

age 18 and pregnant women is the next logical step in incremental health care reform. It is sound policy and makes economic sense. It will ensure that all children in America have a healthy start in life.

S. 10, THE VIOLENT AND REPEAT OFFENDER ACT OF 1997

Mr. ASHCROFT. Mr. President, earlier today Senator HATCH introduced S. 10, the Violent and Repeat Offender Act of 1997. Senators LOTT, DOMENICI, SESSIONS, and I worked with him in developing the bill. While not perfect, the bill does take the initial steps in dealing with the epidemic of violent juvenile crime sweeping the Nation.

Mr. President, the face of crime in America is indeed changing. Throughout our history, one thing has been clear: government's first responsibility is to keep the citizenry safe. John Jay wrote in *The Federalist*, No. 3, "Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be first."

The murderers, robbers, rapists, and drug dealers of yesteryear were typically adults. Now they are typically juveniles. As the age of these criminal predators becomes younger and younger with each passing year, so does the age of their victims.

Last Wednesday afternoon, 12-year-old Darryl Dayan Hall was abducted at gunpoint from the Southeast Washington area by three teenagers of a gang known as the Simple City Crew. This is the same gang that opened gunfire at a crowded community swimming pool in June 1993, wounding six children. This past Saturday, police found Darryl's frozen body. He had been shot once in the back of the head and at least once in the body.

The three teenagers who are now charged with Darryl's murder have had numerous prior brushes with the law. One of Darryl's assailants was charged as a juvenile with possession of PCP in 1995 and then was released—as is too often the case—promising not to run afoul of the law again. Another of Darryl's assailants was, and is, on probation following his juvenile conviction last spring for possession of PCP with intent to distribute. Darryl's third assailant was charged as a juvenile just last month with carrying a deadly weapon.

Mr. President, from 1984 to 1994, the number of juveniles murdered in this country increased 82 percent. In 1994, one of every five juveniles murdered was killed by another juvenile. The rate at which juveniles 14 to 17 years old were arrested for murder grew by 22 percent from 1990 to 1994 and the problem is going to get worse, much worse.

Congress over the last three decades has established 131 separate Federal programs—administered by 16 different departments and agencies—to serve delinquent and at-risk youth, according to a report issued by GAO last March.

Conservative estimates of Federal appropriations used for these at-risk and delinquent youth programs was more than \$4 billion in fiscal year 1995.

Despite this ongoing massive expenditure, the Federal Government has failed to meet its responsibility of providing public safety in this arena because it has not focused on holding juveniles accountable for their violent crimes. We now have a new category of offenders that requires a different, tougher approach. In short, we have criminals in our midst—young criminals—not juvenile pranksters and truants.

The juvenile offenders of today will become the career criminals of tomorrow, if government continues to fail to recognize that America has an acute social illness that cannot be cured solely with money spent on social programs. This legislation introduced today takes a common sense approach in dealing with the current epidemic of juvenile violence. It would help States make urban, suburban, and rural communities safe once again.

The bill would provide \$2.5 billion over 5 years in new incentive grants for States to enact accountability-based reforms in their juvenile justice systems. This legislation would authorize funding for various programs, including efforts aimed at trying our most violent juveniles as adults; establishing the ability of States to collect juvenile criminal records, fingerprints, and photographs, and to share such criminal histories and information within a State, with other States, and with the Federal Government; and establishing Serious Habitual Offender Comprehensive Action Program [SHOCAP]. Religious organizations would also be permitted to participate in the rehabilitative programs included in the bill.

Mr. President, serious, violent, and repeat juvenile offenders must be held responsible for their crimes. Today we are living with a juvenile justice system that was created around the time of the silent film. We are living with a juvenile justice system that reprimands the crime victim for being at the wrong place at the wrong time, and then turns around and hugs the juvenile terrorist, whispering ever so softly into his ear, "Don't worry, the State will cure you."

