

Mr. KEMPTHORNE. I have good news today, Mr. President. Susie Hamilton underwent 15 hours of surgery yesterday at the Fred Hutchinson Cancer Center in Seattle, receiving the bone marrow from that German soldier. I am pleased to say early reports are positive, and the prognosis is good.

Mr. President, I will be sending a ribbon just like this to the White House today so that President Clinton can affirm to Susie through correspondence that everyone is praying for her speedy and thorough recovery so that we can all affirm that there is always hope where there is prayer, and that truly people all over the world are praying for Susie, and to acknowledge the support of the community of Boise and all of Susie's friends as they rally around a neighbor, which I think is the spirit that does bring about not only hope but the positive results that we want.

Mr. President, I thank you. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. DEWINE. Mr. President, I further ask unanimous consent that I might proceed now as in morning business.

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

VICTIMS' RIGHTS

Mr. DEWINE. Mr. President, today, I want to continue my discussion on the crime bill that I intend to introduce in the Senate next week.

As I have pointed out in previous speeches on this issue, there are really two fundamental issues that we always need to address when we look at the question of a crime bill, when we look at whether it is a good crime bill or whether it is not, when we look at whether it gets the job done or not. The first question is: What is the proper role of the Federal Government in fighting crime in this country, understanding that 90 to 95 percent of all criminal prosecution is not done at the Federal level, but rather done at the local level, the State level, the county level? What is the role of the Federal Government?

The second question we always have to ask is, despite all the rhetoric: What really works in the area of law enforcement? What really matters? And, conversely, what does not matter?

On Wednesday of this week, I discussed these issues with specific reference to crimefighting technology. The conclusion I reached was that we have an outstanding technological base in this country that will do a great deal to help us catch criminals.

Mr. President, technology does, in fact, matter.

However, we do need the Federal Government to be more proactive in

this area, more proactive in getting the States on line with this technology and giving the States the assets they need to get that job done.

Having a terrific national criminal records system or huge DNA data base for convicted sex offenders in Washington, DC, is great—but it will not do much good for the police officer in Lucas County, Hamilton County, and Franklin County, OH, or if other jurisdictions across this country cannot tap into it, cannot get the information out or, conversely, cannot put the information in.

Mr. President, crime occurs locally. So we have to make sure the crimefighting resources—such as high-tech data bases—are, in fact, available to local law enforcement. And one of the principal provisions of the bill that I will introduce next week does just that, drives that home to the thousands, tens of thousands of local law enforcement agencies scattered throughout our 50 States.

Mr. President, on Thursday of this week, I discussed a second issue—what we have to do to get armed career criminals off our streets. At that time, I talked specifically about a program called Project Triggerlock that targeted gun criminals for Federal prosecution.

Mr. President, Project Triggerlock worked. It got 15,000—15,000—armed career criminals off the streets in just 18 months. But, incredibly, the Clinton administration abolished this program. My legislation, Mr. President, would bring back Project Triggerlock, and toughen the laws on gun crimes in many other significant ways. It is clear, if we are going to be tough on crime and do things that really matter, we have to get armed career criminals off our streets.

Today, I would like to turn to a third provision of my crime bill, a third issue, and it is an issue that is near and dear to my heart as a former county prosecuting attorney, and that is the people that we many times forget in our criminal justice system, the victims of crime.

Today, I would like to talk about that component of my crime legislation. I would like to discuss some of the measures I think we ought to take in the area of victims' rights.

The late Hubert Humphrey said, in a much admired and much quoted comment:

The moral test of Government is how that Government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.

What the former Vice President and former U.S. Senator said, what he was talking about was the fundamental role of Government to protect the weak, to protect those citizens who could not protect themselves. That is why, I submit, Mr. President, I think victims of crime belong on that list, as well.

For too long, victims have been forgotten by our judicial system. From start to finish, the legal system can be a terrible ordeal for the victims—a bureaucratic nightmare that seems to and, in fact, does many times, go on and on and on.

