918. It has been an uncontested measure and part of the Revenue Act of 1918 and has been on the books at a very low rate, been in the statute books, since that time.

Since 1938, we have also required a license from the Bureau of Alcohol, Tobacco and Firearms to manufacture ammunition. That license, however, is freely given at \$10 per year, with no reporting as to quantities or caliber at this point.

The Real Cost of Handgun Ammunition Act would increase the excise tax on the sale of handgun ammunition—apart from .22 caliber—from 11 to 50 percent. Handgun ammunition is defined as any centerfire ammunition that has a cartridge case of less than 1.3 inches in length, which is to say, it is not rifle ammunition. According to Bureau of Alcohol, Tobacco and Firearms, this definition precisely targets all handgun ammunition except .22 caliber rimfire, which is the primary round used for target shooting and in sporting competitions. Rifle ammunition would not be affected.

The act would increase the excise tax to \$10,000 on two particularly deadly handgun rounds—the 9mm Talon—just recently developed—and the .50 caliber Desert Eagle. The Desert Eagle is manufactured for use in tank-mounted machineguns but has been used of late in specially manufactured handguns, handguns that can have no purpose other than murder and mayhem.

The Talon is an example of the kind of development that is taking place in our country today by manufacturers, a major manufacturer in this case, selling for profit products that ought never to be available in any society.

Here is a description of the Talon round, as one gun magazine described it. It says the round:

expands to expose razor-sharp reinforced jacket petals. These cut tissue in the wake of the penetrating core. Toward the end of the bullet travel, the Talon bullet typically turns sideways * * *. From this point on, it penetrates soft tissue like a throwing star—very nasty; very effective; a real improvement in handgun ammo.—Handguns for Sport & Defense Magazine.

You can imagine with what satisfaction police officers in our country read of such a round.

The act also would impose a new occupational tax of \$10,000 annually on each manufacturer and importer of handgun ammunition, similar to the occupational tax that applies to manufacturers of machine-guns, sawed-off shotguns and the like. This tax would not apply to manufacturers who conduct business exclusively with police

departments, the military, and other government entities.

Mr. President, the proposition behind this legislation is simple. Guns do not kill people, bullets do. We have in our Nation today, some 50 million handguns. Some 20 million have been sold, purchased since Jim Brady was shot in 1981. If you think in terms of the longevity of a well-made handgun, it can be two centuries. Original Winchesters are continuously showing up at auctions, manufactured in the 1850's, and in perfect condition to this day.

I can recall, as an officer of the deck some 47 years ago down in Trinidad, one evening, unshipping, as they say in the Navy, the .45 caliber sidearm which we were then issued and finding it was made in the Worcester, MA, armory in 1911. Somewhere in the world today, I cannot doubt, some ensign is still carrying the same sidearm. They last indefinitely.

What does not last indefinitely is ammunition. We have about a 4-year supply of ammunition in the country right now, although records are not kept, inventories are not followed, and there is very little inhibition—none—on the manufacture of rounds which have no purpose but being fired at human beings.

We went through this in 1986, when the Police Benevolent Association in New York City came to me and asked, could we not do something about the manufacture and sale of armor-piercing rounds, teflon coated, that had come to be known as cop-killer bullets. They had been developed for reasons that were respectable enough and police, for some time, had them in inventory. But then came the development of body armor, which police began wearing in the 1950's, and it was realized that these rounds would pierce body armor.

We introduced this measure—I introduced it and a number of Senators joined in this matter. The senior Senator from South Carolina joined me in this matter. And I have to say that the National Rifle Association immediately said they would get rid of this, nothing would ever happen to this bill, only to learn that a very large number of their members were police officers and were not in the least impressed that an organization to which they paid dues did not seem to think it appropriate to ban a round of ammunition which put their lives in jeopardy. That bill passed and was signed by President Reagan. It was the first legislation to outlaw a round of ammunition, and I hope it will not be the last.

Today we are discussing a tax on the Talon, so-called, the 20th century equivalent of the dum-dum bullet which was manufactured in a plant outside of Calcutta and used in the British Army. It had a soft lead slug that expanded upon impact and increased the bodily damage that was done. That was a

military weapon, an army weapon. This Talon is meant simply to destroy other human beings, a fiendish device.

A surgeon in Dallas, the Dallas Hospital, has recently described the plight of a surgeon who has to reach into a body and try to bring this out with fingers probing for it, a device with sharp razor edges in a body that could be infected with AIDS. A great service to the medical profession, to the nursing profession.