The juvenile justice system's primary goal today is to treat and rehabilitate the juvenile offender. Such a system can handle runaways, truants, and other status offenders; but it is ill-equipped to deal with those who commit serious and violent juvenile crimes repeatedly.

The criminal justice system can emphasize to adult criminals that acts have real consequences. The purpose of the criminal justice system is to punish, that is, to hold defendants accountable.

This legislation would provide financial assistance to States to help them reform their juvenile justice system to

get the message to juveniles that their acts have real consequences to them as well. States will be eligible to receive Federal funds to help provide for the adult prosecution—as a matter of law or prosecutorial discretion—of juveniles 14 or older who commit violent crimes such as murder, forcible rape, armed robbery, and assault with a deadly weapon or offenses involving controlled substances or involving the possession of a firearm or a destructive device.

Mr. President, punishing dangerous juveniles as adults is an effective tool in fighting violent juvenile crime. For example, in Jacksonville, FL, State Attorney Harry Shorstein instituted a program to prosecute and incarcerate such offenders in 1992. Two years later, the number of juveniles arrested in the city dropped from 7,184 to 5,475. While juvenile arrests increased for most of the Nation, Jacksonville's arrest rate actually decreased by 30 percent.

Mr. President, States also need to create and maintain juvenile criminal records. Typically, State statutes seal juvenile criminal records and expunge those records when the juvenile reaches age 18. The time has come to discard the anachronistic idea that crimes committed by juveniles, no matter how heinous, must be kept confidential from the rest of society.

Our laws continue to view juveniles through the benevolent prism of basically good kids gone astray. The law should really view the juvenile predators of today as the criminals that they are. These young criminals know that they can commit crime after crime because their juvenile records are kept hidden under a "veil of secrecy." They also know that when they reach their 18th birthday, they can begin a second career as adult criminals as if they had never committed a crime in their young lives. The argument is that we are protecting juveniles from the stigma of a record, but in reality we are coddling hardened criminals. We must separate rhetoric from reality by lifting the "veil of secrecy."

The law enforcement community needs to know if an individual has a prior juvenile criminal record in order to conduct criminal investigations and apprehend those responsible for crimes in their towns, cities, and counties.

According to Police Chief David G. Walchak, who is also president of the International Association of Chiefs of Police, law enforcement is in desperate need of access to juvenile criminal records. The police chief says, "Current juvenile records (both arrest and adjudication) are inconsistent across the States, and are usually unavailable to the various programs' staff who work with youthful offenders." Chief Walchak also notes that "there are only 26 States that even allow law enforcement access to juvenile records * * * if we [law enforcement] don't know who the youthful offenders are, we can't appropriately intervene."

Mr. President, it is that simple. As juvenile gangs spread from urban to suburban to rural areas, as they travel from State to State, the "veil of secrecy" draped over their criminal histories and records undermines the ability of law enforcement to protect the rest of society.

In order to empower local law enforcement, the proposed bill would provide money to States to create and maintain juvenile criminal records, and to share those records with other federal, State, and local law enforcement agencies.

Mr. President, school officials also need access to juvenile criminal records to assist them in protecting the best interests and safety of all students. The decline in school safety across the country can be attributed to a significant degree to laws that put the protection of dangerous students ahead of protecting innocent, law-abiding students. While visiting with school officials in Sikeston, MO, a teacher told me how one of her students came to school wearing an electronic monitoring ankle bracelet. The student told the teacher, "You don't know if I'm a murderer or a rapist and I ain't gonna tell you." That student was not only brutally honest, he was right. No one had any knowledge of what crime he had committed and, more importantly, they had no way of finding out.

If schools knew the histories of violent juveniles, they could respond to any misbehavior by imposing stricter sanctions, assigning particular teachers, or having the student's locker near a teacher's doorway entrance so that the teacher can monitor his conduct during the changing of class periods. In short, this bill would allow school officials to take measures that could prevent violence against other children at school.

