SENATE—*Monday, August 22, 1994*

(Legislative day of Thursday, August 18, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we present our petitions in prayer to Him whose ineffable name is above all other names, the Senate will be led in prayer by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *For there is no power but of God: the powers that be are ordained of God.*—Romans 13:1.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights * * *. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed * * *".—Declaration of Independence.

Eternal God, Sovereign of the universe, with unspeakable gratitude we thank Thee for the faith and vision of our Founding Fathers who conceived a political system in which the power belongs to the people. Thank Thee for people-sovereignty, the foundation of America.

It is gratifying, God, to see the response of the people to the health and crime bills. As we approach election, we pray that all the people will be awakened to the incredible legacy they have and will exercise their sovereignty. Realizing that we have one of the lowest voting averages in the industrialized West, move upon the people so that they will recognize the gift God has given them and respond by voting.

Forgive us, Lord, who have abdicated our sovereign responsibility as citizens and revive us to take hold.

In the name of the Lord of history we pray. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. The Senate will be in order.

Under the previous order, leadership time is reserved.

MORNING BUSINESS

Mr. MITCHELL addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business until 10:30 a.m. today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Does the majority leader plan to put a limitation on the time for Senators to speak during that period?

Mr. MITCHELL. I ask unanimous consent that the Senators may speak for up to 10 minutes each during that period.

The PRESIDENT pro tempore. I thank the majority leader.

Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, the House yesterday passed a historic crime bill.

As I have stated publicly on many, many occasions, the most recent being last Friday, the Senate will take up the crime bill as soon as possible following House enactment.

I have advised the minority leader that it is my intention, therefore, at 10:30 a.m. today, to seek unanimous consent to proceed to the crime bill. If an objection is made and unanimous consent cannot be obtained to proceed to the bill, then I will make the motion to proceed to the bill at 6 p.m. today.

Under our rules, that motion is not debatable, and there will then be a vote on the motion to proceed to the bill at that time if consent is not previously obtained.

The distinguished Republican leader requested the opportunity to consult with his colleagues until 10:30 this morning. That is, of course, a reasonable request, and one which I immediately agreed to. Therefore, I will have a further announcement with respect to proceeding on the crime bill at 10:30, and at that time I will, in any event, make a unanimous-consent request to proceed to the bill.

I hope very much that it will be granted and that we can proceed to debate on that very important measure. It has, as all Senators know, been the subject of substantial discussion, negotiation, and debate in the House of Representatives prior to its passage yesterday.

I congratulate the House leadership, the Speaker, the majority leader, and others, as well as all of those House Members, Democratic and Republican, who joined together to pass this important legislation in the House.

I hope very much that the same will occur in the Senate, and that a bipartisan majority of the Senate will support the bill and enable us to pass it promptly. It is a very important measure, balanced as between providing additional police for crime prevention, providing substantial funding for the construction of prisons to enable the more effective security for those who have engaged in violent crime, and additional prevention programs to seek to encourage people, and particularly young people, to engage in productive and not criminal actions in our society.

So, Mr. President and Members of the Senate, it is a very important measure, one which I hope we can begin discussion on today, and which I hope we can pass promptly. Therefore, I will await the response of our colleagues, and in any event will return at 10:30 this morning to seek unanimous consent to proceed to that bill.

Mr. President, seeing no other Senator seeking recognition, I now 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. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 1 p.m. today the Senate proceed to the consideration of the conference report accompanying H.R. 3355, the Violent Crime Control and Law Enforcement Act; that there be debate only today on that conference report; and that the time between now and 1 p.m. be for a period for morning business during which Senators be permitted to speak therein for up to 10 minutes each.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the several requests are granted.

Mr. MITCHELL. Mr. President, I thank my colleagues for their cooperation.

Under this agreement, the Senate will take up the crime conference report beginning at 1 p.m. today. There will be no rollcall votes today. There will be debate only on the conference report.

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

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We will, I hope, be able to complete action on that measure in the near future. It is, as I said earlier, a very important bill. Now that the House has acted, I believe it important that the Senate complete action and send the measure to the President.

The period between now and 1 p.m. will be for morning business during which Senators will be permitted to speak therein for up to 10 minutes. I anticipate that there will be debate during that period on the crime bill as well.

I thank my colleagues for their cooperation.

I now 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. Further proceedings under the call will be waived.

The Senator from North Dakota is recognized for a period of time not to exceed 10 minutes.

THE CRIME BILL

Mr. DORGAN. Mr. President, I noted over the weekend that the House of Representatives has passed the crime bill conference report. I intend to vote for the crime bill conference report when it comes to the Senate.

I watched the debate over the last 10 days or so on the crime bill and, as is usually the case, political debate is stretched so thin you can often see through it. There are, I think, merits on both sides of the questions that have been raised about this crime bill. Those who say there was too much spending in it may be right. There may be some valid arguments that in certain areas of spending it could be trimmed back—and was. Those who argued that the other side was calling legitimate prevention programs pork were right as well. But the fact is the conference committee has worked its will on the bill and it has now gone to the House and will come to the Senate. I hope very much the Senate will adopt the conference report.

It is important for us to understand the U.S. Congress passing a crime bill will not solve the crime problem in this country. That is going to be solved by individual responsibility and by people in the communities, in the homes and the neighborhoods, in the cities and the States. But we can help. We can do some things that are constructive that will honestly help, and we do that in this bill.

Well over 90 percent of the crime in this country is committed and prosecuted and investigated in the jurisdiction of local governments, so it is not in most cases a Federal crime. Less than 10 percent of crimes are involved with Federal jurisdiction. That is why I say we ought to understand that this bill in itself will not stop crime. But, the bill does address some very chronic issues that people around the country know about and that local governments face.

A substantial amount of the violent crime in this country is committed by a very small minority of the criminals. About two-thirds of all violent crime in America is committed by about 8 percent of the criminals. These are criminals who adopted crime as a career, and they understand and we understand that prison for them has become a revolving door. They are in and they are out and in and out and back on the streets far too quickly—to victimize another innocent American once again. This bill starts to get tough with them and says three strikes and you are out.

It says let us open up some hard core prison cells by putting nonviolent prisoners in some nonviolent facilities with barbed wire and put violent criminals in secure cells and keep them there.

Does this bill have some prevention programs in it? Yes, it does. But does anybody doubt people who are addicted to drugs and are involved in a life of crime have to get off the addiction if they are going to cease the crime? The fact is, we have far more addicts who seek treatment for drug addiction than we have places to give drug addiction treatment and counseling, and this bill addresses part of that.

Is that pork? Is that unnecessary spending, when somebody who wants to shed a drug addiction goes to a center and they say, "Sorry, we don't have any room. We can't take you. Take your addiction back on the street, commit more crime"? That is what is happening. It is not pork to have a prevention program in the crime bill to provide more addiction treatment, more addiction counseling for those who are addicted to drugs.

I hope my colleagues in the Senate will understand this is a good crime bill and one that we really ought to pass this week and one I think will advance the interests of this country in fighting this epidemic of violent crime.

THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, the crime bill is going to cost something in the neighborhood of $30 billion, give or take, over an extended period of time. I noted last Friday, talking about money, that this Government will experience another set of costs—far greater than that $30 billion—caused by actions of the Federal Reserve Board. Is it not interesting that we debate at great length spending of tens of billions of dollars on something we desperately need, a bill to put resources together to fight crime, and there is no debate and no thoughtful discussion on what the Federal Reserve Board has done in the last 6 months?

I wonder if my colleagues know in the five interest rate increases in 6 months by the Federal Reserve Board—in which they went in a room, locked the door, and made decisions in secret to increase interest rates five times—what they have done is increase Federal spending by $110 billion between now and 1999 by increasing the cost of funding our debt? No debate; no lengthy discussions; the Federal Reserve Board secretly goes in a room and makes the decision. In fact, most of the folks in that room have their banking connections and I am sure they represent them well—and they decided to increase interest rates five times. It will increase the cost of borrowing for the Federal Government, in effect increase spending by the Federal Government, $110 billion between now and 1999.

One of my colleagues on the other side says, "If the Federal Reserve Board protected us against a wave of inflation that was going to come in the future and extended this country's economic recovery, that would be a bargain." Does anybody in this Chamber have any credible evidence that there is inflation over the horizon? That inflation is on the rise? There is no evidence I am aware of. Inflation has decreased for 3 successive years. There is no evidence of renewed inflation. Yet the Federal Reserve Board has taken action to increase interest rates five successive times. What they have done is put the brakes on the American economy.

I brought their pictures to the floor of the Senate several times because I think, even though they operate in secret, we ought to at least share with the American people who these folks are and what they look like. I hope one day soon we can address the question of whether we ought to have a Federal Reserve Board under these circumstances making these kinds of decisions with this consequence to the American economy and to the American people.

HEALTH CARE

Mr. DORGAN. Let me, having said that, and compared the cost of the crime bill to what the Fed is doing, turn to one other brief topic, health care.

As I have watched and listened to the debate on health care, it has been interesting to try to understand the connection between what the American people want and what is being discussed here in Washington, DC. I noted the distinguished President pro tempore of the Senate gave a speech last week. I was not on the floor to hear it,

but I heard part of it on my television set in my office and then I rushed over to his office to get a copy of the speech. I thought it was a very thoughtful speech, a very interesting speech.

Unfortunately, we do not have much credibility these days. The U.S. Congress does not have a great deal of credibility with the American people. Why? There are a lot of reasons for that. There is a cottage industry out there of magazine shows and news shows and others that try to hold us up to the light and say, "Look at this ugly imperfection here; isn't this grotesque?" It is not just true with this institution, it is true with every institution in America. We have now become—not just Congress, but other institutions as well—fodder for the "infotainment" industry. You entertain by looking at that institution or the other institution and saying, "Isn't this awful? Isn't this ugly?"

It is imperfect. We know that this place is imperfect. I come from a town of 350 people, and this place is very much like my hometown. We have a lot of wonderful people, basically solid, honest people who work hard and want to do the right thing. They try to do the best job they can. We also have a few people who make mistakes. When a Member of this body makes a mistake, it is on the front page of the paper someplace. That is the difference.

In health care, frankly, I think we sometimes become more ambitious than we should. The American people, I am convinced, have said to the Congress, "We want you to do something about health care because health care costs too much. Frankly, when health care costs too much, it is priced out of the reach of too many of the American people, and we would like you to do something about that."

And Congress, as is generally its desire, I think, wants to delve into this and construct a system, construct a big mechanism to try to deal with it. But I do not think the American people are saying, "Go to Washington and change the health care delivery system; the health care delivery system does not work." I do not think that is what they were saying.

They were saying, do something about health care costs, because for most people—middle-income families, businesses, and our governments—health care costs are skyrocketing. What does that mean? It means too many other families, especially the most vulnerable ones, cannot afford the cost of health care

I gave some examples of these costs the other day. I will give just a couple again. The average person would ask—and these are all people who have come to me—"Why does it cost $300 to put three stitches in my son's index finger?"

"Why did it cost $18,000," one woman asked, "for 3 days in the hospital and the use of the operating room for 4 hours, not including physicians' fees?"

"Why did outpatient surgery cost," a woman writes, "$13,000 with a hospital stay from 8 a.m. to 2 p.m.?"

That is what they ask. They ask why in the United States does it cost $38,000 for coronary artery bypass surgery and in Ontario, the exact same surgery costs $16,600? Why does it cost $5,700 for a simple appendectomy in the United States when in Ontario, Canada, it costs not $5,700 but $2,500? Those are the questions they ask.

What has happened is, we have seen plans to construct massive changes in the health care delivery system and, frankly, very few initiatives to deal with costs. Because the debate has become increasingly a debate about how do we cover people instead of how do we deal with costs.

I am convinced we can never, ever resolve the question of coverage until we resolve the issue of skyrocketing costs. I will say again, none, not one of the plans being offered—the Finance Committee plan, the Mitchell plan, the Dole plan, or the Senate mainstream group's plan—contains costs.

We now spend 14 percent of our gross domestic product on health care, Canada spends 10, and no other country spends 10. The President made the point that this spending makes us noncompetitive. We have less money available for investment because we are spending so much more on health care. Under every single plan, including those proposed by conservatives, health care costs in this country will increase from 14 to 19 percent and, in most cases, 20 percent of GDP. That is not success. We must, in my judgment, address the question of health care costs.

If we address that question, we will ratchet up even further the opposition to what we are doing in health care. But honestly, we ought to shine the spotlight on how do we deal with the skyrocketing costs of health care?

I intend to offer an amendment on costs. I think we ought to have a target out there at some point, a target that says we think we ought to aim for no more than 15 percent of GDP committed to health care. We ought to have a target. Right now, there is no target. The sky's the limit, whatever it costs. We will construct the system, debate coverage and whatever it costs it will cost.

In my judgment, that is not a satisfactory answer. Pharmaceutical companies are charging an arm and a leg for what they do. The head of one pharmaceutical company makes as much money as the salaries of every U.S. Senator combined. They say, "We need these high prices for prescription drugs because we need money for research and development." Well, that is fine, but then why do you pay your CEO's so much?

Insurance companies—we have one insurance company that pays the CEO over $50 million in compensation and stock options.

There is a lot of money at stake in this question of health care cost containment, and that is why the fear of real cost containment has all these special interests weighing in, in a very aggressive way.

We have not even gotten to real cost containment, but that is what the debate ought to be. All the special interests in the country have now weighed in with television advertisements, radio advertisements, and there is a new approach to grassroots lobbying that has nothing to do with grass and nothing to do with roots. Let me describe it.

It is facilitated telephone calling. Let us assume you are an insurance industry and you decide, "I don't like what those folks are going to do up on Capitol Hill. We want to continue to make as much money as we feel like making. I don't like what they are doing to us." So they hire a company in Washington, DC, and they say to that company, "Would you go out and put together a grassroots organization for me?" And they will do that.

So this Washington, DC, company puts together a phone bank, probably in Washington, DC, or some other area. So the phone bank gets lists of people, and the lists of people are called and a telephoner says, here is the circumstance, "How do you feel about that?"

And the caller says, "Well, I don't like that."

They say, "Let me make a deal for you. I tell you what we will do; we will hook your call right now to your Senator and you tell him that."

Let me give you a telephone call we got the other day. This is a fairly good example. We do not tape calls or anything like that. This is a staff person of mine in the office who said it was just an interesting call so she, just from memory, jotted it down.

This was from a small business person who called my office. Here is what the small business person said:

"I was just transferred by the small business people"—that would have been the phone bank people hired by the Washington group to create grassroots lobbying—"I was just transferred by the small business people to your office. Do you know what I'm supposed to tell you? It was something to do with voting."

My office staff person said, "No, sir, I have no idea. Didn't they tell you what this was about?"

The caller said, "Something to do with the health plan, I think. Is that up for voting now?"

My staff person said, "They are working on it. Do you have an opinion you would want to forward" to the Senator?

The caller said, "Not really. I don't know how I feel yet. I told that lady that when she called, but she said she was going to transfer me" to your office "anyway."

My staff person said, "Well, call back when you do know where you stand and we'll forward that information to the Senator."

This is new grassroots advertising. This is a radio ad that says "Call 1-800," and they get a facilitator and the facilitator says, "OK, if you feel that way about that issue, we will hook you into your Senator's office."

There was a radio ad in North Dakota partially funded by the pharmaceutical manufacturers, and when you listen to the message, you think, "Boy, that is the kind of message I would buy into," and somebody calls the 1-800 number and, guess what? They immediately get passed into my office. That is grassroots lobbying.

They spend $50 or $100 million on that sort of thing. Can you affect public opinion? You bet your life you can. If we get involved in the kind of fight we ought to be involved in to contain costs in health care, do you think we are not threatening some of the biggest, healthiest, wealthiest corporations in this country? You better believe we are. Do you not think they would spend $50 or $100 million just like that to save their skin? You better believe they will.

And you think it is not effective? Just see what has happened so far and then wonder what happens when we really confront cost containment.

It is very difficult in these circumstances to legislate effectively and to legislate in a manner that really accomplishes what the American people want us to accomplish. It is not unusual to get a call these days from someone who says, "I don't want Government to have anything to do with health care," and then you discover this is said by somebody who is on Medicare. It is not unusual to go to a town meeting and have someone stand up at the town meeting and say, "Government is awful, Government is the problem; we need to get Government out of health care," and then find out, as I did, that 75-year-old person just had open heart surgery paid for by Medicare, not making any connection that the Medicare system is a health care system that was established by that very Government.

We need to address the health care system. If there are people here who stand up and say, "Let's not bother with this; let's let the private sector do it," they are wrong. There is not competition in health care, as Adam Smith envisioned, with pricing as a competitive regulator. It does not exist.

In health care, competition means higher prices. One hospital does open heart surgery, and the other one has to do open heart surgery. One gets an MRI, the other wants to get an MRI. That is how they compete, and it means higher prices.

The market system has not worked. We must do something in the U.S. Congress to deal with skyrocketing costs in health care. If we do not put the brakes on health care costs, then we will have failed. And at the end of the day, those who say let us do nothing about health care costs ought to understand that consigns us to a circumstance where more and more and more American people are going to be priced out of an increasingly expensive health care system.

So my hope is that in the coming weeks we in the Congress will decide we have a lot more to agree about than to fight about. I hope that most of us understand that the costs of health care, having risen now to over 14 percent of GDP, on their way to 20 percent, are costs which are out of control. I hope we all understand that we must do something about health care costs.

Mr. President, I thank you for your patience.

I yield the floor and make a point of order that a quorum is not present.

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

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. I ask unanimous consent to speak as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from California [Mrs. FEINSTEIN] is recognized to speak for 10 minutes as in morning business.

THE CRIME BILL

Mrs. FEINSTEIN. Mr. President, I rise to speak on the crime bill. I do so as a Californian, as the former mayor of a large California city, and as a U.S. Senator. I also do so with extreme pride in what I saw happen this weekend in the House of Representatives. I sat glued to my television screen yesterday as I watched Members of the House stand and come forward for very short remarks—generally in the vicinity of 1 minute—to tell how and why they were going to vote on this very important bill.

What I saw and heard, Mr. President, was a new kind of bipartisanship. Members of the so-called opposition party came forward to say: "Yes, this bill is important and, yes, we have had our differences, but we were called into the room to meet with Democrats and to reconcile those differences, and now, 46 of us can stand up and vote affirmatively for this bill."

I am hopeful, Mr. President, that this same spirit of bipartisanship will prevail in the Senate this afternoon, tomorrow and throughout the debate on the crime bill conference report, because I believe that this is an extraordinarily important bill.

I know when I ran for mayor—this was a long time ago, back in 1979—San Francisco had a spiraling homicide rate and a spiraling crime rate. I ran on the commitment to bring the police department up to its fully authorized strength, and to reduce response time by a squad car to an A-priority call to 2 minutes. It took me a number of years to get there, but I was able to increase the size of the police department to its fully authorized strength and was able to lower response time to 2 minutes. In the course of doing so, we reduced crime in San Francisco by 27 percent.

Why did we take that approach? We did so because if you can get an officer to a crime, you can find witnesses to interview who have not disappeared, evidence that is not cold and, as a result, a better chance of making an arrest and sustaining a successful prosecution.

That result is what this crime bill—an important crime bill for law enforcement all across this Nation—will facilitate. And that is why the rank and file of virtually every police department and virtually every chief of police in America have come together to say, "We support this crime bill. We need the resources it will provide us."

It is correct, Mr. President, that the crime bill does not fully fund 100,000 police officers for 6 years. It will, however, provide matching funds to local jurisdictions all over America to give them the financial boost they need to expand their police departments with brand new police officers. The bill says, in essence, that the future is community policing, police who walk beats.

I doubled the number of beat cops while I was mayor in San Francisco. I found that community policing works because the police who walk the streets know the bad guys. They know when outside criminals invade their neighborhoods, neighborhoods whose residents they know by their first names. People come to know and trust their local police officer as a human being, not as someone who is unknown to them, but someone who is part of their neighborhood, whom they respect, and with whom they can share confidences and information. And this yields arrests and it produces safety.

Mr. President, I also rise this morning to thank the Members of this Senate who were part of the conference committee and, in particular, the chairman of the Judiciary Committee, JOSEPH BIDEN of Delaware, who—with motivation, staying power and integrity—did a superior job, I think, and in

crafting this bill. Senator HATCH, ranking member of the Judiciary Committee also deserves our thanks.

I also want to express special thanks to two other members of the conference committee: Senators METZENBAUM and DECONCINI for their work, not only in building a solid significant bill, but for their coauthorship and unflagging support of the assault weapons legislation. They stood up for it and they kept it intact as the America public has demanded.

Before turning to the issue of assault weapons, Mr. President, I would like to discuss for a moment the key differences between the crime bill as approved by the Senate, the initial conference report, and the final report approved by a bipartisan majority of the House of Representatives last night.

Law enforcement: When the bill left our Senate, there was a total of $12.236 billion reserved for law enforcement at all levels of government. The final bill increases such funding by $291 million for law enforcement, for a total of $13.451 billion. So law enforcement is up in this final bill.

Prisons: When the bill left the Senate it included $6.5 billion in it for prisons. As recrafted by the conference committee and approved by the House yesterday, it had $9.07 billion in it for prisons. That is an increase of $1.4 billion.

With regard to prevention programs, those of us who have worked in the big cities of America know that some work better than ours. We also know, however, that you have to fight crime in the streets every day before it happens, not just in the jails and courtrooms and prisons of our Nation after crime has already been committed. We must give our children alternatives to a life on the streets and the death and destruction that too often these days accompanies it.

For prevention, when the bill left the Senate, it provided $9.512 billion. Yesterday, that amount was decreased by the bipartisan conference by $1.695 billion to $7.054 billion. So the bill is down in prevention programs, many of which have been combined into a block grant of $377 million. Communities, mayors, boards of supervisors, and city councils can allocate those funds as their local priorities dictate.

In sum then, the bill is down nearly $1.7 billion for prevention. It is up $1.4 billion for prisons, up $291 million for law enforcement. The total cost of the bill is $30.205 billion. The conferees have crafted, and the House has approved by a bipartisan majority, a balanced bill that—in my view will reduce crime in America.

My hope, Mr. President, is that the spirit of bipartisan cooperation and commitment to producing a crime bill that triumphed yesterday in the House will inform the debate that we have begun in the Senate. There is no doubt in my mind that people of this country want this bill, and there is no doubt in my mind that this bill will be helpful to communities all across this Nation.

For California alone, this bill means the possibility, if local jurisdictions are willing to maintain their shares, of 10,000 additional police officers. For one of the most deeply troubled and crime-plagued cities in America, Los Angeles, this bill could mean more than 1,500 additional community police. That is a big deal. Truly it is a big deal. If you have 1,500 more police officers you are able to put on the streets, that means more arrests, that means faster response time, that means better evidence, that means more successful convictions, and that means that the bad guys are taken off of the streets.

Finally, Mr. President, I believe that one of the difficult parts for some in this crime bill has been legislation Senators METZENBAUM, DECONCINI, and I authored in this Senate—the legislation which had to do with assault weapons. Although no comprehensive statistics are maintained by the FBI or Bureau of Alcohol, Tobacco and Firearms, I accept that assault weapons are used in a comparatively small proportion of gun crimes perpetrated in this Nation. But that does not tell the real story. Something is happening in America that I first noted in the early 1980's.

It began for me in 1984 when James Huberty walked into a McDonald's drive-in restaurant with an Uzi and blasted away at the dinner hour; 21 people were killed and 19 were wounded as they sat enjoying their burgers and fries. I distinctly remember thinking at the time that I never expected such a crime in California. During the 6 years that I sat on a parole board in the 1960's and reviewed cases and set sentences, there were no crimes like this. There were no assault weapon crimes.

Five years later, a drifter named Patrick Purdy purchased an AK–47 assault rifle, walked onto a Stockton, CA, schoolyard, and just indiscriminately began firing. He mowed down 34 children, killing 5 of them.

Later the same year, assault weapon invaded the workplace—at a printing plant in Kentucky, an employee upset at losing his job strapped on an AK–47, two MAC–11 assault pistols and six handguns and began blowing his former coworkers away. Eight were killed and twelve were injured.

Massacres like this one have since been repeated in post offices and firms across America, no more notoriously than just over a year ago on the 'secure' 31st floor of a high-rise building at 101 California Street in San Francisco. In that now infamous rampage, a disturbed and disgruntled client walked in with twin Intratec TEC DC–9 assault pistols. When the shooting finally stopped, eight lay dead and six others were wounded. Can any of us forget the taped voice of a young woman named Michelle Scully talking to a 911 operator as she held her dying husband, alternately begging him not to die and pleading with the operator saying, "Please come. My husband is dying, I can't stop the bleeding."

As my staff and I began to research news stories about assault weapons by computer, we found that we could only pull such reports from papers in about two-thirds of the United States. But even with that partial sample, one fact that came quickly to light truly shocked me. What I saw was that assault weapons were becoming the weapon of choice of youngsters in our Nation—youngsters.

