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## SENATE—Tuesday, May 11, 1999

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy Father, we join with Americans across our land in the celebration of National Police Recognition Week. We gratefully remember those who lost their lives in the line of duty. Particularly, we honor the memory of our own officers in the United States Capitol Police: Sergeant Christopher Eney on August 24, 1984 and Officer Jacob Chestnut and Detective John W. Gibson on July 24, 1998. Thank you for their valor and heroism. Continue to bless their families as they endure the loss of these fine men.

May this be a time for us as a Senate family to express our profound appreciation for all of the police officers and detectives who serve here in the Senate. They do so much to maintain safety and order, knowing that, at any moment, their lives may be in danger. Help us to put our gratitude into words and actions of affirmation. May we take no one for granted.

Now we dedicate this day to serve You. Bless the Senators as they confront issues with Your divinely endowed wisdom and vision. Through our Lord and Saviour. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

### SCHEDULE

Mr. HATCH. Mr. President, today the Senate will immediately begin consideration of S. 254, the juvenile justice bill, with debate only until 12 noon. Amendments are anticipated after noon, and therefore rollcall votes can be expected during today's session of the Senate. Members will be notified as votes are ordered with respect to this legislation.

The majority leader encourages Members who intend to offer amendments to work with the chairman and ranking member to schedule a time to come to the floor to debate those amendments.

I thank my colleagues for their attention.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

### VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to S. 254 with debate only until noon. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 254) to reduce violent juvenile crime, promote accountability by and rejuvenation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am pleased that today the Senate will begin consideration of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

There are few issues that will come before the Senate this Congress that touch the lives of more of our fellow Americans than our national response to juvenile crime. Crime and delinquency among our young people is a

problem that troubles us in our neighborhoods, in our schools and in our parks. It is the subject across the dinner table, and in those late night, worried conversations all parents have had at one time or another. The subject is familiar—how can we prevent our children from falling victim—either to crime committed by another juvenile, or to the lure of drugs, crime, and gangs?

Their concerns are shared by all of us. Most of us are parents. Many of us are now proud grandparents. We have dealt with the challenges of raising children—the joys and the trying times. But for today's parents, the challenges they face are more complex. The temptations children confront come from many different directions and parents seemingly have less and less control over what it is their children are exposed to.

There is a sense among many Americans that we are powerless to reverse this trend, that we are powerless to deal with violent juvenile crime, that we are powerless to change our culture. It is this feeling of powerlessness which may restrain our collective ambition for meaningful, penetrating solutions in the wake of the Littleton tragedy. As Dr. William Bennett said recently on a national talk show, if the two students who committed the murders at Columbine High had "carried Bibles and [said] Hail the Prince of Peace and King of Kings, they would have been hauled into the principal's office." Instead, these young people who committed these crimes saluted Hitler and they were ignored. Ironically, it seems the only time we promote morality in school these days is when mourners visit on-school memorials in the wake of tragedies like Littleton.

If the murder of twelve innocent students and one teacher cannot give us the backbone to shed this defeatism and to do what is right, then we are doomed to see more tragedies. I believe that as a nation we must do more—and expect more—from our schools, the entertainment industry, our juvenile justice systems, and—where appropriate—the Department of Justice. We must also do more to empower parents in the

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

raising of their children and help the States reform our juvenile justice systems.

True—the tragedy in Littleton was a bizarre and complex crime. For that reason, we should resist the temptation to claim we have all of the answers. And we should also fight the temptation to play politics with the matter. We should examine this and other acts of school violence and not single out one politically attractive interest as a cause.

Yet, we must also do more than simply talk about the problem. Accordingly, I along with several of my colleagues have developed—and will advance this week—a comprehensive legislative plan to respond to the problem of violent juvenile crime. Our Youth Violence Plan contains four main components:

No. 1, prevention and enforcement assistance to State and local government;

No. 2, parental empowerment and stemming the influence of cultural violence;

No. 3, getting tough on violent juveniles and those who commit violent crimes with a firearm; and

No. 4, providing for safe and secure schools.

Allow me to discuss each of these in more detail:

No. 1, prevention and enforcement assistance to State and local government: The first tier of this plan involves passage of the measure we are beginning consideration of today—S. 254, the Violent and Repeat Juvenile Offender and Accountability Act. We believe we should provide a targeted infusion of funds to state and local authorities to combat juvenile crime. S. 254 provides \$1 billion a year to the States to fight juvenile crime and prevent juvenile delinquency. We need to reach out to young children early in life, ensure that parents are empowered to do what they believe is best for their children, and take meaningful steps to give local education and enforcement officials the tools they need to hold violent juveniles accountable. I will discuss the underlying bill in greater detail shortly.

No. 2, parental empowerment and stemming the influence of cultural violence: The second tier of our plan involves steps Congress should take to empower parents, educators and the entertainment industry to do more to limit the exposure of America's children to violence in our popular culture. We plan to offer several amendments to the underlying bill which will further this leg of our plan. For example, parents should be given the power to screen undesirable material from entering their homes over the Internet. I have an amendment I will offer to this bill which does just that. Senator BROWNBACK's hearings on marketing violence to children provided powerful

evidence of the exposure of children to violence in music, movies, and video games. He and I plan to offer a measure to give the entertainment industry the tools it needs to develop and enforce pre-existing ratings systems so that children are not exposed to material that the industry itself has deemed unsuitable for children.

In recent years, the movies our children watch have become increasingly violent. The video games they play reward virtual killings. The lyrics of popular music have grown more violent and depraved. And much of the violence and cruelty in modern music and cinema is directed toward women.

The President of the Motion Picture Association of America, Jack Valenti, is a man of great intellect and a man who I admire. He recently testified at a hearing that, "I do earnestly believe that the movie/TV industry has a solemn obligation . . . [to engage in] creative scrutiny." He also notes that the industry has "a duty to inform parents about film content." I agree with him and commend the industry for some of the steps they have taken. But I believe the entertainment industry's "obligation" and "duty" go a bit further. Indeed, what good is a ratings system if it is not enforced? Is the industry fulfilling its obligation to parents if, out of one side of its mouth, it take steps to inform parents that a particular video game, movie, or CD is not suitable for children and then, out of the other side of its mouth, advertises, promotes, and sells this same material to children?

Let me be clear. I am not standing here arguing that this filth should be banned or regulated by the government. I simply believe we should limit our young people's exposure to it. It is one thing to say that Marilyn Manson or Eminem should be prohibited from producing their material. It's another thing for Congress to condone the entertainment industry's embracing of this garbage and its sale to children.

Exposure to violent and depraved material is just one part of a complex problem. But I do hope that we can encourage the industry to work with us to do what is best for our children. Why can't this industry, which is a source for so much good in America, do more to discourage the production and marketing of filth to children? Why shouldn't the industry help fight the marketing of violence to young people? This week, I intend to give them the opportunity to do more.

No. 3, getting tough on violent juveniles and enforcing existing law: A third tier of our plan insures that violent juveniles—teenagers who commit violent crimes—will be held accountable. Part of the solution is to insure that when a teenager brings a gun to school, he or she is held accountable by the criminal justice system. The Administration—and several of my col-

leagues—have called for more gun control. I plan to offer and support many of the proposals that have been discussed. I support the extension of the Youth Handgun Safety Act to semi-automatic rifles. Indeed, the Republican bill before the Senate contains reforms like the juvenile Brady provision—a measure which will prohibit firearms possession by violent juvenile offenders. Republicans have been fighting for this provision for years, but the Administration has, until recently, largely ignored our efforts.

The test for the Senate over the coming days will be whether we choose to play politics with the gun issue or work in a bipartisan manner to insure that access to firearms by juveniles is tightly controlled and that the laws are fully enforced. You see, we need to remember that it seems the Clinton Justice Department has trouble prosecuting violations of existing gun laws, especially gun crimes committed at school or involving minors. Arguably, we should not simply rush to enact more gun control—some of which cannot even be remotely associated with the Littleton tragedy—without taking steps to insure that existing federal laws are being enforced. So, we plan to propose legislation to insure that the Department of Justice will walk the walk—not just talk the talk—when it comes to prosecuting violent gun offenders and providing needed funding to the States to build detention facilities for violent and recidivist juvenile offenders.

No. 4, safe and secure schools: The fourth tier of our plan revolves around the basic right that all students share—the right to receive the quality education they deserve. Our teachers and students need to know that their schools are safe and that, should they take action to deal with a violent student, the teacher will be protected. Our plan will also promote safe and secure schools, free of undue disruption and violence, so that our teachers can teach and our children can learn.

The sad reality is that we can no longer sit silently by as children kill children, as teenagers commit truly heinous offenses, or as our juvenile drug abuse rate continues to climb. In 1997, juveniles accounted for nearly one fifth—18.7 percent—of all criminal arrests in the United States. Persons under 18 committed 13.5 percent of all murders, over 17 percent of all rapes, nearly 30 percent of all robberies, and 50 percent of all arsons.

In 1997, 183 juveniles under 15 were arrested for murder. Juveniles under 15 were responsible for 6.5 percent of all rapes, 14 percent of all burglaries, and one third of all arsons. And, unbelievably, juveniles under 15—who are not old enough to legally drive in any state—in 1997 were responsible for 10.3 percent of all auto thefts.

To put this in some context, consider this: in 1997, youngsters age 15 to 19,

who are only 7 percent of the population, committed 22.2 percent of all crimes, 21.4 percent of violent crimes, and 32 percent of property crimes.

And although there are endless statistics on our growing juvenile crime problem, one particularly sobering fact is that, between 1985 and 1993, the number of murder cases involving 15-year olds increased 207 percent. We have kids involved in murder before they can even drive.

Cold statistics alone cannot tell the whole story. Crime has real effects on the lives of real people. Last fall, I read an article in the *Richmond Times-Dispatch* by my good friend, crime novelist Patricia Cornwell. It is one of the finest pieces I have read on the effects of and solutions to our juvenile crime problem.

Let me share with my colleagues some of what Ms. Cornwell, who has spent the better part of her adult life studying and observing crime and its effects, has to say. She says "when a person is touched by violence, the fabric of civility is forever rent, or ripped, or breached. . . ." This is a graphic but accurate description. Countless lives can be ruined by a single violent crime. There is, of course, the victim, who may be dead, or scarred for life. There are the family and friends of the victim, who are traumatized as well, and who must live with the loss of a loved one. Society itself is harmed, when each of us is a little more frightened to walk on our streets at night, to use an ATM, or to jog or bike in our parks. And, yes, there is the offender who has chosen to throw his or her life away. Particularly when the offender is a juvenile, family, friends, and society are made poorer for the waste of potential in every human being. One crime, but permanent effects when "the fabric of civility is rent."

This is the reality that has driven me to work for the last three years to address this issue. In this effort, I have been joined by a bipartisan majority of the Senate Judiciary Committee, which last Congress reported comprehensive legislation on bipartisan, two to one vote.

Our legislation from last Congress, which S. 254 is modeled after and improved upon in an effort to gain the support of more Democrats, was supported by law enforcement organizations such as the Fraternal Order of Police, the National Sheriffs Association, and the National Troopers Coalition, as well as the support of juvenile justice practitioners such as the National Council of Juvenile and Family Court Judges, and victim's groups including the National Victims Center and the National Organization for Victims Assistance. S. 254 is enthusiastically supported by law enforcement. It has been endorsed by the Fraternal Order of Police, the International Association of Chiefs of Police, the Na-

tional Sheriffs Association, and the National Troopers Coalition. Victim's groups including the National Center for Victims of Crime and the National Organization for Victims Assistance support the bill and its pro-victim provisions. The Boys and Girls Clubs of America, undeniably experts in what it takes to prevent juvenile crime and delinquency, has urged passage of S. 254. And the National Collaboration for Youth, which includes a wide array of front-line juvenile crime and delinquency prevention providers such as the American Red Cross, Big Brothers Big Sisters of America, the National 4-H Council, the National Network for Youth, and the YMCA and YWCA of the USA, has called S. 254 a "strong bill" and praised "the increasingly balanced emphasis S. 254 places on prevention activities".

Mr. President, allow me to spell out in greater detail the major provisions of this bill—the first tier in our plan to deal with violent juvenile crime. And how it will help reform the juvenile justice system that is failing the victims of juvenile crime, failing too many of our young people, and ultimately, failing to protect the public.

First, this bill reforms and streamlines the federal juvenile code, to responsibly address the handful of cases each year involving juveniles who commit crimes under federal jurisdiction. Our bill sets a uniform age of 14 for the permissive transfer of juvenile defendants to adult court, permits prosecutors and the Attorney General to make the decision whether to charge a juvenile offender as an adult, and permits in certain circumstances juveniles charged as an adult to petition the court to be returned to juvenile status.

It also provides that when prosecuted as adults, juveniles in Federal criminal cases will be subject to the same procedures and penalties as adults, except for the application of mandatory minimums in most cases. Of course, the death penalty would not be available as punishment for any offense committed before the juvenile was 18.

Finally, in reforming the federal system, I believe that we must lead by example. So our bill provides that the federal criminal records of juveniles tried as adults, and the federal delinquency records of juveniles adjudicated delinquent for certain serious offenses such as murder, rape, armed robbery, and sexual abuse or assault, will be treated for all purposes in the same manner as the records of adults for the same offenses. Other federal felony juvenile criminal or delinquency records would be treated the same as adult records for criminal justice or national security background check purposes.

The bill also permits juvenile federal felony criminal and delinquency records to be provided to schools and colleges under rules issued by the Attorney General, provided that recipi-

ents of the records are held to privacy standards and that the records not be used to determine admission.

Let me assure any who may be concerned that it is not our intent in reforming the federal juvenile code to federalize juvenile crime—indeed, no conduct that is not a federal crime now will be if this reform is enacted. I do not intend or expect a substantial increase in the number of juvenile cases adjudicated or prosecuted in federal court. It is our intent, rather, to ensure that when there is a federal crime warranting the federal prosecution of a juvenile, the federal government assumes its responsibility to deal with it, rather than saddling the states with that burden.

Second, at the heart of this bill is an historic reform and reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, the most comprehensive review of that legislation in 25 years. The States—under the leadership of a new breed of young, non-nonsense Governors, like Mike Leavitt of Utah, then-Governor George Allen and current Governor Jim Gilmore of Virginia, and Frank Keating of Oklahoma—have for several years have been far ahead of the Federal Government in implementing innovative reforms of their juvenile justice systems. For example, between 1992 and 1996, of the 50 States and the District of Columbia, 48 made substantive changes to their juvenile justice systems. Among the trends in State law changes are the removal of more serious and violent offenders from the juvenile justice system, in favor of criminal court prosecution; new and innovative disposition/sentencing options for juveniles; and the revision, in favor of openness, of traditional confidentiality provisions relating to juvenile proceedings and records.