Mr. President, for purposes of adult sentencing, adult courts need to know that convicted felons have a history of criminal behavior. According to the 1991 Survey of Inmates in State Correctional Facilities, nearly 40 percent of prison inmates also had prior criminal records as juveniles. That is approximately 4 in 10 prison inmates. The proposed legislation would allow adult courts to have access to juvenile records so that criminals could no longer masquerade as neophytes before the adult criminal justice system.

The bill also allows State and local governments to use Federal funds to implement the Serious Habitual Offenders Comprehensive Action Program [SHOCAP].

SHOCAP is a multi-agency crime analysis and case management process for identifying and prosecuting violent and hard-core juvenile offenders in a community. SHOCAP targets such serious habitual offenders for intensive social supervisory interventions, intensive accountability in school attendance and discipline, and strenuous investigation and prosecution when they commit a new crime.

The Office of Juvenile Justice and Delinquency Prevention [OJJDP] conducted five test pilots of SHOCAP. Oxnard, CA was one of the sites selected. When SHOCAP was implemented in Oxnard in 1983, officials found that less than 2 percent of all juveniles arrested in that community were responsible for over 35 percent of the felonies committed by juveniles. Four years later, Oxnard's juvenile violent crime dropped 38 percent. Illinois and Florida have also recently established statewide SHOCAP programs in an effort to reduce their juvenile crime rates. S. 10 would allow all jurisdictions to use Federal funds to help implement SHOCAP.

Mr. President, reforms are also necessary at the Federal level as well. S. 10 would make it easier for Federal prosecutors to try juveniles as adults. Under the bill, U.S. attorneys would have discretion to decide whether to try as adults juveniles 14 years or older without having to go through the Attorney General's office in Washington.

Federal juvenile court proceedings would be opened to the general public. When imposing a sentence, the district court would also be allowed to consider a juvenile's entire criminal record under the bill. In any case in which a juvenile is tried as an adult, access to the record of that offense would be made available to law enforcement authorities and others in the same manner that adult criminal records are publicly available.

Mr. President, the government should also be able to mount a counter-attack on gang violence. This legislation targets violent youth gangs, like the notorious Simple City Crew in the District. There would be new Federal penalties for offenses committed by criminal street gangs. Gangs are no

longer concentrated in the big cities, they are now in rural towns. The bill would also provide \$100 million to hire assistant U.S. attorneys to prosecute juvenile criminal street gangs.

We as a nation and a government must challenge this culture of violence and restore the culture of personal responsibility and accountability. It is high time to consider hard-headed and sensible juvenile justice policies. Where possible we must give second chances. Where necessary we must punish severely. This is a first step to restore justice to a nation that has grown weary of injustice.

In sum, this legislation would send a clear, cogent, and convincing message to violent juveniles: "Serious acts have serious consequences."

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, it was not quite 12 months ago—on Friday, February 23, 1996—that the Federal debt broke the \$5 trillion sound barrier for the first time in history. The records show that on that day, at the close of business, the debt stood at \$5,017,056,630,040.53.

Just 20 years earlier, in 1976, the Federal debt stood at \$629 billion—and that was after the first 200 years of America's history had elapsed, including two world wars. Then the big spenders really went to work and the interest on the Federal debt really began to take off—and, presto, during the past two decades the Federal debt has soared into the stratosphere, increasing by more than \$4 trillion in two decades from 1976 to 1996.

So, Mr. President, as of the close of business Friday, January 17, 1997, the Federal debt stood—down-to-the-penny—at \$5,309,774,506,681.99. On a per capita basis, every man, woman, and child in America owes \$19,917.66 as his or her share of that debt.

This enormous debt is a festering, escalating burden on all citizens and especially it is jeopardizing the liberty of our children and grandchildren. As Jefferson once warned, "to preserve [our] independence, we must not let our leaders load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude."

Was Mr. Jefferson right, or what?

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 7:19 p.m. adjourned until Wednesday, January 22, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 21, 1997: