

safety and the administration of prisons. They are also raising the costs of running prisons far beyond what is necessary. And they are undermining the legitimacy and punitive and deterrent effect of prison sentences.

These orders are complemented by a torrent of prisoner lawsuits. Although these suits are found nonmeritorious 95 percent of the time, they occupy an enormous amount of State and local time and resources; time and resources that would be better spent incarcerating more dangerous offenders.

In my own State of Michigan, the Federal courts are now monitoring our State prisons to determine:

First, how warm the food is.

Second, how bright the lights are.

Third, whether there are electrical outlets in each cell.

Fourth, whether windows are inspected and up to code.

Fifth, whether prisoners' hair is cut only by licensed barbers.

Sixth, whether air and water temperatures are comfortable.

Meanwhile, in Philadelphia, American citizens are put at risk every day by court decrees that curb prison crowding by declaring that we must free dangerous criminals before they have served their time, or not incarcerating other criminals at all. As a result, thousands of defendants who were out on the streets because of these decrees have been rearrested for new crimes, including 79 murders, 959 robberies, 2,215 drug dealing charges, 701 burglaries, 2,748 thefts, 90 rapes, and 1,113 assaults in just 1 year. Obviously, these judicial decrees pose an enormous threat to public safety.

Finally, in addition to massive judicial interventions in State prison systems, we also have frivolous inmate litigation brought under Federal law. Thirty three States have estimated that this litigation cost them at least \$54.5 million annually. The National Association of Attorneys General have concluded that this means that nationwide the costs are at least \$81.3 million. Since, according to their information, more than 95 percent of these suits are dismissed without the inmate receiving anything, the vast majority of this money is being entirely wasted.

Title VIII of this conference report contains important measures that will help stop the destructive effect on public safety, the unnecessary micromanagement, and the waste of resources that this litigation is causing. It limits intervention into the affairs of State prisons by any court, State or Federal, undertaken under Federal law, to narrowly tailored orders necessary to protect the inmates' constitutional rights. It also makes it very difficult for any court to enter an order directing the release of prisoners. Finally, it contains a number of very important limitations on prisoner lawsuits.

These provisions are based on legislation that I have worked on assiduously along with the distinguished chairman of the Judiciary Committee, Senator

HATCH, the majority leader, and Senators HUTCHISON and KYL. They have the strong support of the National Association of Attorneys General and the National District Attorneys Association. They will make an important contribution to public safety and the orderly running of prisons by the State officials charged with running them without unnecessary Federal interference. And they will help limit the waste of taxpayer money now spent defending frivolous lawsuits and feeding prisoners' sense that as a result of committing a crime, they have a grievance with the world, rather than the other way around.

I thank the appropriators in both Houses, as well as the efforts of the majority leader and the chairman of the Judiciary Committee, for seeing to it that these provisions were included in this legislation.

The second reason I support this bill is that it makes significant improvements in the law governing the funding of prison grants to the States. Although styled truth-in-sentencing grants, the language in present law is so full of loopholes that it does little to advance the cause of incarcerating the most violent offenders or assuring that they would actually serve the time they were sentenced to serve. The new version does a much better job of targeting this money in a manner that creates the proper incentives.

Now let me outline the areas of this bill with which I have serious reservations. First, I believe the bill goes too far in diffusing money that the version of this legislation that passed the Senate had dedicated to the hiring of police officers in the COPS Program. I sympathize with the desire of my colleagues in the House to give the States more flexibility in spending this money, but this could mean that our goal to put more police on the street may not be achieved. I would much prefer to see a system where the States do have additional flexibility, but are given some real incentives to spend the money hiring additional law enforcement officers.

Second, Mr. President, I believe the provisions related to the Commerce Department fall short of what we should be doing—namely eliminating the Commerce Department altogether. I am the lead Senate sponsor of legislation to abolish the Department of Commerce, S. 929. I think the record is clear—the Department of Commerce is the least essential of all 14 Cabinet-level agencies. Any effort to reorganize and reform Government should begin there.

Although this bill does not eliminate the umbrella organization of the Commerce Department, it does reduce and eliminate some of the Department's more indefensible programs and agencies. It terminates corporate welfare programs like the Advanced Technology Program and the U.S. Travel and Tourism Administration, and it establishes procedures by which the Administration can act.