In our Constitution, we have all kinds of protections for the rights of defendants, as well we should. We try to make sure that they have every possible chance—and that is good—because we do not know if the defendants are guilty. We want to know if they have justice. That is why we bend over backwards to be fair to anyone accused of crime.

Mr. President, in the process, I believe that many times we have forgotten the victims of crime.

Over the last few decades, we have made some progress in this area. We have made some progress in recognizing the rights of victims. When I was a county prosecutor in the 1970's, I saw too many crime victims, people who had already been hurt, hurt a second time by a callous legal system. That is why I did everything that I could to protect the rights of those victims.

Today, the legal process, in spite of changes, in spite of reforms, in spite of progress that we have made, is still too brutal on the victims. Our bottom line has to be this: To be victimized once by a crime is already once too often. To be victimized yet again by an uncaring judicial system is totally, totally unacceptable.

There are some measures we should take as part of this year's crime legislation to continue the process of making the legal system treat crime victims with greater fairness and with greater consideration. Let me talk about a few of these.

No. 1, let us make sure that crime does not pay. Today, a Federal trial court may—may—order restitution for crimes. I think that in every case they should order restitution for crimes. I think we should mandate full restitution in all Federal criminal cases.

No. 2, let us stop the brutalization of victims in our courts. Under current law, lawyers are not allowed to present evidence that they know is false. That is a basic tenet of judicial ethics for lawyers. Every law student learns that early on. But what defense lawyers can do under our current system is this: If they have a crime victim on the stand, a crime victim whom they know is telling the truth, defense lawyers are still allowed to make it look like that witness is lying. Defense lawyers can do this even though they know the witness is telling the truth. My legislation would prohibit this practice.

No. 3, let us make the trial process more fair to the victims. Under the Constitution, a defendant has the right, if he so chooses, not to testify in his own defense. This is a very important constitutional right. It is imperative that we always protect this. This

right has a consequence, a consequence that is both unintended and, I submit, undesirable.

There are cases in which the defense team decides not to put the defendant on the stand, which is fine, and then, though, attacks the victim's character and the victim when that victim, himself or herself, takes the stand and testifies. In effect, the defense lawyers put the victim on trial while at the same time being able to shield the defendant from questions about that defendant's own character.

I think it is time to end the free ride for these defendants. Let us simply say to the defendants and let us say to the defendants' lawyers this: If you, the accused or a lawyer, want to attack the character of a victim, then you can expect the prosecutor to call your character into question. It is only fair. It is only right. It is only just.

No. 4, let us make people who are accused of sexual assault be tested for HIV. If you, or one of your loved ones, was the victim of a sexual assault today, it is very difficult to find out if the attacker has HIV, and in today's society, is that not something that the victim should know? Is that not something that the court system should help the victim to determine?

Last year, the Senate version of the crime bill did have a provision mandating HIV testing of persons arrested for sexual assault. The Clinton administration supported this provision. But in the other body, for some reason, it was dropped.

My legislation would change that. My legislation would put that back in. My legislation would force the HIV testing of these defendants and the disclosure of the testing results to the victims of crime.

No. 5, a fifth way to make our system more fair and more just to the victims of crime, let us make the jury, the whole jury system, a level playing field. The O.J. Simpson trial has focused America's attention on the process of the selection of a jury. How do we make sure that the jury is a fair panel?

Mr. President, under today's Federal laws, prosecutors can challenge six potential jurors without giving cause, what in the courtroom they call "cause." Six jurors can be knocked off without giving any reason. Defense lawyers, however, can challenge 10 without giving a reason. These are called generally peremptory challenges where each side can excuse a juror without giving a reason.

I think that we should give victims an impartial trial, jury, and a fair shake. To do that, I think we need to give both the prosecution and the defense simply the same number of peremptory challenges. It only seems right, and it only seems fair.

Mr. President, all the provisions I have discussed today to protect victims have a common theme. In our judicial system, we cannot condone the revictimization of crime victims. Our

system is and must be impartial. It must be impartial between the prosecution and the defense, all the while recognizing the presumption of innocence on behalf of the defendant.

There is no reason that the presumption of the defendant's innocence should be construed in such a way that it condones heartless treatment of crime victims. The criminal law embodies some of the truly fundamental values of our society. One of these values is that we should console those who have been hurt. We should not victimize them further.

A number of years ago when I was a county prosecuting attorney, I would see the victims of murder and other violent crimes. I would interview people who had been abused, assaulted, and raped. I learned a lot from talking to these innocent people. I learned that we have to make the crime victim a full participant, not a forgotten person, in the criminal justice system.

The proposals I have just outlined would help us make some progress in turning the criminal justice system into a more victim-friendly enterprise. It is long past time that we stop treating the victims like they are criminals and the criminals like they are victims.

My legislation is an attempt to move the concerns of crime victims toward center stage in our Federal criminal justice policy.

Next week, I will continue my series of speeches on the crime bill that I intend to introduce next week. On Monday, I will explain what I think we ought to do to get more police officers on the streets, particularly to get more police officers on the streets where the crime is the highest, because if there is one thing that we know, it is this: Law enforcement officers who are well trained and who are deployed correctly on our streets will, in fact, reduce crime. That is a fact. That is the truth. I will talk more about this next week.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

MORATORIUM ON REGULATIONS

Mr. CHAFEE. Mr. President, in March of this year, just 2 months ago, this Senate considered a bill that would have imposed an across-the-board moratorium on the issuance of new major regulations. That across-the-board moratorium would have extended from last November's election up until the end of this year, the end of 1995. It would have encompassed all of 1995 and the last several months of 1994.

That bill came up before the Senate, and it was overwhelmingly rejected by this Senate. Instead, on this across-the-board moratorium, the Senate adopted a substitute amendment which was offered by the Senator from Oklahoma and the Senator from Nevada. And that provided for a 45-day review of major new rules coming up before

the new rules by the Congress. This 45-day review was agreed to by this Senate 100-0. Any time you can get a vote of 100-0, it is considered favorable; overwhelming is an understatement.

Before that bill was sent over to the House and to the conference of House and Senate Members, many of us here in the Senate made clear that if the conference report came back with an across-the-board moratorium, we would oppose it. We do not want these across the board moratoriums. We wanted the situation that was proposed by the Senator from Oklahoma which, principally, was for a 45-day review.

I want the Senate to know, as I indicated during the earlier debate, that I will oppose the conference report if it includes provisions of the type that I outlined, namely the restoration of these broad moratoriums that this bill had.

Now, yesterday, a Member of the House released a list of the rules that they have targeted in the House. They are not satisfied with a 45-day review. They have targeted some 30 rules—12 of them are EPA rules; 4 of them are worker safety rules to be issued by OSHA; 10 of the rules relate to food and drug safety. Almost all of the rules on the list that are targeted by the House are there to protect public health, worker safety, and the environment.

I notice that the occupant of the chair is the distinguished Senator from Minnesota. One of the rules that is targeted deals with the Great Lakes clean water quality guidance. I do not know the position of the occupant of the Chair on this. I suspect that most of the Senators from those States—Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin—are interested in the quality of the water in those Great Lakes.

The EPA has proposed an initiative dealing with that situation. The EPA has estimated a proposal that could cost from \$80 to \$500 million annually. This has to do with the cleanliness of those lakes. This is one of the rules that has been targeted by the House Members, one that would be subject to an extensive moratorium.

There are a host of others, Mr. President. One of them I will describe. It is a rule promulgated under the Safe Drinking Water Act. It would reduce the levels of so-called disinfection by-products in drinking water. These are the chemicals that form when water is chlorinated, as is done in most communities. It is chlorinated to kill bacteria and other organisms. The chlorine, in some instances, combines with other substances in the water to form new chemicals, such as chloroform, that may cause significant cancer risks for those using the water.

A recent article in the American Journal of Public Health indicated that up to 10,000—not 1,000, but 10,000—cases of cancer per year may be attributable to these chemicals in our water. EPA has been working on a rule to reduce this health risk.