I am sorry to have to report to the Senate that this proposal has been brought to the attention of Mr. Wayne LaPierre, who is the executive vice president of the National Rifle Association, who has characterized it in a Reuter Wire Service dispatch that has just come over the wires, as "laughable."

Mr. LaPierre says, "I seriously doubt anyone in America believes crime is going to go down because taxes are going to go up. It shows how egg-headed this whole debate has become."

Can it be that the National Rifle Association endorses the manufacture and sale of handgun bullets, the function of which is to "cut tissue in the wake of the penetrating core—penetrate soft tissue like a throwing star—very nasty; very effective; a real improvement in handgun ammo"?

I hope they do not. I will take this issue to the floor, if that is the way they want it. I am sure there is more than one police officer in this country, police commissioner, who would want to know what is laughable about letting criminals have an ammunition, the sole purpose of which is to produce an excruciating and fatal wound on a police officer? Is that laughable? I do not think so.

We are dealing with a national emergency. You will be hearing that all this week on the Senate floor. If you look at evening television you will see the carnage of the handgun wounds: The scene, the police lights swirling, the medics roaring up, wheeling the bodies into the ambulances, roaring off to the emergency rooms. These are persons shot with ammunition that ought not to be on the streets.

The weapons are there and they will not go away. But those 9 millimeter spray guns used in drive-by shootings, you cannot imagine but that those mindless young people will have more than four or five clips with that \$1,500 piece, as it is sometimes called. You can use up five clips in 2 minutes. And after that, your \$1,500 spray gun is useless to you.

This is not a new idea. For some while the medical profession has been thinking of the epidemiology of handgun morbidity and mortality. They try to think as epidemiologists, what they term the vectors by which trauma occurs or illness occurs. And they find that which is most accessible to control.

When the French could not build the Panama Canal and the Americans did,

it is because we had figured out that Yellow Jack was carried by the *anopheles* mosquito. We did not, in fact, understand the actual virus, but we knew the vector that carried it to the human host. And we did not issue fly swatters, we drained the swamps. And that is what we have the potential of doing here.

Ideas like this take time. But it would be 15 years ago that a physician in Alabama, as I recall, first published an article entitled "The Bullet As Pathogen." The pathogen is what actually does damage. If we pursue this I think we have an important addition, if I may say, to our armory against crime.

I say again, guns do not kill people, bullets do. It is time the Federal Government began taxing handgun ammunition used in crime out of existence. It is time we began a responsible mode of licensing and reporting. This bill, I believe, is a beginning. Perhaps I might say it is a follow-on to the 1986 statute which outlawed the manufacture or sale of cop-killer bullets.

I might end, if I may, with one thought. By 1986, no respectable, no American manufacturer any longer made cop-killer bullets. They were manufactured in Czechoslovakia and imported from there. Even as we begin this taxing regime, as I hope we will do, I hope the manufacturers of the Talon round will pull off and say, "No, we can't let that round be aimed at American society. We can't be responsible for the horror that ensues."

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. SARBANES, the names of the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 732

At the request of Mr. KENNEDY, the names of the Senator from Ohio [Mr.

GLENN], the Senator from Hawaii [Mr. AKAKA], the Senator from Missouri [Mr. DANFORTH], the Senator from Maine [Mr. COHEN], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 783

At the request of Mr. BRYAN, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 783, a bill to amend the Fair Credit Reporting Act, and for other purposes.

S. 1154

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1154, a bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of a Microenterprise Development Fund, and for other purposes.

S. 1207

At the request of Mr. CAMPBELL, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1207, a bill to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes.

S. 1443

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1443, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles.

At the request of Mr. EXON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1443, *supra*.

S. 1447

At the request of Mr. BRYAN, the names of the Senator from Wyoming [Mr. WALLOP], the Senator from Wisconsin [Mr. KOHL], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 1447, a bill to modify the disclosures required in radio advertisements for consumer leases, loans and savings accounts.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

S. 1533

At the request of Mr. LOTT, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1533, a bill to improve access to health insurance and contain health care costs, and for other purposes.

S. 1547

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1547, a bill to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

S. 1566

At the request of Mr. METZENBAUM, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1566, a bill to establish requirements applicable to rent-to-own transactions.

S. 1589

At the request of Mrs. BOXER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1589, a bill to amend title 18, United States Code, to prohibit any State motor vehicle department from disclosing certain personal information about a person doing business with such department.

S. 1599

At the request of Mr. DECONCINI, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1599, a bill to establish a Missing and Exploited Children Task Force.

SENATE JOINT RESOLUTION 83

At the request of Mr. DECONCINI, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of Senate Joint Resolution 83, a joint resolution designating the week beginning February 6, 1994, as "Lincoln Legacy Week."