I later talked with a woman in Virginia by the name of Byrl Phillips-Taylor, whose son was killed by another youngster who was younger, just jealous of him, with an assault weapon, just mowed down and killed with an AK–47. I also met another mother from Seattle, who had just moved her child to what she thought was a safer school district. Her daughter was standing in front of the school. Young people in a car came driving by with an assault weapon, firing indiscriminately, and a 16-year-old girl's life was snuffed out.

Youngsters who used to end fights by bloodying someone's nose now settle grievances—real and imagined—with assault weapons. Rambo is alive and well in young America.

I believe, Mr. President, that many if not most of the votes against the crime bill last night in the House, the hidden votes, were cast by Members who, rather than side with the chiefs of police and the police officers of this Nation, capitulated to the National Rifle Association instead. I say to my colleagues in the Senate, with respect, that we in this body cannot ignore the police of America who are fighting a battle in which they are outgunned.

I heard a graphic example from those front lines recently, Mr. President. The women of the House and the Senate held a joint press conference last week. I had dedicated an earlier press conference to a police sergeant in Houston, TX, by the name of George Rodriguez. At that time, he lay dying from multiple bullet wounds inflicted by a MAC–11 assault pistol. Thankfully, he pulled through and was able to join us to tell us his story from the front lines.

He told us that outside Houston he had made a routine traffic stop. He pulled up to the car, left the car, and walked up to the automobile he was stopping. The man just cracked the door open, pointed the assault weapon outside, did not turn around and did not aim, and fired a burst of bullets in seconds, some of which hit Sergeant Rodriguez. Two are still lodged in his chest.

That weapon was this weapon called an M–11. And that weapon had a big clip. One of the problems with all of

these weapons is that they come equipped with clips of 20 or 30 bullets, but you can buy clips that fit into them that are up to 100 bullets. Therefore, no one has a chance to get the weapon from you and they become cop killers.

Assault rifles kill cops even more effectively than pistols like the MAC–11. I learned this when Christy Lynn Hamilton, a 45-year-old rookie police officer in Los Angeles—and mother of two—was killed with an AR–15. The muzzle velocity of that gun, and many other rifles, is such that the bullet went through the car door, and can easily pierce standard bulletproof vests. That is why police are very strongly opposed to these weapons, because they are outgunned by them. They have no chance. They have no chance to draw their service revolver. And when they draw their service revolver, they have to aim it. With most of these weapons, you can just spray fire and not aim.

So the question comes: Do we want our young people to be able to have these weapons? Do we want the unstable amongst us to be able to gain these weapons? Are our streets, our schools, our playgrounds, our parks going to be safer with these weapons or without these weapons?

I think the answer is very clear. The Senate agreed that the answer was clear. The House of Representatives has debated it fully and has decided that America, as a Nation, is better off if these weapons are not manufactured, if they are not sold, and if they are not transferred.

The hidden agenda behind much of the opposition to the crime bill has, in my view, come from people who say, "We have a right to have these weapons." Then what we would say, in return, is, if this legislation passes, take this legislation to the courts and let the courts decide. Does the Second Amendment in fact say weapons of war, weapons made solely for military use—and every one of these weapons is made solely for military use to kill large numbers of people in close combat—provide every individual with a constitutional right to own these weapons or does Government have a responsibility to regulate their use, to prohibit their use, when they believe the welfare of the majority is protected?

I know one thing that this legislation will achieve in the future if given the chance. Our children will not be able to own these weapons. Drive-by shooters will not be able to buy these weapons. Gangs will not be able to buy these weapons. Grievance killers will not be able to buy these weapons. And I think that is a singular improvement.

Mr. President, as part of a group that began to work on the health bill in a bipartisan way—where sometimes up to 20 Senators, about half of us Democratic and about half of us Republican, sat down in a room without very much air and talked about health care—I came to really see the value of working in a bipartisan way to solve big problems, of being able to listen to each other, move as close to the center as possible, and go on from there.

It seems to me that is what happened in the conference committee and in the House of Representatives on this crime bill. There was a lot of debate, a lot of discussion; debate that went on all night—at least three nights of which I am aware—that produced a bill that was bipartisan to a great extent. And I think, and I am hopeful, that will be the case in this body later.

I say to my colleagues, this bill has been debated. The House of Representatives, bringing the perspective of 435 Members, each one representing about a half million people, debated the bill, amended the bill, passed a rule, defeated a motion to recommit yesterday, and finally passed a crime bill.

It seems to me that the people of this Nation want us to get on with other business. They do not want us to replicate the same debate again.

So I am very hopeful that we will see the same bipartisan spirit in this body that existed in the other body and that we will see the politics of consensus rather than division prevail in the Senate. That those Republicans who voted with us on the crime bill when it left the Senate will once again be proud to stand and say, "I am helping this Nation. I am putting police on the streets. I am building prisons. I am providing program funds to mayors and city councils and boards of supervisors. I am aiming to increase border control. I am battling against an increase in violence against women with this bill, and I will vote 'aye' when the crucial moment is at hand."

Once again, Mr. President, let me thank the conferees, particularly the Senate conferees and let me express my hope that today, or tomorrow at the latest, we will be able to send to the President the toughest, the smartest, the most balanced and the most effective anticrime bill in the history of this Nation for a people who very badly need the help.

Thank you, Mr. President. I yield the floor and 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. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE HEALTH CARE LEGISLATION

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes in morning business.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, I have today worked on what I think is a careful analysis of the mainstream proposal, a critique of Senator CHAFEE's and other Senators' work. I am going to be sending a letter out to colleagues, and I think this letter reflects a very thoughtful critique. I hope it will be helpful to everyone in how they evaluate this set of proposals that Senator CHAFEE and others are now presenting.

I made the appeal on Friday, and I make the appeal again, especially to the media, that I just wish that all of us, all of us here, would forget all of the labels, left, right, center, and for that matter sort of forget the kind of horse-race mentality of what is ahead, what is in, what is out, and just analyze these proposals as to whether or not they would represent a step forward for the people we represent.

I think ultimately that is a decision that you, Mr. President, as a Senator from North Dakota, will have to make and that I will have to make, and that all of our colleagues will have to make.

I would like to summarize what I had to say Friday, and this will be part of this letter. And then I will want to add to that critique today because we now know more about Senator CHAFEE's proposal as Senator CHAFEE and others have been gracious enough to provide briefings for our staffs. I will summarize Friday's analysis, and then I will build on that with today's analysis and concerns.

First of all, by eliminating the employer mandate in the Mitchell trigger—remember, this Mitchell bill had this trigger—the proposal would take us a step even further away from ensuring affordable coverage for working families and individuals.

What I am simply saying is that I think this is one of the difficulties which Senator CHAFEE and others have run into with this proposal. Without employers contributing their fair share, it is difficult to figure out how to finance coverage. If you are going to have subsidies to enable individuals up to 200 percent of poverty to purchase health care, that is fine. But then once you get into $30,000, $35,000, $40,000 middle-income working families, you have a plan that does not deal with the question of how to make that coverage affordable to them.

So that is the first problem. That is a fundamental problem.

Second, the subsidies and tax deductions for individuals with no employer contribution required could result in employers reducing coverage while enjoying a Government-subsidized bailout. And then, because the subsidy pool is limited, the proposal could fail to increase the number of insured.

This is extremely important. If you are not going to require employers to provide coverage, and if you are going

to provide individuals with tax deductions to purchase coverage, and are going to provide subsidies for those individuals, then there is every incentive in the world for employers just to drop people. The employers would say, "If the Government is going to do it, let the Government cover people". This could become, by the way, a huge problem, a huge problem. The Congressional Budget Office pointed to this kind of problem once we started planning to give subsidies and tax deductions to people working for companies so they could individually purchase their coverage.

The real issue here is whether or not, again, we end up spending a lot of money to subsidize employers. And if we only have a limited amount of money anyway, then we could have a real squeeze on people, both the low- and moderate-income people who we are trying to give coverage to and a new group of citizens who could be very well dropped. I have to say that this is a fundamental flaw with this plan.

Third, the proposal would reduce the size of insurance pools which would raise community-rated premiums for small businesses and individuals. I do not think I did a good job explaining this on Friday, Mr. President. The problem is, if you reduce the employer threshold from 500 to 100 or below, in terms of those businesses that would be within these insurance pools, then you do not have much of a base to spread risk over. We started out saying we wanted to help the small business people. But if you move to such a narrow base, then it is fine for companies with more employees than that, but if small businesses are in community rating with Medicaid recipients and others—I think it is clear they are going to pay higher premiums. So the whole issue of community rating is fine, but it depends on what community you are in as to whether or not you are going to be able to afford the premium. This proposal puts small businesses, I think, at a very severe disadvantage compared to the Mitchell bill.

Finally, I talked about the proposed malpractice reforms. I think the problem—at least the present course with this—is that the direction of what has been proposed by the mainstream group protects insurance companies and doctors, but not consumers. There has to be balance here.

Today—and this will be a part of the letter I sent out to colleagues today—I want to make some additional points on the mainstream group's proposals. First of all, it appears there are going to be deductions that will be available for high-deductible catastrophic plans as well as for the two basic plans, the standard and the less than standard. This is another incentive to segment the insurance market and accelerate what actuaries call premium death spiral. I wish we did not have to use all this technical language. The long and short of it is this: If you are young and healthy, you are going to have the incentive to purchase the high-deductible catastrophic plans. Then you are out of the pool. If we go to community rating, it continues to go up for others who are paying for sicker people. If the healthy people drop out, the rate continues to go up for those that are left in the standard premium pool, and more drop out. It simply does not work when you get into this kind of segmentation.

Second of all—and this is extremely important—the Chafee mainstream proposal prevents States from going further than Federal reforms. I do not understand that. I am a big believer in States being the laboratories for reform, a big believer in grassroots political culture. I see no reason why States cannot do better than what the Federal Government has done. From reading this, States like Maryland, Vermont—and I do not know where Hawaii fits in; that would be an interesting question—New York, Washington, Minnesota, and Oregon, what steps these States have taken that go further than the Federal Government could be eliminated. That progress might not be permitted. In addition, States which want to go single payer would not have the option of including large multi-State employers, which would be a major barrier to an effective system.

So it strikes me that when you have a set of proposals which are supposed to be a step forward but which essentially prohibit States from doing better than the Federal reforms, with States not getting the chance to define what they want to do, I think that is a serious flaw, not a step forward.

Third of all, the whole question of parity that Senator DOMENICI and I have worked on really for several years now for mental health and substance abuse services would not be secure. All other benefits would be determined by a board that would not be accountable to the public. We want some clear language, like we had in the Labor and Human Resources Committee bill, which makes it clear that we no longer want to have this discrimination where we treat mental illness as if it is not diagnosable and curable—and it is—and we essentially treat people differently with caps on how long they can stay in hospitals, and on what kinds of cure they can receive. We need language that makes it clear that there will be parity that ends that discrimination.

Fourth, there is no protection for consumers by a public or nonprofit agency. This is really important. We have had some debate on the Mitchell bill and, before that, the bill that we reported out of Labor and Human Resources Committee. I know that on the floor of the Senate Senators came out here—and Senator REID from Nevada was articulate. He said: Wait a minute, some of this attack on bureaucracy like an office of consumer affairs set up at the State level to represent consumers—this is not bureaucracy with gnashing of teeth, this is, in fact, a role for the public sector to be there to defend and advocate for consumers. To eliminate the office for consumer advocacy means that consumers may not have a right to go to court if health plans violate the rules, including discrimination in enrollment. We know the power of the insurance industry at the State level. To set up an organization where consumers would have some strong advocacy and strong representation would be a step forward. To eliminate that is a step backward. I mean, consumers do have to be in the decisionmaking loop. They do have to be represented.

Mr. President, I think one of the most serious flaws in the mainstream group's proposal is that there would be no expansion of public health programs. At the very time that we are trying to talk about how you deliver care out into the communities where people live, at the very time that doctors in Minnesota tell me—doctors, by the way who work for the prestigious Mayo Clinic, and what not—that they wish, in retrospect, they had more of a public health orientation in their training. They see public health outreach as being key to the foundation of preventive health care, how we save dollars by delivering care in the community on the front end, and we do not have any resources for expansion of public health.

One of the reasons I supported the bill that came out of Labor and Human Resources Committee is that we put a priority on expanding public health. We know if you make that investment, in the shortrun, in the medium run, and in the long-run, you will be much better off. It is not a step forward to not have any real expansion for public health programs.

Sixth in the list of additional weaknesses with the mainstream group proposal is that community-based providers in underserved communities could very well be eliminated by provisions that would merely require—and I am going to use the language—health plans to contract with the "reasonable number of essential community providers as determined by the Secretary, defined strictly as rural health clinics and existing federally qualified health centers."

Mr. President, many community-based providers fall into neither category. As we move away from community-based providers—some of the most important work that we are doing with community-based clinics—we have language that could lead to their elimination. It is not a step forward; it is a step backward, especially if you are talking about underserved populations.

I think this is a thoughtful critique, and this is for the consideration of colleagues, and I think it will be discussed

and debated—before we get into a left, right, center, and all the rest, let us analyze these proposals and see if they are a step forward or not. Finally, I have one last point.

The opportunity to cover long-term care would be lost once again. I have to repeat that. The opportunity to cover long-term care would be lost once again. The life-care program contained in the Clinton and the Labor Committee and the Mitchell bill would be eliminated. In other words, people would have to buy long-term care insurance on the private market, which has never, never worked.

In fact, I think some of the discussion on the floor has not been as nearly as accurate as it should be. Lots of people in North Dakota and Minnesota when they hear long-term care is going to be covered, they think it is the catastrophic expenses when in a nursing home. We were not going to be covering nursing home expenses, although that would be covered in a single-payer plan. We were going to cover long-term care as defined as home based care.

What we did, we essentially structured a life-care program which would be a public insurance program that people could purchase at a price they could afford. We said, at least as a backup let us have that.

That is eliminated.

I mean, Mr. President, we start out talking about health care reform. I cannot even count the number of Senators who came to the floor—I am sure it was well over a majority—who talked about their parents or their grandparents, someone, who, toward the end of life had all of their resources depleted because they had been in a nursing home, that that is wrong. The great Senator from Minnesota, Hubert Humphrey, talked about that, that that is wrong. It is not right for people at the end of their lives—on the backs of people who built this country—to have to be faced with this kind of uncertainty.

The life-care program which was contained in the Labor Committee bill, in the Clinton bill, and the Mitchell proposal, which I do not think went far enough—I think we should have covered long-term care, including nursing homes at the beginning—was a step forward. At least it would make that policy affordable for people to buy the insurance themselves against this.

That is eliminated.

So, Mr. President, I believe we are talking about a set of proposals—everybody wants the call themselves mainstream. Everybody wants to say they are in the middle. Everybody wants to say it is bipartisan. But it cannot be the lowest common denominator. It cannot be something with a fancy name and a title that does not work for people in our States. It cannot be something where we make a claim that we just simply are not going to be able to support.

We start out talking about universal coverage, dignified affordable care for people out in the community where people live, and now I fear we have a set of proposals which I think are going to have a very negative effect on the people we represent.

If people are worried that it might be worse for them than it is right now, they certainly have reason to worry if the employers have an incentive to drop them. They certainly have a reason to worry if they are small businesses expecting that we would be in an insurance pool that would give them some bargaining power. That very well might not happen. They have every reason to worry what is called malpractice reform will end up hurting them as consumers, and once again the insurance companies get their way. They have every reason to worry that the cost containment built into these plans—I think the weakness of the Mitchell bill is you have fail-safe automatic cut in subsidies. If cost exceeded revenue, the fail-safe provision was the cuts in the subsidy for the people, to enable people to afford it, as opposed to caps on insurance premiums.

Why are we not lowering insurance premiums and having some limit on them? The CBO told us that is the way to have effective cost containment.

That is taken off the table, a capitulation to political power.

To conclude, I want to list again six or seven other critical points that I hope colleagues will look at. If I am wrong, fine. Let us have the debate and the discussion.

I think the tax deductions for the high-deductible catastrophic plans—that is that the way it appears—is going to lead to segmentation of the insurance market. I think it is profoundly wrong and mistaken to say the States would be prevented from going farther than the Federal reforms. I think we have to clarify language and guarantee parity in mental health care. I know my colleague from New Mexico, Senator DOMENICI, agrees with me. I think we cannot move away from protection for consumers.

That is exactly what the mainstream proposals do. I think it is sadly mistaken not to have an expansion of public health programs because everybody that studies health care policy in this country tells us that should be a priority. I think to begin to move away, or to have language that can very well eliminate some of our most important community-based providers, is a huge step backward as well.

Finally, at the very minimum we ought to have a live-care program contained in this legislation which will at least enable people to have a chance to be able to afford some kind of insurance against the catastrophic expenses that come with, for example, nursing home care.

Mr. President, as I said, this critique I present on the floor of Senate is a letter to colleagues. I hope they will look at this. I hope we will debate these points one by one. And I hope that my colleagues, Democrats and Republicans alike, will just put all the labels in parentheses, put all of this sort of political discussion about what is ahead and what is not ahead in parentheses, and analyze the substance of it—analyze the substance of it. Let us not go to something that becomes the lowest common denominator where we can sort of claim credit for having done something positive, but it might well not work with people we represent.

I am all for a reform bill if it is going to work for the people we represent. I am for a step forward even if it is not everything I believe in. I am not for going backward. I believe there are serious questions about the mainstream proposals that have to be answered. At this point in time I think there are some fundamental flaws and weaknesses to what some of my colleagues have presented.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Iowa is recognized for 10 minutes.

HEALTH CARE REFORM—SELF-EMPLOYMENT TAX

Mr. GRASSLEY. Mr. President, even though we are going to start work on the crime conference report, there is still before the Senate the very important issue of health care reform.

The more that I have had a chance to look into the Mitchell-Clinton bill before us, the more disappointed and the more distressed I get.

When we get back on the bill, there is an amendment that I will be offering to strike one—and who knows how many—hidden taxes that are buried within this 1,400 page bill. This is the majority leader's bill, the third printing of that bill. The bill has gotten longer as there has been more printing.

The hidden tax that I am referring to is here in section 7203, and it is on page 1226. I hope that people will look at that tax so that they know the one I am specifically referring to.

It is a tax that will detrimentally affect many farmers and rural small business people. It is a new tax on the self-employed that amounts to an immediate employer mandate on self-employed individuals who employ one or more employees. You know, for the

most part, employer mandates in this bill are put off until they might be triggered in under some future period of time if 95 percent of the people do not have health insurance by a certain trigger date.

What is worse about this employer mandate is that this new tax is hidden in a section that purports to actually increase the deduction for self-employed people from the expired 25 to 50 percent. Now, that is something that I and the Presiding Officer would very much support, because in our rural areas, our farmers are entitled to more than the 25-percent deduction. I think he and I would say that they are entitled to the 100-percent deduction that people who were employees of corporations have through the corporation deduction.

But this purports to raise the deduction. And that certainly sounds good, Mr. President, because in the farm areas and all of our small rural towns, there are ordinary self-employed people who buy individual insurance and pay for it out of pocket after tax dollars. Unfortunately, they have been discriminated against in the past by only being allowed to deduct that 25 percent of their health care premiums, and from time to time that has lapsed and had to be reauthorized. And it is lapsing this year.

The Mitchell-Clinton bill appears to improve the situation somewhat by supposedly increasing the deduction to 50 percent. But, the discrimination is continued under the Mitchell-Clinton bill compared to corporations that can deduct at a full 100 percent of their cost.

I have supported the 100-percent deductibility for many years. It is interesting to note that the American Farm Bureau Federation has estimated that a typical family of 4 at a 15-percent tax level, that a full tax deduction, meaning 100 percent, could generate over $1,200 in savings for that family per year.

But, Mr. President, what you need to do on page 1226 is read just a little further. If you do go through paragraph (2)(B), you will find this stated in the bill:

> If the taxpayer has one or more employees in a trade or business with respect to which such taxpayer is treated as an employee within the meaning of section 401(C), the deduction under paragraph (1) shall not exceed the portion of the amount paid which is equivalent to the largest employer contribution made on behalf of any such employee for coverage under a certified standard health plan.

After you get through this mouthful of circumventing legalese, you will see that the Government requires, simply put, any self-employed person, if they have any employees, to contribute at least 50 percent of the employee's health care premium or the self-employed does not get his or her own 50 percent deduction.

In other words, if you are a farmer or a small business person and you do not provide benefits to an employee, beginning in 1996, you are hit with a sizable tax increase.

That is right, Mr. President. Under the Mitchell-Clinton bill, a 50-percent employer mandate kicks in on the self-employed at the beginning of 1996, and if you do not comply, the Government slaps you with a tax penalty.

Now, as with other provisions of this bill, the proponents may attempt to say that nothing in this bill actually says the self-employed have to pay their employees' premiums. But, again, if the self-employed do not provide health benefits under the Mitchell-Clinton bill, then they do not get their own tax deduction, which amounts to a tax increase or an actual tax penalty. If they provide less than 50 percent contribution to their employees' health plan, their own deduction is reduced proportionately.

Mr. President, under Mitchell-Clinton, we are told that businesses with under 25 employees would be exempt from any future employer mandate. We are told that the self-employed deduction is going to be increased to 50 percent. Mr. President, we are told lots of things.

The fact is that the Mitchell-Clinton bill discriminates against farmers and self-employed small business people by continuing to deny a 100-percent deduction and by denying any deduction at all unless they provide health benefits to their employees.

So, Mr. President, you may have farmers who are getting a 25-percent deduction today. We are telling them that that is going to increase to 50 percent. But if they have an employee and they do not pay at least half of their employee's health benefits, then those farmers may not get the 50-percent deduction. If they do not pay 25 percent of what an employee gets, they will not even get the present 25-percent deduction they get today. So, consequently, this is a hidden tax. It is an employer's mandate, and it should be struck from the bill. 3

Mr. President, I want to quote two short paragraphs from the Des Moines Register, unrelated to what I just said about a specific provision in this bill, but related to the issue of health care reform.

This is in a small section called "Notables and Quotables."

It is from introductory remarks from Christopher DeMuth, president of the American Enterprise Institute at a health care conference in Washington, a short time ago.

> It is fashionable at the think tanks to wring our hands over the legislative sausage factory on Capitol Hill. Yet this year's health care debate has—so far—been a model of serious deliberation. A great heap of terrible legislative proposals has been rejected, in defiance of well-organized political and media promotion, have been discovered by the public and the Congress to be unsound and worse. That serious threats to the vitality of American medicine have been averted is genuine progress. To be sure, many positive and badly needed reforms have been lost in the shuffle—but maybe only postponed. The year has not been a waste of time but a time of public education, which with any luck will have laid the groundwork for better proposals and policies to come.

(Mr. BYRD assumed the chair.)

Mr. GRASSLEY. I hope this quote will fit in very well with the very good remarks given by the President pro tempore last Thursday, as I recall, in his statement, in asking us to take a reality check on the whole issue of health care reform.

I am sorry I do not have the entire speech by Christopher DeMuth. But as president of the American Enterprise Institute, maybe anybody interested in that entire speech could contact him for that.

I yield the floor.

THE IMPORTANCE OF INDONESIA

Mrs. FEINSTEIN. Mr. President, last November I rose to speak on the subject of Indonesia and the importance of keeping a dialog with that country to promote human rights. At that time, I was able to report on some measures the Indonesian Government had taken to improve its performance on human rights. In June I was pleased to note that the Indonesian Government had allowed visits by the International Committee of the Red Cross and was withdrawing troops from East Timor. Unfortunately, these advances were accompanied by a crackdown on freedom of the press and on labor activists.

Recently, in conjunction with the foreign operations appropriations bill, the human rights record of Indonesia was discussed again. After the bill was passed by both Chambers, but before it went to conference, some disturbing events occurred in East Timor. On July 14, 18 or more students were injured when security forces in East Timor broke up a peaceful demonstration. The students had been protesting the treatment of Catholic nuns who were registering for classes. This occurred less than 3 weeks after an incident in which soldiers committed sacrilegious acts in a Catholic church south of Dili.

The calendar is also a reminder that too much time has passed without a resolution to the problems surrounding the status of East Timor: 1996 will mark 20 years since Indonesia annexed the former Portuguese colony. The United States has taken the position that the people of East Timor have not been given an opportunity to exercise their right of self-determination. Indonesia has taken far too long to comply with U.N. Security Council resolutions that call for the withdrawal of Indonesian armed forces from East Timor and for respect for its population's right of self-determination.

We are therefore once again faced with the dilemma of formulating an approach to Indonesia that balances our concern for human rights with our realization that Indonesia is an important Asian ally of the United States. I have advocated a carrot and stick approach, in which we continue to criticize human rights abuses and take appropriate actions if and when these abuses continue. It would, however, be a mistake to cut off our contact with Indonesia; economic, political, and military cooperation should continue, so that it may remain a tool for promoting improvements in human rights.