While the States have been making fundamental changes in their approaches to juvenile justice, the Federal Government has made no significant change to its approach and has done little to encourage and reward State and local reform. Thus, the juvenile justice terrain has shifted beneath the Federal Government, leaving its programs an policies out of step and largely irrelevant to the needs of State and local governments. This bill corrects this imbalance between State and Federal juvenile justice policy, and will help ensure that federal programs support the needs of State and local governments.

First, our bill reforms and strengthens the Office of Juvenile Justice and Delinquency Prevention, OJJDP, of the Department of Justice. The effectiveness of the OJJDP will be enhanced by requiring its Administrator to present to Congress annual plans, with measurable goals, to control and prevent youth crime, coordinate all Federal programs relating to controlling and

preventing youth crime, and disseminate to States and local governments data on the prevention, correction and control of juvenile crime and delinquency, and report on successful programs and methods.

And, most important to state and local governments, in the future, OJJDP will serve as a single point of contact for States, localities, and private entities to apply for and coordinate all federal assistance and programs related to juvenile crime control and delinquency prevention. This one-stop-shopping for federal programs and assistance will help state and local governments focus on the problem, instead of on how to navigate the federal bureaucracy.

Second, our reform bill consolidates numerous JJDPA programs, including Part C Special Emphasis grants, State challenge grants, boot camps, and JJDPA Title V incentive grants, under an enhanced \$200 million per year prevention challenge block grant to the States. The bill also reauthorizes the JJDPA Title II Part B State formula grants. In doing so, it also reforms the current core mandates on the States relating to the incarceration of juveniles to ensure the protection of juveniles in custody while providing state and local governments with needed flexibility.

This flexibility is particularly important to rural states, where immediate access to a juvenile detention facility might be difficult. Since many communities cannot afford separate juvenile and adult facilities, law enforcement officers must drive hours to transport juvenile offenders to the nearest facility, instead of patrolling the streets. Another unintended consequence of JJDPA is the release of juvenile offenders because no beds are available in juvenile facilities or because law enforcement officials cannot afford to transport youths to juvenile facilities. Juvenile criminals are released even though space is available to detain them in adult facilities. Our reform will provide the states with a degree of flexibility which currently does not exist.

However, this flexibility is not provided at the expense of juvenile inmate safety. The bill strictly prohibits placing juvenile offenders in jail cells with adults. No one supports the placing of children in cells with adult offenders. To be clear—nothing in the bill will expose juveniles to any physical contact by adult offenders. Indeed, the legislation is explicit that, if states are to qualify for federal funds, they may not place juvenile delinquents in detention under conditions in which the juvenile can have physical contact, much less be physically harmed by, an adult inmate.

These provisions are largely based on H.R. 1818 from the 105th Congress, but are improved to ensure that abuse of

juvenile delinquent inmates is not permitted by incorporating definitions of what constitutes unacceptable contact between juvenile delinquents and adult inmates.

Third, and finally, our reform of the JJDPA reauthorizes and strengthens those other parts of the JJDPA that have proven effective. For example, the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Act are reauthorized and funded. Gang prevention programs are reauthorized. And important, successful programs to provide mentoring for young people in trouble with the law or at risk of getting into trouble with the law are reauthorized and expanded. Operating through the Cooperative Extension Service program sponsored by the Department of Agriculture, the University of Utah has developed a ground-breaking and highly successful program that mentors to entire families—pairing college age mentors with juveniles in trouble or at risk of getting in trouble with the law, and pairing senior citizen couples with the juvenile's parents and siblings. This program gets great bang for the buck. So our bill provides demonstration funds to expand this program and replicate its success in other states.

Finally, our bill provides an important new program to encourage state programs that provide accountability in their juvenile justice systems. All or nearly all of our states have taken great strides in reforming their systems, and it is time for the federal government's programs to catch up and provide needed assistance.

Despite reforms in recent years, all too often, the juvenile justice system ignores the minor crimes that lead to the increasingly frequent serious and tragic juvenile crimes capturing headlines. Unfortunately, many of these crimes might have been prevented had the warning signs of early acts of delinquency or antisocial behavior been heeded. A delinquent juvenile's critical first brush with the law is a vital aspect of preventing future crimes, because it teaches an important lesson—what behavior will be tolerated. Accountability is not just about punishment—although punishment is frequently needed. It is about teaching consequences and providing rehabilitation to young offenders.

According to a recent Department of Justice study, juveniles adjudicated for so-called index crimes—such as murder, rape, robbery, assault, burglary, and auto theft—began their criminal careers at an early age. The average age for a juvenile committing an index offense is 14.5 years, and typically, by age 7, the future criminal is already showing minor behavior problems. If we can intervene early enough, however, we might avert future tragedies. Our bill provides a new Juvenile Accountability Block Grant to reform

federal policy that has been complicit in the system's failure, and provide states with much needed funding for a system of graduated sanctions, including community service for minor crimes, electronically monitored home detention, boot camps, and traditional detention for more serious offenses.

And let there be no mistake—detention is needed as well. Our first priority should be to keep our communities safe. We simply have to ensure that violent people are removed from our midst, no matter their age. When a juvenile commits an act as heinous as the worst adult crime, he or she is not a kid anymore, and we shouldn't treat them as kids.

State receipt of the incentive grants would be conditioned on the adoption of three core accountability policies: the establishment of graduated sanctions to ensure appropriate correction of juvenile offenders, drug testing juvenile offenders upon arrest in appropriate cases; and recognition of victims rights and needs in the juvenile justice system.

Meaningful reform also requires that a juvenile's criminal record ought to be accessible to police, courts, and prosecutors, so that we can know who is a repeat or serious offender. Right now, these records simply are not generally available in NCIC, the national system that tracks adult criminal records. Thus, if a juvenile commits a string of felony offenses, and no record is kept, the police, prosecutors, judges or juries will never know what he did. Maybe for his next offense, he'll get a light sentence or even probation, since it appears he's committed only one felony in his life instead 10 or 15. Such a system makes no sense, and it doesn't protect the public.

So the reform we offer in this bill also provides the first federal incentives for the integration of serious juvenile criminal records into the national criminal history database, together with federal funding for the system.

Finally, we all recognize the value of education in preventing juvenile crime and rehabilitating juvenile offenders. When trouble-causing juveniles remain in regular classrooms, they frequently make it difficult for all other students to learn. Yet, removing such juveniles from the classroom without addressing their educational needs virtually guarantees that they will fall further into the vortex of crime and delinquency. The costs are high—to the juvenile, but also to victims and to society. These juveniles too frequently become crime committing adults, with all the costs that implies—costs to victims, and the cost of incarcerating the offenders to protect the public. So our bill tries to break this cycle, by providing a three-year \$45 million demonstration project to provide alternative education to juveniles in trouble with or at risk of getting in trouble with the law.

The bill we are debating today authorizes significant funding for the programs I have described. In all, our bill authorizes a total of \$5 billion in assistance to state and local governments. This breaks down to \$1 billion per year for five years, in the following categories:

\$450 million per year for Juvenile Accountability Block Grants;

\$435 million per year for prevention programs under the JJJPA, including \$200 million for Juvenile Delinquency Prevention Block Grants, \$200 million for Part B Formula grant prevention programs, and \$35 million for Gangs, Mentoring and Discretionary grant programs;

\$75 million per year for grants to states to upgrade and enhance juvenile felony criminal record histories and to make such records available within NCIC, the national criminal history database used by law enforcement, the courts, and prosecutors; and

\$40 million per year for NIJ research and evaluation of the effectiveness of juvenile delinquency prevention programs.

Additionally, the bill authorizes \$100 million per year for joint federal-state-local law enforcement task forces to address gang crime in areas with high concentrations of gang activity. \$75 million per year of this funding is authorized for establishment and operation of High Intensity Interstate Gang Activity Areas, and the remaining \$25 million per year is authorized for community-based gang prevention and intervention for gang members and at-risk youth in gang areas.

And, finally, as I have already noted, the bill authorizes \$45 million over three years for innovative alternative education programs to make our schools safer places of learning while helping ensure that the youth most at risk do not get left behind.

Under the leadership of a crime conscious Republican Congress and the leadership of our nation's governors, we as a nation have seen a decrease in our overall violent crime rate. Consider that since 1995, we have made significant progress against crime—much of it in partnership with public officials like Governors Mike Leavitt of Utah, Jim Gilmore of Virginia, George Pataki of New York and George W. Bush of Texas, and Mayors Rudy Giuliani of New York City and Richard Riordan of Los Angeles. Consider that violent crime is down 18 percent from 1993 to 1997, murders are down 28 percent from 1993 to 1997, and overall crime is down 10 percent from 1993 to 1997.

These declines have put a serious dent in our crime rates for the first time since the 1960's. Congress since 1995 has supported the efforts of our state and local officials with legislation that has provided real funding and real solutions to crime, rather than

feel-good measures. We cleared out our courts with habeas corpus and prisoner litigation reform. We have added thousands of border guards to stop criminal aliens from entering the country. We have returned billions of the taxpayers' dollars directly to our governors to build prisons and equip our police. Now it is time to address the problem of juvenile crime in the same way—with real solutions and real support to state and local efforts.

Meaningful reforms like truth-in-sentencing laws, which replaced the liberal indeterminate sentencing systems with longer and binding sentences for violent, drug, and repeat offenders, zero-tolerance policing, which put law enforcement officers back in our neighborhoods, and habeas corpus reform, which insured death sentences for heinous criminals would be carried out, have all contributed to this improving picture.

Yet, in the face of this improving domestic environment, depraved acts of school and related violence by young people are becoming increasingly more commonplace and increasingly more depraved. While overall, juvenile crime may be headed down slightly, juvenile drug use is up and juveniles increasingly account for the violent crime being committed.

Our states are responding to this trend. They recognize, as this first chart shows, that the average age of delinquency or problem behaviors for tomorrow's adult violent offenders begins very early in life—with the average age of a first serious offense occurring before the child turns 12 years old. It is this fact—that many of tomorrow's violent crime problems are today's juvenile delinquents—which caused Senator SESSIONS and me to take this issue head-on more than three years ago.

This chart shows the average age of the onset of problem behaviors of delinquency in male juveniles for minor problem behavior is 7 years old; moderately serious problem behavior is 9.5 years old; serious delinquency, 11.9 years of age, almost 12; and first court contact for index offenses, 14.5 years old.

This is data based on the statements of the oldest sampling in the Pittsburgh Youth Study and on statements made by their mothers. It was also in the OJJDP Juvenile Justice Bulletin, "Serious and Violent Juvenile Offenders," in May 1998.

I am concerned that the Clinton Administration has been slow to respond and provide assistance. They have failed to enforce the gun laws already on the books and they have sat silently by, failing to endorse our bill because it was too tough on violent juveniles and because it wanted more control over how the monies would be spent. As recently as last week, I offered the Attorney General the opportunity to

endorse S. 254 or provide us with her suggested improvements but we have heard nothing. Instead the Administration holds summits which produce nothing in terms of assisting the states. Instead of concrete proposals, the Administration offers the public poll-driven, legislative trinkets. They hold press conferences "announcing" as their own industry driven reforms aimed at making the Internet more safe for children.

Desperate for something to criticize, I expect the Administration will argue that our bill is short on the prevention-side of the equation—a claim they have to know just doesn't add up. Consider the fact that, under our bill, Justice Department juvenile justice spending will reach unprecedented heights. Since 1994, the Republican Congress has steadily increase funding for OJJDP—from \$107 million in FY 94 to \$267 million in FY 99. Our bill continues this trend by increasing authorized funding levels over existing appropriations from \$267 million to \$435 million in FY 2000.

So, it is left to the Congress—once again—to step forward to provide the necessary leadership at the federal level. I hope the Administration will see its way clear to do what's right and come out in support of our efforts to help fight juvenile crime.

Mr. President, in the face of a confounding problem like juvenile crime and school violence, it is tempting to look for easy answers. It is also tempting to play politics and advance poll-driven, legislative trinkets in lieu of meaningful reform. I do not believe that we should succumb to this temptation. We are faced with a complex problem which cannot be solved solely by the enactment of new criminal prohibitions. It is at its core a problem of our nation's values. But I believe that by parents and communities working together to teach accountability by example, by early intervention when the signs clearly point to violent and antisocial behavior, and by demanding more of our popular culture and industry leaders, we will be taking a positive step forward.

Mr. President, that is what our efforts are all about. Our efforts are a comprehensive approach to this national problem. I hope we can work together to develop a bipartisan solution to these problems as well.

To that degree, I appreciate the work of my colleagues, especially Senator SESSIONS, who worked so long and hard on our side, as well as Senator CAMPBELL, who has been very concerned about these juvenile crime issues, and my colleagues on the Democratic side, Senator BIDEN, Senator LEAHY, and others, who are working with us to try to come up with what needs to be done.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent floor privileges be granted to the

following staff for the duration of the Senate's consideration of S. 254: Sharon Prost, Rhett DeHart, Michael Kennedy, Craig Wolf, Ed Harden, Leah Belaire, and David Muhlhausen.

The PRESIDING OFFICER (Mr. CRAPO) Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that floor privileges be granted to Beryl Howell, Bruce Cohen and Edward Pagano for the duration of both the debate and all votes on this legislation.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Emilia Beskind, an intern, be permitted floor privileges during the duration of the debate.

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

Mr. LEAHY. Mr. President, we have had a series of shocking schoolyard shootings. I cannot imagine any Senator, as a human being or as a parent or citizen, who would not be shocked, just as have most people around the world. The Senate is now finally turning its attention to doing something about youth violence in this country. Two weeks ago, the distinguished majority leader promised the American people that this week he would permit full and open debate on this issue. I commend him for that, because for 3 years we have not been given the opportunity to discuss this critical issue on the floor of the Senate without some kinds of procedural gimmicks or artificial limits on debate or amendments. I think the American people do not want to see that. They want to see a full and real debate.

Over that same 3-year period when we tried to have this debate, this country has witnessed schoolyard shootings by children in Arkansas and Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, and most recently in Littleton, CO. I say to the distinguished Presiding Officer and all Members on the floor, none of us can look at our States and say with certitude that we are immune to such a tragedy.

Finally, after the deaths and injury of 41 children just in the incidents to which I have referred, the Senate is turning its attention to this matter. Violence in our Nation's schools, committed by or against children, devastates all of us—as parents or as grandparents, as educators, as civic leaders or whatever. But devastating as it is to us, most importantly these incidents scar and upset our children. Obviously, it takes them away from the learning, which should be the focus at this important time in their lives, a time that should be a time of joy, a time of growth, a time of learning—a time that will set their path, really, for the rest of their lives. They should not be distracted by these terrible things.

