

Chairman of the Joint Chiefs the responsibility for overseeing the activities of the combatant commanders but that assignment does not confer any command authority on the Chairman. The Chairman outranks all other officers of the armed services but he does not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

In other words, the Chairman of the Joint Chiefs of Staff is the senior member of our armed forces and the principal military adviser to our civilian leaders but he does not exercise command over any element of the armed forces and is not in the chain of command for our armed forces.

General Shali is responsible for giving the best military advice that he can. There is no guarantee, however, that his military advice will carry the day on any issue. He has agreed if asked, to give the Congress his personal views on any issue even if those views differ from the Administration. I have no doubt that he has fulfilled that agreement. As a matter of fact, General Shali's testimony before the Armed Services Committee last week was germane to both of these points. With respect to providing military advice he testified as follows:

I am very much convinced that . . . the Secretary of Defense and the President, and for that matter, the National Security Council, not only welcome military advice, seek it, give me every opportunity to voice my views. Again I say that does not mean that my views are always the ones that prevail, but I can think of only a few where they have not prevailed and not in cases where I felt that whatever was decided was such that I needed to walk away from it because I could not in clear conscience support that.

With respect to a decision that was contrary to his advice, General Shali testified as follows with respect to the complicated issue of demarcation between theater and national missile defense:

. . . the Chiefs met on a number of occasions during this period when demarcation and particularly specific limits on interceptors were discussed, and we were always of the view, all of us, that we should not place any limits on them. When it came to the decision, everyone in the administration was aware that my view and the view of the Joint Chiefs was that we should not put any limits on it. The debate and the decision went the other way. At the earliest possible opportunity, I raised the issue that we need to reopen that point and that we need to pursue without limits on interceptors. I believe that is essentially where we are today. So, I feel good that my view in the long term has prevailed.

If the opposition is because of disagreement with the administration's Bosnia policies or past Bosnia policies, then the opposition is misplaced because General Shali is an adviser not a decisionmaker.

General Shali has my unqualified and strong support for confirmation for a second 2-year term as Chairman of the Joint Chiefs of Staff.

Mr. LEVIN. Mr. President, I rise in strong support of the nomination of

Gen. John Shalikashvili to continue as Chairman of the Joint Chiefs of Staff.

He has the total well-being of the men and women in our armed forces foremost in his mind as he performs his duties. He has been a firm and steady voice for assuring that when our military is used, it be only with clear purpose and with the full backing of our civilian leadership. He has focused great resources on readiness, training, and morale.

For these reasons, he has broad and deep support within the services, and enjoys the confidence of the military, from generals to privates. General Shali is truly a soldier's soldier.

The General has rendered outstanding service to the Nation throughout his career, and for the last 2 years as Chairman of the Joint Chiefs. The Armed Services Committee unanimously approved General Shali's nomination, and we have greatly benefited from his expertise, his responsiveness to our inquiries and his clarity and directness. We always get a straight answer to our questions, and get it promptly.

Mr. President, I urge the Senate to approve this nomination.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. THURMOND. I move to reconsider the vote whereby General Shalikashvili was confirmed.

Mr. COCHRAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I ask unanimous consent that the President be immediately notified of this confirmation.

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

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. NUNN. Just a procedural question, Mr. President.

Has this nomination passed the Senate by voice vote?

The PRESIDING OFFICER. It has passed.

Mr. NUNN. Has there been a motion to reconsider and a motion to lay on the table?

The PRESIDING OFFICER. There has been a motion to reconsider and to lay on the table.

Mr. THURMOND. Mr. President, I would like to thank the distinguished Senator from Wisconsin, Senator KOHL, for allowing us to proceed with this nomination ahead of his amendment. He is a gentleman and a scholar.

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 2843

(Purpose: To provide for the evaluation of crime prevention programs, and for other purposes)

Mr. KOHL. Mr. President, I rise to offer an amendment which I will send to the desk after I explain it.

The amendment is being offered on behalf of myself and Senator COHEN, and cosponsors also include Senator BIDEN and Senator SNOWE.

In last year's crime bill, Mr. President, we authorized \$300 million—some-what in excess of \$300 million—for crime prevention. The split, as you recall, was 80 percent for law enforcement and 20 percent for prevention.