The Congress has recognized these concerns in the approach it has taken in the foreign operations appropriations bill. The two Chambers have agreed to codify the existing policy of not selling Indonesia small and light arms and crowd-control equipment until the Secretary of State reports that human rights improvements have occurred. This prohibition on sales is carefully crafted to focus on those military items that could be used for repressing the East Timorese population, and for this reason I support it.

Nevertheless, the United States will not institute an across-the-board prohibition on the sale of other military items to Indonesia—as some have proposed that we do—partly because these items are not of a nature to be used for human rights violations and partly because we recognize the importance of maintaining a relationship with the Indonesian military. Because of the significant role of the military in the Indonesian Government, this relationship is crucial to any influence we can exert over the future direction of Indonesian policy.

The United States also recognizes that there are limits to this military relationship and that those limits may also depend on progress in human rights. Arms sales to Indonesia still need to be scrutinized on a case-by-case basis as authorized by the Arms Export Control Act, and Congress will continue to act as a watchdog over that process.

Last year, Congress expressed its intention to cut off military training to Indonesia by denying Indonesia funding for the International Military Education and Training Program [IMET]. The clearly expressed will of the Congress was flouted when Indonesia was allowed to pay for its military training. The prohibition on IMET has been included once again this year. I hope that—in the future—Indonesia will make sufficient improvements in its human rights policy that we can once again offer it IMET. Under the expanded IMET Program, information on international human rights conventions, human rights laws in the recipient's country, and appropriate behavior of military personnel are emphasized. I believe that this training would be appropriate for Indonesian military personnel and would lead to an improvement in human rights practices in that country. I have also asked myself whether it is at all likely that members of the Indonesian military would receive human rights training if they did not receive it under IMET.

In order to promote human rights in East Timor, the United States must be engaged in a constructive relationship with Indonesia. We have an opportunity to establish and build on such a relationship through the growing economic importance of Indonesia to the Pacific rim and, in particular, to California. I believe that trade will contribute to Indonesia's prosperity and decrease its propensity to use repression to achieve political goals. Our expanding economic ties will contribute to the goal of human rights improvements, but we must continue to attempt a delicate balance. Engaging in this dialog will require continuous monitoring and adjustment of our policy to achieve the desired results.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,671,523,175,439.78 as of the close of business Friday, August 19. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,918.40.

THE CONFERENCE AGREEMENT ON THE FEDERAL ACQUISITION STREAMLINING ACT

Mr. ROTH. Mr. President, today Senator GLENN and I are filing the conference agreement on the Federal Acquisition Streamlining Act [S. 1587]. This bill addresses many problems in the Federal buying system, a system plagued by multibillion-dollar cost overruns, programs that are years or even a decade behind schedule, incentives that encourage spending rather than cost-cutting, and top-heavy bureaucratic agencies that rely on detailed regulations rather than good judgment. The Government has trouble purchasing modern technologies that we can buy at the local WalMart or Kmart. Defense Department studies find that it takes 16 years and more than 840 steps to bring a technology to the battlefield. By then the technologies are out of date. Not surprisingly, a July 1993 Defense Science Board found that: "without fundamental reform, DOD will be unable to afford the weapons, equipment, and services it needs to provide for our national security."

Early in this process, as the ranking member on the Governmental Affairs Committee, I asked the General Accounting Office to give me a report on its recent investigations of procurement horror stories. The GAO report identified hundreds of instances where procurement problems arose ranging from the way agencies determine their needs to poorly administered contracts; cost, schedule, and performance problems; funding and budgeting problems; and weaknesses in the acquisition work force. Clearly, the GAO report underscored the need for comprehensive reform.

Mr. President, I have long maintained that Congress must be bold if it is to make significant improvements in the Government's buying system—a system I have worked for more than a decade to reform. Over the years my conclusion has not changed: Without major cultural and structural change, Americans won't get the results they deserve. Cost and schedule overruns will continue, the Government will pay more than it should for goods and services; and the taxpayer will pick up the inflation tab.

Real procurement reform must be comprehensive. It must hold Government employees and contractors accountable for results. It must remove impediments to efficiency, such as the maze of specifications and regulations that hinder the purchase of commercial items. It must reward those who produce and penalize those who do not.

As the ranking Senate Republican conferee, I am pleased that the conference report on the Federal Acquisition Streamlining Act contains comprehensive reforms. In achieving this agreement, we had good bipartisan cooperation from both House and Senate conferees. The conference agreement represents an appropriate balance between oversight and streamlining.

In a nutshell, the agreement makes it easier for the Government to rely on the commercial marketplace to develop and refine its needs. It allows broad use of commercial practices when the Government buys commercial items. It repeals or substantially modifies 225 statutes that provide little or no value to the Government's purchases of goods and services. It establishes significantly streamlined procurement procedures for small dollar purchases and commercial items. For

small purchases, it also will transform the paper-intensive procedures into a computer-based paperless system. With respect to acquisition management, the agreement changes the incentive structure for the acquisition work force, rewarding those who save time and money and improve quality, while penalizing those who perform poorly. It also requires agencies to establish procedures that focus on results when those agencies choose to develop Government-unique items.

I want to highlight several key provisions in the conference agreement. First, the bill establishes a top-level measure of how well agencies are managing acquisition programs. This will help Congress determine whether horror stories are unique events or systemic problems. It requires agencies to achieve 90 percent of budget, schedule, and performance requirements; and requires the Defense Department to reduce by 50 percent the time it takes to field new weapons. If programs are significantly behind schedule or over budget, the agency must terminate them or justify continued funding. This will enable Congress to hold agencies accountable for their performance in managing purchases.

Second, the agreement requires that decisions to fund items developed uniquely for the Government be based on results. Today, these decisions are based on a consensus among interested parties. When the bill is implemented, the decisions will be made on whether an item meets requirements, is within budget, and is available when needed.

Third, the conference agreement directs agencies to tie pay and other incentives to program performance rather than the size of a manager's budget. The pay-for-performance provisions are extremely important to the overall success of the bill because they provide an incentive for members of the acquisition work force who find ways to fulfill needs at the lower prices and shortened time lines associated with buying commercial items. The pay-for-performance language will restore accountability to the Federal buying system.

Fourth, the legislation reverses the preference for buying Government-unique items. It requires use of commercial items, unless it is shown that they do not meet actual Government needs. It also streamlines the purchase of commercial items by exempting them from Government-unique certifications and accounting requirements. Coupled with the new incentive system, this bill provides a real opportunity for overcoming the so-called not-invented-here syndrome that has prevented Government from buying commercial items to do its work.

Fifth, the bill implements pay for performance for contractors, including use of contractor's past performance in decisions for future work, tying profits to results instead of costs, and tying payments to achievement of measurable results.

Sixth, the conference agreement improves the use of operational and live fire testing as an objective check and balance on the Defense buying system. In a system where bureaucratic interests carry more weight than results, realistic tests are vital to making sure weapons work before they are given to those who must depend on them in battle. If the Defense Department would embrace independent testing, it would reduce the cost and dissent associated with finding problems late in the acquisition process. The agreement ensures the independence of the testing function. Moreover, it requires the Defense Department to focus its acquisition decisions on results, and testing provides such objective data.

Mr. President, I remain concerned about one aspect of the buying system that the Congress has not addressed. The organization is a large bureaucracy with layer upon layer of management and dozens of buying organizations. Many of the bureaucratic layers exist solely for the purpose of satisfying the needs of the bureaucracy and provide no value added.

Quite frankly, Mr. President, I do believe that there should be a reduction in the layers of the buying bureaucracy. I am confident that the bill will result in efficiencies that will permit reducing this bureaucracy. But, the bill before us today does not require a reduction in the roughly 20 layers of management in the Federal buying system. I intend to pursue legislation in the future that will get rid of excess layers in the buying system.

A decade ago, I sponsored the legislation to create a commission to fix the problems in the Defense buying system. That bill led to the creation of the Packard Commission. My colleagues may remember that I also sponsored legislation to implement several Packard Commission recommendations. Some proposals were enacted, but many were considered too bold. The conference report on the Federal Acquisition Streamlining Act contains key Packard Commission recommendations, and I am happy that, after 9 years, the Congress is acting. I am pleased to join with Senator GLENN and my fellow conferees in urging the passage of the conference agreement.

HAWAII SPEAKS ELOQUENTLY TO ALL OF HOPE, PEACE, AND UNITY

Mr. INOUYE. Mr. President, on August 21, 1959, 35 years ago, the State of Hawaii became the 50th State of this great Nation. After nearly 40 years of congressional debates, investigations, hearings, and visitations, we achieved what so many of us in the Territory of Hawaii deeply desired.

The State of Hawaii has come a long way since 1959 and I am very proud of the achievements of the people of Hawaii. I believe Hawaii has proven to be a credit to our Nation. The following brief report will give you some insight into the tremendous changes that have taken place in the 50th State over the past 35 years.

Back in the fifties, times were very different. In those days, the concept of statehood for a group of tiny islands in the middle of the Pacific Ocean seemed far-fetched to many. However, the admission of Alaska removed the doubts of those who felt the United States should be one contiguous land mass.

Statehood for Hawaii was not a sudden or impulsive idea. During the debate on statehood for Hawaii in the House of Representatives in March 1959, there were no fewer than 88 bills pending that would have, if enacted, admitted Hawaii as a State. The people of Hawaii, through our territorial legislature, had petitioned the Congress for statehood on 17 different occasions. That spirit of determination is still alive and growing in Hawaii, and our small but mighty State is leading the Nation in some important areas.

We have heard much recently about "the Health State." I am proud to say that our babies have the lowest infant mortality rate among the 50 States. Our kupuna, or elderly, population is among the healthiest. In 1959, approximately 41 percent of the population had comprehensive health insurance. Today, 96 percent of Hawaii's population is covered, and we enacted a new plan just 3 weeks ago designed to bring coverage up to 100 percent.

Our territory of 600,000 American citizens in 1959 has almost doubled in 35 years. No territory, with the exception of Oklahoma, ever possessed a population as large as Hawaii's at the time it sought statehood in the Union. Consider these facts in 1959. Hawaii brought into the U.S. Treasury $166 million in taxes, putting Hawaii ahead of 10 States as taxpayers. The per capita income of Hawaii was $1,821, ranking it 25th amongst the States, and the total income was more than in eight States. Current per capita income is more than 24 times that original amount and last year the people of Hawaii contributed $4.3 billion to Federal coffers in the form of taxes.

We have worked diligently to make our State education system the best it can be, and I believe we have done a good job. Our young people are choosing higher education at ever-increasing rates. Hawaii boasts several Blue Ribbon Schools. Thirty-five years ago, Hawaii's college student population was also one of the highest per capita in the Nation. Just after statehood, 10,000 were enrolled in higher education programs. Today over 60,000 are choosing that path. We have developed specialized programs for the most underserved group in our State, the native Hawaiians, and are better preparing our

school-age children for learning with Head Start Programs. We know that it is not necessary for our children to travel to the mainland for a top-notch education. Admissions at the University of Hawaii on Oahu and in Hilo and at the community colleges on Oahu, Maui, Kauai, and Hawaii have gone up consistently, and we are expanding this excellent system every year to make it accessible to students on all islands.

In 1959, sugar was king; 974,000 tons of sugar were produced in Hawaii. Times have changed, and the closure of two more sugar plantations will challenge Hawaii yet again. Despite this trend, the sugar industry is still a strong and important part of Hawaii agriculture.

Hawaii is looking ahead to many new agribusiness ventures, including enhancing markets for tropical fruit, macadamia nuts, flowers, forest products, aquaculture, and tropical plants that can provide an important source of pharmaceutical and herbal products.

My family came to Hawaii from Japan to work in the plantations, along with people from Portugal, China, Korea, and the Philippines. The plantations hold an enormous economic and cultural history for all of Hawaii's people. That will never be forgotten, but I look forward to the new opportunities that the present era will bring for Hawaii agriculture.

Thirty-five years ago, when the Members of Congress debated the suitability of Hawaii as a State, there were questions of Americanism. Let me give you an example. During World War II, the loyalty and patriotism of Americans of Japanese ancestry living in Hawaii were called into question. When we finally received the call to duty in early 1943, 1,500 Hawaii volunteers were sought by the U.S. Army. In less than a week, 15,000 had volunteered. And Hawaii was not yet a State.

We continue our strong commitment to military service. Just 2 years before statehood 59,000 military personnel were stationed in Hawaii, and an additional 25,000 were Federal employees. Hawaii is still home to several large defense installations, and we continue to demonstrate our support for our Nation's military. In addition, we are now involved in creating a state of the art medical facility for veterans, to better serve the people of Hawaii who generously put their lives on the line for us.

It is clear that none of the concerns expressed in those years preceding statehood have become reality. Hawaii did not fall to communism. Hawaii's distance has not diminished the strength of the United States, but in fact has enhanced its military and economic power. Further, Hawaii remains one of the greatest examples of a multiethnic society living in relative peace.

The people of Hawaii have been devoted for many decades to the ideals of America. That devotion has been written into the pages of world history on the battlefields of Europe, the Pacific Ocean, Korea, Vietnam, and Desert Storm and in the many civic, economic and cultural achievements Hawaii has shared with the rest of the United States.

So, as we celebrate our 35 years of statehood, the people of Hawaii hope to inspire their fellow Americans who can experience in Hawaii the idealism, spirit, and opportunities envisioned by our Founding Fathers for all citizens. I believe that Hawaii speaks eloquently to all of hope, peace, and unity.

HONORING FRANK LITHERLAND

Mr. DURENBERGER. Mr. President, I rise today to commemorate the passing of a truly great citizen of Minneapolis. Frank Litherland—"Big Frank" to the many of us who were his friends—was a true patriot whose service to his country began with his heroic combat role in World War II and continued with a long and exemplary civilian career in real estate.

Frank was born in 1924 in a cabin on a logging camp in Koochiching County. As a teenager, he already showed the initiative that would make him a great success in later life. He worked part-time unloading salt bags at the Morton Salt Co. and was enrolled in the University of Minnesota High School Gifted Students Program.

In 1942, Frank enlisted in the U.S. Army and attended jump school. After obtaining Airborne Ranger status, he served in Sicily, North Africa, and Normandy with the 82d Allied Airborne.

He played a significant role in the liberation of Europe—a role we commemorated earlier this year at the 50th anniversary ceremonies of the D-day landing. On D-day, he was dropped behind enemy lines to secure landing areas for the British glider units.

In Belgium during the Battle of the Bulge, he was taken prisoner by the Germans. After they took his boots from him—to prevent him from making an escape attempt—he stole the boots of a German soldier and escaped all the way back to Allied lines.

His active service earned him a Silver Star, two Bronze Stars, and four Purple Hearts.

Sidelined by serious wounds in early 1945, he came back to America. Only 21 years of age, he had already lived a full and productive life. But his life was just beginning.

In November 1946, he married Carol—who would be the mother of his three children—Gail, Mark, and Craig.

In 1947, they came home to Minneapolis. Frank worked at Warner Hardware and the Twin City Arsenal, and by 1952 he was able to form his own construction business.

His next move was into the real estate business. He served as vice president of Bermel Smaby Realty before forming his own company, Jackson-Litherland & Associates.

I met Frank when I served Gov. Harold LeVander in the late 1960's. He represented veterans and realtors honestly and persistently. When I showed signs of interest in public service, he encouraged me—advised me—and supported me.

Throughout my years of service to Minnesotans in the Senate, Frank provided wise counsel—especially on behalf of the men and women who, like himself, had served their country in time of war.

The passing of Frank Litherland is deeply mourned not only by Carol and the children, son-in-law Bob Marcotte, daughter-in-law Rikka, and grandchildren Chad, Stacee, Regan, Sara, Mathew, and Krysta—but by all of us who were Frank's friends. I know that I am just one of many who will miss him deeply, and I ask my colleagues to join me in commemorating his passing.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of a report of the committee of conference on H.R. 3355.

The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 21, 1994.)

The PRESIDENT pro tempore. The Senator from Delaware [Mr. BIDEN].

Mr. BIDEN. Mr. President, we are now, I assume, on the conference report on the crime bill. To put it another way, as I see it, we finally are one step, one last step, away from getting a significant crime bill to the President's desk.

It seems that it is my responsibility, along with Senator HATCH and others, to report what changes that the House of Representatives made and we, the Senate conferees, concurred in as distinguished from what we passed in the crime bill back in November in this body by an overwhelming vote—I think only 2 people voting "no"—from what

we passed in the House-Senate conference a couple of weeks ago.

Today, as we begin consideration of the crime bill that from my perspective has basically been 6 years in the making, the crime conference report is supported, even after its second incarnation coming out of the conference committee and being passed by the House over the weekend, by every law enforcement organization in the Nation:

I ask unanimous consent to have printed at this place in the RECORD a listing of that support for the crime bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT FOR THE CRIME BILL

POLICE GROUPS

Fraternal Order of Police [FOP]

National Association of Police Organizations [NAPO].

International Brotherhood of Police Officers [IBPO].

National Sheriffs' Association [NSA].

International Association of Chiefs of Police [IACP].

National Organization of Black Law Enforcement Executives [NOBLE].

National Trooper's Coalition.

Major Cities Chiefs.

International Union of Police Associations [IUPA].

Police Foundation.

Police Executive Research Forum [PERF].

Federal Law Enforcement Officers Association [FLEOA].

PROSECUTOR GROUPS

National District Attorneys Association.

National Association of Attorneys General.

CITY AND COUNTY ORGANIZATIONS

National Conference of Republican Mayors and Municipal Elected Officials.

National Conference of Democratic Mayors.

United States Conference of Mayors.

National League of Cities.

National Association of Counties [NACO].

POLICE OFFICIALS/DEPARTMENTS

William Bratton, Commissioner, New York Police Department.

Matt Rodriguez, Superintendent of Police, Chicago.

Phil Keith, Chief of Police, Knoxville, Tennessee.

Charlie Austin, Chief of Police Columbia, South Carolina.

Joseph Croughwell, Chief of Police, Hartford, Connecticut.

Prince George's County Police Department.

MAYORS

Rudolph W. Giuliani, Mayor of New York, New York.

Richard J. Riordan, Mayor of Los Angeles, California.

Richard M. Daley, Mayor of Chicago, Illinois.

Kay Granger, Mayor of Fort Worth, Texas.

Bob Lanier, Mayor of Houston, Texas.

George O. Stewart, Mayor of Provo, Utah.

Franklin T. Gerlach, Mayor of Portsmouth, Ohio.

Warren H. Haggerty, Jr., Mayor of Reading, Pennsylvania.

Raymond J, Parker, Jr., Mayor of Jeffersonville, Indiana.

John W. Morrow, Jr., Mayor of Gainesville, Georgia.

Paul Helmke, Mayor of Fort Wayne, Indiana.

Jim Naugle, Mayor of Fort Lauderdale, Florida.

Robert P. Morris, Mayor of Chambersburg, Pennsylvania.

Norm Rice, Mayor of Seattle, Washington.

Jerry Abramson, Mayor of Louisville, Kentucky.

Michael White, Mayor of Cleveland, Ohio.

Paul Soglin, Mayor of Madison, Wisconsin.

Kurt Schmoke, Mayor of Baltimore, Maryland.

Emanuel Cleaver, Mayor of Kansas City, Missouri.

Dennis Archer, Mayor of Detroit, Michigan.

Cardell Cooper, Mayor of East Orange.

Rita Mullins, Mayor of Palatine.

Mike Peters, Mayor of Hartford, Connecticut.

Ed Rendell, Mayor of Philadelphia, Pennsylvania.

REPRESENTATIVES OF THE NATIONAL LEAGUE OF CITIES

Sharpe James, Mayor of Newark.

Tom Werth, Mayor of Rochester, Michigan.

OTHER CITY OFFICIALS

Butch Montoya, Manager of Safety, Denver, Colorado.

REPRESENTATIVES OF THE NATIONAL ASSOCIATION OF COUNTIES

Neal Potter, County Executive, Montgomery County, Maryland.

Doug Bovin, Commissioner, Delta County, Michigan.

Randy Johnson, County Commissioner, Hennepin County, Minnesota.

Arthur Blackwell, Chairperson, Board of Commissioners, Wayne County, Michigan.

Mary Boyle, Commissioner, Cuyahoga County, Ohio.

Julia Gouge, Carroll County, Maryland.

Earline Parmon, County Commissioner, Forsyth County, North Carolina.

Prince Preyor, County Commissioner, Madison County, Alabama.

VICTIMS GROUPS

National Organization for Victim Assistance [NOVA]

OTHER ORGANIZATIONS AND ENTITIES

Handgun Control, Inc.

Mr. BIDEN. This bill is unique in two respects.

First, unlike any other authorization bill, as no one knows better than the chairman of the Appropriations Committee, our Presiding Officer and President pro tempore of the Senate, this bill pays for what it promises right in the bill through the violent crime control trust fund, which i wish I could, as I have said before on the floor—I wish I could say I was smart enough to have thought of; that it was my idea. But, in fact, it was the brainchild of two leading Republicans and the leading Democrat, the Presiding Officer. The bottom line, to use that trite phrase, is it is a mechanism by which what is promised in this crime bill is paid for in a trust fund.

The trust fund now holds $30.2 billion in savings related to the Federal Work Force Reduction Act over the next 6 years. Put in simple terms for those listening to this debate, as the Presiding Officer knows better than anyone, this President, President Clinton, has reduced the Federal work force to a level lower than any time since I have been a U.S. Senator—and that has been 22 years—and if I am not mistaken, and I will stand corrected if I am, I believe all the way back to the administration of John F. Kennedy in the early 1960's.

In addition to that, he has suggested, and we have legislated in the Congress, that we will further reduce that work force by over almost a quarter of a million people over the next 6 years. That is in absolute numbers. They are the absolute total reduction.

So what is happening here is we have asked the various committees with jurisdiction and the various offices at the executive and legislative level—the Office of Management and Budget, the Congressional Budget Office, and so forth—how much money is going to be available in savings from this cut in the work force, the Federal work force, over the next 6 years.

I might add, we have exempted in that work force cut, Federal law enforcement officers as part of that. So we are not stealing from Peter to pay Paul. We are not suggesting that we are adding more police and we are adding more law enforcement and at the same time cutting Federal law enforcement. We are not doing that.

So I know the Presiding Officer and my colleague from Utah, the ranking member of the committee, understand this full well. But sometimes our jargon here in the Senate is very confusing to people listening to debate.

So to say it again, this bill pays for itself. It pays for what it promises, not by new taxes but by the reduction in the work force. They are tax dollars. We will hear people who still want to oppose this bill notwithstanding they got a bipartisan result out of the House on the weekend—I am confident we will hear Members come to the floor and say this is another Democratic big spending bill and it is going to raise your taxes.

The Presiding Officer has the unfortunate distinction of almost every time I come to speak on this bill he is the Presiding Officer, and I have spoken on this bill a lot, as he will recall. He has heard me say time and again the legitimate argument to be made, by my friends on the Republican side who choose to make it, is that this crime bill will in fact not allow a further reduction in taxes. It will not increase taxes.

There are two arguments we made here on the floor, as the Presiding Officer will remember. When the Presiding Officer and others came up with the idea of the trust fund, some stood up and said, "Wait a minute, this saving which we all acknowledge is going to come from cutting the Federal work force, the number of bureaucrats, we should take those savings and reduce

the deficit by that number. That is what we should do with it." That is a legitimate point. That is a reasonable argument. Notwithstanding the fact this President has presided over a reduction in the deficit—3 years in a row, the projected deficit being reduced beyond what anyone thought—it is not illogical, nor is it bad policy to argue we should reduce it even further and we should take the savings we get from cutting the Federal work force, the Federal bureaucrats, and reduce the deficit.

In November of last year, the vast majority—I forget the exact vote, 94 of us or 95 of us, Democrat and Republican—said no, we think the crime problem in America is so great, is so dire, is so serious that we have to put a plan in place that will last for 5 years so law enforcement officers can plan ahead, like we do with the Defense Department.

We do not say to the Defense Department, we are going to build a plane this year, and maybe next year we will or will not. We, in effect, say, here is what we are going to commit to in the outyears so you know, you can plan.

We basically said for the first time here for American law enforcement—by law enforcement I mean State judges, Federal judges, local prosecutors, State prosecutors, local law enforcement, FBI, Drug Enforcement Administration, prison officials, that is what I mean by the totality of law enforcement—we have said in this crime bill, we are not only going to appropriate for next year, we are going to make a promise; we are going to set up a trust fund. So we tell them, "You can plan on x amount of dollars from the Federal Government to help you in the States to fight crime over the next 5 years," and we have now said 6, although we cannot bind the sixth year, as the Presiding Officer knows better than I do. But it is a commitment. It is a hard commitment for the 5 years.

So if my friends argue against this bill and want to come back and argue that the trust fund should be going to reduce the deficit instead of fighting criminals, that is legitimate. That is a legitimate argument, and there are some policymakers who would argue that is the better thing to do, and I do not criticize anyone who says that.

But I do take issue with anyone—you hear people I am sure either because they have not had time to think it through or for some other motivation, will come and say, "This means $30 billion in new taxes, and it's a big spending program over 6 years"—they will not even say over 5 years, they will say $30 billion in new taxes. That is not correct. That is not, in my view, a legitimate argument. The first is, the second is not.