SENATE JOINT RESOLUTION 139

At the request of Mr. GRAHAM, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 139, a joint resolution to designate the third Sunday in November of 1993 as "National Children's Day."

AMENDMENTS SUBMITTED

OMNIBUS CRIME LEGISLATION

FEINSTEIN (AND OTHERS)
AMENDMENT NO. 1097

Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. CAMPBELL, Mr. INOUE, Ms. MOSELEY-BRAUN, Mr. D'AMATO, Mr. KOHL, Mr. DECONCINI, Mr. LAUTENBERG, Mr. LEVIN, and Mr. ROBB) proposed an amendment to the bill (S. 1607) to control and prevent crime; as follows:

On page 404, between lines 11 and 12 insert the following:

SEC. 2405. DIRECTION TO UNITED STATES SENTENCING COMMISSION REGARDING SENTENCING ENHANCEMENTS FOR HATE CRIMES.

(a) DEFINITION.—In this section, "hate crime" means a crime in which the defend-

ant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

(b) SENTENCING ENHANCEMENT.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall ensure that there is reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances that might justify exceptions.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN, Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on the INS Criminal Alien Program.

This hearing will take place on Wednesday, November 10, at 9 a.m., and Tuesday, November 16, at 2 p.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel Rinzel of the subcommittee's minority staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mrs. FEINSTEIN, Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, November 3, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on S. 720, Indian Lands Open Dump Clean-Up Act.

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

COMMITTEE ON FINANCE

Mrs. FEINSTEIN, Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony from Treasury Secretary Lloyd Bentsen regarding the administration's health care reform proposal.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mrs. FEINSTEIN, Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet for a hearing on Wednesday, November 3, on the subject: Federal mandates on State and local governments.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. FEINSTEIN, Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and

Urban Affairs be authorized to meet during the session of the Senate Wednesday, November 3, 1993, at 10 a.m. to hold a hearing on Nationwide banking and branching.

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

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., November 3, 1993, to receive testimony from Martha Krebs, nominee to be Director of the Department of Energy's Office of Energy Research.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, November 3, 1993 at 10 a.m. to hold a closed hearing on Intelligence Matters.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL
PARKS AND FORESTS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., November 3, 1993.

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

ADDITIONAL STATEMENTS

UNDER 18? HAND OVER THAT GUN

• Mr. SIMON. Mr. President, I was pleased to see Gov. Roy Romer's item on the New York Times editorial page recently titled, "Under 18? Hand Over That Gun."

He tells a story of what happened in Colorado, where you have a courageous governor who recognized a problem and did something about it.

We ought to be showing similar courage here in Congress.

I have had great respect for Roy Romer since I first met him when he was State treasurer of Colorado, and the leadership he has shown, not only on the gun issue but on education and other matters, should be a source of pride to people in Colorado, as it is to people around the Nation.

I ask to insert the article by Governor Romer into the CONGRESSIONAL RECORD at this point.

The article follows:

[From the New York Times, Oct. 21, 1993]

UNDER 18? HAND OVER THAT GUN

(By Roy Romer)

DENVER.—The stray bullet from a gang shootout that hit 6-year-old Broderick Bell

in the head on June 9 was the final straw for Colorado.

"There are rules even for gangs," a member of my cabinet said as we agonized over this Denver shooting. "It isn't all right to hurt babies."

He was right. For the sake of our children and our neighborhoods, we had to at least try to get handguns out of the hands of teenagers.

Three months later, we did. On Sept. 13, with legislators of both parties at my side, I signed a bill that made it illegal for anyone under 18 to own or carry a handgun—one of 10 bills relating to juvenile violence passed at a quickly arranged five-day special session.

The only exceptions to the ban are for licensed hunting, target practice or shooting competition. Conviction on a first offense is a misdemeanor, with a mandatory sentence of five days to a year in a juvenile detention center; a second conviction is a felony, with a sentence up to three years.

This isn't the first such law in the nation. But it's hard to understate the difficulty of passing such a law in a state where the outdoors and guns are so much a way of life, and where the National Rifle Association is so deeply entrenched in our politics. We succeeded for several reasons:

Coloradans were red up and frightened and they told their legislators so. Even though murders were down this year, there has been an eerie randomness and senselessness to the shootings. Several young people, like Broderick Bell, have been caught in gang crossfire or shot by strangers. (Miraculously, Broderick has recovered, though he is undergoing rehabilitation.)

Many people had a hand in planning the special session: prosecutors, police chiefs, sheriffs and legislators.

