

of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Alabama is recognized to speak for up to 30 minutes.

JUVENILE VIOLENCE

Mr. SESSIONS. Mr. President, I have been asked to chair the subcommittee of the Judiciary Committee on juvenile violence. It is an issue and a problem that I have dealt with for many years. I have been a Federal and State prosecutor for 17 years. I know juvenile judges, I know sheriffs, I know police chiefs, I know juvenile probation officers and those who work with them. I have been involved in organizations that have dealt with youth crime for many, many years. I think it is a rare opportunity to have the possibility of contributing to an issue as important as this one.

I am particularly pleased that we have a bipartisan interest in real reform of juvenile justice in America. Not long ago, the Republican conference of this body listed juvenile violence as one of its top 10 priorities. The President has made it so in his remarks and in his recent address to the Nation. Just a few weeks ago, the majority leader, TRENT LOTT, met with the President, and they agreed to work to pass a good and effective juvenile reform bill. Senator LOTT had the occasion to talk with me about that, and his instructions to me were: "JEFF, we want the best crime bill that we can get, something that will effectively reduce juvenile violence in America."

Mr. President, let me discuss with you what our problems are. Understanding the situation we are in is important. The incidence of adult crime in America, since the early 1980's, has essentially been flat. During that time, we have doubled, tripled, and in some areas of the country, quadrupled the prison capacity for adult offenders in America. Many States have quadrupled their capacity. We have effectively targeted these repeat and dangerous offenders. Those offenders are not now out on the street, committing additional crimes, and we have, at great cost and at great pain, and I regret to say great loss of productivity, incarcerated people who needed to be incarcerated. But we have maintained more safety on our streets than would have been the case.

During this same period of time we have observed that juvenile violence has increased rapidly. We have not dealt with that in any effective way. Since 1982, violent crime committed by juveniles in America has doubled. Murder rates have increased 128 percent since 1982. This violent crime rate has been projected by the Department of Justice to double again by the year 2010. Indeed, by the year 2000 we will have 500,000 more crime-prone males, age 14 to 17. Many experts predict that these numbers alone will drive the juvenile violence rate even higher.

I think we must systematically and deliberately confront this problem, find real solutions to it, and deal with what I consider to be the real problem, which is a juvenile justice system that is simply not working. Those who have seen it, who have worked in it, who have been a part of it, know that. We care about it. We want to improve it. But we have to be honest: It is simply not working.

Let me tell you what is happening in America today. Recently, in Montgomery, AL, a night watchman was killed. I had one of my staff check to see about the three juveniles who had been arrested for that offense. One had 8 prior arrests, another had 8 prior arrests, and the third had 15 prior arrests. That is the kind of thing that is happening all over America. We do not effectively deal with juvenile violence and serious juvenile crime. We act as if it is the same kind of crime that existed 30 or 40 years ago when juvenile crime primarily involved vandalism or petty theft.

Can we do anything about it? Can we, as a nation, effectively deal with these instances of ever increasing violence by young offenders, and make the system work better? As somebody who has been in it, I believe sincerely that we can. It strikes me that we have a system which is so badly constituted that we have great opportunities to make it more productive and work better.

Mr. President, let me give you an outline of some of the proposals that will be in our bill and I think will be supported by the Department of Justice and the President. Senator JOSEPH BIDEN, the ranking Democratic member on our subcommittee, and others should be in general agreement with the proposals I am going to make. I certainly hope they will be.

First, we do have to make the Federal system work better. It is as a practical matter impossible at this time to effectively prosecute a juvenile offense in Federal court. The prosecutor must certify that the offender cannot be prosecuted in State court. Then the prosecutor must certify the offender as an adult. Then the offender has a right, at that point, to appeal the certification, to the U.S. Circuit Court of Appeals, which delays the trial as much as a year while the public waits on the results of that appeal. That is not necessary.

We believe that our bill, with the support of the President, and the Department of Justice, can eliminate those problems and allow the Federal prosecutors to effectively be engaged in prosecuting appropriate violent juvenile cases. But we have to be honest with ourselves: 99.9 percent of juvenile crime cases—99.99 percent—are being tried in State court. Overwhelmingly, those cases ought to continue to be in State court. We do not need to have the Federal bureaucracy, here in Washington, DC, taking over the prosecution of juvenile crime in the States.