This is a complex issue. Frankly, no one party has all the right answers. It is time we as Democrats and Republicans discuss all of our ideas and proposals for actions and then choose the best among them. A good proposal that works should get the support of all of us.

Our first question really should be whether a program or proposal will help our children effectively, not whether it is a Democrat or Republican proposal. I have learned through the years that good legislators coming together can make good proposals. I have been honored to see passed into law numerous law enforcement proposals I have sponsored and co-sponsored with like-minded Members on the other side of the aisle. But we also have to recognize that legislation alone is not enough to stop youth violence. We can pass a law saying we don't want violence. We can also pass a law saying we would like the Sun to rise in the west and set in the east. Either one would be about as effective as the other. We have to do a lot more than that.

We can pass an assortment of new laws and still turn on the news and find out some child in the country has turned violent and turned on other teachers or children with a weapon, with terrible results. So this is not just about Littleton. Littleton is the most recent, it is the most bloody, but it is the seventh incident of schoolyard killings in the past years and no area of the country has escaped the bomb threats or fears these incidents have generated. Each incident of school violence leaves us with more questions than answers. It is easy to say each is related to the next, but together they all point to problems we must do something about. There is not one major catalyst that touches off an eruption of violence in a school; there are a whole lot of contributing causes.

We can certainly point to inadequate parental involvement. Frankly, that is an area about which I worry—very, very busy parents and very, very little time for their children. In an increasingly affluent society, we have to ask whether we are paying a terrible price for our affluence.

We can talk about overcrowded classrooms and oversized schools that add to students' alienation. When we have high schools with 1,200, 1,500, 1,600 people, how can they possibly have a sense of community within that high school?

We can talk about the easy accessibility of guns. We can speak of the violence depicted on television and movies and video games. We can talk about the inappropriate—more than inappropriate—disgusting content now available on the Internet. There is no single cause, and because there is no single cause, there is no single legislative solution that will cure the ill of youth violence in our schools and in our streets.

Just as those who look at a fire know if you remove enough kindling, you can prevent the fire, so there are things we can do right now, and there is no excuse for not trying. Everybody has a role to play in the solution. While we cannot legislate the problems away, we all have a role, and that means parents, teachers, lawmakers, Hollywood, Internet providers and gun manufacturers and sellers. But we should also recognize that despite the recent and shocking school shootings, we have been doing some things right.

By any measure you want to use—victimizations reported by police or crimes reported by police or arrests—the serious violent crime rate is going down. Let me show this chart. This is something of which we ought to be proud. Since 1973, the total violent crime rate has gone down. In fact, it has gone down the most in the last 6 years, certainly more than I have seen it go down at any time.

According to the most recent statistics from the Bureau of Justice, the overall crime rate has fallen more than 18 percent since 1993.

This next chart is remarkable. It is something in which we should take pride. After seeing for decades, during my adult life, the crime rate go up, up, up and up, to see it these last 6 years go down is very significant.

The rate of serious violent crime being committed by juveniles is also on the way down. Following a period of going up in the late 1980s and early 1990s, they peaked in 1993. That also is something in which we should take some pride and we should take comfort as Americans and as citizens.

The reduction in the murder rate alone is truly good news. In 1997, the murder rate was 28 percent lower than 1993. And in 1998, this rate had fallen to its lowest level in three decades. That, again, is something in which we should take some comfort, even though any murder is one murder too many.

In the years I have been here, in 30 years—this goes back to the time when I was a prosecutor and throughout all this—I have seen through each administration, Republican or Democrat, the murder rate go up. Finally, we have seen in the last 6 years the murder rate come down to where it is now, the lowest level in three decades.

Over the past few months, we have begun hearing criticism that this administration is not focusing sufficient resources on enforcing our gun laws. Of course, there is always room for improvement, as there is with anybody. But let's not let political name-calling detract from the indisputable fact that the murder rate for teenagers and young adults rose sharply in the late eighties and early nineties due to a rise in gun violence that is now on the decline. In fact, juvenile murder and non-negligent manslaughter arrests declined almost 40 percent between 1993

and 1997. To use real numbers, there were 3,800 juvenile arrests for murder at the peak in 1993. By 1997, that number was down to 2,500 out of a population of 30 million children between the ages of 10 and 17.

As we talk about juvenile crime legislation, it is important to keep in mind these statistics show some successes and we should be promoting and expanding those programs that are helping to produce these successes.

We have some complex, sweeping legislation before us. S. 254 was never referred to the Judiciary Committee for consideration, which is extraordinarily unusual. I look forward to discussing this.

It was introduced by the chairman of the Judiciary Committee and cosponsored by the distinguished Senator from Alabama, who is on the floor. I wait to hear from the distinguished chairman as to what will be accomplished with it.

While we did not examine the bill in the Judiciary Committee because the majority chose, as they have a right to, to place the bill directly on the Senate Calendar, instead the Judiciary Committee has been busy on a bankruptcy bill protecting creditors and a proposed constitutional amendment to protect the flag. Protecting the flag and protecting creditors may be important issues, but frankly, as a parent, I am far more interested in protecting children from violence, both in the schoolyard and outside school.

Last Congress, we had an earlier version of this bill, S. 10. We tried to improve it, and I think we did. I will describe in more detail S. 254. The juvenile crime bill we turn to today reflects that progress, and I commend Senator HATCH for his leadership in continuing to push forward and building a consensus of Republicans and Democrats. I thought we missed opportunities in the last Congress to come together on legislative efforts to deal with youth violence. I hope we will not miss that opportunity in this Congress and we can come together.

In fact, many of the improvements we tried to make to the juvenile crime bill, S. 10, were rejected mostly along party-line votes in the Judiciary Committee, and by nearly a party-line vote we saw it passed out of committee. Not surprising, because it was a partisan bill, and crime should not be a partisan issue, it was hard to find anybody who liked it when it came to the floor. I made, as did others, a number of criticisms of the bill, and those criticisms were echoed by virtually every major newspaper in the United States, as well as by national leaders, and ranged across the spectrum from Chief Justice William Rehnquist to Marian Wright Edelman, the president of the Children's Defense Fund.

The Philadelphia Inquirer called the bill "fatally flawed." The Los Angeles

Times described the bill "peppered with ridiculous poses and penalties" and as taking a "rigid, counter-productive approach" to juvenile crime prevention. The St. Petersburg Times called the bill "an amalgam of bad and dangerous ideas."

Chief Justice Rehnquist criticized S. 10 because it would, as he said, "eviscerate [the] traditional deference to state prosecutions, thereby increasing substantially the potential workload of the federal judiciary."

He was concerned that federalizing juvenile crimes meant that "federal prosecution should be limited to those offenses that cannot and should not be prosecuted in state courts."

The National District Attorneys Association, having been the vice president of that association, I listened to them. They expressed concern that "S. 10 goes too far" in changing the "core mandates" which have kept juveniles safer and away from adults while in jail for over 25 years, and that S. 10's new juvenile record-keeping requirements were "burdensome and contrary to most state laws."

Similarly, the National Governors' Association, the Council of State Governments, the U.S. Conference of Mayors, the National Association of Counties, the National Conference of State Legislatures expressed concerns about the restrictions S. 10 would place on their ability to combat and prevent juvenile crime effectively.

So with all this criticism, when the Republican leadership said we could not have real debate in the last Congress, that became an unacceptable situation and one, frankly, which created a lot of concern among a number of Republican legislators.

Despite the wellspring of concern by the Federal judiciary and by State and local law enforcement and public officials over significant parts of S. 10 as reported by the Judiciary Committee, we were not going to be allowed to debate it.

In September 1998, the majority propounded a unanimous consent request to permit the Republicans to offer a substitute that contained changes to over 160 separate paragraphs of the bill, but not allow Democrats the same opportunity. That did not allow full and fair debate.

I suggested a plan that would have ensured debate on the more controversial aspects of last year's bill by placing in the RECORD on September 25, 1998, a proposal for a limited number of Democratic amendments. My proposal was never responded to.

I say that because that was in the past. And I accept the majority leader's representation that this will not happen this year, that we will not allow narrow procedural devices to limit debate on S. 254. And I think we will have a better bill because of that.

There are very good ideas on both the Republican and Democratic side of the

aisle here in the Senate to improve this legislation. After all, keeping children safe, both in school and out of school is not a Republican or Democratic idea; that is a basic, automatic feeling that every parent, every family and every person in this Chamber of either party feels strongly.

The concerns I outlined about S. 10 are shared by many others, as well as by child advocates, judges, law enforcement and State and local officials, and were shared here on November 13, 1997; January 29, 1998; April 1, 1998; June 23, 1998; September 8, 1998, and October 15, 1998. I said the bill skimmed on effective prevention efforts to stop children from getting into trouble in the first place.

Second, I said the bill would have gutted the core protections which have been in place for over 20 years to protect children who come into contact with the criminal justice system and keep them out of harm's way from adult inmates, to keep status and non-offenders out of jail altogether, and to address disproportionate minority confinement.

Thirdly, I expressed concern about the federalization of juvenile crime resulting from S. 10's elimination of the requirement that Federal courts only get involved in prosecutions of juveniles if the State cannot or declines to prosecute the juveniles.

Finally, I was concerned that the new accountability block grant in S. 10 contained onerous eligibility requirements which would end up imposing on the States a one-size-fits-all uniform sewn up in Washington for dealing with juvenile crime. The States simply did not want this straitjacket. In fact, at one stage, the way it was written in the bill, no State would have qualified for the block grant; no State of the 50 would have.

So I say this, and I say this as a compliment to Senators on both sides of the aisle who worked on S. 254: It is a much more improved bill than S. 10 in the last Congress. It incorporates many of the improvements we suggested last Congress. I am delighted to see that proposals that the Republicans on the Judiciary Committee specifically voted down in 1997 have now been put back in the bill. These are changes that we have been pushing for a number of years. It is the right approach now to put them back in the bill.

So let's make progress together. I hope through an open floor debate and an open amendment process, without procedural games, we will be able to make sufficient progress to be able to support a Senate bill that can make a difference.

We tried in July 1997 to amend S. 10 to protect the States' traditional prerogative in handling juvenile offenders. And my amendment would have limited the Federal trial as an adult of juveniles charged with nonviolent felonies to circumstances when the State

is unwilling or unable to exercise jurisdiction. That was defeated. Whereas, the language in S. 254 contains a new provision analogous to my previously rejected amendment that would direct Federal prosecutors to "exercise a presumption in favor of referral" of juvenile cases to the appropriate State or tribal authorities.

While the language used in this S. 254 section may need some clarification, particularly since it appears to contradict other language in the bill requiring Federal trial of juveniles who commit any Federal offense, it is a provision in the right direction.

In July 1997, we tried to amend S. 10 before the Judiciary Committee to permit limited judicial review of a Federal prosecutor's decision to try certain juveniles as adults. S. 10 granted sole, nonreviewable authority to Federal prosecutors to try juveniles as adults for any Federal felony, removing Federal judges from that decision altogether.

I am a little bit hesitant to give authority to any Federal prosecutor—special prosecutors or regular Federal prosecutors—that cannot be reviewed. And my amendment would have granted Federal judges authority in appropriate cases to review a prosecutor's decision. Only three States in the country granted prosecutors the extraordinary authority over juvenile cases that S. 10 proposed, including Florida.

I mention that because sometimes we get the impression that here in Washington we always know better than the States. In criminal procedures, criminal process, we should look at the States and their experience in determining whether we should step in and change things. And when you find that only three States have done what we were asking to do, you ask why. And I mentioned Florida as being one of the States that granted this extraordinary authority.

Earlier this year, we saw the consequences of that kind of authority, when a local prosecutor in that State charged, as an adult, a 15-year-old mildly retarded boy with no prior record, who stole \$2 from a school classmate to buy lunch. The local prosecutor locked up this retarded boy in an adult jail for weeks. You can imagine what that was like, for this \$2 theft, before national press coverage forced a review of the charging decision in this case. We do not want to see that kind of incident on the Federal level.

Unfortunately, my proposal for a "reverse waiver" procedure providing judicial review of a prosecutor's decision was voted down, with no Republican on the committee voting for it.

S. 254 contains a virtually identical "reverse waiver" provision to the one proposed that was rejected almost 2 years ago. So that is a welcome change in the bill.

S. 254 also contains a provision to increase penalties for witness tampering that I first suggested and included in the Youth Violence, Crime and Drug Abuse Control Act of 1997, S. 15, which was introduced in the first weeks of the 105th Congress, at the end of the last Congress in the Safe Schools, Safe Streets and Secure Borders Act of 1998, S. 2484, and again in S. 9, the Comprehensive package crime proposals introduced with the Senator DASCHLE at the beginning of this Congress.

This provision would increase the penalty for using or threatening physical force against any person with intent to tamper with a witness, victim or informant from a maximum of 10 to 20 years imprisonment. In addition, the provision adds a conspiracy penalty for obstruction of justice offenses involving witnesses, victims and informants.

I have long been concerned about the undermining of our criminal justice system by criminal efforts to threaten or harm witnesses, victims and informants, to stop them from cooperating with and providing assistance to law enforcement. I tried to include this provision, along with other law enforcement initiatives, by amendment to S. 10. It was voted down in the committee. I am now pleased to see it is included in S. 254. I think that is an improvement.

S. 254 substantially relaxes the eligibility requirements for the new juvenile accountability block grant. That is a positive step. S. 10 in the last Congress would have required States to comply with a host of new Federal mandates to qualify for the first cent of grant money, an awful lot of record-keeping mandates, and make all juvenile delinquency records available to law enforcement agencies and to schools, including colleges and universities. We could not find any State that would have qualified for this grant money. We tried to get the Judiciary Committee to revise this. My amendment was then voted down, but I am glad to see that 2 years later S. 254 reflects the criticism that I and other Democrats on the Judiciary Committee leveled at the recordkeeping requirements.

The current bill removes the record-keeping requirements altogether from the juvenile accountability block grant, as we had requested. In fact, it sets up an entirely new juvenile criminal history block grant funded at \$75 million per year. To qualify for a criminal history grant, States would have to promise within 3 years to keep fingerprint-supported records of delinquency adjudications of juveniles who committed a felony act. No more photographs required; no more records of mere arrests required. No more dissemination of petty juvenile offense records to schools required. Only juvenile delinquency adjudications for murder, armed robbery, rape, or sexual mo-

lestation must be disseminated in the same manner as records.

So the eligibility requirements for the juvenile accountability block grant now number only three, including that the State have in place a policy of drug testing for appropriate categories. This reflects an amendment that we offered to S. 10 in July of 1997.

One problem I do have is that S. 254 does not allow substance abuse counseling or treatment as an allowable use of grant funds. I hope that is something we can rectify as the bill goes forward.