The reasoning at that time was if we are going to have a balanced crime bill, we have to be willing to spend some modest amount of money on effective crime prevention measures and that an 80-20 split between law enforcement and crime prevention was reasonable, and we passed the crime bill on that basis.

Well, what we are attempting to do today is strike virtually all of that crime prevention money. It is an attempt to strike it from this bill so that we will have a bill devoted entirely to spending for law enforcement to the total exclusion of crime prevention.

It seems to me that is not what we intended to do and that is not what we should do and not what our country needs. There is no question that spending a modest amount of money in a crime bill on trying to set up programs that have a proven record of success at keeping young people from getting involved in crime in the first place, setting up a modest amount of money in a crime bill to do these kinds of things is a reasonable effort. It should not be sidetracked.

We debated it at great length last year before we passed the crime bill and decided on an 80 to 20 split. There are programs like the block grant programs. There are weed and seed programs. There are programs which have been evaluated and demonstrated to work.

What I am suggesting is that we put back 25 percent, which is \$80 million, out of that over \$300 million that was authorized last year for prevention. I and Senator COHEN, Senator BIDEN, and Senator SNOWE are desiring to put back \$80 million in proven effective crime prevention programs.

Now, that money is being taken from overfunding of the FBI for this year. When I say overfunding, it is \$80 million that the FBI did not ask for, that the President did not ask for, that the House did not fund. It is an extra \$80 million that has been given to the FBI.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Without objection, the Senate will return to legislative session.

We are taking that \$80 million and putting it into a very modest account to fight crime by way of prevention. And that is what this amendment is all about.

Before Senator COHEN speaks, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself and Mr. COHEN, propose an amendment numbered 2843.

Mr. COHEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 15, line 16, strike "\$282,500,000" and insert "\$202,500,000".

On page 15, line 23, strike "\$168,280,000" and insert "\$88,280,000".

On page 25, line 19, strike "\$100,900,000" and insert "\$130,900,000".

On page 25, line 22, insert "\$30,000,000 shall be for the Local Crime Prevention Block Grant Program, as authorized by section 30201 of the Violent Crime Control and Law Enforcement Act of 1994;" before "\$4,250,000".

On page 27, line 5, strike "\$50,000,000" and insert "\$30,000,000".

On page 27, between lines 17 and 18, insert the following:

"To carry out chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, \$50,000,000, which shall be derived from the Violent Crime Reduction Trust Fund.

On page 30, line 20, strike "\$23,500,000" and insert "\$43,500,000".

On page 30, line 20, strike "\$13,500,000" and insert "\$43,500,000".

On page 30, lines 23 through 25, strike "and \$10,000,000 shall be derived from discretionary grants provided under part C of title II of the Juvenile Justice and Delinquency Prevention Act" and insert "funded by the Violent Crime Reduction Trust Fund".

On page 31, line 26, strike "\$144,000,000" and insert "\$164,000,000".

On page 32, line 5, strike "\$10,000,000" and insert "\$30,000,000".

On page 32, line 8, strike "gangs;" and insert "gangs, of which \$20,000,000 shall be derived from the discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs funded by the Violent Crime Reduction Trust Fund;"

On page 64, between lines 22 and 23, insert the following new section:

**SEC. 121. EVALUATION OF CRIME PREVENTION PROGRAMS AND DEVELOPMENT OF NATIONAL CRIME PREVENTION RESEARCH AND EVALUATION STRATEGY**

(a) EVALUATION OF CRIME PREVENTION PROGRAMS.—The Attorney General shall provide, directly or through grants and contracts, for the comprehensive and thorough evaluation of the effectiveness of the following programs funded by this title:

(1) The Local Crime Prevention Block Grant program under subtitle B of title III of the Violent Crime Control and Law Enforcement Act of 1994.

(2) The Weed and Seed Program.

(3) The Youth Gangs Program under part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974.

(b) NATIONAL CRIME PREVENTION RESEARCH AND EVALUATION STRATEGY.—

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

(2) STUDIES.—Consistent with the strategy developed pursuant to paragraph (1), the Attorney General may use crime prevention research and evaluation funds reserved under subsection (e) to conduct studies and demonstrations regarding the effectiveness of crime prevention programs and strategies that are designed to achieve the same purposes as the programs under this section, without regard to whether such programs receive Federal funding.

(c) EVALUATION AND RESEARCH CRITERIA.—

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

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

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

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

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

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

(d) COMPLIANCE WITH EVALUATION MANDATE.—The Attorney General may require the recipients of Federal assistance under this Act to collect, maintain, and report information considered to be relevant to any evaluation conducted pursuant to subsection (a), and to conduct and participate in specified evaluation and assessment activities and functions.

(e) RESERVATION OF FUNDS FOR EVALUATION AND RESEARCH

(1) IN GENERAL.—The Attorney General shall reserve not less than 2 percent, and not more than 3 percent, of the amounts appropriated to carry out the programs described in subsection (a) in each fiscal year to carry out the evaluation and research required by this section.

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

(A) grantees under this programs described in subsection (a) who are selected to participate in evaluations pursuant to subsection (d); and

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

Mr. COHEN. Mr. President, let me express my support for what the Senator from Wisconsin is seeking to do. We have a choice to make in our society as to whether we are going to try to have intervention programs for young people who are on their way to becoming criminals, or whether we are simply

going to sit back and say we are going to build more prisons and more jails and have more incarceration.

I was interested yesterday, to read in the Washington Post—I was shocked, really to read in the Washington Post yesterday a story of a little town in Texas where some kids, they are not old enough to be called adolescents, they are children—whether 6 years old—the Senator from Texas may know—6, 7, 10, ranging all the way to 11—they happened to go by and they took a horse and beat that horse to death. They crippled the horse so it could not move. Then they jammed a stick up its nostril. Then they took some kind of a bludgeon instrument and beat the horse's head until it died. They then went on to school and they laughed and joked about it. And they were telling all their friends what a joy it was they had just engaged in, beating this horse to death.

They finally were apprehended later that day or the next day and were somewhat surprised to find themselves forced to stay overnight in a local detention facility. But what was surprising about it is these young kids were really expressing their crime, as such, against this animal in a positive fashion. They were laughing about it. They were joking about it. And the fear that was expressed in that community is what is going to happen a couple years from now? What is happening in our society that we have got young people like this who take joy and pleasure in killing an innocent animal? What is going to be the future down the line when they start turning whatever is inside them toward their fellow human beings?

So, Mr. President, we have a choice here. We can say we are going to put them away, we are going to lock them up, we are going to wait until they really do something serious by committing some other crime and then put them in an incarceration facility. That has been one solution that we are moving toward.

This is an opportunity to provide block grant money to States and let them decide how the money should be spent. Let them decide whether or not they are going to have weed and seed programs. Let Wisconsin decide with its funds, whether they want to put police officers into high schools and junior high schools and working with kids before they get into the fast lane to crime.

I read a book sometime ago called "There Are No Children Here." It talked about what is happening in our inner cities, in particular; that these young kids are growing up under circumstances in which they have to duck bullets whizzing by in the nighttime; that they do not have any opportunity to ever walk the streets safely.

So States and local communities ought to have an opportunity to come up with programs. Now, I do not know much about midnight basketball. I am a professional basketball fan. Maybe

midnight basketball works in some inner cities, I do not know. It does not apply to me. It might work in Chicago. It might work in cities in Wisconsin.

Why should we make that judgment? This is an opportunity to provide some limited funding for States to employ juvenile prevention programs.

Mr. President, it is worrisome that the number of young males who are aged from 14 to 17 will grow over the next 5 years. We can expect to see record levels of juvenile crime. There is one expert who estimates that this demographic trend is going to produce a minimum of 30,000 more muggers, murderers, and chronic offenders than we currently have. Are we going to keep building jails and prisons, and keep putting our kids away, or are we going to try to intervene in the early years to see if we can prevent them from heading down the pathway to crime?

So I join with enthusiasm my colleague from Wisconsin. I think it is a very important amendment, and I hope it will enjoy the support of a majority of our colleagues.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

#### PROVIDING FOR AN ADJOURNMENT OF THE TWO HOUSES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the adjournment resolution, which provides for an adjournment of the Senate beginning tonight or any day up to next Thursday, October 5; that the resolution be agreed to and the motion to reconsider be laid upon the table.

This has been agreed to by the Democratic leadership.