What we need to do in this Nation, and what this Senate needs to do, and

what our Federal Government needs to do, is develop ways to assist the juvenile systems throughout America to be more productive in prosecuting cases within their own counties, cities and localities. This is the most important thing. First, we need to fix the Federal system, but we do not need to ever think for one moment that that is going to be a serious detriment to the overall growth and threat of violence in our young offenders.

How do we improve the States' systems? We have to deal with it systematically, addressing the day-to-day things that are happening there. I would like to share with you some proposals that will be included in our bill, and share with you some of the problems that we face. First, let me tell you what is happening today all over this country, when young offenders are arrested.

Let us take this example. A young offender in a stolen car is arrested at 2 a.m. by a local deputy sheriff, caught flat-footed. What typically happens is, if there is not a juvenile facility nearby—and normally there are only a few approved juvenile facilities within the State—that offender cannot be kept overnight in a separate part of a local or city jail. Those offenders cannot be kept at the local jail because Federal mandates say they cannot be housed in any institution in which adults are housed. They cannot even be in an institution that shares the same dining facility. So they either have to be released that night, or they have to be taken to a juvenile facility that may be in a distant locality and may be at full capacity. So, routinely what happens is that young offender, caught flat-footed in a stolen automobile, is released that night to his parents. He is back on the street that night.

It is not just bad for him, that he receives a horrible message, but it is also bad for his younger brothers, perhaps, or his running buddies, his would-be criminal associates, because they know Billy got caught. They know the police caught him in a stolen car. They see him back on the street that very night or the next morning. They see him laughing about it. They do not respect the system, and that procedure undermines the moral authority of the police and the legal system in America. It encourages crime and it does not deter crime, and we have to deal with that fundamental problem. We can do so, and I have some ideas I would like to share with you.

As a matter of fact, as I traveled the State of Alabama as attorney general, talking to local police, that is the single most frustrating situation for local police officers throughout Alabama, and I think the Nation, in juvenile crime, because these officers say to me over and over, "Jeff, they are laughing at us. They don't think we can do anything to them, and we can't." This creates crime by sending a clear message to all involved that these young offenders are getting away with their crimes.

How do we deal with that? We need to end these irrational Federal mandates that require total separation. We do not need to have young offenders in the same cell with hardened criminals. Nobody proposes that. But on separate floors, in separate wings, separate parts of jails can be carved out where young offenders can be kept, at least for short periods of time, totally apart from adult offenders. That can and should be done, and it is the only sane and logical thing to do. I believe there is a growing consensus in America to do that, and our bill will do that. I think we can have bipartisan support to end these regulations. This will free up, at little or no cost, significant amounts of bed space for juvenile offenders.

In addition, we need to put some money into juvenile facilities. Adult facilities, as I have said, have doubled and tripled and quadrupled in America, but facilities for young offenders have not increased. In fact, in some States, their jail space for juveniles has decreased. Florida, after decreasing juvenile jails for a number of years, has now recognized the need to increase their available space. Our bill will provide financial support to State and local governments who need to undertake to expand their existing facilities, such as by putting on a separate wing for juvenile offenders. That way, at a reasonable cost, we can add jail capacity.

A sheriff in Alabama told me just a few weeks ago that he was arresting and incarcerating people under a new Alabama law that our Attorney General's office helped get passed, but he did not realize he was also in violation of Federal mandates and he was called on the carpet by Federal officials who forced him to stop. His policy was to hold young offenders for several days when the charges were serious, taking them promptly to court, and having prompt hearings. As a result of that tough approach, his juvenile crime rate dropped significantly. He was just furious that he could no longer carry out that policy, because he was absolutely convinced that if he was given the capacity to identify the serious offenders, take them to court, and detain them, then he could make progress in reducing crime. That is what we want. We want to deter criminal conduct. We want to have a system that does, in fact, cause juveniles to think about the consequences of their actions before they are tempted to commit a crime. I am convinced that our plan will do that.

Some of these matters I will be talking about on the floor in the future in more detail, but I want to mention several other parts of this program that I think will have bipartisan support and which will be effective in thousands of everyday criminal cases in juvenile court, so that we can deter these young offenders from going further along. We need to make that first brush with the law their last.

Drug testing. I have always thought it was virtually irrational or insane for us to arrest offenders, when we know statistically as high as 60 and 70 percent of serious offenders test positive for an illegal substance in their body at the time of their arrest, and not drug test them to determine whether or not they have a drug problem. They will say they do not. Routinely, they will deny it, but through regular drug testing, we can identify those young offenders who are using drugs. We can identify those who can, through their own willpower and the discipline of the court get off drugs, and those who are seriously addicted and need treatment. We can involve their families, if they have families, in that process. We can give the judge the kind of information he needs to know. When he is crafting an appropriate sentence, he needs to know whether or not this person standing before him, the one he is about to sentence, has a serious drug problem, and the sure way to do that is drug testing. It is relatively inexpensive.

So we will be proposing legislation that will provide money for State and local juvenile courts to test young offenders. If they test positive, they can put them on a very intensive drug-testing program, and if they continue to flunk, they will either go to jail or some serious treatment facility. We need to stay on them. We do not do them a favor to act as if their drug problem does not exist and allow them to continue life as usual. We need to work on that very hard.

Another matter that is extremely important is recordkeeping. For years, we have had in the National Crime Information Center the capacity to put every adult person's criminal history in our national computer system, so when they are arrested, a law officer can call up the National Crime Information Center from any police department in America, and, indeed, many police officers have today in their vehicles the capacity to tap into that system to find out if the person they just stopped out on the highway is a fugitive from justice for a serious offense. It is one of the most worthwhile, productive criminal justice innovations this Nation has ever implemented. It is not being done for juveniles.

The greatest predictor of adult violence is a history of violence and crime as a youngster. We know that. That makes common sense. Yet, with regard to the young people who are being arrested, because of the secrecy laws around the country and an aversion for putting these records in the NCIC, the judges may not know about a history of violence and crime. They may know it if the offender committed a crime in their local community, but they will not know it if they committed it in another community.

Additionally, in the case of a 24-year-old, for example, who the judge is about to sentence, that judge would need to know, in crafting an appropriate sentence, whether that offender

standing before him had committed two armed robberies as a juvenile in a distant city. We have made a serious mistake over the years in not putting those records in the National Crime Information Center, and our bill will end that policy. I think it is something long overdue.

I think it is appropriate for the Federal Government to provide training for State and local officials. It would be good to provide a national center, that no one State could afford to put together, to train probation officers who will be working with young offenders, to train sheriff deputies and police officers who will be working with young offenders, to train prosecutors who will be working with young offenders and, yes, provide the latest and finest training for juvenile judges so that they can be effective. I would love to see us establish training centers and scholarship programs so that virtually every young prosecutor, every new probation officer for juvenile offenders could have 1 week or 2 or 3 weeks in intensive training on what it means to have their job and how to best conduct themselves in it.

We also need, and it is appropriate for the Federal Government who has all 50 States under its jurisdiction, to provide a research center to study what programs work and what programs don't work, to give authoritative data to local officials as they struggle to decide what to do about juvenile violence in their community.

I sense, as I travel Alabama—and I know this is true nationally—that people in local communities are very concerned about juvenile crime, and they want to develop programs to do something. They are willing to invest money in that. They are just not certain what to do.

For example, a number of years ago, Congress developed a boot camp program in America. We had one of those in my hometown of Mobile. I was involved in helping to get it established. We had great expectations for it. The U.S. Department of Justice did an intensive study of the boot camps around and the studies produced, unfortunately, mixed results. The studies concluded that whereas many young offenders appear to be quite changed when they finish their short-term incarceration and intensive military-like discipline and really seem to be better, once they were released and went back into the community from which they came, they developed the same friends and same associates and the recidivist rates, the rearrest rates, did not change very much.

So since then, boot camps, because of that study and others, have adopted an aftercare program where the graduates have to come back to the training center with their parents or parent and go through a counseling and intense monitoring program. This has helped expand the productivity of the boot camp system and has helped keep more of these people from going back into a life of crime.

That is the kind of thing that is difficult for a State to do on its own. It is appropriate for the Federal Government to do that. That is not a Federal takeover of juvenile justice, but a Federal helping hand to give States the information that they need.

So, Mr. President, I would just say that we are dealing with an issue of great national importance. I cannot tell you how delighted I am that the President, that the Department of Justice, that the Democratic leadership of this body and the Republican leadership of this body are united in being committed to developing a workable plan that will actually and realistically improve our ability to deal with this juvenile crime problem, because if we don't, it will get worse. And I am excited about our prospects.