Now, we have children in custody provisions that were enacted in the Juvenile Justice and Delinquency Prevention Act of 1974. This was done to address the horrific conditions in which children were being detained by State authorities in close proximity to adult inmates. These were conditions that often resulted in tragic assaults, rapes, and suicides of those children.

As it has evolved, we have four core protections that have been adopted and, frankly, are working: separation of juvenile offenders from adult inmates in custody, so-called sight and sound separation; removal of juveniles from adult jails or lockups with exceptions for rural areas, travel, weather-related conditions; deinstitutionalization of status offenders; to study and direct prevention efforts toward reducing the disproportionate confinement of minority youth by the juvenile justice system.

S. 254 is an improvement over S. 10, which tried to take out three of the four core protections. S. 254 includes the sight and sound standard for juveniles in Federal custody. The same standard is used to apply to juvenile delinquents in State custody.

S. 254 incorporates changes I recommended to S. 10 in the last Congress to ensure the continued existence and role of State advisory groups. That, I think, is going to be very important. The bill authorizes the use of grant funds to support the SAGs, but it doesn't require States to commit funds. I hope that is an omission that we may be able to work out.

Now, there are a lot of improvements, but there are still some problems. S. 254 does not provide adequate assurance of funding for primary prevention programs. I understand that Senator HATCH may agree to an amendment to earmark 25 percent of the funds appropriated from the juvenile accountability block grant for primary prevention. That is good news. It is less than we had hoped for, but it is certainly progress. I commend him for that.

When Senator SPECTER tried to earmark funds from this grant program for prevention during committee markup in 1997, his amendment failed. I hope we can do better than that.

Secondly, the bill weakens the core protections under the Juvenile Justice

and Delinquency Prevention Act. This would reverse progress made over the past 25 years, and I do not think we should do it. It also includes a sense-of-the-Senate resolution urging States to try juveniles 10 to 14 years old as adults for crimes, such as murder, that would carry the death penalty if committed by an adult. The resolution does not urge the death penalty for such children, but asks for adult prosecution. This is really something the States should make up their minds. We shouldn't be telling them what to do on that.

I say this as a representative of one of the very, very few States in the country that allows the prosecution of juveniles 10 years and older as an adult for certain crimes. We really have in Vermont the toughest law of any State on that, but it is something that the Vermont Legislature decided. It probably shouldn't be opined on by the Senate.

Lastly, the bill is completely silent on how we should address the problem of the easy accessibility of guns to children.

Mr. President, one of the reasons for this debate, one of the best things about this debate, if it is allowed, is a full and open debate, something we were not allowed before. We can address all of these issues.

Again, I urge Senators to come together as Senators, not as Republicans or Democrats, about what would be best. Is there too much violence in the media today? Of course there is. I find it very, very difficult to have any enthusiasm for going to a very violent movie or watching a violent television show. I have been to too many murder scenes. It seems they are always at 2 or 3 in the morning.

If anybody thinks a murder scene is somehow glamorous, talk to people who have been there. I have had a murder victim dying while he was telling me the name of the person who killed him. You can imagine the shock when the person he was telling me had killed him was his own son.

There is nothing exciting or glamorous about this. There is nothing exciting or glamorous about the stench, the sight, the view of a murder scene. Anybody who has visited them knows that. Anybody who has visited as many as I have knows it very, very well. We should talk about that—are there too many violent scenes in an antiseptic way given to our juveniles—but at the same time let us be honest enough to say that guns do kill people and there are too many guns available to young people. I say this, coming from a State that is probably the only State in the Union that has no gun laws and also has an extremely low crime rate, a State where parents still teach their youngsters a safe and responsible way to use guns. But there is no reason why a teenager should be allowed to walk in

to a gun show anywhere they want and buy any kind of high-powered weaponry they want, with no parental responsibility, no parental supervision.

We should also know that simply saying let's increase penalties does not stop crime. You stop crime by stopping crime, and that means we have to address prevention programs that work and have to understand that a prevention program that may work very well in Alabama may not work in Vermont or vice versa.

The prevention programs, such as the one that stopped youth murders in Boston, is something which should be looked at, and it can be funded, if people want to. We should accept that.

As I said in the opening part of my statement, Mr. President, we also have to accept the fact that parents are not spending enough time with their children and that we ought to get back off this hurly-burly world and understand that nothing we will ever do in life—career, money making, or anything else—is as important as how we raise our children. A lot of parents are going to have to accept that fact. We are going to have to look at the size of our schools and say that you can't have a sense of community in a high school of 1,200 or 1,500 people.

There are a lot of things we can do, and, working together, we can make it better. The murder rate has come down. We have done some very good things in the Congress. The administration deserves credit for it. Law enforcement deserves credit for it. But there is still more to do. Working together, we can do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

(The remarks of Mr. CAMPBELL and Mr. LEAHY pertaining to the introduction of S. 996 are located in today's record under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Thank you, Mr. President.

Mr. President, I would like to say that Senator LEAHY has been a prosecutor, has been interested in these issues, and has spent a lot of time and effort on it.

We indeed attempted to respond, as you know, to a number of the concerns he has had. Some of the suggestions and concerns he has raised I believe are worthy. We made a number of corrections which I think would be helpful to that. I know Senator HATCH has also worked hard on it.

Let me say first that juvenile crime is in fact a serious national problem. We have had some very real progress in the crime situation in America. We had some reductions in the 1980s. Then, in the mid-1980s, we had a crack epidemic which I think drove the number up some. But it has been declining among

adult criminals steadfastly for quite a number of years.

I have watched those numbers carefully—not as a Senator but as an attorney general of Alabama and as a U.S. attorney and Federal prosecutor in Alabama. I have observed the numbers and what has been happening. There are some good trends. We need to keep those trends going.

A lot of people may not realize that from about 1980 until today we have quadrupled—four times—the number of people in prison as there were before.

During a time when many people thought the crime rate was going to continue to go up, this Nation—mostly at the State level—has begun to step forward and identify repeat, dangerous offenders, and not just act as a revolving door but to incarcerate them for longer periods of time, keeping them off the streets, keeping them from being gang leaders and involving other, more impressionable young people in their criminal activity.

We have had some nice reductions in violent crimes and, in crimes generally, some reduction among adults. We have not had the same kind of success in juvenile crime. There are a lot of reasons for that. I would like to suggest the fundamental reason, in my opinion; that is, we have not responded as a nation to juvenile crime as we have to adult crime. Most people may not know that 99.9999 percent of all juvenile cases are tried in State court. There are almost no juvenile cases tried in Federal court.

I was a Federal prosecutor, U.S. attorney, for 12 years. I think I prosecuted one juvenile case in 12 years. There are so many impediments to it, so many difficulties, that it kept those prosecutions from going forward even when they should have gone forward. We need to improve that and make it a little bit better and easier in appropriate cases for U.S. attorneys, Federal prosecutors, to prosecute juvenile cases.

But the thrust of our reform and the thrust of S. 254 is to encourage and strengthen the ability of State and local governments to prosecute and handle and deal with young people who are committing crimes, are about to commit crimes, and who are running afoul of the law.

We know that in the last several years there has been a reduction in juvenile violent murders and the rates have gone down—not dramatically, but it has been a good number. Overall, from 1993 through 1997, however, there has been an increase of 14 percent in arrests of juveniles for criminal activities; we are not seeing a decline. This is after an incredible period of explosive growth in the last 15 or 20 years in juvenile crime—maybe even 25 or 30 years in juvenile crime. We have an extraordinarily high, unprecedented level of juvenile crime. Unfortunately, we have not responded to that.

Mr. President, I have seen it in my State. And my State is typical. We have increased adult prisoners, but we have not done anything to deal with what happens when a youngster is arrested for a serious crime. Judges don't have options. They don't have the ability to deal with them in an effective way, and they are coming back time and time and time again.

There was a murder in Montgomery, AL, when I was attorney general, by three young people. They were 16 and 15. I asked the police chief what kind of criminal history those three young people had. They were out on the streets. They were free, running loose. One had 5 prior arrests; another one had 5 prior arrests; and the third one had 15 prior arrests.

A New York Times writer, Mr. Butterfield, within the last year did an analysis of what is happening in juvenile courts. He went to Chicago IL, a major city. What he found there is too typical of what is going on in juvenile justice. What he found was that judges were spending 5 minutes per case—5 minutes per case—because of the crush of these cases.

That is unacceptable. It is our responsibility, if we care about those young people coming before that judge, standing in court having been apprehended for a serious crime—if we care about them, if we really love them—to do something with them. We will not spend 5 minutes on their case; we will confront youngsters of 13, 14, or 15 years of age and find out what has been troubling them, find out what their problems are, and intervene effectively.

Some say, Well, Senator SESSIONS, you just want to spend money on courts and lock kids up.

I don't want to lock kids up. But what we are doing today is not doing anything to help them. Some kids have to be locked up, unfortunately. I wish it weren't so. Some do. Some have been back 3, 4, 6, 8, 10 times.

Finally, if a judge at some point does not have the capacity to validate the integrity of his order of probation which prohibits them from committing further crimes, and he just ignores it time and time again, the whole law becomes a mockery. It becomes a joke. It undermines respect for law. It undermines respect for the police officer who is out doing his duty.

Some of these youngsters will kill you. A police officer goes out and makes arrest after arrest, and one of them is liable to pull a gun. One of them is liable to pull a knife. This is a dangerous world. Why should he go out and do his best to apprehend and commit himself to those cases if the judges and prosecutors are unable to proceed with effective punishment?

I want to say, first of all, that if we care about what is happening in America, I suggest we look at what is hap-

pening in our communities, talk to our police officers, juvenile probation officers, juvenile judges, and ask them: What is happening? Are you sufficiently funded and do you have the resources to intervene effectively at the earliest possible stage of criminality by a young person?

If we do that, we can perhaps avoid more serious consequences down the road.

I know a lot of people have talked about Littleton, Jonesboro, Paducah, and other mass shootings that have occurred in school. I don't know if those could have been prevented. In my own personal survey, reading the newspapers, I have found that in every one of those cases those young people had been before a judge previously for a serious offense. Had that judge had the time and the resources—an alternative school, a boot camp, a detention facility, mental health treatment, drug treatment, a drug testing program to determine whether or not these kids were in serious trouble—perhaps these crimes could have been prevented.

I know people say what we really need is prevention. I think the phrase is "primary prevention." I am not against prevention. This bill has an awful lot of money in it for prevention. I will show you in a moment some of the prevention programs that already exist.

Based on my experience and what I know with a virtual certainty in my own mind, if we want to prevent serious criminal behavior and we have a limited amount of money—and we do; for every project that comes before this body, our money is limited—then we ought to focus on that group of people who can be best served by the application of that money. Who is it? It is the ones who are already getting in trouble with the law, the ones who are already being arrested. They are the ones on whom we ought to focus.

I assure Members, all over this country we are not able to do that effectively. Call the juvenile judge in your community, if you know him, call your police officer or your prosecutors, and talk to them and see if they don't think we could do better.

I have visited with Judge Grossman in Ohio. He has a magnificent court system that Senator DEWINE and I visited. When those kids are arrested, they are interviewed by probation officers. Backgrounds are done. The judge studies it. He promptly analyzes their case. He has a school there, a drug treatment program, mental health treatment, family counseling—all these things—when that child comes before him and his team of judges; they have a program to deal with it effectively.

That is what I want to see happen all over America. In fact, I believe local communities are considering that all over America. I know in Alabama they

are. Cities are sending people up to Boston, which has some terrific innovative programs that have dramatically reduced their murder rate by young people. They are thinking about what to do.

How can we help this? We are a Federal Government. How can we help our local county juvenile judge, local county probation officer, do that job? We ought to encourage them to study programs that are working. I think we ought to encourage them to visit programs such as the one in Boston and to develop their own programs.

The problem is they need, oftentimes, more money to accomplish that than they have in the immediate short term. What we have is a block grant program that will allow them to receive partial funding from the Federal Government as an encouragement, as an inducement, to create the kind of programs that take place in Ohio and Boston and in my hometown of Mobile, AL. Judge John Butler, who serves on the board of the Juvenile Judges Association, is a long-time friend. He has probably the finest boot camp in the United States. It has an education program. I have been there. I have visited that boot camp. I helped start it years ago. I supported it for years.

We have a drug court in Mobile where young people—and adults, too, for that matter—are examined for drug problems. Those are the kind of things that ought to be done. The school is so good that a lot of the young people who have been arrested and put into that detention boot camp facility with an education component want to continue their education there. They don't want to go back to their regular school. They want to stay in that school. That is what we need. That is the absolute best application of limited dollars to reduce serious violent crime, in my opinion.

We can find out if there is a serious problem at home. Maybe it is child abuse. Maybe one of the parents is a drug addict or an alcoholic. Maybe the child is totally neglected and there is psychological abuse going on in the home. Maybe they are running around with very bad friends and gang members. If the family is brought in, if the probation officers are brought in, if they are drug tested, if they are analyzed carefully, then progress can be made to turn around some of those young people. Some of them will continue a life of crime.

We care about our young people. Most of the victims of crimes by young people are other young people. We simply have to remove some of them from the community because they are not safe. Innocent kids who have done nothing wrong can be shot, killed, or abused by violent youngsters who are not able to be changed by the court system.

That is basically the philosophy. We call it "graduated sanctions." That is

the phrase we are using in this bill, S. 254. It says if you receive money under this grant program, develop a system that is consistent with your own philosophy, your own local community, that increases punishment for repeat offenders. This idea a lot of people have that we are putting young people in jail for light or transient crimes is not true. It is not true. They know it. Minor kids don't get sent to jail.

I recently talked to a judge who had a serious case, a repeat of two or three household burglaries. He said he had one bed in the State juvenile system. If it is not an approved juvenile facility, according to the Federal Government, they can't even spend one night in it. He said he had one minor there for assault with intent to murder and he was not going to let him out to put the burglar in jail, so he had to let him go.

That is what is happening in the America. If we are not serious about it and don't invest in it and allow our judges, in a humane, disciplined, and effective way, to validate the rule of law, to validate decency and morality, to establish a system that disciplines wrongdoing instead of accommodating to it, we will continue to have more juvenile crime. I believe that is a significant way to prevent crime.

I know, regarding general prevention programs, it is the politically correct thing for people to say we need to spend more money. I am not opposed to it, if they work. I will say this: Our program had \$40 million spent for the National Institute of Justice to research and evaluate the effectiveness of the various juvenile prevention programs. I know Senator FRED THOMPSON, from Tennessee, who worked on this committee, used to say: We don't know what works. We need to study more effectively what we are doing. We have had a commitment in this bill to research, to analyze, what really does work to reduce crime.