On the other hand, the conference report fails to take a strong position toward indefensible programs like the Economic Development Administration. Whereas the Senate had funded this program at only \$89 billion, the report before us would provide the EDA with over \$300 billion for next year. Given the EDA's record of waste and abuse, I believe this funding is excessive and I look forward to an opportunity to debate the merits of the EDA, and other programs like it, when my bill to terminate the Commerce Department is debated on the Senate floor. In addition, this report deletes the fund to cover the costs of terminating the Department and transferring necessary functions to other areas of the Government. Various concerns have been raised regarding the cost of terminating the Department of Commerce, and this provision would have helped address those concerns.

I think some of the money being spent on these unnecessary programs in the Commerce Department would have been better spent funding Federal law enforcement at the levels the Senate proposed in the pre-conference version of this legislation.

Finally, this conference report accepted the House funding level for legal services for the poor and maintains the existing structure for the provision of these services, the Legal Services Corporation, albeit with provisions seeking to ensure that some of the worst misallocations of funds that the Corporation has permitted do not recur. As I explained when the issue came before the Senate originally in connection with this bill, I believe the approach the Senate subcommittee took to this issue originally, which would have eliminated the Federal Corporation and block-granted to the States Federal funds for the provision of legal services to the poor, was far superior. The Corporation itself provides no legal services to the poor, but rather grants Federal money to local organizations that give legal assistance to the poor. This is a function the States can perform at least as effectively as the Corporation has.

While I voted for this conference report, I will reserve judgment on the next Commerce, State, Justice appropriations bill.

THE COMMERCE, STATE, JUSTICE APPROPRIATIONS CONFERENCE REPORT

• Mr. BINGAMAN. Mr. President, I rise in strong opposition to the Commerce-Justice-State appropriations conference report.

When this bill was adopted by the Senate on September 29, it maintained the Community Oriented Policing Services Program [COPS] by eliminating the State and Local Law Enforcement Assistance Block Grant Program, reinstated the Legal Services Corporation, and fully funded the Violence

Against Women Act. Now this appropriations bill returns to the Senate reflecting the wishes of the House at the expense of the Senate. The COPS Program has been eliminated by the re-instatement of the State and Local Law Enforcement Assistance Block Grant Program, the Legal Services Corporation will receive approximately \$60 million less than the Senate had agreed upon, and the Violence Against Women Act will also receive approximately \$40 million less than what the Senate agreed upon.

As we all know, the COPS Program has proven to be successful. In one year, since the program's inception, New Mexico has received over 180 officers from the COPS Program. All parts of New Mexico have been awarded officer positions. From the Aztec Police Department in the north and Sunland Park in the South, to Quay County in the east and Laguna Pueblo in the west, all have felt the impact of this program.

The COPS Program is different from the block grant contained in the conference report because it emphasizes the concept of community policing. It gets officers out into the community preventing crimes rather than reacting to crimes once they have been committed.

Mr. President, I understand that the language in this appropriations bill would allow a community to use the block grant money to hire secretaries, buy a radar gun or buy a floodlight for a local jail. The law enforcement community is against this broad approach. The sentiment is best summed up by Donald L. Cahill, the chairman of the national legislative committee for the Fraternal Order of Police, who testified before the Senate Judiciary Committee in February on the block grant type proposal. He stated:

This broader category opens the door to using these funds for numerous purposes other than hiring police officers—such as hiring prosecutors or judges, buying equipment, lighting streets, or whatever. These are all worthwhile—but they won't arrest a single criminal.

The bottom line is to place more officers on the street and the COPS program has proven to be successful. That is why the Fraternal Order of Police, the National Sheriffs' Association, and the National Troopers' Coalition support the COPS Program.

To quote Mr. Cahill again, "Police are the answer for today and prevention is the answer for tomorrow."

If the Senate agrees to fund the Violence Against Women Act at the figure contained in the conference report, the Senate is stating that this program is not as strong a priority as it was on September 29.

If given the resources, this act has the potential to demonstrate that the Federal Government can make a real difference when dealing with violence against women. Through prosecution, outreach, and education, the Federal Government has assumed the responsibility of a full partner in this cause.