So back to my main point. This bill pays for what it promises by trading Federal bureaucrats for cops, Federal bureaucrats for prison cells, Federal bureaucrats for State judges, Federal bureaucrats for State prosecutors. That is what this bill does in simple basic terms.

As explained in detail by Chairman SASSER, the chairman of the Senate Budget Committee, the trust fund, and I quote, "guarantees that the money will be available. It achieves real savings, locks them in and then provides for their use to fund the crime bill. It provides a real and enforceable method to pay for this important purpose."

I ask unanimous consent that the entire letter from the chairman of the Budget Committee be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, June 16, 1994.

DEAR CONFEREE: In recent weeks, the crime trust fund in the Senate crime bill has been attacked as more "smoke-and-mirrors" budgeting. As chairman of the Senate Budget Committee, I've seen my share of budget gimmicks. I've also watched a number of crime bills pass through this chamber which promised plenty, but delivered little money to back those promises.

My examination of the Senate version of the Crime bill reveals a fundamentally different approach from any previous government commitment on crime. In the past, critics have rightly pointed out that many of the programs authorized in crime legislation never received the necessary funding to get them off the ground.

This bill creates a separate trust fund which guarantees that the money will be available. Instead of merely promising new programs, this bill delivers dollars to back its commitments. It identifies a real source of funding, and it sets aside that pool of money exclusively to pay for the purposes authorized in the crime bill. This will work.

First, the trust fund, as well as the Federal Workforce Restructuring Act, achieves real, scorable reductions in spending on the Federal workforce. These laws do this by imposing enforceable caps on Federal full-time equivalent positions.

Next, the Violent Crime Reduction Trust Fund language reduces the caps on discretionary spending. This ensures that the Congress cannot use these savings for any other purpose. If any Senator sought to spend this money—to spend in excess of the newly-lowered caps—for any purpose other than the crime bill, then any other Senator could raise a point of order that would take 60 votes to waive. Furthermore, if the Senate waived the point of order or otherwise passed a law that exceeded these newly lowered caps, then the law requires the President to order across-the-board cuts to lower the level of appropriated spending down to the level of the newly-lowered caps. This is real enforcement.

Finally, the crime bill creates the Violent Crime Reduction Trust Fund itself, and deposits into that trust fund exactly the amount of money by which the bill lowers the appropriations caps. The bill then provides that Congress may spend this amount of money on the purposes authorized in the crime bill without triggering a point of order or across-the-board cuts.

In sum, the Violent Crime Reduction Trust Fund achieves real savings, locks them in, and then provides for their use to fund the crime bill. It provides a real and enforceable method to pay for this important purpose. The Senate endorsed the trust fund on a bipartisan basis. It is not a gimmick. It represents exactly the kind of honest budgeting which all members of Congress can, and should, support.

Sincerely,

JIM SASSER,
Chairman.

Mr. BIDEN. Mr. President, the second point I would like to make—and I am not suggesting the presence of my friend from Utah will be the reason for what I am about to say—the second point I would like to make before the hysteria begins on this debate—and there will be no hysteria from my friend from Utah; there never is, but there will be on this floor. We will hear some unusual assertions relative to this bill which bear little or no relationship to fact.

Although I have been here a long time, not nearly as long as the Presiding Officer, but 22 years is a fair amount of time to be in one place, I have never had the experience I had this weekend, I might say, to my colleagues. And that is, I had the distinction and the honor of being the only U.S. Senator, for the most part, and then one of only two, Senator HATCH being the other, who was able to spend 3 days in a row, 4 days in a row until 5 o'clock in the morning on average with my Republican and Democratic House Members, with a group of the Republican leadership, the Democratic leadership and Republican freshmen, as well. It was a real eyeopener as to how the House works differently than the Senate works. Truly, it was an education.

What I found over there is because everyone thinks they are an expert on crime, there was a lot of misinformation, unintentionally generated. First, quite frankly, I thought this was somewhat disingenuous in the meetings I was in. I would be in a meeting with three or four Republicans and five or six Democratic leaders, and they would turn to me: "Joe, OK, what about this?" And they would make assertions—and sometimes Democrats as well—make assertions that bore no relationship to what the bill actually did.

At first I thought, wait a minute, people are misleading people. But I later found out—and I say this in all sincerity—that this is stuff that Senator HATCH and I and the Presiding Officer deal with every day and it is complicated legal and constitutional issues, is not understood by everyone. I say bluntly, I do not have nearly the expertise of the Presiding Officer and my friend from Utah on the health issue. My friend from Utah is the ranking member on the Judiciary Committee and was the ranking member on the Labor Committee. He knows the health care issue inside and out. When they start talking about HCFA's, PCVA's—

all these acronyms—I have to literally go to the book.

When you start talking about the fourth amendment, the sixth amendment, the second amendment, I do not have to go to the book because that is all I have primarily been doing for the last 20 years in this place.

I want to make it clear when I say hysteria, you will hear people come to the floor in support and opposition to this bill who will say this bill does certain things that it does not do. Not because they are being in any way malevolent or misleading but because it is kind of complicated and particularly for some who are not lawyers. I know in the public at large, it is an asset not to be a lawyer. But it is a mild liability not to be a lawyer when you are understanding some of the arcane and complicated features of the criminal justice system.

The second point I would like to make, as we engage in what hopefully will be a short debate, meaning we will be able to vote on this crime bill conference report tomorrow and we will not be obstructed by procedural roadblocks to keep from being able to vote on it—we could vote for this thing tonight at 5 o'clock, 6 o'clock. That is possible. I doubt whether that will occur, and I fear what may happen is we may have a protracted, fractious and mildly partisan debate that may take place as the last stop on the train before this significant bill gets to the President's desk.

So my purpose here is to take a little bit of time before the white hot heat of the battle begins to lay out what I—challenge is the wrong word—I suggest to my colleagues is what is, in fact, in this bill. The first principle is this bill pays for what it promises.

The second point I want to make is that the bill attacks crime on two fronts: Punishment and prevention. And for the first time since I have been responsible for authoring these primary bills on the Senate side, for the first time it does both at the same time, I say to the President of the Senate: Violent criminals, the premise of the bill, and it follows through on the premise, the violent criminals must be removed from our communities and put behind bars for longer periods of time.

Last year in the States, there were a total of 30,000—not Federal Government—in the States, 30,000 violent criminals who were convicted by a jury or pled guilty, found guilty or pled guilty after all their constitutional rights were granted to them. There were 30,000 violent criminals convicted who never served 1 day in jail—not 1 day in jail. They were let free, and the reason for that was the States have no prison space, and roughly 37 States—it fluctuates, I say to the Presiding Officer—but I think it is 37—now it is 32 States are under Federal court orders or court orders by their own States relating to overcrowding.

So we decided to go after violent criminals, and we did that by increasing penalties; we did that by putting more cops on the street. But one of the most important ways we did that was to provide the States the money to build new prison cells. So they do not go through what they go through in a city, which I love and know well, beyond my State, the city of Philadelphia. Every Friday, or almost every Friday—I think it is every Friday—I am sure there are exceptions based on the holidays and the like, but every Friday the city judges who are in the court of general jurisdiction, that is, the court that tries felonies, get together in their conference room.

What happens, I say to the Presiding Officer, is that they are given a list by the city prison system and the county jail system, and it has the names of 20, 30, 50, 100 people on it. It says to the distinguished court sitting in private, you must release 10 of these people or 20 or 30 or 50. You must release them. They have not served their time. They have not finished their sentence. They, in fact, should stay in jail, but because, judges, we convicted x number of people this week in the city court system and they have been sentenced to jail as felons this week, we do not have any place to put the new guys, so you have to let somebody out of jail who has not finished their term, who is a violent criminal, because we have to put a new violent criminal in jail. And it is better to let somebody out who has served at least a little bit of time than not to put someone in who has served no time.

Now, it reminds me—and I said this last week and I was not being facetious—of the choice, Barabbas or Jesus, Barabbas or the Lord. Who do you let out? Well, they are letting a lot of "Barabbi" out, a lot of guys named Barabbas are being let out of jail, and they are going right back on the street and they are raping; they are murdering; they are killing.

If you think that is hyperbole, if you think that is an exaggeration, pick up the newspaper in any town or city in which you live and there will not be a week that goes by you do not read the following: John Doe was arrested today for allegedly raping Mary Smith. John Doe, a convicted rapist, having served only 18 months of a 12-year sentence, was rearrested today. In every one of our States, every one of our cities of any consequence in size, every one of our newspapers in our States runs headlines like that every day of the week.

Now, what we do here is we target violent criminals in one piece of this major legislation. The violent criminals are provided for in this bill in a number of ways. One, we toughen penalties. And, two, there is in this conference report that is coming over almost $3.7 billion more for prisons than we passed out of this body in November.

In November, when we passed the Senate crime bill, that—get the exact number, please. Find out the exact number that voted for this bill. I know only two voted against it, but I do not recall how many were absent. Ninety-five Senators voted for the crime bill that we sent over to the House of Representatives that had only $6.5 billion and $500 million of that was for juveniles, which we want to deal with as well, who are hardened kids who should be in maximum security type places for juveniles.

Now, the bill I am bringing back here, I say to the Chair and my colleagues, has $9.7 billion—$3 billion-plus more than we passed out of here. So we are bringing back a tougher bill than left here. And 95 Members thought the one that left here was tough enough to vote for it.

Now, that is the second way we deal with these violent criminals in this crime bill, because we provide the money for the States, I say to the Presiding Officer, to build 105,000 new prison cells and to maintain them, and to keep them open—105,000.

Excuse me. Now it is up to 125,000 because we dropped the operating costs out of it in terms of what they could do. This changes every day. It gets tougher every day. But we have money for 125,000 State prison cells—not Federal prison cells, State.

Excuse me for checking here. I just want to make sure I am accurate. It is 125,000 new prison cells that the States over the next 6 years will be able to build.

That is a big deal, I say to my colleagues in the Senate, because what it does is those 30—if we had that money out there now and they were built, none of those States would have let out those 30,000 prisoners. They would have kept those people who were in the prison cells longer than they now keep them.

So we also target, though, in terms of punishment, nonviolent offenders, nonviolent offenders who still should be punished. They must be moved to more cost-effective, lower security systems—not for their sake because you want to be nice to them, but because of the taxpayers.

It does not make any sense to put someone—as JOHN GLENN has said repeatedly on this floor, if a Quonset hut was good enough for me as a marine, although I got a little round-shouldered sleeping up against that curved wall, if a Quonset hut was good enough for me, somebody who is a nonviolent offender, who we do not have to worry about breaking out, why should that person be in a cell with lighting that meets certain specs with the following, and so on. He said if a Quonset hut is good enough for a marine, it is good enough for a nonviolent offender. Flip

up some barbed wire, put up a fence, provide a Quonset hut, make them work when they are in those boot camps. Good enough for him, good enough for our soldiers to go through that without the barbed wire, it is certainly secure enough and good enough; we should not have to provide any more for these offenders.

So we put them in jail. That has a concomitant effect, and that is, it frees up even more space to keep hardened criminals. So if I take the nonviolent offender out of a cell that costs my State $30,000 a year to build, maintain, and run, and put him into a boot camp on a cot in a Quonset hut that is sanitary, clean, good health provided, meets the eighth amendment requirements for 40 percent less cost, it makes sense for us to do that.

So we deal with nonviolent offenders by providing money for lower security prisons, money for boot camps to ensure that there are enough first-time, nonviolent offenders freeing up prison space for hard-core criminals.

Today, right now, these offenders get off easy, I say to the Presiding Officer. The crime bill encourages States to mandate, when they have these people in prison, drug testing and treatment and strict supervision in the prison. We are not talking about saying, well, rather than put that first-time drugee who has been convicted of a felony in jail, "Let's just put him in treatment," meaning he or she is out on the street, has all his or her freedom. That is not what we are saying.

We are saying, instead of what you did last year—last year, after having served some or all of that sentence, prisoners in the State system—you see those movies like "Cool Hand Luke" where the fellow serves his time in jail, and as he walks out of the prison gates, with all the doors clanging behind him, he gets to the main gate and some hard-looking prison officer says, "Here is your bus ticket," and they give him a bus ticket and meal money and send him home.

Last year, when they gave a bus ticket and a meal to 200,000 of those people, they gave it to somebody who is still addicted to drugs as they walked out the door. I want everybody to understand what I just said; 200,000 people, after having served this time in jail, walked out of jail addicted to drugs. They said, "How could that be?" Well, I am preaching to the choir. I see the Senators from Maryland and Utah are here. And the Senator from West Virginia, our Presiding Officer, knows that there are drugs in prisons. They continue to get drugs in prison. They get smuggled in. So that is why they are still addicted.

I want to remind everybody what they already know. But it is worth reminding them; that is, that a cocaine addict, a drug addict, a heroin addict, a speed addict, an addict—and there are about 6 million of them in America—the average addict commits 154 crimes a year. I do not mean the average drug user, or addict. These are the folks that are, as they say in the jargon, "strung out, hooked." They commit 154 crimes a year, most of them felonies.

There is a real simple reason they do that. Their dads and moms do not own banks. They need money to buy these drugs. So they steal, they rob, and they do it usually while they are high on this stuff. When they are high on this stuff and they steal and they rob, sometimes they gratuitously shoot and kill people.

So we let out of jail 200,000 people who are addicted to drugs.

What are they going to do when they get out? They served their time. So you cannot say they did not serve their time. They served their time. But what do they do? By the time that bus gets them into the center of the city, they are getting their next hit. But this time they do not have any money. They do not have anything to trade off like they traded off in prison. They trade off meals, cigarettes, money from their friends on the outside. They trade off everything.

What do they do? They find my wife or a school teacher coming out of the mini-mart, after teaching all day, going to get the groceries. They find her in a parking lot. They find me as I walk from here to the train station to commute home. They find the guy running the 7-Eleven Store, the mini-mart. They find the gas station operator. That is where they get the money.

What we do in this bill, Mr. President? It is not brain surgery. This is not rocket science. We say we provide money to the States to encourage them to set up in the prison system—for their nonviolent folks, as well as their violent folks—drug treatment and testing to test these people randomly to find out whether they are using.

Mr. President, at first—when I say at first—when this drug problem started in earnest 15 years ago, we thought without the body of scientific information we now have that the only way you treated an alcoholic, a drug abuser, or a polyabuser, was if they saw the Lord; they came and said, you know, "I am down as far as I can go." That Frank Sinatra movie from years ago, "The Man With The Golden Arm." It was not until they hit the bottom that they could be helped. That is factually not true. We have found there is no distinction between the help afforded someone who is forced into treatment and someone who voluntarily goes in; none. There is success in treatment programs which I will go into at a later date in this debate.

But, to sum up, we provide many things for the nonviolent offender, one of which is boot camps, which are cheaper for the taxpayer. Another one is drug testing. We encourage the States—we do not give them all the money to do that, we do not have the money to do that, but we encourage them to go forward.

The other thing we do is we provide $1 billion in here for drug courts over the next 6 years. Let me explain how the drug courts work. This is again how we deal with nonviolent offenders. There were 1.4 million people last year who are drug users, convicted of violating the law. They are young, under the age of 28, first-time drug users, low-level people.

Of those 1.4 million, having pled guilty or convicted, there are the following alternatives: They plead guilty, and we put them in prison. There are laws that say if you violate with even a small amount of drugs in States, and federally, you are eligible to go to prison. Or we could say we put you on probation, but you are under intense supervision. Or we can say you are on probation and we will see you later. If we do not arrest you again, you are OK. There are all kinds of things the States do. When I say "we," the Federal Government gets these people, and they put them in jail. They get convicted at the Federal level. You go to jail, and you serve 85 percent of your time. But the States do not do it that way.

So last year 1.4 million young, nonviolent, first-time drug users were convicted—not accused—convicted. Of that 1.4 million people, 800,000 of them got some sort of test, treatment, imprisonment or probation. But for the 600,000 of them, every one is an accident waiting to happen; 600,000 of them got no supervision, no testing, no treatment, no jail. They were released.

They are not all bad people. They are not all horrible people. Some of them are. The one kid who never tried anything in his life and is at a party, tries once, the cops come in, and nail them, and it is "Oh, my God."

That happens. It really does. We know that from our life experiences. We know that from our children, from our children's friends, and our neighbors' children. It is sad. But it is true. But some of them have been users for a while, and just got caught this first time.

So what happens when we let them out with no help, no supervision, no punishment? They go back in, and use it again. And in the process, they violate not only a law, but they violate somebody else's rights.

So in this bill, we set up a thing called drug courts. The model, not precisely the same, is what happened in Dade County, FL. In Dade County, FL, where they have a gigantic problem because of the drug trade in southern Florida, and all of the South American drugs coming through there, like all the ports of entry, like New York and the Southwest, now the Northwest with heroin coming in through the triad from Hong Kong; they have a serious problem. They decided several

years ago they were going to set up a new system because they realized that the portion of the 600,000 people they let out after being convicted, with no supervision, just ended right back again as second offenders. But in the meantime, maybe they broke somebody's leg, stole somebody's car, or maybe they committed a fatal act and killed somebody in the process.

So what happened was they set up the following system. They said we are going to spend more money. If we divert this first-time offender in the main court system, into the drug court system—and, by the way, I need not tell the Presiding Officer, and I certainly do not have to tell the Senator from Maryland, being from a large city like Baltimore.

One of the biggest complaints of the local judges is that their courts are clogged with drug cases. They do not get to the even more serious criminal cases. So everybody in the States has been saying, "Divert these people; do not let them off free like you are doing now. Almost half of them get off scot-free. Divert them into a separate court system." Well, Dade County came up and said, "We will do that." So all these low-level nonviolent offenders got diverted into this drug court system.

Here is the deal: They get convicted in that system if they meet the criteria of being low level, being young, being first-timers, and being nonviolent—that is the key, being nonviolent. What happens is they say, OK, we are not going to put you in jail, but here is the deal: First, you are now signing a piece of paper where you are subject to random testing. Any time your probation officer says, "Come here, Charlie," you walk in and you take the urinalysis or the blood test, and if you flunk it, you go to jail.

The second thing is, if you are in school, you have to stay in school. If you drop out of school, you go to jail. If you have a job and you lose your job, unless it is through no fault of your own and you seek another job with the help of the probation officer, you go to jail and you get put into a drug treatment program. If you do not stay in that program, you go to jail.

You pick up 500,000—in terms of the money—of the 600,000 people that are out there. When we cut my drug court provision from $1.3 billion to $1 billion, we lost the ability to pick up 100,000 of these kids. So now I cannot advertise to you that these drug courts get all 600,000; they only get 500,000 of them. But it is a big deal. Keep in mind that nothing happens to them now—nothing.

In the State of Florida, the numbers on recidivism dropped drastically. I think—and I will get the exact number for the RECORD—roughly 43 percent of the people who were arrested for the first time in Dade County prior to this drug court being set up got rearrested; almost half. Since the drug courts were put in, 3 percent got rearrested. That is a big deal. That means 40 percent of these people were not committing crimes against all of us. But right now, 600,000 walk the streets.

Another thing we did to deal with nonviolent offenders in this bill, and people who are not offenders yet but we know they are going to become offenders—Mr. President, I know of no one more committed to the Constitution and its principles than the President pro tempore. He and I, and everybody on this floor, know that we cannot, even if we identify somebody we know is going to end up being in the criminal or drug stream, we cannot say: We are going to brand you and put you in jail.

But the truth is, we all know enough about human nature, I will bet you—I do not know who knows much more about human nature than the distinguished junior Senator from Maryland—I will bet you I can take her into my wife's school, to the playground, and we can watch for a couple hours, and she can point and say: I will make you a bet that these are the kids that are going to get caught up; because we know they have no parents, or they have parents that are in trouble, or they are kids who are doing very poorly in school and they cannot read, and they have no self-esteem, or they live in neighborhoods or communities and hang with people in the drug stream or the crime stream. It does not take a brilliant person to figure that out.

But you cannot go from there and say: We now convict you and put you over here. But we can say, from the term of art used "at-risk children," we can pay more attention to them and guide them away from the drug stream and guide them away from the crime stream to a life of productivity. Again, this is not rocket science. Our mothers and fathers knew about this 50 years ago. But the way we deal with those at-risk kids is they need alternatives to drugs and violence. The bill offers tested programs, like Boys Clubs and Girls Clubs, to give kids a safe place to go after school and a reason to say no to drugs and crime.

Let me point out something. I am not just making up the Girls Clubs and Boys Clubs and saying things like, gosh, they are good things, like apple pie in America, and that is a good thing to do, and I have a progressive hope and a prayer that they work. I have evidence that they work. The statistics relative to Boys Clubs and Girls Clubs, studied over the last decade, the past 10 years or so, Mr. President, are astounding. If you have, for example, a public housing project with the same demographic makeup as another public housing project—and I will submit for the RECORD these studies—if you have two housing projects of the same demographic makeup, the same amount of crime and problems, and you put a Boys Club or a Girls Club in the basement of this housing project, and none over here, guess what you see a year later? The incidents of drug use, arrests, and violent crime committed in the project that has a Boys Club and a Girls Club is—measurably, demonstrably, and able to be proved—less.

My staff gives me these statistics, which I will read into the RECORD. A recent independent evaluation has reported that housing projects with clubs experience 13 percent fewer juvenile crimes, 22 percent less drug activity, and 25 percent less crack use than do projects without the clubs.

You say, well, that does not solve the problem, Mr. BIDEN. Let me ask you, how many cops do you have to hire to be in those projects to reduce juvenile crime by 13 percent, drug activity by over 20 percent, and cut by a quarter the use of crack in those projects? Again, not rocket science, not brain surgery; just what our moms and dads have told us from the time we were kids. I have said it before on the floor, and I will say it again. The expression my mom used, that I heard a thousand times, and maybe it is because she is Irish, and the Irish have a particular way of saying it, and maybe then in ethnic neighborhoods that are Polish, black, Jewish, or whatever, there is a different way of saying it, but she used to say: "An idle mind is the devil's workshop."

How many parents decide when they are going to go someplace and leave their children in the custody of someone else, or when their children are home and in a tough situation where there are neighbor kids they do not want them playing with, how many parents decide they had better find another activity for their child? Why is this such a strange concept for some of my Republican friends to understand? A vast majority do understand it and agree with it. Senators DOMENICI, DANFORTH, and DURENBERGER, and a whole range of them, believe very strongly in some of these programs. But that is how we deal with nonviolent offenders.

One of the things we would like to do is not only demonstrate what the key provisions of this conference report are—the community policing, the prison, and boot camps, the fact that we set up these drug courts for nonviolent offenders, the fact that we have youth violence initiatives in this, including a whole range of initiatives that have been proven they are not a hope and a prayer, that we have significant money for rural crime in here, all of which I will speak to, because the one thing I want to make sure everybody understands before this debate opens up is what is in this bill and what is not in this bill.

Let me move back now if I may to explaining the major pieces of this bill.

First, to reiterate, we pay for what we promise.

Second, there is an entire mechanism in here whose focus from the beginning has been on violent criminals. We do that in a number of ways.

One of which I will speak to that I have not yet is community policing. The so-called conference report, which I will refer to from now on as the crime bill, provides $8.8 billion—$8.8 billion—to put 100,000 new police officers on the streets and in our neighborhoods in community policing efforts.

Now I keep hearing Charlton Heston. I really loved Charlton Heston in "The Ten Commandments" and I liked the way he rode a chariot. I wish I were as handsome and articulate and had that voice that he has. I wish I had his money. I wish I had a lot of things he has.

But I wish he had the facts. It would be nice if he had the facts.

Now I know the NRA is paying for these ads. I am told the NRA is paying for the ads he has been doing. It is kind of interesting. The NRA, to the best of my knowledge, has not spent a penny for an ad on television to talk about guns. All of a sudden, they have become the pork chop watchers; they are the antiporkers, which is a nice thing. I am glad to know we have another group out there making sure we do not waste money. I think that is neat. And it is awfully generous of them, if that is their concern, to spend their hard-collected dollars from their membership.

But, funny thing. They never mention guns. Now maybe they do and maybe I have missed the commercials.

But Charlton Heston gets on and he talks. And my wife said to me—I got home the other night, I say to my friend from Utah—and she said, "JOE, you've been telling me now for a year that that bill you wrote had money for 100,000 police officers." This is literally true. "I have told everybody I teach with that that is the case. And I saw Charlton Heston last night"—I thought, like, you know, he stopped at the house or something: "I saw Charlton Heston."

"I saw Charlton Heston last night and he said there are only 22,000 cops in there. JOE, I thought you told me there were 100,000."

Well, you know, I guess it goes to the question of Charlton Heston's impact even on my family.

But let us talk about what it does. Charlton Heston says the crime conference report will fund only 22,000, not 100,000, new police officers. That is a quote. He gets on TV and he looks into the camera and he says, "Only 22,000, not 100,000."

Let us talk about the facts. The conference report does buy 100,000 new police officers. It provides $8.8 billion in total funding to implement community policing programs. This includes $7.5 billion to cover $75,000 per officer for 100,000 new cops.