Mr. President, I have no pride of authorship. I want to spend the resources we are prepared to spend as a Congress as wisely as we possibly can so we can get an effective reduction of crime. School programs probably ought to be funded through the school and not through a crime bill.

The general philosophy of most experts in dealing with juvenile crime is to make that young person's first brush with the law their last. That does not mean they have to be locked up for weeks on end, but it means a meaningful confrontation about their wrongdoing must occur.

Families need to be involved. A probation officer needs to be involved, one who has the time to analyze the problem—perhaps in the family or perhaps that child's own problem. Sometimes it is not a family problem; sometimes the child has the problem—to confront it and take the steps necessary to improve that circumstance.

Police officers all over America tell me this is what is happening. They are out patrolling. They catch a young person who is burglarizing a house or business. The child is arrested and taken down to the police station. I would say the overwhelming majority of communities in America do not have a juvenile jail facility in their community, so that means the nearest jail is some hours away. They are not able to keep that child for 1 hour in an adult prison, even if it is on a separate floor or separate wing, totally apart from adults. They cannot keep that child 1 hour. They leave the child sitting in the police station lobby waiting for mother and daddy to come and take them home.

Some say, oh, that is not true.

It is true. That is what is happening all over America, and a lot of it is because the Federal regulations on detaining young people are too severe, in my opinion.

I know some think, oh, you want to put young people in jail with adults. I don't want to put them in jail with adults. But I don't want every local community in America to have to build a separate juvenile jail when they may have no more than two or three people. They have new facilities and they can carve our wings or sections of those jails for short-term detention of young people, because if they are arrested, bail has to be set. If they are not able to make it right away, they have to have a hearing within 72 hours. So if they have to take them to a distant facility at night—maybe there is only one police officer still on duty. I know the Senator from New York has more police officers on duty than one, but there are a lot of communities in New York State and Alabama that may only have one officer on duty. So it is just not a practical thing.

I believe we ought to be more realistic because juvenile judges do not want children to be harmed. Police chiefs do not want children to be harmed. They are not going to put them in these places so they can be abused. That is "Easy Rider" myth, that stuff. That is myth. People get sued if you allow somebody in prison to be abused while in prison. We ought not allow that to happen.

I just say that first of all. That is my general view of where we are.

We did make a commitment—and Senator LEAHY referred to it—not to federalize juvenile justice. I really do not believe that is an appropriate thing for us to do. As I said, virtually all juvenile cases are handled in State courts. They have procedures for it. They have detention systems that ought to be expanded, but they have them already. They have their own laws that have been set up. They have juvenile judges. They have, many times, prosecutors who specialize in juvenile cases. They have probation offi-

cers who specialize in it. They have boot camps, halfway houses, mental health treatment, drug treatment—systems already set up around these systems, and we ought to encourage that and encourage them to invest more and not create a new Federal system for it. There has been some concern. I think anyone who reads this bill will realize we have not made any move to federalize juvenile justice.

Let me mention a few things now. There is some question about what does it require to get a grant out of this bill if you are going to improve your juvenile justice system, if you want to help your judge in your town have an expanded capacity to confront youngsters and deal with them.

You need to have a graduated sanctions. We just do not believe we ought to give money where there is business as usual and a revolving door. You ought to have some plan—it doesn't tell you how—of graduated punishments so when they come back the second and third time, there is an ability for the judge to impose more serious punishments.

You need to have a policy of drug testing upon arrest. If we care about young people who are committing crime and we want to improve them and see they do not continue a life of crime, we ought to test them for illegal drugs.

We have known for the last 20 years—there was a survey by, I believe, the National Institute of Justice, of major cities around the country that showed that almost 70 percent—everywhere it usually runs 67 to 70 percent—of the people arrested in those cities when drug tested upon arrest test positive for an illegal drug. That drugs are an accelerator to crime cannot be denied. There is no doubt about it. What I believe is every court system—this doesn't mandate exactly the way I would like to see it—but it does encourage every court system to have a program to drug test young people when they are arrested. Because if they are on drugs, we need to start treating them. We need to start dealing with it effectively.

You say, even for small crimes like theft? Yes. Because oftentimes the thief, the person who is stealing, is stealing to get money for drugs. Frequently those people who show up with drug use, who are more likely to have a drug problem, are more likely to shoot somebody than someone who gets mad at a football game. So you just don't know. In Washington, DC, it has been done for years. I met with the director here 15 years ago and I have studied this problem. I really believe we need to do a better job. So it says you should have a plan.

Then we need to recognize the rights of victims. We continually have the complaint, if you are burglarized or robbed by a young person, oftentimes

you do not even know when they are tried or what the prosecutor and judge decide to do about it. Your opinion is not asked. It gets settled. There is never a court hearing and you are not told anything about it. Victims have rights in juvenile court, too. So we are asking them to address that and establish some policy that will improve the victims' right to participate. Some States do, some do not.

These are some of the things we try to do in funding this bill. It is one thing to say you ought to do these things; it is another thing for the Federal Government to ante up and help pay for it. So our block grant proposal deals with that. It provides money that can be used for graduated sanctions. It helps them build detention facilities. There are a lot of them that are modern, are first rate, that have a lot of good things about them. We need to encourage every community in America to analyze its detention facilities and see if it can do a better job. I think we ought to provide matching funds for it, which this bill does. We have been doing some of that for the last 2 years in our budget, but I would like to make it permanent with this.

We have money for drug testing. If you set up a drug testing program, you can have the Federal Government, basically, pay for it—because we believe it is important.

Recordkeeping—there is a famous case about a youngster in New York who committed an assault with intent to murder; went to New Jersey, committed another violent crime and was released on bail and then murdered a police officer. A judge in New Jersey did not know about the serious violent crime in New York.

We were not putting those records in the National Crime Information Center. I know some will say this is juvenile, but I say this is serious. People who are committing serious violent crimes need to have their records in the National Crime Information Center, because when they are arrested again—that is the pattern; they will be arrested again—the judges will not know their prior history.

We have a good bit of money for that in this legislation which I believe will help States set up a first-class program; Mr. President, \$75 million, in fact, for them to update their criminal records. We need to encourage the States to start putting their records in the National Crime Information Center. Director Louis Freeh said they will accept those records, they want those records, and they do not need any money from the Federal Government to receive them. They can receive them without additional cost.

We want to promote restitution programs. That is what this grant money can be spent for.

We want to promote programs requiring juveniles to attend and complete

school programs and vocational programs.

We want to require parents to work and pay for some of these programs.

We want antitruancy programs. Truancy is a serious problem. It is an indicator of an oftentimes deeper problem. If we can create a better truancy program in America, we can improve and reduce crime.

We want identification and treatment of serious juvenile offenders, those who have real problems, and prevention and disruption of gangs, technology and training programs for juvenile crime control, and moneys for programs that punish adults who knowingly and intentionally use a juvenile during the commission of a crime.

There are, in fact, in America today cold-blooded drug dealers and other criminals who actually use juvenile offenders to commit crimes because not much will be done to them if they are caught. We believe that is a horrible thing and we ought to have a program to end it.

I am going to talk about prevention now. Again, I have no objection to good prevention programs, but since 1974, we have put no money—and in my hometown of Mobile, AL, the juvenile detention center there was built in 1974 or 1975, partly with Federal funds. It encouraged them to create what, at the time, was a first-rate, state-of-the-art facility. But that all ended many, many years ago. We have no money dedicated today to help juvenile law enforcement, detention or otherwise. There are no dedicated moneys for that, except what we have as part of our effort last year, which is not enough.

We are spending \$4.4 billion per year on juvenile prevention programs. GAO has found there are 117 of these programs—117 juvenile programs, spending \$4.4 billion a year. We are asking for \$450 million only for juvenile accountability in a block grant and only a portion of that so we can improve our detention facilities.

Look at this chart. I think we ought to understand this. There is a lot of money being spent now on prevention programs, and some of it is not being spent wisely. That is why we have money in this bill, to review the effectiveness of these programs.

Listen to this: There are 62 programs that provide training and technical assistance for young people who may be in trouble; 62 for counseling; 55 for research and evaluation; violence prevention, 53 programs; parental and family intervention, 52; support service, 51; substance abuse prevention, 47; self-sufficiency skills—I don't know what that means, but I guess it is a good program—46; mentoring, 46; job assistance training—people say we need to get these young people jobs. All right, we have 45 programs doing that; substance abuse treatment, 26, and there are others.

That is some of the money we are already spending. I am not sure we are spending it well. What we probably should do is have a total analysis of all that is being spent in the different agencies and departments.

I used to be in the 4-H Club. I had the best hog in Wilcox County. I received a little pin for it from the 4-H Club. I was able to go to Auburn. It was a big deal to go to Auburn University. My friend almost won the tractor driving contest in Auburn. That was a big deal for me, but they have a 4-H Club program now for the inner city. That sounds like a good idea, I guess. Maybe it is a good idea. I don't know whether it is working or not. Maybe we ought to see if money we are spending on inner-city 4-H Clubs as prevention projects is well spent and whether those programs are working. I would like to look at that.

There is also a strong feeling that after we have a tragic shooting, as we did in Littleton, CO, we ought to do something about guns; we ought to do more about guns. We have quite a number of Federal gun laws on the books today.

I served as a prosecutor for 12 years. President Bush sent out a message that he wanted a crackdown on illegal guns in America. He wanted us as prosecutors—there were three districts in Alabama and 92 Federal districts, 92 U.S. attorneys in America. He said: I want you to crack down on these gun cases and prosecute criminals who are using guns.

We started a project called Triggerlock. In 1992, when I left office, there were 7,048 prosecutions under existing Federal gun laws. After President Clinton took office, he said we have to have more gun laws.

Since he has been in office, he has pushed for more, more, more, more, shoving the second-amendment right to bear arms as far as it can be shoved. Those of us who believe in the second amendment and the right of people individually to bear arms find that troubling. It is always more, more, more, but at the same time, the prosecutors he appoints, the U.S. attorneys who are Presidential appointments, are allowing the cases to drop. It dropped, in 1998, to 3,807. That comes right out of the U.S. attorneys' statistical report.

You say, "Jeff, I don't know what that proves." I say to you, if Attorney General Reno tomorrow made a commitment and sent a message to all U.S. attorneys that she wanted these cases prosecuted, those numbers would be up to the rate of 7,000 within a month or two.

These are not complicated questions. It is a question of the priority of the Department of Justice. A good prosecutor can prosecute 100 gun cases in the time he can spend on one complex tax case, for example. I am telling you, they can prosecute 100 of them for one

complex tax case, one corruption case. We ought not to abandon tax cases and corruption cases, but just a little emphasis on this will help.

Since the President took office, he said we have to have a lot of new gun laws because this will reduce violence. We want new laws. The Congress responded and gave him new laws.

One of them is possession of firearms on school grounds. The First Lady said the other day there were 6,000 incidents of guns being brought onto school grounds last year—6,000. Look at how many this Department of Justice, President Clinton's personally appointed prosecutors, prosecuted. In 1997, they prosecuted five defendants for that violation. They had to have this law. In 1998, they prosecuted eight. That is not going to affect the crime rate in America. That is all I am saying. I am not saying how many cases ought to be prosecuted.

What I am saying is we need to get away from symbolism and we need to strengthen our juvenile justice system in America.

Look at this one: Unlawful transfer of firearms to juveniles. It is not a bad law. If you transfer a gun to a juvenile, it is against the law. It ought to be a crime. It was not a crime until it was passed, 922 (x)(1). Five were prosecuted in 1997 and six in 1998.

Look at this one: Possession or transfer of semiautomatic weapons, assault weapons. That was the assault weapons bill that was so controversial. An assault weapon looks horrible, but it is, in effect, a semiautomatic rifle. It fires one time when you pull the trigger. It is not fully automatic, which is already illegal and has been illegal for years.

There was debate on it, and Congress voted to make it illegal. It was the first time that a semiautomatic was made illegal. In 1997, four cases were prosecuted; in 1998, four cases.

My view is that if we have a good gun law that needs to be passed that can make our communities safer, I am willing to support it as long as it does not violate the second amendment of the Constitution. But I took an oath to uphold the Constitution.

This legislation has a good provision called the Juvenile Brady provision which says if a youngster is convicted of a crime of violence, that record has to be maintained, and they cannot get a weapon when they get older. Adults who have been convicted of a felony cannot possess a firearm in America. That is against the law. But if you were convicted of a serious crime as a juvenile, it did not count against you and you could possess a gun as an adult when you became an adult. So we are going to close that loophole.

Finally, this legislation has gained great support throughout America. The Fraternal Order of Police, the International Association of Chiefs of Po-

lice, and the Boys and Girls Clubs of America have endorsed this legislation. The National Troopers Association, the National Sheriffs' Association, and the National Collaboration for Youth have commented extremely favorably on the bill, as has the National Juvenile Judges Association, which has been much involved in helping us draft it. They are very positive about this.

I strongly believe that we have responded to the concerns of the Democratic Members and have tried to craft a bill that would be acceptable to them. I know Senator LEAHY has worked on it, and Senator BIDEN. I see he would like the floor. He has sponsored many crime bills over the years and has been active in his interest in this legislation. As ranking member on our subcommittee, he will be talking about the legislation in a minute.

I believe we have a good bill. I think it is time for America to respond to juvenile crime in an effective way. This bill will do many of the things that are necessary—not all, but it will do many of the things necessary for us to create an effective response to juvenile violence in America.

I have a unanimous consent request. I ask unanimous consent that until 2:15 today debate only be in order on the pending legislation.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. SESSIONS. I yield the floor.

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

Mr. BIDEN. I thank the Chair.

Mr. President, this bill has been a long time in coming. We have been debating this bill in the Judiciary Committee for some time. We have attempted to come up with a compromise that made sense. Later in the day—if not today, tomorrow—the distinguished chairman of the committee and I are going to offer an amendment that is essentially a substitute, but we will not probably offer it in the form of a substitute; it will be offered in the form of an amendment. At that time, I will speak to the distinctions of the bill before us and the provisions Senator HATCH and I will be amending.

Let me speak to the general proposition of juvenile crime in America.

I listened to my friend from Alabama and others who have spoken today, and I sometimes get confused. I get confused because the assertions that are made do not always comport with what the legislation says.

For example, there is a general assertion made, and a general consensus, that we should not be federalizing juvenile crimes; we federalize too much already, yet we do that in this bill in terms of attempts to deal with preemptive jurisdiction, imposing upon the States judgments about how and under what circumstances they should try

adults, and children as adults, and so on.

The second thing that we do is we go through episodic periods in this body. I have been around long enough that I have been in more than one episode. I remember when I first came here, I say to my friend from Minnesota. We all kind of forget the consensus, the academic consensus, the criminal justice consensus, the political consensus we reached in the early 1970s. That was that we had horrible cases—and legions of them—where we put juveniles in adult prisons, we put juveniles in adult holding tanks, we put juveniles in circumstances where they were exposed to adult-convicted criminals.