In summary, our communities will suffer the direct affects of these misaligned priorities.

Mr. President, I would like to take a few additional minutes to discuss some other areas of the conference report that have led me to oppose the bill.

I want to preface my comments with a reminder to those who are earnestly committed to the future economic well-being of our Nation and our citizens. Balancing the budget is certainly a goal I support; this cause does make sense, but that goal alone is not enough to secure a robust and healthy economic future for our country. How we cut, what we cut matters a great deal. As many of you know, I have watched rather incredulously as aid to dependent children, student loans, Medicare and Medicaid, the earned income tax credit have been slashed and attacked in this Chamber as we proceed, without missing a beat, to provide nearly \$800 million on 129 military construction projects above the Pentagon's request, above what the President of the United States proposed was necessary to maintain the national security interests of the country. We are making tough decisions that affect people's lives and impact the ability of so many who are hard-working, low income Americans to keep their families together, keep food on the table, and have a chance at getting their children into colleges.

What we cut matters, and I am opposed to the decimation of our Nation's technology programs. Our firms are at a distinct disadvantage to firms in Germany, France, Israel, Japan, South Korea, and in nearly all industrialized nations when it comes to making the investments required to match what foreign government-industry partnerships provide for pre-competitive technology support. We have achieved laudable and significant results from the Technology Reinvestment Program, the Advanced Technology Program, and the Manufacturing Extension Program. While we cut programs, even eliminate some—the Office of Technology Assessment, for example, no longer exists—the Japanese Government despite its budget and economic problems is going to double its research and development expenditures by the year 2000. Our technology programs are not corporate welfare; these have been programs that have helped trigger the competitive rebound of our Nation's firms and that have helped small and medium-sized firms benefit from national technology programs and projects, that would have otherwise been the exclusive privilege of larger firms with the contacts, resources, and infrastructure to cooperate with national laboratories.

This Commerce-Justice-State appropriations bill is a disturbing ideological exercise that threatens the health of our future economy. The technology programs of the Department of Commerce help to expand our economy, help Americans compete in the global

marketplace, and help to generate high-quality, high-wage jobs that our workers need. Many say that the reason that the Advanced Technology Program is being eliminated is that the projects did not earn any political ownership. This is a sad commentary on our judgment of what is important and not important as we make decisions in our budget-cutting efforts. As Leslie Helm of the Los Angeles Times wrote on November 26, 1995:

The Advanced Technology Program . . . works because projects are proposed by industry and companies are required to match government money on their own.

This is an example of how we should be leveraging the taxpayer's dollar, getting more from government investments than we otherwise would achieve. The ATP was created during the Bush administration and had strong bipartisan support, support that such a promising, successful program should have today.

I also cannot support this bill because of the sharp reduction for the National Information Infrastructure Grants Program. The NII Program assists hospitals, schools, libraries, and local governments in procuring advanced communications equipment to provide better health care, education, and local government services. The conference report eliminates funding for the GLOBE Program, which promotes knowledge of science and the environment in our schools. And although it remains anemically funded, I think that the reductions in this bill for the Manufacturing Extension Program are wrong-headed and continue the trend of undermining our Nation's best efforts in decades at partnering with industry to maintain our national technological competitiveness both in the commercial and national defense sectors.

We need to bias our spending toward those projects that produce real growth in our economy. Growth generates jobs, better incomes, and a higher standard of living for our citizens.

For these reasons, Mr. President, I must strongly oppose this bill and urge the President to veto it.●

SPEEDY SENATE RATIFICATION OF START II IS NECESSARY

● Mr. HARKIN. Mr. President, Wednesday Senator BINGAMAN gave an important statement about the necessity to ratify START II quickly, and I would like to add my voice in support of his position.

START II will cut the number of the world's nuclear weapons in half, getting rid of nearly 4,000 deployed H-bombs in Russia and about the same number here. An overwhelming number of our citizens favor implementing this treaty, and a large number of elected officials on both sides of the aisle have expressed their support for it. Names and statements of support by Republican leaders were read by my friend from New Mexico, and I will not take time to add to this list now.