Now I guess the way he comes up with the 22,000 is he says, "OK, how many cops could you buy with $8.8 billion if the States did not do anything?" I assume that is how he comes up with the number. I assume also that he says that the cops cost a lot more money than $75,000.

He says they cost $70,000 a year. I do not know how many of you hire your cops back home for $70,000 a year. I guess he is just used to being in Hollywood, where they pay a lot of money for those things. I saw "Beverly Hills Cop." Maybe those guys in those fancy police stations get paid 70,000 bucks a year.

Charlton Heston, I guess, is used to getting $70,000, I assume, for being seen drinking a Coca-Cola from the Coca-Cola Bottling Co.

But, for most of us, $70,000 a year is a lot money. And for a guy a couple of years ago who was picked as the poorest man in the U.S. Congress—yours truly—$70,000 is a lot of money for me. But I guess for Moses—I mean Charlton Heston, it is not a lot of money, so he thinks every cop costs 70,000 bucks. He also thinks, I guess—and I believe he thinks he is telling the truth; but the NRA is giving him the facts, which should be a tipoff—he says, I assume—I have not spoken to him—I assume when he says 22,000 cops, he says "OK, $70,000 a year per police officer, and the States do not have to do anything."

Now he is also a big States rights guy, you know—we do not tell States what to do. The NRA and he would be the first ones to say, "We do not want a Federal police force."

What we do here, just so nobody misunderstands, and what we have been doing, we say to the police officers, and to the cities, and to the States, what we have been saying for the last several years. We say, "Look, you want help hiring local police officers? Here is the deal. We will provide some extra money. We will kick in this amount if you kick in this amount to hire."

Not an irrational concept, you know. We had $150 million available to us over the last few years and we said to the States, "Do you want to get a piece of this? Do you want to get a piece of this $150 million for police officers?" They said, "Yeah." We said, "What you have got to do is, for every dollar you get, you have to kick in a dollar to hire new police."

Cities and States lined up. We did not have enough money to go around by a long shot. This is the same principle here. We say, "Look, we have got $8.8 billion and it is here in a pot. You do not have to ask for any of this $8.8 billion, but if you do, you do have to kick in your piece to hire your cops."

These are not Federal cops. These are people who will be wearing a Wilmington, DE, blue police uniform; these will be people wearing the two-tone brown uniform of the New Castle County Police Department; these are people who will be wearing the blue and gray uniform for the Delaware State Police. They will answer to the Governor, the mayor, the county executive, not to JOE BIDEN, not to the FBI, not to the President.

So let me tell the NRA, there are 100,000 police.

The fact of the matter is, that $75,000 we put up and we say you put up $75,000 and that will fund for the next 6 years, for the entirety of that time; those cops for the next 3 years, you get them and you increase them.

So, it is true. We are not funding 100,000 new cops for every single solitary person.

This is a highly unusual thing to suggest, Mr. President—but I do want to finish this statement and, to be very blunt about it, there is a very important phone call that I have been asked to take. And in a moment, if that person is still on the phone, I am going to suggest the absence of a quorum.

So what we do to pay for these police is, we pay for 100,000 of them and we pay for them by providing $75,000 per police officer, not every year but for the totality of the time that this bill is in place.

Mr. President, I would like to ask my friend, although it is totally within my right to ask for a call of the quorum, whether or not he would mind if I suggested the absence of a quorum for 3 minutes to take a phone call and then come back and complete my statement?

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

The PRESIDING OFFICER (Mr. REID). The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Delaware.

Mr. BIDEN. Mr. President, let me thank again my friend from Utah for being so gracious. The phone call was from the President. He wanted to know where ORRIN HATCH was on this bill, and I told him he is right with us all the way, Mr. President, and not to worry.

No. It was the President. I apologize. He was asking me something about this, and I appreciate the graciousness of my friend from Utah in allowing me to take the call.

So the community policing I was talking about a moment ago does, in fact, provide for 100,000 community police. In all of the United States there are only 540,000 or thereabouts police officers—in all the United States of America, not counting Federal law enforcement officers—all State and local

law enforcement officers, there are only a little over half a million of them. And we are going to add 100,000 new local police officers. That is going to increase by 20 percent all of the police in the United States of America. So, theoretically, in every community out there, for every five cops you have you are going to get one more. It is a big deal. It is a big, big deal.

But there is another thing even more important than that. Not only do you get more police, but in order to get any of these new police, you have to have community policing in your neighborhood. Right now policemen—in their defense, because they are shorthanded in most places—have had to move to higher technology and squad cars in order to cover the same amount of territory. When my dad was growing up in Wilmington, DE, there was a cop who walked the beat. There was a guy like in the old movies, the Mickey Rooney movies, you know, where there is a cop walking along, flipping his baton and saying, Hi, Charlie, and stepping into the local corner grocery store to get his coffee and so on. That is community policing.

Guess what. It works. It builds confidence between the people in the community and the police, which is particularly necessary in the high-crime neighborhoods, in the neighborhoods where we have a high concentration of minority population who are distrustful of the police if all they see is the person in the squad car going around. But it is more expensive. It is more time consuming, but it works.

In Houston, TX, where they initiated community policing, the crime rate dropped—I believe it was 17 percent. I was going to say 19. My staff just corrected me—17 percent.

A 17-percent drop in the crime rate when they took people out of their cars and put them on the beat and they walked the street.

There are only a few things we know for sure. We know if you put a police officer on this street corner, and no police officer on this street corner, and there is a crime going to occur, it is much more likely that that crime will be committed on the corner where there is no police officer. It sounds simple. We know crime often occurs when there is no policeman, and when it occurs where there is a policeman, an arrest usually occurs.

So how do we deal with violent criminals? By putting police officers on the street. So what this 100,000 police will do is not only take the 100,000 police, add 100,000, increase the total number of police in America almost 20 percent—I think it is 19 percent—but it does one other thing. It leverages those so we end up with almost 650,000 police officers on the street. They are not there now.

You say, "Well, BIDEN, we can put those 540,000 on the street without any of this stuff." You are right. But you know why it does not happen? It does not happen for a simple reason: The police do not like this kind of approach without more help.

Let me tell you, in some sections of my State and neighboring States, if I am a police officer, I can ride through in a squad car or I can walk through. I know what I want to do, I want to ride through, I do not want to walk through, and you cannot blame me.

So when the mayor says, "Chief, I've got a great idea. Let's shift to community policing," the police go, "Whoa, wait a minute, wait a minute." And there is a resistance, with good reason, because they say there are not enough of them to walk on the street, there are not enough of them to provide protection for each other.

Now, the mayor will say, "OK, tell you what, chief, the choice is yours. You can get another"—in my State of Delaware—"you can get another 1,000 or more cops, 1,250 cops," and we only have in the whole State of Delaware 1,700 police officers. "You can get another 1,200 police," or, in the city of Wilmington, you can get another 150 police, or whatever, "but here is the deal. You have to take your existing 350 and move them into community policing." Now the chief has something to go back to his men and women with.

He says, "Hey, we've got to go to community policing, but I tell you what, instead of riding in a squad car by yourself, you are going to be walking on a beat with a partner." Then it is OK. So we can leverage. We can leverage the number of police officers who are in community policing, and that will affect violent crime in the United States of America.

I went through the statistics, and I will not do it again, about the number of violent criminals we let out of jail, but the 105,000 new prison cells will keep in jail.

I also want to point out that there is flexibility built into the community policing for local police departments who can use some of this money, not only to hire new police officers, but also to allow them to buy higher technology equipment.

For example, there is a system we have federally that has all the fingerprints in the United States of America. If they take the criminal records of people who are convicted criminals and/or people who are escapees, or people who are on the lam, as they say, if we give the States the money and help them, they take all their records and they send them down to Washington, DC. Then there is a little machine we can give to the police officers. They usually put them in squad cars, but they can also hook them on their belt. When you arrest John Jones for a traffic violation, for loitering, or something else, all you have to do is have John Jones stick his thumb in this little machine and it will pop up on the screen whether John Jones is a convicted felon that you are looking for. That is a pretty big deal. Technology is available. We provide for the ability of the major cities and the small cities and towns to get this kind of equipment in order to deal with tracking down, apprehending and dealing with violent criminals.

I have spoken about the drug courts and I have spoken about the youth violence, how we deal with violent offenders. I will speak at a later date about what are significant prevention programs that are left.

I might point out to my Republican colleagues, we took out most of the prevention money. I forget how much exactly we had in the crime bill as it left the U.S. Senate when we sent it over there. We had roughly $4.3 billion in prevention money. The old conference report increased that, according to my Republican friends, to something around—they argue that it was up to $7.4 billion. So what the House leadership, with the Republican minority, did, in my presence, over the last 2 days, is they cut the prevention money from $7.4 billion in that conference report to $6 billion, or to put it another way, they cut $1.3 billion out of what they call pork.

What is left? What is left is about $1.7 billion more than we passed here. But what is in there is everything that my Republican friends, like Senators DOMENICI and DANFORTH and DURENBERGER and others, along with Democrats, wanted in this bill. We preserved that. But I will come back and talk about that during this debate.

The other thing that is preserved in this conference report is something that is near and dear to the heart of my friend from Utah and for me; and that is the rural crime provisions.

Rural crime is on the rise, and it is on the rise at a faster rate in rural America than in any other part of America. According to the most recent report from the FBI, violent assaults rose 30 times faster in rural America than in our 25 largest cities in America. And the number of rapes rose more than 9 percent in the rural counties in America while decreasing by nearly 4 percent in urban America.

So there was a 13-point shift—more rapes by 9 percent in rural America, fewer rapes in urban America. And as I said, in terms of violent assaults in rural America, it rose 30 times faster than in urban America.

Drugs are also an increasing menace in rural States. The number of arrests for drug abuse violations in rural America jumped almost 23 percent in 1992.

To meet that challenge, the crime bill provides almost a quarter of a billion dollars—$245 million—in drug crime fighting money to help States and localities hire police—different

than the hiring under the community policing—to hire police specifically to fight drug-related crime in rural America.

Half of this money will be divided among the 19 rural States, and the remaining half, I say to the chagrin of my friend from Massachusetts, this is one time where the rural States did very well. The rural States get half of this money, the 19 most rural States in America. The other half goes to the rural communities in the other States. But it all goes to rural America, something that my friend from Utah has fought hard for, along with the Senator from Delaware.

Now, we also establish rural drug enforcement task forces in every Federal judicial district encompassing significant rural lands.

Put another way, every place where we have a Federal presence in the State that is overwhelmingly rural, we set up the task forces, which the Senator from Massachusetts thought about 20 years ago here and set up those task forces that the last Justice Department tried to do away with.

But we do that in rural America now because in rural States like mine, where the largest city has 85,000 people in it, the next largest is about 28,000 people, in rural States like mine, what happens is the drug traffic from Washington, DC, moves over to Sussex County in Delaware, and the drug trafficking from New York City and Baltimore moves over there because they are saturated in those metropolitan areas.

Now, they have small police forces. They are not trained in nor have the technology of the DEA, the Federal drug enforcement agency, and the FBI. So we provide money here for those 1-, 2-, 3-, and 5-person law enforcement agencies in towns of 2-, 5-, 10-, 15-, 20,000 people. And we provide the money for them to set up these task forces so they get the help—run by the local people. It is a big deal.

In addition to all of this local help for rural areas and community policing, we put in here $1 billion for the Byrne grants, which my staff did not even list here as a major portion of this—$1 billion. I challenge any one of my colleagues to go home and ask their local police what is the single, most significant thing the Federal Government has done for them so far. Do you know what they will tell you? They will tell you the Byrne grants, named after a police officer who was killed.

These grants are to provide $1 billion to the States to set up drug enforcement mechanisms that work very well in the large cities and small cities, rural and urban America. So we put $1 billion in there.

I see my friend from Pennsylvania, who endorsed this bill. He is one of the guys who, because he was a former prosecutor in Philadelphia, PA, as the DA, knows more about this than 95 percent of us. This is a big deal, this additional $1 billion. It is money to go to local law enforcement.

The bill also directs the Director of the Federal Law Enforcement Training Center in Glynnco, GA, to develop special courses specifically devoted to training rural, State and local law enforcement officers in the investigation of drug trafficking and related crimes.

I do not know how many people listening to this on C-SPAN or hearing it in the gallery visiting from their various States, I do not know how many of them fail to understand—I think all do—if they come from a small town, you cannot expect the small town law enforcement officer to know all the ins and outs of the drug trade. It changes every day. We have an entire Federal agency called the Drug Enforcement Administration that has trouble keeping up.

And so what we ask in this bill, the Senator from Massachusetts and myself, is to make sure they train local people down in the most advanced training center in the world.

I might add, by the way, Russia is asking us to train their law enforcement officers. Everybody is asking us to train their law enforcement officers. The Germans, the Italians are trying to get us to help train their drug enforcement officers to deal with the drug trade and Mafia and all the rest.

How do we expect the two- and three-person police force to do that? So we put in here, what the Senator from Massachusetts asked for, to make sure we get the local people trained with our experts down in Glynnco, GA, the same place that the Russians are asking us to train their people, the same place that the Italians are asking their people to be trained, the same place that every law enforcement agency in the world wants to go. We set it up and say you have to train our folks. Again, that is a big deal.

Now, I will make two more points. Then I will yield. The patience of my friend from Utah is almost unlimited but I may be getting to the point of limiting it. One is that we add in here, to the chagrin of some of my colleagues, the death penalty.

I happen to support the death penalty. I respect people who view the death penalty as being a violation of the eighth amendment, or even more basically the average American who does think the death penalty is wrong, as just simply being immoral. I respect that. There are decent, honorable Republicans and Democrats, people of all faiths, who think you never have a right to take a life—the State has no right to take a life. Put the person in jail forever with no probation, no parole, but do not take their life.

I wish I could say I felt that strongly about that and found a moral objection to it. I cannot in good faith say that. So when I wrote this original bill, I added back into the Federal statutes over 50 death penalties—50 circumstances in which, if a person is convicted of a crime at a Federal level, they are eligible for the death penalty.

Now, I say very forthrightly to the half dozen of my colleagues who oppose the death penalty—and it is probably a larger number than that—I say to them they should not be misled. There is money in here for the death penalty. In addition, the bill authorizes over 70 increased penalties—70, seven zero—70 increased penalties in new offenses covering violent crimes, drug trafficking, and gun crimes. These include, for example, increased penalties for drug dealing in drug-free school zones, for the use of semiautomatic weapons in committing a Federal crime, for drunks driving where you have a child in the car.

Many of you know children, and when you were children you would be put in the position where your favorite uncle comes over and goes to the picnic, is drunk, and then says to you, "Come on. We're going home." You look at your uncle, and you know you should not get in the car, but you get in the car because you are trained not to disobey your father, your mother, your uncle, your aunt.

Children get killed in that circumstance. We cannot expect them to monitor the behavior of their families, monitor the behavior of adults, but we can expect, if my bill passes, that if a drunk driving accident occurs and you have a child in the car, you are going to be in deep trouble, and we double the penalties for that. I realize that is not a big thing to most people, but it is a big thing to me.

We increase penalties from that all the way to mandatory requirements for a jail sentence if you commit a crime with a gun. And not unimportantly in my view—and this is a big issue with Charlton Heston and a lot of other people—we ban assault weapons. For the first time we ban assault weapons.

I do not know many deer that need to be taken down with an AK-47, nor do I know any hunter being able to fire an AK-47 with any degree of accuracy. They are not designed to be accurate. They are designed to kill. They are designed to kill human beings. Human beings.

I asked the leading medical doctors in America testifying before my committee, who run the major trauma centers in America, why is it that last year when I wrote a report saying we would have more murders than any time in our history, why did I turn out to be right? Why were there over 23,700 or 23,800 murders in America? Is it because more people are being shot?

One brilliant doctor, heading a major trauma center in one of our four largest trauma hospitals in America, a

woman doctor said: "Senator, I have headed this trauma center for a number of years. We have become so sophisticated we have removed a bullet, a .22 caliber bullet from the brain of a person and they lived, and lived a healthy life. We have removed low caliber bullets from people's hearts, from parts of people's bodies which would ordinarily kill them. We have become very sophisticated. But, Senator, when you fire a .45 caliber bullet or a 9 millimeter bullet into someone's body and it goes to their lung, it does not lodge in their lung. It blows their lung out of their body, out of their body."

Those of you who do not know much about guns—and I do not pretend to be an expert—if I took a .22 caliber pistol, with the reporter standing before me, and I fired into his shoulder, he would recoil like that.

If I took a 9 millimeter gun and fired it into him, it would knock him, lift him up, and move him over that table and bang his head into the marble. He has just moved. I have no intention of doing that to him; I want to make it clear.

But all kidding aside, this doctor stood up behind the witness chairs—the Presiding Officer knows how we do that; a table just like that one in front of me here—stood up and said, "Senator, let me tell you, it used to be that we would see single-shot wounds when they had an emergency and they were taken into the emergency room. Now, Senator, the bullet wounds start—" she bent down and said, "They start at the ankle and end at the neck."

My friend from the State of Nevada, the Presiding Officer, knows about guns; he knows why that is: Because they are high-caliber weapons that are semiautomatic, and when you pull the trigger, they go like that, unless you are very well schooled in the use of them. So you have these kinds of wounds.

We held that hearing and pointed that out. She said, "The reason more people are dying—and it is why it is murder and not assault with a deadly weapon; they are murdered, they die—is we cannot repair them. When they are shot with a low-caliber bullet, we can repair them. When they are shot with a high-caliber bullet, it takes away vital organs and they die. When they are shot once, we have a chance. When they are shot five times in one incident, we tend to not be able to help them live."

Then, not too long ago, one of the magazine programs, "20–20" or "60 Minutes" did a program where they pointed out—and we acknowledged; we showed it—I believe a decade ago, maybe a little longer, the average number of bullet wounds of a person taken into an emergency ward was 1.1; by and large, single-shot wounds. Now, that average is something like 2.4 or 2.6. I ask that the RECORD be kept open for me to be able to give the exact number.

But the point is, it is a reflection of these guns that are of higher caliber, meaning bigger pieces of lead, bigger pieces of bullets, with greater force, and designed when they go into your body to do things differently than ordinary bullets. Instead of going into your body in a straight line and going straight out, they are designed, when they go into your body, to tumble, to spin around, to rip your insides up and out. What do you need that for, as a sports person? You do not.

So what we have done is outlawed some of these military-style assault weapons.

The last point of a major piece that is in this bill that I would like to speak to is the thing I must admit is the nearest and dearest to my heart, and the thing I have worked on harder—this is parochial, I acknowledge—than anything I have ever worked on in 22 years; that is, the Violence Against Women Act.

Mr. President, this is a comprehensive approach to fighting all forms of violence against women, combining a broad array of needed reforms to change both our laws and our attitudes. They include the following:

Funding for local law enforcement to set up special units focused on aggressive prosecution of sexual assault and family violence. Let me give you a little insight.

They did a study in Washington, DC, which is not very different than any other study in America, than any city they could have picked. They asked: "How many times, when a police officer showed up on the scene who was called to an emergency where a woman was being beaten by her boyfriend, her live-in, her acquaintance, or her husband, was the boyfriend, the acquaintance, the live-in, the husband arrested, even where the woman was bleeding?" The woman was bleeding. They get called, and the woman is bleeding. They show up on the scene, and the man is there, and the woman is bleeding, or the man is taken off and the woman is bleeding. In 85 percent of the cases, no arrest was made.

Did you hear what I just said? Eighty-five percent of the time, a woman is more in jeopardy in her home, more in jeopardy in her bed with her husband or her boyfriend, a woman is more in jeopardy with the man that she loves than any other place in America. Let me explain something to you. You say, "Well, obviously the reason these police did not make an arrest is the woman would not swear out a complaint."

Let me tell you something. If Chris, my expert on criminal law, sitting next to me, and I get into a fight outside on the Capitol steps, or downtown in Washington, and we are fistfighting on a corner and he is beating me up or I am beating him up—it would be more likely he would be beating me up, because he is younger and stronger—if he is beating me up and a police officer comes up, the police officer is not going to turn to him or to me and say, "Do you wish to swear out a warrant for the arrest of this person?" They are going to arrest us both on what they call information. Somebody committed a crime.

So they immediately arrest both of us and put us in a paddy wagon. If I am standing there and somebody calls, and I am bleeding, standing on the corner, and he is standing next to me, the cop does not come up to me and say, "Sir, do you want to swear out a warrant for his arrest?" They put us in a paddy wagon.

On the other hand, the person who handles the remainder of the criminal justice agenda for me, Demetra, sitting here, who is about to give birth to a child—say I am her boyfriend and I slap her, even in her pregnant state. What happens in your home States when the cop comes up and sees that? Does he automatically arrest me? What does he do? The first thing he does is, he says, "Do you want to swear out a warrant against him?" What do most women say? They say no. Why? I am 6 feet 1, 190 pounds, and not a bad athlete. She is 6 inches shorter than I am, and 100 pounds lighter than I am. She knows when she looks at me and looks at the cop and says, "Yes, I am going to swear out a warrant for his arrest," that I am going to get out of jail and then I am really going to be mad.

For you men listening who do not appreciate that, let me ask how many of you when you were kids and you are in the schoolyard and the bully was beating you up—you are down on the ground; he is beating you up, and you have a clear shot at his nose. How many of you hit him? Not many of you. Why did you not? You knew that if you hit him in the nose, that would really make him mad.

Do you think I am kidding? Ask yourself, you men, ask yourself how the psyche works and how yours works the next time you say, "Why will she not swear out a warrant?" I will ask you, how many of you hit the bully? Not many, I know.

It is about time attitudes change. This bill, this Violence Against Women Act, goes a long way toward changing it. Guess what? If a cop shows up and does not arrest, they lose Federal funds. There has to be a presumption, not a conviction, of arrest because we want to put the woman in the position where she is able to look at that bully, that thug, who hit her, and say, "I did not do it. I did not swear out the warrant. There is nothing I can do about it." It will give her some cover. It is human nature. All these laws affect human nature. And I want to affect that small portion of the male population whose human nature is sick in

the way in which they deal with the women they allegedly love.

We also provide in this legislation funding for battered women's shelters and for victims' services. Do you know why the vast majority of the children that are on the street and that are homeless with their mothers are there? Because they get beat up at home; because their mothers get beaten in front of their children, and the mother has no place to go. So her last resort is the street.

Do you know we have three times as many animal shelters in America as we have shelters for battered women? My lost dog has a better opportunity to be sheltered until I can find her than my daughter, were she married to someone who beat her—God forbid, the son-of-a-gun who beats my daughter.

It makes me angry. But for the first time we do something about this. We provide money for these shelters for women, so they have a clean, healthy place to go. Women stay in that environment where they are beaten because they have no financial resources to move. We take practical steps like funding more lights and security cameras at bus stops and adjacent parking lots, in parks, and in subway stations, to increase the safety for women who are in the workplace.

I do not believe any of my colleagues here would disagree with this, but some letters I get from constituents around the country say this to me: Well, the women should not be out working.

One of the reasons why we need this additional security lighting is that lights are a phenomenal disinfectant, I say to the Presiding Officer. When they put electric lamps instead of gas lamps in London, the crime rate dropped by almost 30 percent, because people do not commit crimes under glaring lights for fear of being seen—unless they are on dope or on speed.

Many of you know women who now have jobs just like men where they are required to work until 12 a.m. or 1 o'clock in the morning. How many women reporters who have covered this have the same deadline the male reporters do and have to walk to that parking lot in the center city, not at 5 in the afternoon when thousands of people are going there, but at 1 o'clock in the morning when no one else is going there? How many women who clean these offices along with the men have to leave that office building at 1 a.m. in the morning and stand at the bus stop to catch the last bus? Women are in the workplace. And women are now in circumstances where they are exposed because of the physical vulnerability—nothing else—to predators.

There are identifiable high crime rates. How many of you people would tell your daughter who is 20 years old working for a company, that it is all right to walk into a parking lot late at night? I recently visited someone in the hospital, a family member, up in Philadelphia. It is one of the great hospitals, the hospital of the University of Pennsylvania. What do they have? When you are leaving at 11 o'clock when they close down the visiting hours, you go to the parking lot, and the University of Pennsylvania hospital has armed guards that will take you to your car.

We should help. If you are a woman and you have been put in that circumstance because of the nature of the work force changes, we should make those high-crime areas safer, and the best way to do that is by light.

Most important, the Violence Against Women Act creates, for the first time, a civil rights remedy for victims of crimes motivated by gender bias. By the way, we found that lawyers rape, doctors rape, businessmen rape, just like thugs rape, like anybody rapes. This idea that only poor folks rape is malarkey. So I wanted to do something to empower women like they have never been empowered before. Five-hundred or a thousand years ago, or 800 years ago, in our English prudential system, the way it used to work is that if you committed a wrong against me, I would go and hire the sheriff and the sheriff would go arrest you. I would then have you taken before a judge, and if the judge found you guilty, I would pay for your imprisonment. I, the victim, controlled the agenda. Out of a need to deal with equity and allow poor people the same rights, we started—and to make the case 100 years ago, even 300 years ago, it used to be when you read the docket, it would say the case of Biden versus Smith, not the State of Delaware versus Smith. Biden versus Smith. The victim. At least I was empowered.