There were legions of reports about their being raped, their being beaten, their being sodomized, their being dealt with in the most horrendous way. The Nation rose up in the late 1960s and early 1970s, led by the academics of this Nation, led by the criminologists, who said this has to stop, this has to stop.

I was here when Birch Bayh, the distinguished father of the Senator from Indiana, led the fight on the Judiciary Committee and the bipartisan consensus to change the rules. We ended up with things called sight and sound requirements. We ended up with things that dealt with recordkeeping. We ended up with changes in the law that dealt with the ability to try juveniles as adults and under what circumstances. And they worked. They worked. They worked very well, because you are not reading in our press about 13-year-old boys being sodomized in a jail, while they are held in a holding tank to be arraigned. You are not reading about that now.

For those of you who have not done this as long as I have, I suggest you go back and look at the RECORD and what we read about in the 1960s. It happened all the time. It does not happen anymore.

A little bit of power given to anybody is almost always abused. The bureaucrats got a little bit too much power, and over a long period of time we came up with some stupid rules, stupid applications of the sight and sound restrictions.

For example, if you in fact are in a rural community, in your State, I say to my friend from Minnesota, and you arrest a kid, a 16-year-old at 2 o'clock in the morning for a violent crime and there is no facility in town except one that has two adults in it, and the nearest juvenile facility is 4 hours away, we have been in some cases insisting—it is rare—that that kid be driven 4 hours all the way to that other facility when you have a one-cop town. It doesn't make sense. There should be accommodations made for 6 or 8 hours until the next shift comes on so you can work this out. Well, what we do is we make accommodations for that.

Let's not blow this out of proportion. I remind people, you are not reading in

the press, as you did in the 1950s and 1960s and early 1970s, about juveniles being abused in adult prisons. In my own State, it doesn't take much. Let me remind everybody: You put a young kid, maybe even a status offender, not a violent criminal, in a cell next to somebody who is a hardened criminal. You lock the door. The hardened criminal starts telling the kid about what he is going to do to him and how he is going to enjoy doing it to him. The records are replete with jailers coming back and finding the kid hanging himself in a jail, committing suicide. They are not happening now. So let's not get trigger happy here, no pun intended, and decide that we are going to over-correct.

Back in the bad old days, when I was chairman of this committee, a ranking member for about 18 years, we had scores of hearings. We brought everybody in. The cops who come in want to solve the problem—the example I gave in Minnesota or Vermont or Montana or Delaware. We can do that. But let us not go into this routine where somehow this sight-and-sound provision has taken on some bureaucratic hubris where what happens is that we have people going awry with power and preventing us from trying violent juvenile children or young adults and they are on the rampage in the countryside because of this stupid Federal rule. Not true. Not true.

Let's get some facts straight. Remember when I introduced the Biden crime bill back in 1984. It took 6 years to get it passed finally, the one with the 100,000 cops in it. I used to say all the time, Why can't we learn to walk and chew gum at the same time? When the crime bill, which everyone has stood up here and is giving great credit to for the significant reduction in violent crime among adults in particular, was written, I might point out, a number of people giving it credit here voted against it, thought it was a bad idea, for 2 years tried to amend it.

Well, there have been a couple altar calls. I welcome everybody to the party. What is that old expression: Success has 1,000 fathers; defeat, none. I am delighted there are so many strong supporters for the crime bill now. I am delighted. But let them remember why it worked.

We finally got liberals and conservatives to agree that they were both wrong and both right. I don't know how many times my colleagues had to listen to me on the floor during the 1980s and 1990s saying: Look, liberals have been harping on the following point: It is the society that makes these young criminals, and all we have to do is give them love and affection. All we have to do is intervene with the right programs. All we have to do is deal with prevention. All we have to do is deal with treatment.

My conservative friends would come in and say: The answer is tougher pen-

alties, hang them higher, put them in jail longer.

The facts were sitting before us just as they are now. Let's get some of the statistics straight, lest we be confused. I know facts sometimes bother us in this debate. Our friend Alan Simpson, the former Senator, as you know well, used to say—I loved him, still do—he used to stand on the floor and say—I will never get it as well as Alan said it and never get it quite as right, but I think this was how his phrase went—he would stand up, when someone was spouting off about something they didn't know, and say: Everyone is entitled to their own opinion, but they are not entitled to their own facts.

Crime is the only issue on which everyone thinks they are entitled to their own facts. Everybody has an opinion on crime. Everybody has an answer, whether they know anything about it or not. I am not talking about my colleagues now. I mean the whole world. If you ask the public what caused the increase in the value of the dollar, they won't pretend to have an answer. If you ask them what will stop murder, they have an answer. If you ask them why is there violent crime, they have an answer. It is one of the areas that affects us all, and we are entitled to our opinion. But let us look at some of the facts.

Since 1993 the national rate of juvenile crime is down. Juvenile arrests for murder and manslaughter have decreased almost 40 percent, from 1993 to 1997, the last time we have the numbers. Juvenile arrests for forcible rape are down almost a quarter, 22.8 percent. Juvenile violent crime arrests are down by 4 percent from 1996, from the previous year. There was no decline in adult crime then.

Now, let's look at what we are talking about—again, the facts: There are basically three categories of kids. When I introduced the Biden crime bill for adults years ago, which became the crime law, I used to stand on the floor and say there are basically three types of criminals we have to deal with, and we need different solutions for each category. If I am not mistaken, I am the first one to write a report that about 6 percent, only 6 percent of the violent criminals in America back in the 1980s and 1990s, and even now, committed over 60 percent of all the violent crimes in America. If you went out and you could gather up all 6 percent of the career criminals, gather them all up, put them in jail and throw the key away, violent crime would drop by over half. That is No. 1. So we need a specific program for career criminals. The Senator from Pennsylvania, Mr. SPECTER, had a career criminal bill that became law, a gigantic help.

The second category is people who have committed a violent offense but are not career criminals. The third category is people who had crimes of prop-

erty and status offender crimes, victimless crimes.

They all required different solutions. So that is why in the Biden crime bill we did three things: We took about \$10 billion and hired more cops, about \$10 billion and built more prisons, and about \$10 billion to deal with drug treatment, prevention, and other programs. Guess what. It works.

The conservatives were right, that you have to get tougher, but with one segment. The liberals were right, you have to pay more attention to what brings people into the crime stream, for one section. One size doesn't fit all. So we finally got it right, and crime has dropped dramatically.

Now guess what. For juvenile crime, we have decided we are going to reinvent the wheel.

What is the formula here? The formula is simple. It is simple but hard. G.K. Chesterton once said about Christianity: It is not that Christianity has been tried and found wanting; it has been found difficult and left untried.

Well, it is not that this is so complicated, but boy is it political.

In all of America, in that first category of kids, career criminals for adults, there are 115,000 kids who were arrested for murder or arrested for a violent crime; 2,000 of the 115,000 were arrested for murder; 113,000 were arrested for violent crime. They are clearly in one category. They are the bad actors. Everybody wonders why they have all these floppy clothes. Walk through the train station down here, walk in any city. Those floppy clothes allow you to conceal a gun. Guess what. These kids are bad. They are bad seeds.

I want to tell you something that the liberals do not like hearing said: Some of these 16-year-olds are beyond redemption. They are beyond redemption for all practical purposes. And if and when they are redeemed, we don't know why they were. They may have seen the Lord in a blinding light. They may have come to their senses. But when it occurs, we don't know why. And it doesn't occur that often.

But think about it, all the children in America we are talking about—115,000.

There is a second category.

There are 685,000 kids who are arrested for nonviolent property crimes ranging from stealing your car to mutilating your property, or, as we say in my section of the country, "turving your lawn." Nonviolent property crimes, 685,000. They require a different solution.

Mr. President, locking them up in juvenile detention facilities as they are only getting into the crime stream usually only makes them better criminals. That is where the graduated offenses come in.

If I am not mistaken, I think I am the first guy who had James Q. Wilson

testifying before a committee up here. Everybody now talks about the "broken window theory." Most don't understand it. It is a simple proposition. It is not complicated. If, in fact, you have a sanction the first time a young person is brought before the courts, no matter how small the sanction is, it has a greater impact than waiting three or four times and throwing the book at them. It is not rocket science. It is not a big deal. It is pretty easy to figure out.

Then there is a third category of kids. There are at least a few million of them. They are in the at-risk category. BIDEN, what is that fancy term, "at-risk?"

From 8 to 5, walk into any schoolyard in America. Take two or three teachers. Say to them: Point out the kids out there who are the ones on the edge and haven't done anything wrong, but the ones you are most worried about. They can identify the at-risk kids for you.

Again, a second time using the phrase "not rocket science." They can identify them for us. We have civil liberties and civil rights that do not allow that to occur, and shouldn't. But, as Barry Goldwater used to say, "In your heart you know I am right." You know that we know that you can identify them.

What are we going to do about those kids? Are we going to build jails for them? Are we not going to take the time and effort to use prevention programs that work?

That is a third category.

I wrote a report a couple of years ago referring to the "baby boomlettes," pointing out that the largest cadre of young people since the baby boom is about to reach their crime-committing years—39 million kids under the age of 10.

If not one single thing happens in terms of the crime rates going up with juveniles, every single category of crime will increase significantly—every one of them—because, guess what. There is just a heck of a lot more kids.

If we do "as well as we have been doing," and there is not a one one-hundredth of 1 percent increase in crime among juveniles that occurs, we are going to have several thousand more murders; we are going to have a 20-percent increase in the juvenile murders by the year 2005, and the overall murder rate will go up 5 percent. Violent crime will increase by the same percentage if we do not allow one single percentage increase, because there are so many kids coming.

Mr. President, the interesting thing about crime—only a few things we know perhaps even with certainty—is that if we have a cop on this corner and no cop on that corner, and there is a crime going to be committed, it will be committed on the corner where there is

no cop. That is one thing we know. Another thing we know is that violent crime decreases when you get older.

Do you know why? It is harder to jump that chain-link fence. It is a little harder. It is harder to jump that chain-link fence. That is why it decreases.

You don't need a degree in criminology to figure this stuff out.

So why do we keep trying to reinvent the wheel?

I remember when I introduced the first crime bill; there was a New York Times editorial saying: But we have tried this before.

More cops, we never tried that before. For the previous 20 years, the top 20 cities in America had less than a 1-percent increase in the total number of police on their forces, yet their population increased by about 18 percent. We used to have three cops for every one violent crime committed in America. We have gotten to the point where we have one cop for every three violent crimes.

So we did it. We hired more cops. And it is working.

The same principles work with regard to juveniles.

Look, a couple of my friends said: You know what we ought to really do is, this Clinton administration ought to get in gear. Get in gear? This Clinton administration has done better than any administration in history in reducing crime.

By the way, that "truth in sentencing," I am the guy that wrote that law. It is called "The Federal Sentencing Commission."

I might add that a lot of people who are speaking about it now were against it then. As a matter of fact, a colleague who used to be on the floor, Mac Mathias, called the Biden law "the same-time-for-the-same-crime law."

So what are we doing now? We are changing the game. This administration that came along and supported "truth in sentencing" is the administration that pushed community policing; is the administration that has targeted the most violent criminals; is the administration that has provided more money and effort from the Federal level for fighting crime than any in the history of the United States of America, and has succeeded. Let's get off this poppycock about whether or not this is a Democrat or Republican deal. The hope was that once we passed the Violent Crime Control Act of 1994—by the way, it is not coincidental. If you notice when all the charts go up, violent crime starts to drop in 1993. Guess what. That is when we introduced the bill, and it passed in early 1994.

Mr. President, juvenile justice requires our attention. It requires us to be honest with one another and honest with the American people.

There are three categories of kids we have to focus on. The 115,000, 2,000 of

whom have been charged with murder, but 115,000 who are the violent offenders, we should be building prisons for them. We should put them in juvenile facilities. And we should treat them in some cases as adults.

I might add, all my States rights guys, guess what. Most States have a surplus.

I love these Governors. They come and tell us about how to run the Federal Government. And then they come to us and tell us if we want to deal with building a juvenile facility, we had better send Federal money. But it is a local issue, it is a local problem, and it is a local crime. Local law enforcement does it, but you send the money, Federal Government, to build the prisons.

They can build the prisons. There is money in here to allow help for that. But they should get responsible. I would respectfully suggest, in the State legislature in Dover, DE; in Springfield, IL; and every other capital in America to acknowledge what their responsibility is.

There is a second category, Mr. President—those that committed crimes against property.

We can save these kids. We can intervene. A lot of them we can keep from being violent criminals. But it doesn't mean building more jails for them.

The third category of 3 million-plus is those at-risk kids. We don't have to reinvent the wheel. Just look at what we have done.

Mr. President, at some point I will be joining my friend, the Senator from Utah, the chairman of the committee, to introduce an amendment in the nature of a substitute that makes the necessary corrections in a bill which has already made some progress.

My colleagues have heard me say this over and over again for the last 15 years. A trial lawyer with whom I used to practice used to always say to a jury: Keep your eye on the ball. The prosecution will tell you this, this, this, and this about the defendant. The question is, Did the defendant pull the trigger? Keep your eye on the ball.

I respectfully suggest that in this debate we keep our eye on the ball. What are we going to do about the 115,000 very violent kids in America? What are we going to do about the 680,000 in the crime stream who have not committed crimes of violence but are on the edge? What are we going to do about the 3 million kids who are on the edge, who are ready to slip into the crime stream?

The problem that still exists beyond what we have to deal with here and beyond guns and beyond prevention—and the Hatch-Biden substitute puts in more money for prevention—what we really have to do is deal with the drug problem in America.

I said before that we learned in the early 1980s that if we could take the 6 percent of career criminals in America

and remove them from the scene by an act of God, violent crime in America would drop over 50 percent. Nobody disputes that now. I respectfully suggest, if any Member can have one wish that would fundamentally alter youth violence in America, ask God to come down and take alcohol and drug abuse out of the system. If we did that one thing and nothing else, we would affect the course of juvenile justice in America more than anything we can do.

Obviously, we can't do that. As I said years ago when I introduced the first bill, there are three things we have to do: One, deal with adult crime, particularly focusing on violence against women; two, we have to fix the juvenile justice system; and three, we have to deal with the drug problem. They are the three pieces. It hasn't changed.

I urge my colleagues, as the debate gets underway, keep your eye on the ball. Don't try to reinvent the wheel. Look at what is working. Stick with what is working. I am not suggesting we don't try new ideas, but stick with what is working.

By the way, I point out that the very people who now are all for juvenile Brady—what was in the original juvenile justice bill I introduced—are the very people who were against the Brady bill before. So there is progress. There is hope.