This proposal that I have outlined for you today will provide more jail space so that when young offenders violate their probation, so that when they commit crimes, they can be immediately incarcerated and disciplined by their judge. If the judge has no capacity to do that, then that judge is losing control of his courtroom; and the police officers who went out and made the arrest, their moral authority is undermined.

We need drug testing to find out which ones of these young people are addicted to dangerous drugs which may be the accelerant to their criminal activity.

We need better recordkeeping to identify serious dangerous offenders throughout this Nation as they move throughout this Nation.

We need a training center to train local and State law enforcement.

And we need a research center to identify the greatest and best ways to fight juvenile crime so that we can assist Federal and State activity in improving that effort.

Mr. President, I am excited about the potential for doing something good for America, for making our streets safer. I must point out that in some areas of this country almost the leading, if not the leading, cause of death of young people is murder. That is a horrible thing to say, because it is not just the young people who are committing crimes, they are also the victims of young criminals. It is something we have to put an end to if we care about our country.

It is a core function of government that we make our streets safe. This bill will help take us a long way toward that goal. I thank you, Mr. President.

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

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The legislative 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.

CHANGE OF TIME OF VOTE

Mr. HATCH. Mr. President, I ask unanimous consent that the previously ordered vote at 12:30 p.m. today now occur at 12:45 p.m.

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

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. 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. DODD. Thank you, Mr. President.

Mr. President, parliamentary inquiry. I presume we are still in morning business; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the introduction of S. 426 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, is morning business time reserved at this point?

The PRESIDING OFFICER. The Senate is conducting morning business until 12:45.

Mr. DORGAN. Let me yield myself such time as I may consume, Mr. President. There is one hour calculated and my colleagues will also be taking some time. A couple of colleagues are not here yet.

THE BUDGET

Mr. DORGAN. Mr. President, we wanted to come to the floor today because we have watched for a number of weeks a discussion on the floor of the Senate about changing the United States Constitution to require a balanced budget. In fact, for a good many weeks we had a stack almost 5-foot tall of books. Apparently they represented budget books and budgets that were submitted by Presidents to Congress and described various budget deficits over many years. And that 5-foot stack of books resided on the desk over there for I think 3 or 4 weeks in the Chamber. The discussion was: "Let us change the Constitution to require a balanced budget." We had that vote. Those books are now gone. Now, of course, comes the real work. Altering

the Constitution of the United States is one thing. Balancing the budget by writing a yearly budget, which the Congress is required to do following the submission of a budget by the President, is quite another thing. I made the point during the debate on the constitutional amendment to balance the budget that we could alter the Constitution at 12 o'clock noon that requires a balanced budget and at 12:01 there would be no difference in either Federal debt or Federal deficit. Why? Because that is required to be done in the individual yearly choices of taxing and spending decisions here in the Congress.

I do not see anybody out here on the floor on the other side with nearly as much energy on the proposition of writing a budget that will really balance the budget. In fact, no one is here now, and there hasn't been for some long while anyone here to address the question of will there be a budget brought to the floor of the Senate? The deadline for the Budget Committee to act on a budget is April 1. That is not very many days away. The deadline for the adoption of a budget resolution by the Congress is April 15, about a month away. That leaves only 7 working days here in the Senate between now and the deadline by which the Budget Committee shall have acted to comply with its responsibilities. And it is only 14 working days in the Congress to actually pass a conference report on the floor of the Senate and the House to comply with the requirements of the budget act. But, contrary to 5 feet of documents when we discussed altering the Constitution, you can't find a single page scavenging anywhere in this Chamber. Not in the darkest recesses of the deepest drawer in these Senate desks will you find a page that explains what the plan is for actually balancing the budget—not altering the Constitution; the plan for actually balancing the budget.

We say we are ready. We want a plan to balance the budget. The President has submitted a plan. Now let's see the alternatives, and talk about them and describe the choices and what are the priorities.

Why do we not see a plan? And why do we see so little energy on this issue of actually dealing with the budget on the floor of the Senate?

I want to hold up a chart that describes why I think we are in this situation. The Joint Tax Committee disclosed to us that in the first 5 years of the coming budget the cost of the proposed tax cuts by the Republicans here in Congress will mean \$200 billion in lost revenue but that in the first 10 years the lost revenue will be \$525 billion. In other words, you lose a couple hundred billion dollars in the first 5 years, and then much, much more than that in the second 5 years; in 10 years, nearly half a trillion dollars.

What does that mean? It means, if you have that much less revenue—and, incidentally, most all of this tax cut