In order to change things, we had the State step in and take the part of the victim. But in the process, something got lost. Victims were disenfranchised. How many of you know somebody who was a victim, who got a phone call from the prosecutor saying, you know, we decided to reduce the charges against Charlie, and instead of hold him for robbery, we have decided to reduce the charge to whatever, a lesser charge, or we decided we are not going to go forward with the prosecution. You are the victim and you are sitting out there, and you do not have anything. You have no say.

Women in America particularly have no say. But one thing I did in this bill, which a lot of people did not like, is created a civil rights cause of action. If a woman can prove the crime of violence committed against her was strictly because of her gender—and that is a high hurdle to cross—then not only does she have the right to be in a situation where the State goes after the person on a criminal charge, but she can say: By the way, Jack, I am suing you and I am taking you into Federal court. And after they lock you up in jail for the crime you committed against me, I am going to get a judgment against you, and I take your Mercedes, I take your house, I take your car, I take your bank account. I am going to penalize you just like if there was an automobile accident where you caused me injury. I am going to be empowered to take you to court, to take your property if I can that you did this bad thing to me. It will empower women more than anything that has happened in the recent past where they have been victimized.

One other thing we do in here that is not in the violence against women legislation—speaking of victims. Right now, if you are a victim of a crime—like my mother who is on Social Security, who is in her seventies and looks like she is in her fifties. Say she is shopping and comes out, and someone grabs her purse and, in the process, knocks her down and she breaks her hip or leg and has hospital bills and is laid up; he takes her money, and what happens? You find the guy or woman who did it, you take him to trial, you prove beyond a reasonable doubt he did it, you put him in jail and fine him.

Where does the fine go? The fine goes to the State. What is the rationale for that? It is to cover the cost of the State entering into and taking on the responsibility to incarcerate this person. Logical notion. But what happens to my mom? My mom is out $50 or $500. My mom is out the medical cost and the bills.

So we have written into this conference report something different than was in the original bill. Now there is a penalty and provision that the person who is the victim must be compensated by the defendant as a nondischargeable debt. We also increase the victim's fund. Senator THURMOND and I, along with many others, years ago passed a provision setting up a fund, some of which comes from forfeiture money, where the State can compensate out of this fund a victim who has lost something of monetary value. So we are, for the first time, really turning our attention to the victim. And we can never make them whole. But there are two parts to this equation. One is get the bad guy and punish the bad guy. The second is take the victim and try to restore them. The victim has been the forgotten person.

(Mr. AKAKA assumed the chair.)

Mr. BIDEN. Mr. President, we also provided here for the victim through the help of the Senator from Utah. Actually it may have been his idea. We provide that when you show up at trial—the judge is about to sentence John Doe for the crime against my mother. Up to now my mom does not get to go in court and stand before the judge and say, "Judge, let me remind

you what this guy did to me." My mom does not get to say a word. But under this bill, my mom gets to show up, and my mom gets to stand there and say, "Judge, before you sentence this man, let me remind you what happened to me." Or the family of a murder victim is able to come in and say, "Judge, let me remind you what is at stake here, what happened to my family."

This is the most victim-friendly bill we ever passed. It is about time.

Now, there were two things that I heard a lot about on this floor over the last couple weeks. One was that we do not deal with sexual predators in this legislation. Let me tell you what we did in this bill we are about to vote on, or whenever we are going to be allowed to vote on it. There are two things we did.

One, it explicitly allows a community to be notified when a sex offender is released from prison into the community. All sex offenders must keep the law enforcement agencies apprised of their whereabouts for 10 years after their release. And sexual predators, as defined by that worst class of offenders, must register with the police for the rest of their lives.

A sexual predator who is released from jail, nobody in America will not know where that person has moved. So if you live on a street that that person has moved on to and that person is adjudged a sexual predator, you will know that person lives in your neighborhood so we do not end up with a horrible situation like we did in many places. The most celebrated case unfortunately was a young girl named Megan in New Jersey recently. They must register for life.

Guess what? If in fact the State does not set up one of these registries to accommodate this because they do not like this bill, they lose 10 percent of the police money they most care about, the so-called Byrne grants.

The second thing I heard a lot about on the floor is the so-called safety valve, a concept which at one point a number of my Republican friends supported, and I did not support, but I kept hearing and seeing little cards handed out. They were quite amusing. They were handing out little monopoly cards saying, "You pass this crime bill and you are going to let 10,000 drug dealers out of jail," because they said there is a provision—and they were right about only one part—there was a provision saying those who had been convicted in the past, who were still in jail under a minimum mandatory sentence, would be eligible to apply for an earlier release based upon the grounds that they were nonviolent when they were convicted. They did not use a gun or a knife; a child was not involved, and so on, a whole list of things, and they said this is retroactive.

I suggested, along with others in the compromise in the House, that we take out this retroactive provision of this law for the safety valve will apply to no one who is presently in jail. So they better take back their monopoly cards because they no longer mean anything. They did not mean anything when they handed them out. Now for sure there is no retroactivity in this legislation relative to the issue of the so-called safety valve.

We also added what a number of my colleagues have wanted on the Senate side, mandatory HIV testing for anyone who is charged with rape, whether they are found guilty or not. There is mandatory pretrial—pretrial—HIV testing with any person charged with rape.

So, the three things I heard most about were:

This is a terrible bill.

There is too much pork in it. We cut $3.5 billion out of the bill, so-called pork, which was not pork in the first place. Prevention money, $3.5 billion, is taken out.

There was not enough money for the prisons in the bill. We added $3.2 billion more prison money.

Third, that it has a retroactivity provision that lets all these people out of jail. We struck the retroactivity. It is not part of this bill.

Fourth, people charged with crimes of rape are not able to be tested to see if they are HIV positive so their victims can know. We have mandatory HIV testing.

The other thing I heard the most about was the predators, and that is that as to sexual predators, the community did not have to be manditorily notified and that it did not include enough people. It is everything and more than anybody asked for.

Lastly, there is one thing in here that I must tell you I do not like. I want the RECORD to reflect it. Senator DOLE and Congresswoman MOLINARI on the House side had a provision that I think is, quite frankly, outrageous, but my colleagues all liked it. Even though I authored this bill, this is one provision I did not author.

The bill says that for anybody who is charged with a sexual crime of violence or child molestation, there is going to be a different set of rules that apply to them when they go to trial.

Right now, Mr. President, if the reporter is charged with bribery or robbery—I keep picking on these people; they are nice folks and they would not be charged with anything—but if he were and he goes to trial, and the prosecutor wants to bring in someone who says, in eighth grade he stole my wallet, to prove this is the guy who has always been stealing his whole life, the court says that is crazy, you cannot do that. This has nothing to do with this crime, and it happened 31 years ago, or in the reporter's case 15 years ago. You cannot do that. If you are charged with burglary, you cannot have someone say, "By the way, when I was 26 I lent him my car and he never brought it back." "Did you ever go and report it to the police?" "No." "Was he ever charged with the crime?" "No." What proof do you have? All the witnesses are dead. It happened 40 years ago. It is just my word.

The court says, "That is crazy."

For 800 years we said that is a crazy idea to let people come in and do that. It has nothing to do with the crime.

Most all of my friends, about 80 on the Senate floor and about 300 of them on the House floor, said if it is a child molestation case or if it is a crime of sexual violence, allegation of sexual violence against a woman, the prosecutor not only can bring in evidence that relates to the crime, but can go out and find anybody who at any time in the past, a day after, 2 years before, 50 years before, who will allege that the defendant did something like that to them then.

Can you imagine how prejudicial that is going to be? You have a son who is 21 years old. He is being accused of rape. He did not do it. Or more importantly you have an employer who is 55 years old, who has a disgruntled employee who charges him with rape. It does not happen often but it can happen.

Now what happens? The prosecutor, instead of just having to deal with that witness and those facts, is able to go out and find anybody who is willing to say, "By the way, when he was 21 years old when we were parked in the car he physically molested me," without any proof of anything. Now, the people who might have been around to prove that that was not the case, the couple you double dated with in the front seat of the car, are dead. But you have a witness, the one person sitting there, who says, "But that happened to me 25 years ago."

And now, the defendant's lawyer can get up and cross-examine that person and say, "How do you know that?" and on and on and on. But how do you, in effect, defend yourself against one trial, two trials, three trials? The one trial you are in, you can bring your witnesses, it is contemporaneous, you can say, "No, I wasn't there. The rape happened at 10 o'clock and I have four witnesses that say I was at Charley's Smoke Shop at 10 o'clock."

But how about the person who comes in and says, "Twenty years ago, this happened to me"? What can the defendant do?

Then you are supposed to say the jury will not be impacted by that. I think it is a crazy idea. But I am in the minority.

And so, let me tell my friends, who I think subscribe to what I think is a crazy idea, what is in this bill. The Hatch-Molinari language, to the credit of my friend from up Utah, because he

is the guy that was over there negotiating. The only two Senators involved in this whole deal was myself—that I am aware of—and the Senator from Utah. We got to know more House Members intimately than we knew before in our lives.

I was making the argument—and he won; he won that this kind of what I would call, not technically, hearsay, but I would call amounts to nothing more than hearsay, should be allowed in.

We are not talking about prior convictions, by the way. We are not talking about not letting the guy who is up for rape and was convicted three times for rape and the prosecutor, say, wants the jury to know he has been convicted three times for rape. There is already Federal rules of evidence to allow that to happen. We are not talking about that.

But, my friend won. Here is what we put in there. The Hatch-Molinari language allowing this kind of evidence in will become law immediately upon the passage of this bill, subject to the following two things: First, they have to wait 150 days to allow the mechanism that—by the way, we do not pass any rules of evidence like this. We had a mechanism set up years ago. A couple of decades ago, we decided we should not write these kinds of laws, rules of evidence; we should give that authority to the Federal courts. And they have set up a judicial conference and they make recommendations and then we either vote for or against those recommendations. If we do not vote against them, they become law, because experts who do nothing but this get to deal with them.

So I must acknowledge that the Senator from Utah compromised a little bit on this. He said we have to wait 150 days before it becomes law, to let the judicial conference look at it and make a judgment. That is the good news from my part.

Now here comes the bad news. If, within the next 150 days after that, we do not affirmatively reject the Hatch-Molinari, et al., law, then it automatically becomes law.

So I am expecting that more enlightened minds, more enlightened perspectives—that is, the Supreme Court and the Federal judges—will, when they look at this proposed law, say, "This is crazy." I do not know; I am hoping they will. If I am wrong on that, then I am totally wrong, and I yield. I am beaten.

But, if they come back and say, "No, this is a bad idea. Here is how we should change the law," then, after they do that, I have 150 days in which to get out here and affirmatively get 51 Senators to vote for that.

I am sure my friend from Utah would not do this to me, but somebody will stand up and require me—because I have to get this done—they will require me to be put in a position where I essentially have to get 60 votes. Because, as I try to pass my law that the judges think this is a good idea, assuming they do outlaw this crazy notion, somebody is going to stand up in this place—it will not be the Senator from Utah, I hope—and say, "Well, we are not going to play fair and let BIDEN try to get 51 votes, we are going to filibuster him, because if we filibuster him and we can make it last 150 days' worth, prevent a vote, then this law automatically becomes law."

Of everything in this crime bill, the only thing that I have a moral, intellectual, and practical aversion to is this last provision I talked about.

Now I cite this not only to not kid anybody who said, "Gee, BIDEN wrote this crime bill and, man, he is tough on crime. I like him for being tough on crime."

I want to have truth in lending here. Do not give me credit for this last tough provision. I do not like it. I think it is wrong. I think it is unfair. I think it violates innocent people's civil liberties. That is the first reason I tell you about this.

But the second reason is to make the concluding point, and then I will yield to my friend, and that is that even I do not like everything in this bill.

How long is this bill? This is a copy of the bill. It is relatively small print. Single spaced, relatively small print, there is a total of 412 pages in this bill.

Now, we have, as my Republican colleagues keep pointing out, a health care bill that is this big. We will soon have an energy bill and a Superfund bill and a lot of bills that are very thick.

I plead with my colleagues, do not insist that every single piece of this omnibus bill be something that you like. Because if we all do that, we will deny forever the additional protection the American people need. There must be some compromise. There must be some compromise.

I will do all in my power, which is obviously and discernibly limited, but I will do all in my power to get rid of the Hatch-Molinari provision, if I can. I will probably lose. But I will vote for this bill, because, as much as anything I have ever voted on in 22 years in the U.S. Senate, I truly believe passage of this legislation will make a difference in the lives of the American people.

I believe with every fiber in my being that, if this bill passes, fewer people will be murdered, fewer people will be victims, fewer women will be senselessly beaten, fewer people will continue on the drug path, and fewer children will become criminals. It will not end crime in our time.

Can I answer a question like was asked on one of the talk shows, Evans and Novak, one of the most unusual questions I have ever heard asked? Tell me, they were asking this particular person, what percentage of crime will drop if this bill passes?

What kind of a question is that? I do not know what the percentage will be. But I assure you, America will be safer tomorrow with this passed than if this is not passed. Our lives literally depend on it.

There are few things we can say on this floor and be certain when we say them; that the passage or the rejection of this piece of legislation will affect whether or not someone is alive or dead a year from now, crippled or healthy a year from now, safe in their home or not safe in their home a year from now.

It will not end crime. But thousands of Americans, tens of thousands of Americans, in my view, will live safer, more secure, and happier lives if we take this money that we are getting from firing Federal bureaucrats and hiring cops.

I thank my friends for their indulgence.

I would like to also add one thing the leader and others have pointed out to me. I wanted to debunk the notion that defeat of this crime bill will lead to a Thursday adjournment, until after Labor Day. We are not leaving here until this crime bill is passed. There are 1,000 little methods that are used to convince people—Democrats and Republicans—to vote for or against legislation. The most intriguing one used is: If you vote for this you get to go home. If you vote against this you get to go home.

One of the rumors circulating is, if you just defeat the crime bill, there will be nothing else for the Senate to do, so you get to go home for Labor Day.

I do not want to go home for Labor Day and face my constituency with the defeat of this crime bill. But you are not going to get that chance anyway. If this crime bill is defeated, the one thing you are not doing is going home. That is the one thing you are not doing, is going home.

But I am stopping and I yield the floor.

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

Mr. HATCH. Mr. President, I have enjoyed listening to my colleague here today. I have to say he knows an awful lot about this bill. My only desire is to continue to improve the bill.

We had a bill that went out of the Senate that was $22 billion. This one is $30 billion. That bill was tough on crime, it had all kinds of provisions in it that are no longer in here. Now we have restored some over the weekend—that is through the very energetic efforts of some of our people over in the House of Representatives.

But that $22 billion bill passed the Senate 94 to 4 and had the gun provisions in it. So the gun provisions have

never been an issue as far as many of us are concerned compared to having a crime bill that is really tough on crime. That is in spite of the fact that I personally believe that it is a terrible thing to take away the rights of individual, law-abiding sports people—collectors and others who abide by the laws—in the frenzy of people who think these innocent people are the reason why we have problems with so-called assault weapons.

Be that as it may, the bill passed the Senate with the assault weapons in it. The House then came up with a bill that is not nearly as good as the Senate's bill but they upped the ante to $27 billion—that is $5 billion more than the Senate. And keep in mind when we argued about the trust fund here on the Senate floor, we showed that we might, through the Reinventing Government provisions that are cutting 250,000 Federal Government employees—we might be able to raise $21 or $22 billion so that the Senate bill would be fully funded. We go to conference and the conference is stacked with all liberal Democrats—not one moderate, not one conservative among the whole group. And what do they do? They up the ante to $33 billion, $11 billion more than the Senate had that was covered by this so-called trust fund, and $6 billion more than the House itself did. And they larded it up with pork.

There was plenty of pork in it at the $27 billion figure. In fact there was a lot of pork in it at the $22 billion figure. Not nearly as much as the $27 billion bill and nowhere near as much as the $33 billion bill. Over the weekend, because the Members of the House of Representatives, both Republicans and Democrats by the way, in a bipartisan way rejected the almost-always-granted rule by the stacked Rules Committee in the House, Senator BIDEN and I had the privilege of spending all night long Thursday night, Friday night, and Saturday night, working to try to see if we could bring about some order.

I, trying to help our young Republicans over there in the House on the provisions they wanted to try to get in to improve the bill, and Senator BIDEN helping his Democrat counterparts, to try to resolve it. They reduced the pork in this bill $2.0 billion, cut law enforcement to a degree, and cut some other programs that really were funny money anyway.

So now we have a $30 billion conference report here today, $8 billion more than what we passed in the Senate which we felt was a pretty larded bill but nevertheless a tough on crime bill. We were willing to vote for it and accept the lard because it was tough on crime. But somewhere between the Senate bill and this conference report we have lost a lot of provisions.

Frankly, we also wanted to have as priority spending, prison construction, because we are rolling these hardened criminals through the revolving door to such a fast degree that they are just in and out. And they are heroes when they come out. They are not serving enough time. So we need more prison space, and that was the No. 1 priority.

In fact, there were four priorities that we would consider to be basically coequal. Prison space—prison construction: We wanted $13 billion, the House bill had some $13.5 billion, the Senate bill had only $6.5 billion. There is now in this bill $9.8 billion for prisons, but $1.8 billion is for alien incarceration, and so you are talking about $7.9 billion for prisons. That is still a little bit better than the Senate bill but it is approximately $5 billion less than what we think is necessary. But what is not said is that hardly any of that money has to go for prison construction. It is so broadly written they can do all kinds of things with that money besides do prison construction.

No. 2, we wanted cops on the streets. This President, my chairman, Senator BIDEN, and others have continually represented to this country that we are going to have 100,000 new cops on the streets over 6 years. There is absolutely no way that even spending $30 billion as they have done, because there is so much pork in here, there is no way that they are going to get more—it looks to most experts—than 20,000 cops on the street. And then the States will be stuck with paying for them after they will initially get the money. But nevertheless, that was the second priority. We wanted prison construction; we wanted 100,000 police on the street.

The third priority was to keep all kinds of law enforcement provisions. A number of those were taken out. Senate Republicans tried 30 amendments in the conference, to restore to this bill the tough amendments that we had enacted here in the Senate on the Senate floor in the Senate crime bill. We were rejected on all but two and those two were watered down. So in the law enforcement side this bill is deficient.

Fourth, the Biden-Hatch violence against women bill. I personally have fought for that bill from the beginning, along with my colleague Senator BIDEN who deserves a lot of credit on this. But the fact of the matter is, it is in this bill now. I am happy for it. By the way, we do change evidentiary rules. Senator BIDEN was concerned about changing evidentiary rules with regard to prior acts of violence by rapists and child molesters, like that was something we do not do now. We do it in the violence against women bill. Why should we not do it against child molesters and rapists? Especially since both Houses overwhelmingly—at least the Senate overwhelmingly passed it and the House overwhelmingly directed their conferees to put it in. Of course, over there they just completely ignored what the House vote told them to do.

So those are the four basic things we wanted to get done. Naturally there are other things in there that both Senator BIDEN and I fought for and still are in there.

Some have said why would you file a point of order over here? Why do you not just vote on it and take this bill? Because, No. 1, it is larded with pork; No. 2, there are a lot of good tough provisions that are not in there; No. 3, we need to cut back some of the moneys; No. 4, we need to stiffen some of the provisions—and there are other reasons as well. Some are upset because there is $2 billion of walking around money in this bill.

By the way, let us just be honest about it, this is an authorizing bill.

That trust fund does not have $30 billion, nor will it have $30 billion. I have always questioned whether it will really have $22 billion, which is what we estimated it would have when we debated the bill on the Senate floor. And I do not believe it will have that much.

So the fact of the matter is, last week we passed the 1995 Commerce, Justice, State appropriations bill. That funded the first year of the crime bill. We funded the community policing program of $1.3 billion, but only funded prison grants at $24 million. Who is kidding whom? What is likely here, if we adopt this conference report, is we will say all these wonderful things we are going to do for America, and the Appropriations Committee is not going to put the moneys there, because they are not there.

There is a $13 billion deficit in this bill, and let me tell you what will be funded over the next 6 years. It will be all the pork barrel projects that do not do anything against crime. That is what is going to be funded. It is deceitful, but that is really what is going to happen to the American people.

The Dole-Hatch antigang provisions are no longer in the bill.

The Simpson provision, the criminal alien deportation amendment, is no longer in the bill. Under that amendment, a judge could sentence the alien who committed the crime and then immediately issue an order to deport that alien so that after that alien serves time, that alien is automatically deported.

Tough Federal mandatory minimum sentences when criminals use a firearm, no longer in this bill.

Tough Federal mandatory minimum sentences for selling drugs to minors, no longer in this bill.

Tough Federal mandatory minimum sentences for those who employ minors in the sale of drugs, no longer in this bill. Why would that not be in the bill? Do we not want to do something against these people who subvert minors to sell drugs? What is wrong with that provision? Why is it not in here? Because the left, in their wonderful discretion, kept it out because they

stacked the committee with total left people and it is tough to get anticrime matters in there because, in all honesty, there is a great concern by many of them for the criminals.

I might add, the Terrorist Alien Removal Act, no longer in this bill. It was in the Senate bill. There are a lot of things that I could talk about.

I want to compliment my friends in the House on the Republican side, and some Democrats as well, for working to restore a few provisions. The Dunn-Zimmer provision—that is the sexual predators provision—was restored. It is good that it was. It is time for communities to know when sexual predators live among them. Why should women not know about that? I heard the complaints over there from some of the liberals that, "My goodness, you'll be infringing upon the rights of that poor sexual predator; people will know who he is." Well, I sure as heck hope they know who he is, and it is about time we do.

You have heard the distinguished chairman of the committee, Senator BIDEN, say that he hates the Molinari-Dole-Hatch provision. That is a provision that allows into evidence prior acts by rapists and child molesters. Why should we not let the juries know and the judges know that these people have a pattern and a series of acts that they have done that have amounted to rape or child molestation, or in some cases both? Why can we not get tough on these people?

I commend my colleagues for putting that in. By the way, what does that amount to? Does that amount to letting somebody put in some allegation 31 years ago into evidence? Of course not. What it does is it simply gives a presumption in favor of bringing it in. The court still has the protective Rules of Evidence to keep it out if it is not fair. Our judges know those rules. They are not going to let in unfair information. But when you have a rapist that has committed acts of rape before, been convicted, we know that it has happened, why should it not come in? The fact is, it should.

I might add, on the mandatory HIV testing, you could not believe the left over there and here, by the way, who whined and moaned and groaned that we want to find out whether these people are HIV positive who rape these women. I kind of put myself in the shoes of the poor woman who has been raped sitting there wondering, "Did that guy have AIDS? Was he HIV positive? Am I going to get it?" That is what these women worry about. Why are we not worried about them?

We were, because those House Members fought to get that in against the desires of many on the left. And I fought to do it and I fought to get that Molinari-Hatch-Dole or Dole-Hatch language in. You bet I did. It is about time we get tough on these sexual predators, these rapists, these child molesters. I am getting tired of it in this society and, by gosh, to their credit, Members of the House did that.

They eliminated the retroactivity in mandatory minimum sentencing. That is good. That will solve the problem of 10,000 to 16,000 early releases of people convicted and sentenced to Federal prison. We think that is good. So those are good things.

Those could not have happened but for a procedural victory over in the House of Representatives. That procedural victory was rejecting the almost always guaranteed rule of the House Rules Committee that is so stacked on the left with liberal Democrats that it is automatic for the rule to be passed. But enough people over there saw through it and said, "We're not going to pass that rule," and when they did not, the left over in the House, and all the rest of the House Members, had to sit down and negotiate what now is this conference report.

I commend them for doing it. They worked all night long Friday night, all night long Saturday, all day yesterday and they passed this conference report. It is better than the prior conference report.

Senator BIDEN and I were there Sunday morning at 2:30 during the discussion. Even the President admits this is a better bill—the President, who was condemning us up here—condemning us up here—for this exercise we had to go through and saying the Republicans are trying to stop his crime bill. First of all, let us understand, the President never sent a crime bill up here. As much as I like him personally, I do not think he knows one-fifth of what is in this bill, and for him to condemn people who wanted to make it better seems to me a little offhand.

After this exercise, caused by a procedural vote and forcing the Democrats to sit down and renegotiate with House Democrats and Republicans who wanted a tougher bill, we now have a bill that even the President admits is better than the conference report before. They would not admit to the pork barrel spending until this conference report was adopted with $2 billion less of it.

I am telling you, there is still a lot of unwarranted pork barrel spending in here. Let us take something like midnight basketball. Is that pork barrel spending? Sure, it is. I happen to be a supporter of midnight basketball. I think it is a great thing. But if we take the language that the liberal Democrats put in there—they were going to have quotas on who could play midnight basketball, have Federal rules as to who could use this money.