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

So the concurrent resolution (H. Con. Res. 104) was agreed to, as follows:

#### H. CON. RES. 104

*Resolved by the House of Representatives (the Senate concurring).* That when the House adjourns on the legislative day of Friday, September 29, 1995, it stand adjourned until 10 a.m. on Friday, October 6, 1995, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day beginning with Friday, September 29, 1995, through Friday, October 6, 1995, pursuant to a motion made by the Majority Leader or his designee in accordance with this resolution, it stand recessed or adjourned until noon on Tuesday, October 10, 1995, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

#### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

#### AMENDMENT NO. 2843

Mr. GRAMM. Mr. President, I hope we can dispose of the pending amendment in short order. The committee reviewed all of these programs that the amendment proposes to fund. These are all of the so-called prevention programs that, when we debated this bill, we discussed at great length.

What is being proposed here is to give money to the States for activities such as midnight basketball, and to pay for it by cutting the \$80 million from the FBI. I remind my colleagues that when we passed the Anti-Terrorism Act, we authorized additional funding for the FBI.

What I have tried to do in this bill is to provide some of that funding which we authorized. What we are being asked to do here is to go back and fund the very programs that we passed over because we did not think they were worthy, and we are being asked to pay for them by cutting the FBI.

I think that if people could take a look at this amendment and decide whether they wanted these prevention programs or whether they wanted the money to go into law enforcement to grab violent criminals by the throat and not let them go to get a better grip, I think it would be a very clear choice.

I am opposed to the amendment. I would be happy to have a voice vote on the amendment if the Senator is willing to do that.

Mr. KOHL. Mr. President, I will call for a rollcall vote, but I want to answer briefly what the Senator said.

The FBI this coming year is funded at a 15-percent increase over last year. There is not a single request the FBI has made for funding that we have not authorized and are prepared to fund, without—without—this \$80 million. This \$80 million is over and above everything that the FBI has authorized, the President has requested and the House has funded.

He talks about midnight basketball league, and that is a synonym for money that we think is wasted on prevention. As Senator COHEN pointed out, this money is block granted to States. They do not have to spend it on midnight basketball.

We have decided that much of the money we are spending at the Federal level the States can spend much more effectively. You have made that argument time and time again. Let the Governors, let the local government spend the money, not Washington. That is what these crime prevention programs are aimed at.

These crime prevention programs, if the Governors so wish, could be spent on programs like DARE. Everyone in this Chamber understands and recognizes that DARE is a program that works.

So midnight basketball is not where these funds are going to be expended. They are going to be given to States and Governors and local governments to spend as they see fit.

Again, the argument is that in any crimefighting bill, a certain amount of money, modest as it is, needs to be spent on trying to prevent it from occurring in the first place, and I do not think that there are any Senators, or many Senators in this Chamber who would not agree with this principle. And that is all this amendment intends to do.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. GRAMM. Mr. President, \$80 million will be spent here by this amendment, our distinguished colleague talks about letting the States spend it, but we are not taking it away from Federal midnight basketball, we are not taking it away from Federal prevention programs. We are taking the money away from the FBI.

We passed an antiterrorism bill by a vote of 91 to 8 authorizing funds for the FBI. All I have tried to do in this bill is to provide part of that funding.

What we would be doing here is cutting the FBI to fund programs that may or may not do anything to prevent crime. The intentions of the program may be good. There are people who are strong proponents, for example, of midnight basketball.

The point is, do we want to cut the FBI to fund it? I say no. I think this amendment should be rejected and it should be rejected soundly.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will be very brief. First of all, this is not about midnight basketball. That is a great thing to talk about. The States are not using this for midnight basketball. Let me tell you what they are using it for, to give you one example.

I can pick almost any one of your States. The thing States use this money for, for example, is boys clubs and girls clubs. Let me tell you about boys clubs and girls clubs. There is a study the Judiciary Committee did and it has been done by others, and no one disputes it. If you put in a boys club and girls club—the study was done in Chicago and New York—you take two housing projects, the same type of housing projects, and put a boys club and girls club in the basement of one and no boys club and girls club in the basement of the other, the difference in the rate of crime is as follows: 31 percent fewer arrests in the project that has a boys club and girls club in it; 27