In the regulator four-month legislative session, issues tend to get lost. This special session put a glaring spotlight on juvenile violence. It left no place for lawmakers to hide.

As Governor, I took on the N.R.A. directly and refused to let it intimidate me. The day the special session opened, I said, "If the N.R.A. in Washington is so out of touch with Colorado that it cannot even support the simple proposition that a 14-year-old has no business carrying a loaded gun to school, then the N.R.A. is part of the problem."

To the association's credit, its national lobbyists participated in negotiations on the gun bill and ended up supporting its provisions.

This and the other new laws are already starting to make themselves felt. Juveniles are being arrested and sentenced for carrying handguns illegally. One Denver couple recently turned in their son when they found a Saturday night special on the floorboard of his car.

To deal with the rise in arrests, emergency cell space has been obtained in county jails. With many juvenile centers at 170 percent of capacity, the police had chosen not to make arrests because there was no place to put such juveniles.

We've also installed a tough new system for hardened, professional young criminals aged 14 to 18. If convicted of violent crimes, they can be treated as adults and face prison sentences of up to five years as against the two-year maximum for youthful offenders. In addition, parents are now required to appear in court with their children; names of juveniles charged with major felonies can be made public, and counties have specific authority to adopt ordinances dealing with curfews, loitering and graffiti.

Will the gun ban and the other new laws solve the problem? No. But they are a beginning. One step at a time, Coloradans are prepared to take back their blocks and their state and their future. •

NATIONAL COUNCIL FOR THE
AGING'S SENIOR COMMUNITY
SERVICE EMPLOYMENT PROGRAMS

• Mr. COHEN. Mr. President, the valuable contributions made by the Senior Community Service Employment Program [SCSEP] and its predecessor, Operation Mainstream, have amply demonstrated over the years.

Throughout its history, the SCSEP, also known as title V of the Older Americans Act, has enabled low-income older Americans to help themselves while at the same time helping others in their communities.

This fulfilling work experience has also produced another important benefit—an opportunity for disadvantaged persons 55 years of age or older to learn new skills in order to move into gainful employment in the private sector. National sponsors and States have achieved this objective while working with some of the most disadvantaged individuals in our society in terms of educational attainment, outmoded work skills, and economic status.

This year, 1993, marks the National Council on the Aging's 25th anniversary of administering community service employment programs for older Americans. It has been an extraordinary history of concern and dedication to improving the lives of this Nation's seniors, who along with the rest of the country have benefited immeasurably from NCOA's efforts.

NCOA's Operation Mainstream Older Worker Pilot Program began modestly in 1968 with 10 projects in seven States, serving 400 enrollees. Today, NCOA administers 63 projects in 21 States, including my home State of Maine. NCOA's SCSEP has a current enrollment of approximately 6,700 low-income older Americans.

In Maine, the NCOA title V project is under the direction of the University of Maine Cooperative Extension Service. Through this program, approximately 200 seniors provide a wide range of valuable services to others, serving as outreach workers with SSI recipients, helping unemployed persons become placed in jobs, and tutoring Job Corps enrollees.

I wish to commend Rae Clark-McGrath, the project director, who has provided exceptional leadership in making the NCOA SCSEP project in Orono, ME, a striking success. She typifies the dedication demonstrated by title V project directors all across the nation.

I also wish to extend my sincere best wishes to all the people affiliated with the NCOA SCSEP who are attending

the NCOA title V conference in Portland, ME, from November 5 to 10.

I wish them well in their endeavors to improve the economic well-being of older Americans. I want to reaffirm my support, as the ranking minority member of the Senate Special Committee on Aging, for SCSEP and the work it carries out.●

ORDERS FOR THURSDAY, NOVEMBER 4, 1993

Mrs. FEINSTEIN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, November 4; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later

in the day; that there be then a period for morning business not to extend beyond 9:30 a.m., with Senators permitted speak therein for up to 5 minutes each; and that at 9:30 a.m., the Senate then resume consideration of S. 1607, the crime bill.

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

RECESS UNTIL TOMORROW AT 9 A.M.

Mrs. FEINSTEIN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate now stand in recess, as previously ordered.

There being no objection, the Senate, at 8:41 p.m., recessed until Thursday, November 4, 1993, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 3, 1993:

DEPARTMENT OF STATE

ALAN JOHN BLINKEN, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

TOBI TRISTER GATTI, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE.

SWANEE GRACE HUNT, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

THOMAS A. LOFTUS, OF WISCONSIN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

DANIEL J. SPIEGEL, OF VIRGINIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

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