Keep in mind, midnight basketball was a President Bush idea. I admit that. It was a great idea, and it was one of his points of light for voluntary support by the communities, raise the voluntary moneys. You know, it was working. People were voluntarily raising the money. They did not need the Federal Government to send money out to them and then tell them who could play and set the rules of the game. That is what these people are doing. No, we had a voluntary system that worked. It was a community system, people got involved and it worked. These people want the Federal Government to dictate who can play and how the league can be operated.

I will go for some of these smaller programs, but what about the Local Partnership Act? That is in here for $1.6 billion. And it is money they just give to the local communities to spend any way they want.

Now, our mayor from New York, Rudolph Giuliani, and almost every mayor in the country, says, "We want that money." Of course, they do. Have you ever seen a mayor who did not want more money from the Federal Government? I can name a few, but they are darned few, let me tell you. Of course, they have their hands out for every nickel they can get from the Federal Government and especially when there are no strings to it like the Local Partnership Act. That is 1.6 billion bucks that could go for law enforcement that is going right down the drain. And the funny thing is the cities get their hands out and they expect to keep that money there, to the detriment of law enforcement.

I can name a number of other programs. I believe in prevention programs. That is what the Violence Against Women Act is. It is $1.6 billion. Nobody has fought harder for it than I have, unless it is Senator BIDEN, and I do not think he has fought any harder than I have. We have fought side by side. We are both proud of it. We both feel it is something that can do a lot of good in this society today.

Right now, I have my charitable golf tournament going on today and tomorrow out in Utah. We are raising $250,000 to $300,000, part of which is going to women in jeopardy programs, battered women shelters, because I feel so strongly about it.

The fact is that is a prevention program, one that will work, one that is needed, one that I am willing to put my money where my mouth happens to be. But some of these are just do-good, give-away programs with no real suggestions on how to do it.

What mayor in his or her right mind would not want that money? I cannot blame them. My mayor of Salt Lake City wants that money, and I do not blame her. Any time you can get free money, it is a wonderful thing. And all you have to do to get it is say we are going to do something about crime.

Well, any altruistic good thing, you can argue, will do something about crime because anything that is good tends to make people good. So we could

have millions of programs that we could argue are anticrime programs. But we have scarce resources that I want to go to fighting crime. And in all honesty, when the chips are down, other than trying to get maybe 20,000 police on the streets—and that is about all you are going to get from this bill, if you get that. Some estimate as low as 2,000, while the President is still talking 100,000. That is a joke. Sooner or later, when the chips are down, and the moneys are raised, you mark my words; most of that money is going to go for these pork barrel projects rather than for the anticrime projects. And that is what we are fighting for.

Now, what is my point? My point is that in the House of Representatives, the Republicans were criticized, and the Democrats who voted with them were criticized, for beating a procedural rule. But even today, because they beat that procedural rule, the bill is better than it was before they beat that rule. Even the President admits it is better today. And the reason it is better today is because Republicans and Democrats beat the rule and then forced some of these very good changes.

As many as they did, there are only a comparatively few changes. There is still a lot that needs to be done. So there will be a point of order, I believe, filed, and if we sustain the point of order, then that means we have to sit down and work out some more good changes before we pass this bill. I, for one, will work my tail off to make sure that we get those good changes and that we pass this bill, as I have worked ever so long.

Like I say, I compliment my colleague from Delaware. He was over there all day Friday, all night long Friday, all day Saturday, all night long Saturday, and all day Sunday just like I was. I compliment him for it because he feels deeply about this and would like to have an anticrime crime bill. And I know he is sincere in trying to do so. Well, so am I. And if we win on that procedural vote—it is an important procedural vote—then we will do everything we can to make sure we improve this bill in the best interests of everybody in America.

Now, what I have trouble seeing is why, when we set $22 billion in the Senate crime bill that really is a crime bill, and we are worried about funding that in this trust-fund approach through reinventing government, the gradual getting rid of 250,000 Federal employees, why when the House ups it to $27 billion—and it is clear that they cannot fund it all—why it is going to work better with $30 billion that literally we know we cannot fund.

Mr. President, the most effective prevention program we can enact is one that provides for the swift apprehension of criminals, their speedy trial, and their lengthy incarceration. Now, the conference report before us, even with these good changes, falls far short in that regard.

The report's provision on prisons is too soft. The so-called prison provision permits, if not requires, every dime of its Federal aid to be spent on "alternative correctional facilities"—what we are getting to is the Federal Government taking over the State prison systems—facilities such as halfway houses and the like.

They are essential, but we do not want to have the Federal Government tell us how do it. These are alternatives to the brick and mortar prisons, what the conference report calls "conventional prison space." All of the so-called prison money can and, given the wording of the provision, perhaps must be spent on alternative facilities that free prison space, not on building and operating prisons. We need, instead, an emergency buildup of real prison space if we are going to house these hardened criminals.

Further, all of the money in the prison section is conditioned on the State's adoption of a liberal correctional plan, including diversion programs, job training programs, rehabilitation programs, and treatment programs—further diverting resources away from building real prisons.

The bill spends too little money on prisons even if we can straighten out these problems, and thus far we have not been able to.

The bill spends far too much money on social programs, and the bill remains insufficiently tough on criminals.

Let me add that the President says this bill will put 100,000 new police officers on the street. Independent experts on both sides of the aisle, both the Republicans and the Democrats, say that is poppycock. It may add 20,000 additional police officers to the rolls of the police departments over several years, a fraction of which will be on the street at any one given time.

The President talks of three-strikes-and-you-are-out provision of the conference report, but it affects 500 or less criminals a year. It is almost inconsequential. Those of us who allowed it to pass, and even supported it, we know that. Tough Senate Republican amendments obtained in the Senate crime bill affecting thousands of criminals were dropped in conference.

By the way, the three-strikes provision of the Senate bill was much better and it involved all kinds of people. But they changed that as well.

We have the means substantially to improve this bill. Like I say, a budget point of order lies against the conference report. If it is sustained, which requires 41 Senators to vote against a motion to waive the point of order, I am prepared to seek these substantial improvements. We can do so through bipartisan negotiations in this body just like they did in the House and get a better bill, after which I think the President will say, "By gosh, that is even better yet" and have everybody supporting it, or at least virtually everybody supporting it.

The budget point of order is not intended to kill the crime bill. It is intended to provide the basis for making the bill tougher. Indeed, the course I am proposing parallels the course of action which occurred in the other body. A procedural vote ultimately forced the administration and the House Democratic leadership to deal with the moderate House Republicans. The result is a somewhat improved bill, not one that I approve but somewhat improved. I was there advising but certainly not approving everything they did.

If the budget point of order is sustained in this body, the same negotiation process should occur here and we will get a stronger crime bill. That is my purpose. There is plenty of time left in this session to produce a worthy crime bill, and we can do much better than this conference report before us. Now, I think the American people deserve no less.

Let me recount briefly where we are and how we got here on this crime bill. The Senate passed a crime bill last November after reviewing over 250 floor amendments. It was not a perfect bill, as Senator BIDEN said. I voted for it, however, because I believed its good sections outweighed its bad sections. It passed 94 to 4. The other body took until April to pass a crime bill. It then took the two bodies, controlled by the other side of the aisle, over 3 months to produce a conference report.

This delay occurred through no fault of this side of the aisle.

The conference produced a crime bill much, much weaker than the one which passed the Senate.

Senate Republican conferees offered approximately 30 amendments in conference. I express my appreciation to Chairman BIDEN for facilitating consideration of those amendments. Unfortunately, only two of our amendments, in watered down form, found their way into the conference report. Senate Republican conferees also offered a $28.25 billion 5-year, fully funded, no gimmicks crime bill with 90 percent of its money going to prisons and law enforcement. It was turned down.

When the rule on the conference report reached the House floor, as we all know, it was defeated. Shortly thereafter, following a burst of partisan rhetoric from the administration, negotiations occurred between Members of the other body from both parties, and with the administration. I stress that this was a House, not a Senate, negotiation.

I commend Representatives CASTLE, KASICH, MOLINARI, LAZIO, and others. They got some definite improvements

in the bill such as: The mandatory HIV testing of persons charged with rape, a provision of mine in the Senate bill which the conference had initially dropped; the Dole-Molinari-Hatch provision on the admissibility of evidence of prior acts in sex offender and child molestation cases, in a modified form.

They put it off for a year, so that the left in these two bodies could try to kill it. But we are not going to let them kill it.

Other improvements include: The mandatory minimum penalty provision is improved, although it is still not back to the tougher Senate provision; a somewhat improved sex offender notification provision; and $2 billion in pork have been cut from the conference report, a good start which we should build on in the Senate.

I might add that as bad as the original conference was, it did contain some worthy provisions which are still in the bill.

On balance, however, the conference report before us remains too weak. We can do better.

There are several key elements that a crime bill worthy of Senate passage should contain, and which this conference report omits.

A crime bill worthy of the Senate's support should have at least $13 billion in real money for the actual construction and operation of real prisons.

A crime bill worthy of the Senate's support would not condition the States' receipt of prison funds upon the adoption of a liberal correctional plan, which is what this bill requires. In other words, by making these preconditions, the conference report is dictating to the States what they have to do. Frankly, the States do not need this. They are doing a good job, by and large, by themselves in this regard.

A crime bill worthy of the Senate's support should not squander billions of dollars in scarce crime-fighting resources on gauzy social spending schemes straight out of the failed Great Society of the 1960's. I note, Mr. President, that attention has been focused on some of the pork cut from the bill. Let us not lose sight of the pork remaining in it.

A crime bill worthy of the Senate's support should impose stiff mandatory minimum penalties for the use of a gun in a crime. This bill does not.

A crime bill worthy of the Senate's support should impose stiff mandatory minimum sentences for selling drugs to kids.

This bill does not, even though there is a chance to put it in there. While I will never understand the liberal mind, why are they not more concerned about these kids out there?

A crime bill worthy of the Senate's support should retain the many tough provisions passed by the Senate and abandoned by the conference—provisions ranging from the Moseley-Braun-Hatch amendment subjecting 13-year-olds committing certain heinous crimes to prosecution as adults, to the tough Dole-Hatch-Brown Federal antigang provision.

A vote for this conference report is a vote effectively to repeal mandatory minimum sentences for many drug traffickers, conspirators, and dealers—a much broader provision than the Senate adopted in November.

A vote for this conference report is a vote to spend a woefully inadequate amount of money for the construction and operation of prison space. A careful examination of the conference report's provisions on prisons reveals it is much better suited for sound bites by the President and those who favor spending as little as possible on real prisons than it is suited for the actual construction and operation of prison space.

A vote for this conference report is a vote to waste literally billions of dollars in 1960's style social spending boondoggles, rather than spend these precious resources on hard-nosed law enforcement programs and more prison space. This is a cave-in by the President who supported this diversion of crime-fighting funds into social spending boondoggles. This diversion is an effort to appease liberal special interest groups on whom he relies for political support. House Republicans compelled the administration to trim some of the fat. The Senate should cut out the rest of it.

A vote for this conference report is a vote to acquiesce in this administration's cynical, back-door betrayal of the American people concerning the death penalty. This administration has said it will implement by Executive order what it cannot achieve through the legislature, that is, the misuse of statistics to undermine, if not end, the use of the death penalty where it is otherwise merited.

A vote for this conference report is a vote to be soft on crime.

A vote on this conference report is a vote for deficit spending because there is at least $13 billion in deficit spending, assuming we fund the bill, which everybody here knows will never happen. Then again, if they fund most of it, it will be for the pork barrel parts of it.

Of course, that does not apply to the extent of $1.6 billion for violence against women. I do not consider that pork barrel. Even though it is prevention money, it is money that I think will make a difference.

A vote for this conference report is a vote to restrict second amendment rights without any real impact on crime.

Let me turn to each of these concerns.

LIBERAL MANDATORY MINIMUM SENTENCE REFORM

Both the Senate and House crime bills return some measure of discretion to Federal courts to sentence a limited category of convicted criminals below the otherwise applicable mandatory minimum sentence for certain drug offenses. It has been stated repeatedly that there should be some measure of discretion returned to judges in sentencing defendants who are first-time, nonviolent offenders. The House and Senate, however, differ on how to define first-time, nonviolent offenders. In a word, the House provision takes a decidedly more liberal approach than the provision I authored in the Senate crime bill.

The Senate version was adopted as part of a Hatch amendment and passed by a vote of 58 to 42. The Senate voted overwhelmingly to instruct its conferees to insist on its version of the legislation by the even larger margin of 66 to 32.

The Senate version delivers the narrow reform needed to return a small degree of discretion to the courts for a small percentage of nonviolent drug cases. It essentially permits the courts, consistent with the sentencing guidelines, to impose sentences below the mandatory minimums for drug trafficking, distribution, and possession offenses (21 U.S.C. 841, 881, 941), provided the defendant is a first-time, nonviolent offender. Mandatory minimum sentences for violent offenses or for child-related drug offenses are not affected by this measure. Before the court can even consider departing from the mandatory minimum, the court would have to find that each of the following factors have been met:

First, the defendant has "0" criminal history points: Essentially, this means the offense must be the defendant's first felony conviction, with some narrow exceptions.

Second, no injury: The offense did not result in death or serious bodily injury to any person.

Third, no weapon: The defendant did not carry or possess a firearm or other dangerous weapon during the course of the offense, or direct another to do so.

Fourth, not a leader or organizer: The defendant was not an organizer, leader, manager, or supervisor as defined under existing sentencing guidelines. This ensures that a first-time offender, who is nevertheless a major dealer or trafficker, will still face the mandatory minimum sentence.

Fifth, nonviolent: The defendant was nonviolent, in that he or she did not use, attempt to use, or threaten to use force against the person of another during the offense. Any person who uses or credibly threatens violence should face the mandatory minimum penalty.

Sixth, did not own the drugs: The defendant did not own the drugs or finance any part of the offense.

According to the Sentencing Commission, less than 1 percent of mandatory minimum drug defendants would

meet all of these factors. If all of these factors are met, a sentencing judge would then be permitted to apply the sentencing guidelines without being bound by the mandatory minimum.

The House version, now part of the conference report, differs in several troubling ways from the Senate proposal.

Under the conference report provision:

First, defendants with prior drug and violent records who managed to avoid substantial prison time are permitted to benefit as first-time offenders; second, defendants with foreign convictions are still considered first-time offenders; third, defendants who sold drugs can benefit; and fourth, defendants who directed others to carry firearms are considered nonviolent, and could benefit from the reform.

INADEQUATE PRISON SPENDING

Mr. President, the conference report spends an inadequate amount of money on prison construction and operation. In fact, not one dime of the so-called prison money must be spent on prison construction and operation.

The other side of the aisle claims to spend $9.8 billion on prisons. Yet, $1.8 billion of that funding is given to the Attorney General to hand over to the States with total discretion to alleviate the costs associated with the incarceration of criminal aliens. Not one dime of the $1.8 billion in alien incarceration grants has to be spent on prison construction.

The remaining $7.9 billion in so-called prison spending is in the misleadingly rugged-sounding program entitled "Violent Offender Incarceration and Truth in Sentencing Grants" section. Yet, not one dime of this money has to be spent on prison construction or operation. Let me repeat that: not one dime of the prison proposal supported by the President must be spent on prison construction or operation.

Rather, the money can be spent on alternative confinement facilities intended to free up existing prison space—not to build new prisons. These programs will ostensibly free up existing prison space facilities like half-way houses for some offenders, and similar alternatives to prison. In other words, all of the money can be spent on soft-headed "alternative confinement facilities" and other alternatives to prison construction and operation. Indeed, I believe the wording of the conference report actually prohibits spending this money on building and operating what it calls "conventional prison space for the confinement of violent offenders."

Moreover, this program requires State recipients to implement a "comprehensive correctional plan." The plan must include, among other things, "diversion programs, particularly drug diversion programs, prisoner rehabilitation, and treatment programs, prisoner work activities, and job skills programs." What do any of these things have to do with locking up violent offenders?

In effect, in order for the States to qualify for the "prison" grants, they have to spend much or all of it on a costly, liberal "corrections" scheme. This is a shell game. Ironically, the so-called truth-in-sentencing Republicans had fought for was opposed by some on the other side of the aisle as being too costly for the States. Yet, they have little trouble requiring the States to implement the Clinton administration's version of appropriate correctional policy—diversion programs, including drug diversion, treatment, and job skills programs—in order to qualify for the prison grants.

To make matters worse, the conference report supporters suggest that the bill conditions as much as 50 percent of the so-called prison grant funding on State implementation of truth-in-sentencing. Yet, State adoption of a determinate sentencing scheme under their proposal will only apply to second-time violent offenders. Furthermore, these grants are subject to the same condition I mentioned earlier—the State must implement a liberal "corrections" scheme.

Moreover, for whatever reason, the other side of the aisle is intent on giving the administration broad discretion to distribute the crime bill money how and where they see fit. Although the other side of the aisle eventually inserted a formula, 15 percent of this prison money is turned over to the Attorney General to do with as she pleases. As well, if the Department chooses to delay allocation of the formula funds long enough, the unallocated formula grants are turned over to the Attorney General's discretionary fund.

The reason criminals serve less than 40 percent of their sentences is not because we have failed to spend precious prison dollars on drug diversion and job skills programs. Our Nation's prisons do not have revolving doors, where murderers are sentenced to 15 years but serve less than 7, and rapists are sentenced to 8 years but serve less than 3, because we have failed to spend an adequate amount of our prison dollars on drug and sex offender "treatment programs" and "post-release assistance."

Our Nation's criminal justice system lacks credibility because we have failed to provide an adequate deterrent to crime and enough places to lock up hardened criminals.

We desperately need an emergency buildup of prison space. A Senate Republican amendment to put $13 billion into the construction and operation of prisons was rejected in conference.

According to the Criminal Justice Institute, our Nation spends approximately $19 billion a year building and operating prisons. The minimum of $13 billion over 4 years in the Republican proposal would have made a significant different in boosting prison capacity.

In over half of our States, at least one prison is under a court-ordered inmate population cap. Seventeen States have emergency release programs to relieve overcrowding. In 1992 alone, 32,999 inmates were released under these programs. Florida accounted for 26,000 inmate releases. These are just the emergency releases. These figures do not include those released on parole after serving less than half of their sentences as a matter of course. And, let me remind my colleagues, we are a very mobile society, and prisoners released in another State can readily show up in our States.

In Florida, the State has initiated a new policy to free-up prison space. Clemency is granted to foreign drug dealers, and they are deported. Recently, Governor Lawton Chiles approved the release of 113 such prisoners, and the program could ultimately release thousands more—the Washington Times, June 10, 1994. The INS is apparently cooperating with Florida in this program. Instead of aiding and abetting the early release of prisoners from State prisons, the Federal Government should be helping States build adequate prison space.

As this example shows, our communities could use these resources to address the prison space problem. Let's put this money into real crime control instead of social programs with a crime control label.

Prisoners who should remain incarcerated are being released for no other reason than a lack of prison space. We must deal adequately with this problem. And I certainly do not want more States emulating Florida's experience.

Regrettably, this may be happening in one fashion or another in some of our States.

A.M. Rosenthal, in a June 3, 1994 column in the New York Times, noted that in 1991,

> 34 States released 326,000 prisoners, 90 percent on parole. Including murderers, they had served 35 percent of their sentences * * * Prisons save lives. Tripling prison population from 1975 to 1989 reduced potential violent crime in 1989 alone by almost 400,000 rapes, murders, robberies and severe assaults.

Mr. Rosenthal noted,

> The cost of imprisoning criminals is as much as $25,000 a year. But the price to society for every murder is estimated at $2.4 million. From 1987 to 1990, the lifetime costs of violent crimes alone are estimated at $178 billion.

The bottom line, simply stated, is: Incarceration of violent criminals reduces violent crime. Convicted criminals should be spending more time serving their sentences.

Yet as the Washington Post reported on July 16, 1994, some States "have been taking a second look at the hard-line anticrime measures and mandatory minimum sentences they enacted

in the 1980's" because they do not have adequate prison space.

Some States are looking at what is called "capacity-based sentencing." Under that concept, a State sets sentences based on available prison space. This, of course, has it backward and is a terrible development. Penalties should fit the crime and if there is not enough prison space to house convicted criminals in the States, we should provide the resources to build and operate that prison space. The American people expect and deserve no less.

There is another reason why the conference report is inadequate on prisons. I have always been willing to cooperate with the President's desire to place more police on the street. Of course, many experts believe the administration has vastly inflated the number of police officers its proposal would actually put on the street. But what does the President think these new police officers, if they ever reach the street, are going to do? Sure, they will deter some crimes. But are they not also going to apprehend violent criminals as well? Where will society put these violent criminals? If the conference report is adopted, I will tell you where many of them will wind up: back on the street through the same revolving door plaguing our society today. We do not have enough prison space today. Putting any number of new police officers on the street without a commensurate build up in prison capacity will only turn the revolving door faster.

But my colleagues on the other side of the aisle would rather spend money that ought to go to prisons on yet more social programs. If my colleagues are set on resorting to 1960's style social programs with new labels on them, I respectfully suggest that they get their funding out of existing social spending programs rather than raid a trust fund that is aimed at fighting crime.

WASTEFUL SOCIAL SPENDING IN THE CRIME BILL

Mr. President, I support spending some money on so-called prevention programs. The Senate Republican conferees offered an alternative which included $1.1 billion in smart prevention programs. But the conference report wastes billions of dollars in pure social spending, much of it originating in the other body. This conference report is, in significant part, a resurrection of the President's failed stimulus package. For example, the Local Partnership Act is precisely the wrong kind of program for this bill. In reality, it has nothing to do with fighting crime.

This amorphous program would give local governments $1.62 billion over the next 2 years to spend on three ill-defined purposes: Education to prevent crime, and jobs programs to prevent crime. That is it. There are no other real standards for spending this $1.62 billion.

The provision does list no less than 19 wide-ranging drug treatment, education, job-training, and other social programs on which the $1.62 billion can be spent. But the money under this provision can be spent not only on those 19 social programs, but also on activities substantially similar to those 19 programs, or again, for any other education, job-training, or drug treatment program purporting to prevent crime. The tagline "to prevent crime" is an attempt to convert this Great Society program into an anticrime proposal. By slapping the phrase "to prevent crime" in these purpose clauses, this provides the cover to hijack $1.62 billion in precious crime-fighting resources for anything at all that localities will label "education to prevent crime" or for drug treatment, or for more Government jobs programs. The $1.8 billion would be much better spent in really fighting crime by spending it on prisons.

The General Accounting Office recently reported to Senator DODD that there are seven Federal departments sponsoring 266 prevention programs which currently serve delinquent and at-risk youth. Of these 266 programs, 31 are run by the Department of Education, 92 by HHS, and 117 by the Justice Department.

The GAO found that there already exists "A massive Federal effort on behalf of troubled youth" which spends over $3 billion a year. The GAO went on to report that:

> Taken together, the scope and number of multi-agency programs show that the government is responsive to the needs of these young people * * * . [It] is apparent from the federal activities and response that the needs of delinquent youth are being taken quite seriously.—GAO Report, Federal Agency Juvenile Delinquency Development Statements August 1992.

Despite the findings of the GAO, the conference report throws even more open-ended social spending money at State and local government under a prevention label.

The Model Intensive Grant Program is yet another social spending program, originating in the other body, which does not belong in this conference report. In reality, it has very little to do with fighting crime, and much to do with providing Federal tax dollars to favored social spending programs.

This program gives the Attorney General nearly total discretion to spend $625.5 million in grants to 15 chronic high crime areas. Some of this money might be spent on inadequate police or public safety services, equipment, or facilities. But of course, if any of this money is actually spent on State or local police or police equipment, there are better ways to target help to police than this program, such as the Byrne Grant Program.

Moreover, this $625.5 million can be spent on anything at all, so long as someone does not forget to try to link the spending to crime, no matter how tenuous that link. The conference report says this program's money can be spent on youth programs, deterioration or lack of public facilities, inadequate public services such as transportation, drug treatment, and employment services.

Thus, this big-spending Federal social program could fund public works programs, additional social services, and more job training notwithstanding existing Federal programs in these areas. And there are no real standards in the bill. It is pretty much an old-style giveaway program.

Although police and law enforcement equipment are at least included among the permitted uses for these grants, in my view, the overall focus of this program is wholly inappropriate. Merely calling a program an anticrime measure does not make it so. It makes no sense to spend $625.5 million of scarce crime-fighting money on ill-defined social welfare and public works programs. Our crime crisis is too severe for that.

A stated purpose of this grant program is to compare various crime control and prevention strategies, and determine which ones work. But of course, we already know what works in crime control.

Experience has demonstrated that one very effective way to reduce violent crime is to identify, target, and incapacitate recidivists and violent criminals.

In order to do this, we need to spend more on prisons than the proposed conference report is prepared to do. Let me stress again, briefly, what A.M. Rosenthal wrote in a June 3, 1994 column in the New York Times entitled "Prisons save lives": "Tripling prison population from 1975 to 1989 reduced potential violent crime in 1989 alone by almost 400,000 rapes, murders, robberies and severe assaults."