Brady made a difference.

Mrs. BOXER. Will the Senator yield?

Mr. BIDEN. I am happy to yield to the Senator.

Mrs. BOXER. I want to ask a question. The Senator and I have talked for a very long time about afterschool programs. We had a conversation about the Hatch-Biden amendment. I am very glad the two Senators were able to work something out with a bipartisan thrust.

Could the Senator clarify for me the language the Senators have both agreed to regarding block grants and setting aside 25 percent for prevention, and what afterschool programs fit into that definition in the bill?

Mr. BIDEN. I will be brief because we will discuss this when the amendment comes up, but I am happy to answer the question.

There are four block grants in the bill. The one in which the distinguished Senator from Utah has agreed to make an alteration is the provision for \$450 million that is available for up to 25 percent; \$113 million of that will now be able to be used for afterschool programs, for drug treatment programs, and for any program which is designed to deal with the cadre of kids who, from the time the school bill rings at 2:30 until they go to a supervised situation at 6 or 7 o'clock at dinner, commit the majority of crimes committed by young people.

However, there are two other provisions in the bill. There are two other block grants of \$200 million apiece.

Those two allow money to be used for prevention and afterschool programs.

As I told the Senator, I happen to think in the original bill which I introduced 2 years ago—that was the juvenile justice bill—that had a number of cosponsors.

I think we should be spending closer to \$1 billion on this prevention notion. From the time I was a kid, I went to a Catholic grade school. I don't know whether the nuns got this from my mother, or my mother got this from the nuns, but as my Mother would say, an idle mind is the Devil's workshop.

Give a kid no supervision from 2:30 in the afternoon until dinnertime, and I promise—I promise—good kids are going to get in trouble and bad kids are going to do very bad things. This is not rocket science. We should be doing much more.

The Senator from California has focused very much as a Congresswoman and now as a Senator on dealing with afterschool programs. Again, if you could wave a wand, and all the school boards and school districts that say they care so much about their children—and they do—if they could have baseball, basketball, cheerleading, chess, girls' field hockey, lacrosse, I would have those programs for every junior high in America. Almost no junior high in America has the programs. Do you want to keep kids out of trouble? This is not hard. This is not hard. The people in the gallery know it; they understand it. The American people understand it. Why don't we understand it? Why don't the local authorities understand it? It is hard to tell people you will raise your taxes in order to do this.

The other thing this bill does, with the help of Senators PHIL GRAMM and ROBERT BYRD: When the Biden crime bill passed in 1994, we set up a violent crime trust fund. We let go 300,000 Federal workers. Under this administration, we have the smallest federal workforce since John Kennedy was President. I know the Senator knows this, but what we did with that money is take the paycheck that used to go to the person working at the IRS or the Department of Energy or wherever, and when they left their job, we didn't rehire people. We reduced the workforce. We put their paycheck in a trust fund, like the highway trust fund. This extends the trust fund until the year 2005.

I say to my friend that there are a lot of programs worth spending money on—education and defense—but I can't think of anything more fundamental than taking the streets back and giving our kids a safe environment in which to live.

There are two things we do. We add prevention money as a permissible use. We earmark it. It adds up only to \$113 million. It has part of the other \$400 million in this bill that can be used for prevention, but it is short of what we should be doing.

I am looking forward to supporting the Senator from California when she tries to do more for afterschool programs.

Mrs. BOXER. I thank my friend from Delaware. I am very happy he is going to support the amendment. We have \$200 million in here for after school—and this administration deserves a lot of credit—up from \$40 million.

Guess how many applications came in. Another \$500 to \$600 million on top of the \$200 million. We have a very big void to fill.

As my friend said, crime happens after school. The FBI has shown that. I think for this bill to be balanced it needs to go to tougher penalties for certain crimes but also to prevention and modest gun control measures. I am looking forward to working with my friend on all these matters.

Mr. BIDEN. As I said, at some point when it is appropriate, when the distinguished chairman of the committee decides we should introduce our amendment, we will. I thank him for reaching out, because it has not been easy for him to be able to do this, and I look forward at the end of the day to this entire bill being a bipartisan consensus when it leaves the floor.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the distinguished Senator and I understand the distinguished Senator from Minnesota is about to take the floor.

Does the distinguished Senator from California wish to speak before lunch?

Mrs. BOXER. No, I can wait until after lunch.

Mr. HATCH. Then I suggest after the Senator from Minnesota completes his remarks we recess for the policy meeting. Is there any objection?

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object, I could not hear the first part of what the Senator from Utah said.

Mr. HATCH. The Senator would be the last speaker before the policy meetings of both parties.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I wonder if my friend could expand that to include a list, with Senator SCHUMER and Senator BOXER on our side? Is it possible to make this a little broader so we know for certain, when we come back here after lunch, we can talk on this bill?

Mr. HATCH. I am hoping after lunch we will be able to start on the first amendment. But we will certainly accommodate the Senators as they come to the floor.

Mrs. BOXER. What my friend is saying is we could speak in favor or opposition to an amendment. Is it possible to line it up in that way?

Mr. HATCH. Sure. Of course it is. We will try to go back and forth, if we can, on the floor.

Mrs. BOXER. I ask unanimous consent—

The PRESIDING OFFICER. There is a unanimous consent request pending.

Mrs. BOXER. I will add to that and see if my friend will accept this: That the speakers to be decided on his side of the aisle, that of Senator HATCH, and from our side of the aisle it will be Senators SCHUMER and BOXER, in that order, after lunch? And we would add that to this.

Mr. HATCH. Will the Senator withhold until after we have offered an amendment?

Mrs. BOXER. Absolutely.

Mr. HATCH. After we have offered an amendment, then we will work it out.

Mrs. BOXER. I will withdraw it.

The PRESIDING OFFICER. Is there objection to the original request?

Without objection, it is so ordered.

Mr. HATCH. I thank the Chair.

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

Mr. WELLSTONE. Mr. President, this will just be an opening statement. I presume we are going to have a lot of time to debate this legislation and all of us will have the opportunity to have amendments we think are relevant and important. Then we will have substantive debate. That is what the Senate is all about.

Once upon a time this bill was S. 10. Now it is S. 254. I am not exactly sure about all the provisions in this legislation. I am not exactly sure as to what the Biden-Hatch, or Hatch-Biden, amendment will say, as well. But let me just say at the beginning, what I am quite sure of is that, as I look at this, I do not see a lot of balance. I see a whole lot of emphasis on punitive measures, locking up more children. I do not see a whole lot by way of efforts to keep children from getting into trouble in the first place. I am actually surprised that we have not learned some of the lessons which I think the people who are down in the trenches, working with at-risk kids, have learned.

I heard my colleague from Alabama talk, and I like what he did. He talked to people back home. I think if you talk to cops on the beat and you talk to judges and you talk to sheriffs and you talk to counselors and you talk to youth workers, they will tell you we should be doing a whole lot more by way of prevention. As I heard Senator BIDEN talk about the substitute amendment, it sounds like a pittance we are really putting into prevention.

Let me also just say I am not a lawyer, I am trying to wade my way through this argument, but I want to make sure this legislation does not weaken certain core protections we have had for children. There is no

doubt in my mind that when certain kids commit violent crimes they may very well be tried as adults and they may be faced with stiff sentences. But we have had certain protections for kids which make sure we do not have too many kids in adult facilities.

I do not really know exactly whether or not we have a judicial review process of what prosecutors might want to do. I do not know what kind of protections are there. But to me it is really important, because even if you call some of these facilities "colocated facilities," that may just be a fancy word for adult facilities with juvenile wings. As Senator BIDEN was saying, with a considerable amount of power and eloquence, there is disturbing evidence that a whole lot of children—many more children—commit suicide in adult facilities; eight times more often than children held in juvenile detention facilities. I do not think we can take these kinds of risks with young people's lives. Again, I want to really understand whether or not we have the protection we need for kids.

I will tell you what is a huge flaw in this legislation, not fixed at all by the substitute amendment or the amendment to the bill or the legislation that is before us right now. This legislation undermines our efforts—and I hope every Senator will feel strongly about this—to deal with the disproportionate confinement of "minority youth" in our Nation's jails.

In practically every State, children of color are overrepresented at every stage of the juvenile justice system, especially when it comes to secure confinement. Furthermore, they receive unequal treatment by the system.

A study in California showed that minority children consistently receive more severe punishments and were more likely to receive jail time than white children for the same crime. Black males are four times more likely to be admitted to State juvenile jails for property crimes than their white counterparts and 30 times more likely to be detained in State juvenile jails for drug offenses than white males. The source is the Youth Law Center study called "Juvenile Offenders Taken Into Custody."

Also, let me say at the very beginning of my remarks that it is incredible that here we are at the end of the century—working with kids up to adults—it is my understanding that, roughly speaking, one-third of all African American males ages 18 to 26 or 18 to 30 are either in prison, awaiting to be sentenced, or on probation—one-third of African American males in this country.

We ought to think seriously about what that means. In the State of California, I read and, again, I think it is ages 18 to 26—it may be 18 to 30—there are five times as many African American men serving sentences, incarcer-

ated in prison, than in college. We ought to think about what this means.

Last month, along with Senator DORRAN, I visited the Oakhill Juvenile Detention Center in Maryland. We were joined by Judge George Mitchell who sits on the D.C. Superior Court. He made an astonishing statement, if anybody wants to pay close attention to this. In talking about the disparity of the treatment of minority children, in his 15 years, as a juvenile judge, having had thousands of juveniles in his courtroom, he has had only two white youths appear before him. That is unbelievable. By the way, this is not due to a dearth of white youth in the District of Columbia, nor is it that they never run afoul of the law.

We have a current law that says: States, you need to address this problem and States are directed to identify the extent to which disproportionate minority confinement exist in their State and try to identify the problem, the causes, and what can be done about it.

This requirement has never resulted in the release of juveniles who have broken the law, nor any kind of quota system on arrest or release of youth based on race. As a result of the current legal requirement, 40 States to date are implementing intervention plans to address this problem.

It seems to me we would want to do this as a nation. S. 254 is a piece of legislation that does not want to mention race and has removed this current DMC requirement. Efforts to remedy the disparate treatment of minority youth that are underway in States is going to be seriously undermined as a consequence of this legislation. As a result of this, our juvenile justice system will fail, as it is now failing, to treat every youth fairly and equitably, regardless of race.

I oppose this legislation, given the way it is now framed, and I think other Senators should oppose this legislation for this reason alone.

Another issue that is going to come up in our debate—and the legislation does not really address this in any major way—has to do with the issue of gun violence. Please do not misunderstand me. I have been very careful in talking about Littleton and what happened at Columbine High School to simply not make a one-to-one correlation of any particular agenda that I am for because sometimes events in human experience are so dark, so evil that they cannot be flippantly explained. I do not know why those kids did what they did, why they committed murder. It is hard for me to know what really happened.

I will tell you this—and by the way, I have been so impressed with discussions with students in Minnesota. Just yesterday at Harding High School, we had a great discussion about education, violence in schools, violence in communities, and those students had so many

poignant and important things to say. This I do know: A Washington Post editorial pointed out that 13 children a day in this country are killed by guns. That is, in effect, one Littleton massacre each and every day in the United States. Of the 13 children killed by guns, 8 are murdered, 4 commit suicide—there is a lot of youth suicide in this country; it is hard for me to accept as a father and grandfather—and 1 is killed accidentally by a firearm.

I will leave it up to other colleagues to go over the legislation we will have on the floor that is going to be much tougher in terms of how to keep guns out of the hands of kids, much tougher on adults who peddle guns to kids, et cetera. I am saying we have to get a whole lot more courageous and tougher when it comes to this gun legislation.

What I want to focus on is the whole question of the criminalization of mental illness. We are talking about a juvenile justice bill. I point out—and I will talk about a piece of legislation that I have introduced, the Juvenile Justice Mental Health Act which has 40 sponsors, including the American Bar Association—a lot of people are talking about juvenile justice and a lot of people are talking about mental health services. I want to make sure we are of substance. I want to make sure we do not engage in symbolic politics. I want to make sure this debate is real.

That may sound self-righteous. Sometimes I worry about everybody carrying on about this legislation and the legislation then going nowhere, or people staking out a lot of positions, maybe not even based upon having had any experience for this. I hope we remain very, very focused.

One of the things that is going on right now is we have criminalized mental illness. There are a whole lot of people—I am going to talk about kids today—who should not be incarcerated in the first place. There are many children in their very short lives who have been through what children should not go through.

When we look at the statistics on kids who are incarcerated, roughly speaking, 1 out of every 5 is struggling with some kind of mental disorder, struggling with mental illness. Moreover—and Senator BIDEN talked about this—many of them struggle with substance abuse, many of them have learning disabilities, many of them come from troubled homes, many of them come from homes where they have seen violence every day.

The question becomes whether or not we are going to make some changes in this juvenile justice legislation that responds to these kids' lives. In setting the context, I will say that, despite popular opinion, most of the kids we lock up are not violent. The Justice Department study shows that 1 in 20 youth in the juvenile justice system have committed violent offenses—1 in

20. What has happened is that, No. 1, a lot of kids who could be in community-based treatment who have not committed a violent act instead wind up in these so-called correctional facilities which are not very correctional. And, No. 2, once there—and I am talking about 20 percent of the kids, probably more, kids who struggle with mental illness—the law enforcement community, the guards, the police at these facilities do not know how to treat these kids. Quite often, they do not know with what these kids are dealing. As a result, many kids end up being disciplined within these facilities and put in solitary confinement.

As the juvenile justice system casts a wider and wider net, which is the direction of this legislation, and as we have more fear and more intolerance of kids who misbehave or commit nonviolent crimes, we are pushing more and more children into the juvenile system who would not have ended up there in earlier times. In particular, what bothers me to no end is a lot of these kids should not be there. A lot of these kids are struggling with mental illness and should be treated in a community setting, and that is not happening.

The warnings are there. There is the school failure. There is the drug and alcohol abuse. There is the family violence. There is the poverty at home. Yet, we do not put the emphasis on community prevention. We do not put the emphasis on early intervention services for these kids. We do not put the emphasis on mental health treatment. As a result, we make the same mistake over and over.

There are two amendments—or several amendments—that I am going to offer to this bill. But two of the amendments that I am going to offer are based upon the Mental Health Juvenile Justice Act. It is a comprehensive strategy. We get the money to State and local communities and we provide the mental health services. There is strong support from 40 organizations. When we introduced it with Congressman MILLER about a month ago, I guess, there was strong support from 40 organizations—every organization, from the American Bar Association to the American Psychiatric Association, the Children's Defense Fund, you name it. And what we are basically saying is, as opposed to warehousing children with mental illness, we provide moneys to State and local communities to identify kids with these problems on the front end of the system, look to alternatives to incarceration, provide mental health services for these kids.

Mr. BAUCUS addressed the Chair.

Mr. WELLSTONE. Mr. President, I yield for a question.

The PRESIDING OFFICER. Does the Senator from Minnesota yield the floor?

Mr. WELLSTONE. I am not yielding the floor.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator be able to continue his statement and that I be allowed to speak as in morning business at the conclusion of his statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. I say to my colleague from Montana, I am going to hurry right up. I waited about 3 hours. I am just trying to go through this. I do not plan on going on a long time, but I just want you to understand. I appreciate it.

The Mental Health Juvenile Justice Act, which I will basically offer as an amendment, says, A, let's do careful assessments on the front end. Let's not incarcerate kids who do not need to be incarcerated; and, B, let's provide the funding for these facilities to provide mental health services for kids; and let's make sure that the law enforcement community, whether it be on the front end or whether it be in these facilities, is trained to recognize kids who are struggling with mental illness. That is the direction to go in.

Right now the situation is absolutely brutal—absolutely brutal. I have spoken on the floor of the Senate before—and I could go on for hours on this, and I will not—about some trips I have taken to some of these facilities. One trip to Tallulah, LA, was enough, although there are other Justice Department reports on Georgia and Kentucky as well, and it is the tip of the iceberg.

It is really just unbelievable to read about kids who spend as much as 7 weeks, 23 hours a day, in solitary confinement, to go to these facilities where these kids do not get any treatment whatsoever, kids who are brutalized. To go to the Tallulah "correction" facility with all of it privatized out to a private company—Trans-America Corporation, I think, is the name of the company—and to have kids just blow the whistle on the whole facility, I say to my colleague from Montana, is just absolutely unbelievable. There have been lawsuits filed.

It really is, frankly, unconscionable that we put so many of these kids in this situation. And 95 percent of the kids in Tallulah have not committed a violent crime. We are talking about racial disparity. There was a sea of African American faces. There were up to 650 kids, and I bet you 80 percent of the kids were African American children. That is my first point.

What I want to do is really put a very strong emphasis on mental health in juvenile justice. I want us to do a much better job as a Nation, and we need to get the resources to the State and local communities to do the assessment, to do the alternatives to incarceration, to make sure kids who are in these facilities get the treatment they need. And right now we are not doing it.

We have criminalized mental illness among kids and adults. Many of them should not be in these facilities. And when they are in these facilities, they receive no treatment whatsoever. I want to make sure that with the debate on this legislation and the amendments that are offered we have a very strong focus on juvenile justice and the mental health of kids. That is my first point.

My second point is, I think that—well, no. In deference to my colleague from Montana, I will just sort of say it in 1 minute, and make my final two arguments. We are getting to the point now where we have six States, led by California, that are spending more money on prisons than on State colleges and universities. In the State of New York, keeping a juvenile in New York's Division of Youth now costs \$75,000 a year. You can send three kids to Harvard for the same amount of money.

And I think we have to come to terms with some basic facts. There is a higher correlation between high school dropouts and incarceration than cigarette smoking and lung cancer. It would seem to me, again, we would be doing a whole lot more by way of prevention—I certainly do not think it is in this legislation, albeit there is some minor improvement with the Hatch-Biden amendment which is helpful, but I think it does not give the legislation the balance that it should have.

I do not see us doing very much when it comes to the early years. I do not see us doing very much at all. Frankly, if we really want to make a difference, we are going to have to pay some attention to all of these reports that have come out about childhood development.

Where is the focus on early childhood development? I thought we were going to do a whole lot to make sure that we do well for children from right after birth to age 3, much less before kindergarten. Why are we not doing that? Kids who come to school behind fall further behind, drop out, and then wind up in jail. When are we going to begin to get real about responding to these children in America? It is not in this legislation. I have not seen it in any legislation that has come out on the floor.

The second amendment that I am going to offer has to do with domestic violence. I hope there will be overwhelming support for this. Let me just tell you that above and beyond the focus on women, I am sorry to say that still about every 13 seconds or 15 seconds—what difference does it make; it is just outrageous—a woman is battered in her home. A home should be a safe place.

I have been working with a number of people and staff—Charlotte Oldham-Moore, my wife Sheila—and now we find out that we have not done a very

good job of really providing support for kids. They may not be battered, but the effect of seeing this in their home over and over and over again, and then going to school, and not doing well, is that they wind up in trouble.

So one of the amendments we are going to have is to provide, again, the funding to be able to recognize this and to be able to bring together all of the actors in the community to provide support for these kids. In other words, we can have the greatest teachers, the smallest class sizes, the greatest technology, and a lot of these children are not going to learn unless we get the support services to them early.

We are also going to have an amendment, a third amendment, which really does a good job of having much more focus on school-based mental health services. Again, I will have a chance to speak on this, but I think we have to develop a whole infrastructure that focuses on mental health services. And I think it has to be before these kids get into trouble rather than afterwards.

Finally, let me just say that there were some comments here which were made that I wish we would have more debate on. I hope when I have amendments I can get people out here debating. But my colleague from Alabama, Senator SESSIONS, over and over and over again was talking about drug testing and the rest. What I do not understand is, if you are going to do the drug testing, how about the treatment as well? We do not do the treatment programs. We do not do the treatment programs. So much of what we see is tied into substance abuse problems.

I am going to be working on legislation—we have the bill with Senator DOMENICI to try and end this discrimination in terms of covering mental health services for people. We are not doing that. That is one piece of legislation—including any number of childhood illnesses, autism, or post-traumatic stress syndrome, which, unfortunately, also is something that affects children, or anorexia, or attention deficit disorder. We do not provide any treatment or any coverage for treatment.

We act as if these illnesses are not illnesses. There is all this stigma. When are we going to get this right? If we are going to talk about prevention in a juvenile justice bill, we have to have that component. And in the substance abuse, it is the same issue.

Where is the parity? Where is there a way of making sure we get the treatment to these kids? It is crazy. So much of this prison construction industry, so many of the people who we are now incarcerating—so many of these kids who are in trouble are in trouble because of addiction. I would love it if my colleagues would just look at the Moyers documentary. Many are viewing brain diseases. We are now talking about the biochemical and neurological

connection, and we do not provide the funding. We do not provide the treatment.

Mr. President, let me conclude by saying I think we are going to have to do a whole lot better. I will talk a lot about some of my travel around the country and what I have seen with my own eyes, but I bring to the attention of my colleagues, to give this a little bit of context, a report by Amnesty International. It is called "The United States of America, Rights for All, Betraying the Young." Just a few quotes. I am not picking on any particular States, but it is important.

"Judge Zintner, I have an important question to ask you! Would you please move me out of here? Please don't leave me here with all these adults. I can't relate to any of them. They pick on me because I am just a kid. They tease me and taunt me. They talk to me sexually. They make moves on me. I've had people tell me I'm pretty and that they'll rape me . . . I'm even too scared to go eat . . . It's too much for anyone my age to handle . . . Please help me with this." Letter from 15-year-old Paul Jensen, imprisoned in South Dakota State Penitentiary, to his sentencing judge, 1997. In September 1998, his mother told Amnesty International that he had not been moved from the prison.

"There are 2.5 psychologists to see the 300 juveniles in general population. This is despite the fact that 40 percent of the juveniles received will be identified . . . as having mental health or suicide watch needs. Because of the number of juveniles that need to be seen, the supervisor has told his staff that they cannot see a juvenile more than three times a month unless they indicate that the juvenile will die if he is not seen more often." Official audit of facilities, Virginia 1996.

" . . . girls as young as twelve years old were subjected to sexual abuse, received no counselling, no vocational treatment, no case treatment plans or inadequate or inappropriate medical care, were placed in a 'levels' program in which the length of time of the juveniles detention could be unilaterally changed, lengthened or shortened depending on the whims of Wackenhut's untrained staff members, and were made to live in an environment in which offensive sexual contact, deviate sexual intercourse and rape were rampant and where residents were physically injured to the point of being hospitalized with broken bones." Texas 1998—extract from a complaint filed in court alleging abuses at a juvenile correctional facility operated by the Wackenhut Corporation, a private for-profit company.

On a Sunday morning Paul Doramus, recently appointed director of the state agency that is responsible for juvenile justice—

Mr. BAUCUS. Mr. President, might I inquire of the Senator how long he is going to proceed? We are going past 12:30. In great deference to the Presiding Officer, we were supposed to finish at 12 o'clock.

Mr. WELLSTONE. I will be done in a moment. I started at 20 after. I will be done in about 2 minutes.

Mr. BAUCUS. The Presiding Officer has let us proceed with great generosity.

Mr. WELLSTONE. I say to my colleague that I waited for 3 hours and I

also deferred to others. Senator MACK needed to speak, and others. I understand that. I will finish up. I said that several times, I think, to my colleague.

On a Sunday morning Paul Doramus, recently appointed director of the state agency that is responsible for juvenile justice institutions, visited the Central Arkansas Observation and Assessment Center. He heard a boy sobbing: "Mister, get me out of here, I want my mother." Doramus discovered a 13-year-old boy in an isolation cell, "sobbing so hard he could hardly speak." The boy had been caught in a stolen car and was arrested for theft of property. At the institution he had been disruptive, and staff placed him in isolation. "As I attempted to talk with him, his calls for help just grew louder," Doramus said. The boy's next words jarred Doramus even more. "Jesus doesn't love me anymore for what I did." Doramus held the boy's hands through the cell bars. "That's not true, partner," he assured him. "He does."

"All I could think of was my two kids who were at home, who got the hugs and got the love and got the support," Doramus said. "I thought, God forgive us all. How could we allow kids to live in an environment like this?" Little Rock, Arkansas, June 1998.

This is from an Amnesty International report that came out this past year, November 1998.

Mr. President, I have seen these conditions in these facilities. I will have a number of amendments dealing with domestic violence, dealing with mental health and juvenile justice that I have been working on for the past year, dealing with the whole question of how we can get more support for kids before they get into trouble.

I look forward to this debate, and I hope before it is all over we will have a balanced piece of legislation. I am sorry for being so sharp in my response to my colleague from Montana, but when I read from such a report—and these are children's lives—I just don't like to be interrupted.

I yield the floor.

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

(The remarks of Mr. BAUCUS pertaining to the introduction of legislation are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### RECESS

The PRESIDING OFFICER. The Senate now stands in recess until the hour of 2:15 p.m.

There being no objection, at 12:49 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Delaware is recognized.

#### ORDER OF PROCEDURE

Mr. ROTH. Mr. President, I ask unanimous consent that the following Senators be permitted to speak as if in

morning business for up to 5 minutes, and that following their remarks there be a quorum call: Senator ROTH, Senator JEFFORDS, and Senator KENNEDY.

Mr. LEAHY. Reserving the right to object, Mr. President, I want to accommodate the Senator from Delaware. Could we also say that following that quorum call the distinguished Senator from Virginia, Mr. ROBB, be recognized to discuss an amendment? We will not introduce the amendment, of course, unless the chairman of the Judiciary Committee is here.

Mr. ROTH. As if in morning business.

Mr. LEAHY. Certainly.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

#### THE WORK INCENTIVES IMPROVEMENT ACT

Mr. ROTH. Mr. President, in January, I joined Senators MOYNIHAN, JEFFORDS, and KENNEDY to introduce S. 331, the Work Incentives Improvement Act of 1999. This legislation has a simple objective—to help people with disabilities go to work if they want to go to work, without fear of losing their health insurance lifeline.

S. 331 creates two new Medicaid options for States to make it possible for people with disabilities who choose to work to do so without jeopardizing health insurance access. The bill also extends Medicare part A coverage for a 10-year trial period for individuals on SSDI who return to work.

In addition to these health coverage innovations, the bill provides a user-friendly, public-private approach to job placement. Because of a new, innovative payment system, vocational rehabilitation agencies will be rewarded for helping people remain on the job.

Mr. President, this combination of health care and job assistance will help disabled Americans succeed in the workplace.

Tremendous progress has been made on many fronts in the 8 years following the passage of the Americans With Disabilities Act. However, there are still serious obstacles standing in the way of employment for individuals with disabilities.

Unfortunately, federal programs for individuals with disabilities too often discourage work. The most important barrier to employment identified by disabled individuals is the fear of losing health insurance.

The unemployment rate among working-age adults with severe disabilities is nearly 75 percent. Many of these individuals would prefer to be working and paying taxes. Unfortunately, Mr. President, the simple fact is that people with disabilities are often presented with a catch-22 between working and losing their Medicaid or Medicare. This is a choice that no one should have to make.

But even modest earnings can result in a loss of eligibility for Medicaid or Medicare, and disabled individuals cannot surrender their insurance access without jeopardizing their health.

Today, more than 7.5 million disabled Americans receive cash benefits from SSI and SSDI. Disability benefit spending for these two programs totals \$73 billion a year. If only 1 percent—or 75,000—of these SSI and SSDI beneficiaries were to become employed, federal savings in disability benefits would total \$3.5 billion over the workforce of the beneficiaries.

Mr. President, income tax day, April 15, is still fresh in our minds. It is not very often, especially at this time of year, that we hear from millions of Americans eager to become taxpayers. I say we should welcome Americans with disabilities into the ranks of tax-paying citizens.

In my own State of Delaware, experts on disability policy have made their support for S. 331 clear. Larry Henderson, Chair of Delaware's Developmental Disabilities Planning Council, testified in support of S. 331 at a Finance Committee hearing. He supports S. 331 "because it does not penalize persons with disabilities for working in that it allows for continued access to health care."

For this reason, more than 100 national groups have endorsed the bill, representing veterans, people with disabilities, health care providers, and insurers.

Mr. President, on March 4, the Finance Committee marked up and passed S. 331 by a vote of 16 to 2. S. 331 was the first health care bill passed out of our committee this year, and I appreciate the spirit of bipartisan cooperation that made our vote possible.

The strong support for S. 331 shown by our committee is also reflected in the full Senate. Mr. President, a total of 75 Senators now sponsor S. 331. Let me say that again—75 Senators have signed on to S. 331. That would be a remarkable total for any bill, let alone a health care proposal.

I think S. 331 has been so popular on both sides of the aisle because it is all about helping disabled Americans work if that is what they want to do. It is about helping people reach their potential. It is not about big government—it is about getting government out of the way of individual commitment and creativity.

Through my work on S. 331, it has become vividly clear to me that we are all just one tragedy away from confronting disability in our own families.

Unfortunately, we cannot prevent all disabilities. But we can prevent making disabled individuals choose between health care and employment.

It is time now to act. Mr. President, together with Senators MOYNIHAN, JEFFORDS, and KENNEDY, I have asked that S. 331 be scheduled for a vote before