The Local Partnership Act and the Model Intensive Grant Program, totaling nearly $2.25 billion, originated in the other body.

Instead of spending billions on nebulous social boondoggles with a crime control label, let's spend it on crime control that works. Let us spend it on more prison space.

Instead, seeing that a multi-billion-dollar pot of money has been established to fight crime, advocates of big spending social programs could not resist the urge to raid funds desperately needed for actual law enforcement—for more prison space, more FBI agents, more DEA agents, more Federal prosecutors, more money for local law enforcement—in order to fund yet more social spending. There are those who want to hold down the crime bill's spending on prisons and law enforcement as much as possible. They have the active support of the Clinton administration.

I am not against all so-called prevention programs. But the American people demand that we spend their money

wisely. Indeed, in a recent letter to me from the Attorney General in which she conveyed the administration's views on this legislation, Attorney General Reno noted that "in these times of fiscal restraint, we must ensure that the money is spent well." She went on to say that we should "avoid the duplication, waste, and bureaucratic battles that too often accompany government programs."

Now, I agree with General Reno on this. So I am particularly dismayed that the administration supports yet more job-training services in this bill, such as in the Local Partnership Act. It is one more instance where the Clinton administration talks tough, but doesn't deliver.

According to the GAO, in the current fiscal year, there are 154 separate, overlapping Federal employment and training programs which are run by 14 separate executive departments and independent agencies. Within these departments and agencies, 50 different offices are responsible for these programs. The total cost? In fiscal year 1994, nearly $25 billion was budgeted for these programs.

If my colleagues want to spend money on such social spending, let them take it from existing budgets from the Labor Department, HHS, and the Education Department. Do not take it from scarce crime-fighting funds. We know from experience that the swift apprehension and sure incarceration of violent criminals prevents as well as punishes violent crime. If you want to prevent crime, raise its costs substantially.

Let me mention another social spending boondoggle.

The National Community Economic Partnership Program is a total waste of $270 million crime fighting money. Indeed, unlike many of the other social spending programs raiding scarce crime-fighting resources in the conference report, this program does not even make the false pretense of being remotely related to crime or even crime prevention.

I want the American people to know what my friends on the other side of the aisle and the Clinton administration are prepared to waste precious crime-fighting resources on. The purpose of the National Community Economic Partnership is "to increase private investment in distressed local communities and to build and expand the capacity of local institutions to better serve the economic needs of local residents—now, get this—through the provision of financial and technical assistance to community development corporations."

This crime bill is entitled, by both Houses, the "Violent Crime Control and Law Enforcement Act." Yet, this part of the conference report authorizes that leading Federal crime fighter, the Secretary of Health and Human Services to provide lines of credit to community development corporations so they may "finance projects intended to provide business and employment opportunities for low-income unemployed, or underemployed individuals and to improve the quality of life in urban and rural areas." Let me repeat that last part—this violent crime control and law enforcement bill will fund efforts "to improve the quality of life in urban and rural areas."

Of course, the purpose of addressing violent crime directly, as this bill is supposed to do, is, in fact, to improve the quality of life throughout our country. By helping Federal, State, and local law enforcement agencies apprehend and convict violent criminals and drug dealers, and helping them build prisons in which to incarcerate them, we will do more to improve the quality of life in more parts of the country and for more people than a program like this. I want the funds in this program to go to prison construction or operation, or to local or Federal law enforcement agencies, not to community development corporations.

This is an antipoverty program being funded out of a crime bill. We tried that approach to law and order in the 1960's and it doesn't work. If Congress must spend money on such a program, I urge its sponsors to go to HHS and redirect existing funds to this program. But please keep hands off scarce funds needed to lock up violent criminals.

This program does not even make the pretense of targeting high crime areas—it makes not even the cosmetic reference to crime that other wasteful social programs in this bill make. Not that throwing in a few such phrases will really mask the true nature of this social program any more than those phrases really transform the Local Partnership Act or the Model Intensive Grant Program contained in the conference report into anticrime measures. But those programs at least had the misleading label on them. This one makes no pretense.

Part of the money under this program goes to "grants to community development corporations to enable such corporations to attain or enhance the business management and development skills of the individuals that manage such corporations or enable such corporations to seek the public and private resources necessary to develop community and economic development projects."

We should not be spending money on enhancing the skills of community development corporation leaders in a crime bill. We should spend that money to incarcerate criminals.

Republican efforts to move wasteful social spending into prisons or into State and local law enforcement through the Byrne Program have been rebuffed by the other side of the aisle in conference.

These three programs alone squander over $2.5 billion in scarce crime-fighting resources on 1960's style social program boondoggles in order to satisfy the special interests on the other side of the aisle. This is neither tough nor smart.

Let me mention another one of the wasteful spending programs in this bill. The so-called Community-Based Justice Grants Program is another particularly egregious example of the misguided view of criminal justice which permeates this bill.

My colleagues on the other side of the aisle would have the public believe that the $50 million that they would spend on community-based justice grants is aid to prosecutors. I believe that it's time to apply some truth-in-labeling. In reality, these millions of dollars would be spent on coddling violent young criminals.

The community-based justice grants will exhume the failed criminal justice policies of the 1960's and 1970's. These grants would require social workers' involvement in the prosecution of criminal cases. Participating prosecutors would be required to "focus on the offender, not simply the specific offense, and impose individualized sanction [such as] conflict resolution, treatment, counseling and recreation programs."

The softheaded sanctions would be imposed not just on nonviolent offenders, but also on individuals up to 22 years of age "who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations * * *." Let me repeat that. The program defines young violent offenders as individuals up to 22 years of age "who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations, and offenses against personal property."

Instead of punishing these young thugs, this program will only encourage their disrespect and disregard for civilized society by teaching them that committing violent crimes has no real consequences. I cannot think of a more inappropriate lesson to be sending our young people. Violent criminals, whatever their age, need to be treated as such.

Instead of coddling violent youths, this money should be used for law enforcement and prison construction to help implement the true, tough crime control measures the American people are demanding.

Last year, the Congress rejected the President's pork-barrel stimulus package. The American people saw this so-called stimulus package for what it was—a retread of the failed Great Society programs of the 1960's. Having failed to get what they wanted last year with the label "economic stimulus," the big spenders in the administration and Congress have slapped a

crime-bill label on these programs. That is not tough and it sure is not smart.

TOUGH PROVISIONS DROPPED IN CONFERENCE

Over 2 long days, Senate Republican conferees offered numerous amendments to the proposed conference report in an effort to toughen the bill and eliminate this wasteful spending. I personally offered 19 amendments, most of which were taken from provisions contained in the Senate-passed crime bill. Of these, nine were accepted in whole or in part by the Senate conferees. All but two were rejected by the House conferees in the initial conference, and both of these were watered down. A few improvements were made in the second conference.

Before I list for my colleagues the tough provisions dropped in the conference report before us, let me mention the three-strikes-and-you're-out issue. The President has trumpeted the conference report's three-time-loser provision. Yet, the impact of any such proposal is directly related to the scope of its qualifying convictions. In my view, the conference report proposal is far too narrow, affecting as few as 500 cases a year.

The Senate-passed crime bill, on the other hand, contained a broad approach to dealing with recidivist, violent offenders. In fact, the Senate-passed bill provided mandatory life imprisonment for two-time losers who sell drugs to children, employ children in the drug trade, or who commit murder. The Senate bill, which federalizes crimes committed with a firearm, would subject thousands of three-time violent offenders and drug traffickers to life imprisonment. I believe this provision, rather than the conference report's narrow proposal, should be included in the crime bill. Indeed, the Senate agreed with me on this point having voted to instruct our conferees to insist on this measure. The Senate's position was rejected by our conferees from the other side of the aisle.

Mr. President, let me list for my colleagues some of the other tough, smart crime control measurers offered during conference by Republican Senate conferees which were rejected or severely weakened by the other side of the aisle. Many of these were passed overwhelmingly by the Senate when we first considered this bill. Among the provisions not included in the conference report:

An effective, fully funded prison provision to provide $13 billion in grants to the States for prison construction, including tough incentives for truth in sentencing—rejected.

A fair formula for distributing prison grants, to ensure that each State gets its fair share—rejected.

Tough Federal penalties for violent juvenile gang offenses, the Dole-Hatch-Brown language—rejected.

The Moseley-Braun-Hatch provision to prosecute violent juveniles 13 and older as adults in appropriate cases—rejected.

Tough Federal mandatory minimum sentences for using a firearm in the commission of a crime, the D'Amato provision—rejected.

Mandatory minimum sentences for selling drugs to minors or employing minors in a drug crime, the Gramm provision—rejected.

Fully restricting so-called drug-court treatment programs to nonviolent, first-time offenders—rejected.

Returning sentencing discretion to judges in a limited number of cases involving first-time, nonviolent offenders—rejected.

Subjecting those convicted of attempting to kill the President to the death penalty when he or she comes close to succeeding—rejected.

Ensuring the swift removal of alien terrorists without disclosing national security secrets in the deportation process, the Smith-Simpson provision—rejected.

Ensuring that criminal aliens are swiftly deported after they have served their sentences, the Simpson provision—rejected.

Stemming the tide of frivolous prisoner lawsuits through reform of the laws governing exhaustion of administrative remedies to prisoner grievances—weakened.

A honest, fully funded trust fund that pays for the crime bill without increasing the deficit—rejected.

Setting priorities for the trust fund, ensuring that prison, police, Federal law enforcement, rural crime, and violence against women programs are funded first—before social programs—rejected.

The Equal Justice Act, which would prohibit both racial discrimination and the inappropriate use of statistics in death penalty cases—rejected.

THE SO-CALLED RACIAL JUSTICE ACT

Mr. President, let me take a minute to expand on this last point. We had hoped that the affirmative prohibition on the misuse of statistics in death penalty cases would not be necessary. But events and statements by the administration make it clear that this hope is misplaced.

The Senate recognizes that the racial quota death penalty provision—the so-called Racial Justice Act—is really a death penalty abolition act. That is why it voted overwhelmingly—58 to 41—to instruct the Senate conferees to reject the RJA. Despite this, House conferees from the other side of the aisle insisted on sending the provision to the Senate after publicly acknowledging that a bill containing it could not pass the Senate. The Senate again rejected it.

Moreover, this administration is being on implementing the so-called Racial Justice Act through unilateral action. According to press reports, the President has entered into a deal with opponents of the death penalty to take such action, either through Executive order or similar directive, after this conference report is acted upon.

The misuse of statistics in applying the death penalty, as the administration and the proponents of the Racial Justice Act favor, could only lead to an unconscionable result—the active and conscious consideration of the race of a defendant during capital sentencing. The result would be a quota system for capital sentencing, rendering the death penalty virtually unenforceable.

Thus, we believe that the Equal Justice Act is now necessary in any true crime bill. The Equal Justice Act protects against racial discrimination in the application of the death penalty. At the same time, it saves the death penalty from a weak administration buckling under to anti-death-penalty forces. It does so by prohibiting the use of statistics in attacks on sentences in capital cases. The Equal Justice Act also contains other provisions identical to provisions of the Senate-passed crime bill: It provides that the court in a death penalty proceeding shall instruct the jury that race and other improper factors may not play any role in its decision. In addition, it provides that each juror will be required to certify that he or she has complied with this instruction.

DEFICIT SPENDING

The conference report is not deficit neutral. It actually increases the deficit by $13 billion in the out-years in order to accommodate the added wasteful social spending programs contained in this bill. And even with this $13 billion in deficit spending, the bill is not fully funded.

The Republican alternative trust fund, as well the original Senate-passed trust fund, is deficit-neutral. It requires a cut in discretionary spending—either through personnel reductions or through cuts to other programs. The Republican alternative in conference was a $28.25 billion, 5-year plan. The conference report before us, however, is a $30 billion, 6-year plan—full funding takes until the year 2000—which proposes $13 billion in deficit spending during its last 2 years. The conference report actually increases the deficit during those years by mandating $13 billion in spending in 1999 and 2000 without extending the budget caps in those years. The bottom line is, the conference report proposes $13 billion in deficit spending to accommodate liberal social spending interests.

ASSAULT ON SECOND AMENDMENT

Lastly, Mr. President, let me briefly discuss one final issue. In addition to all the other flaws in this conference report, its ban on so-called assault weapons takes direct aim at the second amendment rights of law-abiding citizens without making an appreciable impact on the fight against violent crime. This provision is a smokescreen

for those who wish to appear tough on crime, but who are unwilling to support tough measures to punish the perpetrators of violent crime.

The so-called semiautomatic assault weapons ban is a misleading substitute for fighting crime. Criminals generally obtain firearms from the black market, from other criminals, or by stealing them, rather than by obtaining them from gun shops or licensed dealers.

This is especially true for so-called assault weapons, which, in any event, are little used in the commission of crimes. Less than 1 percent of all serious crimes involved the use of assault-style weapons. (NRA; drawn from Uniform Crime Reports and State criminological data; Ralph Z. Hallow, the Washington Times, May 5, 1994, at A8.) The fact that these firearms are semiautomatic merely means that a round is fed into the chamber when the weapon is fired. They are not machine guns. Indeed, they fire no differently than any semiautomatic hunting rifle.

Moreover, even if criminals are unable to obtain specific semiautomatic firearms, they will obtain other firearms to commit their crimes. This measure is just one more step in an ongoing effort to take firearms out of the hands of law-abiding citizens. Of course, that effort will be magnified if this ban becomes law. The Clinton administration is part and parcel of this effort. It is the most anti-second amendment administration in memory, if not in our Nation's history.

CONCLUSION

Mr. President, I did not come to the decision to oppose this conference report lightly. I have worked long and hard to craft a crime bill that will do what the American people are demanding of us. Indeed, the Senate passed such a bill last November, although it was not a perfect bill. Unfortunately, the conference report before us magnifies the flaws in the Senate bill, adds many more problematic provisions, and strips from the Senate bill many tough and smart law enforcement provisions the Senate passed last year.

Yes, there are some good provisions in the conference report which I would very much like to see become law. I either sponsored or cosponsored a number of these, such as the Violence Against Women Act, the Senior Citizens Against Marketing Scams Act, and the rural crime initiatives.

But the inclusion of a few good provisions cannot make up for the fact that this bill does not fulfill our promise to the American people. It does not provide for an emergency build-up in prison space to stop the revolving door. It wastes billions of dollars on social spending at a time when communities across the Nation, urban and rural, are crying out for true law enforcement assistance. It infringes on the Bill of Rights. It does not include the tough, effective criminal penalties that the American people are demanding. It facilitates implementation of a backroom deal to adopt a racial quota death penalty at the Federal level. And with all of these flaws, it also increases the deficit by $13 billion.

Mr. President, I urge my colleagues to reject the conference report. I urge my colleagues to take the time on the No. 1 issue facing the American people to get it right. We can do better than the crime bill before us. We can do better if we sustain the budget point of order and then fix this bill.

The PRESIDING OFFICER. The Senator from Maryland [Ms. MIKULSKI] is recognized for 8 minutes.

Ms. MIKULSKI. Mr. President, I thank the Presiding Officer for recognizing me and the distinguished chairman of the Judiciary Committee. I wish to congratulate both Senator BIDEN and his Republican counterpart, knowing that you worked very long and hard over the weekend with our colleagues in the House to fashion a workable crime bill. One that we hope will pass the U.S. Senate within the next few days.

That is why I wish to come to the floor, to lend my support for this legislation, and then try to refashion a compromise on health insurance reform.

Mr. President, America is at war, and we have been invaded. We have been invaded by illegal drugs. We have been invaded by a proliferation of guns. Crime is overriding our streets. And ordinary American people in cities and small towns are being held prisoners of that war in their own neighborhoods, afraid to go out to church meetings at night, reluctant to go to shopping malls on Saturday afternoons, and unable at times to be able to leave, in some of the neighborhoods, their own home at any time.

That is why I hope we pass this crime bill and that we do it within the next 2 days. This crime bill, I believe, meets three tests that the American people have put to us.

No. 1, does it emphasize policing to make sure that we have enough resources to be able to catch the criminals?

No. 2, once we catch them, will we be able to punish them and not continue this revolving door?

No. 3, do we emphasize prevention where we say yes to the young kids who are saying no to drugs and to criminal activity?

In Maryland, as across the Nation, we have seen the compelling need for this bill.

Just recently, a youngster in Baltimore riding on a bike was held up by a gunman armed with a 9 millimeter semiautomatic handgun. The robbers took that bicycle. A 40-year Metro police officer in Landover was shot by a teenager. That young man is now in prison.

We have a 98-year-old man, a distinguished African-American citizen, beaten in his own home, who lapsed into a coma only a few days ago to die in the hospital.

We have a Catholic nun who was brutalized, murdered in her own convent.

Each case is more shocking than the last. Not only is there more crime, but there is more violent crime, and there is more cruel crime. The brutalizing of a Catholic nun, the beating of a 98-year-old citizen that the whole neighborhood loved. Behind every incident, there are families and friends for whom the pain will never go away.

We need to act and we need to stop the delays, and we need to stop the politics. People do not want political rhetoric. They want action. They want results. And that is why I support this crime bill.

It will put 100,000 police officers in communities across America on to the streets. I believe community policing is the best way to reduce crime. In the neighborhood, the neighbors know their local officers. The officers know what is going on in the neighborhood, and they can spot the criminals, spot the crime patterns, and also identify those people in the neighborhood who are defenders of the good.

Part of policing also is being able to control the availability of deadly weapons. I absolutely support the assault weapons ban. Right now the crooks, bums, and thugs are better armed and outgun our police officers.

The weapons that we are talking about outlawing are not those used for hunting deer in western Maryland or shooting ducks on the Eastern Shore. These assault weapons' only purpose is to maintain terror and perpetuate a cycle of violence. Automatic weapons are weapons of war, and they are being used to create war zones on our streets and in our neighborhoods.

Also, I support prevention programs. I do believe we need to invest in prevention. Much has been said about "social pork." I do not know what "social pork" is. But I do know that we need to say yes to the kids who say no. Sure, we cannot fund every good intention, but I do believe we need to make sure that we help the young people who say no to drugs and no to crime, and say yes to going to school, yes to saying their prayers, yes to doing their homework, and yes to trying to stay out of trouble.

When we do that, I believe we will have our most successful efforts. Prevention programs should be structured. They should offer role models. They should be a safe place for kids to go. And we need to be able to say yes to their parents. We need to have policies that will reward work and help families.

I happen to believe that the most important prevention programs are public education, public safety, and public

health. I believe that the Elementary and Secondary Education Act that we passed will be the most important crime prevention program. It will teach kids how to read and encourage them to stay in school.

Also I believe we ought to pass universal coverage. Why should we do that? So we can say yes to the mothers and fathers who are going out there working for an honest living.

Public schools, public libraries, access to public health, these are the important things that we need to do.

Finally, the crime bill will provide for tough punishment for the predators in our society. It will require tougher sentences, new prisons, and the death penalty for certain heinous crimes. It does have three strikes and you are out.

We have also included laws that allow a community to be notified when sexual predators are released. I believe this is a very important tool because of the horrible and repugnant lessons we have learned. We need to know this. We have to have this legislation.

We have learned about the shocking sexual attack on Megan Kanka in New Jersey, the kidnaping of Polly Klaas in California, and all of those other children who have been victimized by these sexual predators.

Also we have a component in this bill that will deal with the violence against women, issues related to rape and to other forms of sexual assault and battery.

So, Mr. President, it is time to pass the crime bill. As I said, people want police, they want punishment, and they want prevention. They want results. They do not want rhetoric. They want to see crooks and thugs behind bars in prisons. They do not want to have to stay behind bars in their own homes.

So let us say yes to the crime bill and let us say yes in the next 48 hours.

Mr. President, I yield the floor, and I thank my colleagues for yielding me this time so that I may make those remarks.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BIDEN. Mr. President, I thank the Senator from Maryland for her remarks, and I also thank her for her leadership in this area.

She is one tough Senator. She has been, from the time that she has gotten here and well before that in the House, and has never been reluctant to be as hard and tough on criminals as they come.

As a matter of fact, were I someone who had committed a crime, I would not want to be before her were she a judge. I imagine if the maximum were 10 years I would get 12.

So I thank her for her work, not only in trying to help us get through this final phase, this final little inch we have to go before we cross the line—it has been 6 years in getting here; she has been in on all aspects of this as a House Member for the previous years and here as a Senator.

So I hope we will all be able to celebrate with the American people when we finally cross this last threshold and, as I said, she has been involved from the outset.

Mr. HATCH. Mr. President, I ask unanimous consent, since he has been waiting all afternoon, that following Senator SPECTER's remarks, my colleague from Texas, Senator GRAMM, be recognized to speak on this bill for 15 minutes.

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

Mr. HATCH. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I support the crime bill. I believe it has many good features. I believe it has some features which are not so good. I believe that there are many important features which are omitted. But all factors considered, I believe it will be a significant step forward in our fight against violent crime. I say that having spent most of my adult life considering issues of law enforcement or being actively engaged in law enforcement.

When I moved to Philadelphia, PA—after having grown up in Wichita, KS, a small town when I lived there of about 130,000 people, then moving at the age of 12 to Russell, KS, a small town of 5,000, and then coming to college at the University of Pennsylvania, in a big city of some 2 million people—I was astounded by the incidence of violence in a big city.

Soon after graduation from law school in 1959, after practicing in a big law firm for some 3 years, but always being interested in law enforcement and in criminal prosecution, I became an assistant district attorney. The ideas that I have on criminal law enforcement are molded by my 12 years as a prosecutor—4 as an assistant district attorney and then 8 years as a district attorney of Philadelphia, where we had some 30,000 prosecutions a year, including some 500 homicide prosecutions.

As the years have unfolded, we have seen the problems of violent crime, which used to be so heavily concentrated in the cities, spread to smaller communities like Wichita, KS, or like Williamsport, PA, where there is now a tremendous incidence of crime. Crimes are also spreading to small towns like Russell, KS, or to south-central Pennsylvania, where you have gangs like the Crips and the Bloods traveling into small communities.

In the Congress of the United States, we have labored for years without coming up with a major, comprehensive crime control bill. While I think that we could have done a better job than the conference report, which is coming to us from the House of Representatives, I believe that, all factors considered, this bill is a step in the right direction.

I note, Mr. President, that the bill was passed by some 40 votes, 235 to 195, in the House of Representatives. And the balance for passage was provided by 46 Republicans who fought hard and I think made considerable improvements in this bill.

This bill authorizes some $30.2 billion, and it is subject to a point of order under the Budget Act. But, similarly, the $22 billion bill which passed the U.S. Senate by a vote of 94–4 was also subject to challenge on budget considerations. It cannot exceed the budget. We decided at that time by an overwhelming vote, 94–4, to pass the bill even though it exceeded the budget. Why did we do that? We did that because we believed that crime is a big problem in America. According to the polls, it is the No. 1 problem in America, and we thought that when we could not trim it back any further, we would exceed the budget to some extent to pass the bill.

The budget considerations are very complicated because most of the expenditures, even in this $30.2 billion bill, will be paid for by the so-called trust fund from economies and Government. But I think that in our evaluation of this measure, although we can look at the hypertechnical budget considerations, it is not unusual for the Congress to waive the Budget Act; and just as when this bill initially passed the Senate, I believe that now we should enact this bill despite the budget considerations.

The bill has $13.5 billion for police. It has almost $10 billion—$9.9 billion—for prisons. Contrasted with that, there are $5.5 billion in prevention programs, and $1.4 billion in antidrug efforts, which leaves $23.4 billion for the toughest, law enforcement measures, and $6.9 billion for those items which are aimed at prevention. That, Mr. President, in my opinion, is a fair balance, with most of this bill being directed to tough measures against violent crime, with police and prisons, and $6.9 billion directed at crime prevention measures.

I point out initially, Mr. President, that when you talk about crime prevention measures, you are not talking about being soft on crime. You are talking about measures which are designed to prevent crime, are realistic and are effective. When we take a look at the statistics on what happens with rehabilitation measures, you can turn to a 1994 Federal Bureau of Prisons study, which found that 44 percent of the inmates who did not complete any educational program while in prison had been rearrested within 3 years of release. Whereas, 35 percent of those

inmates who had completed one or more classes had been rearrested within 3 years of release. So that when a significant number of inmates have educational opportunities, it is a demonstrable and important crime prevention program.

The Alabama Council on Vocational and Technical Education studied recidivism rates for Alabama inmates who took vocational or academic courses over a 4-year period, and they found a 35 percent recidivism rate for the entire population of Alabama prisons. But those who completed vocational or academic courses in prisons averaged only a 5 percent recidivism rate, which I suggest, Mr. President, is a very, very significant impact.

A 1992 Federal Bureau of Prisons study demonstrated that of inmates who received job training and work experience in prison, 86.5 percent obtained a full-time job upon their release, contrasted with 62 percent of other inmates who were able to obtain full-time employment.

It is no surprise that when someone leaves prison as a functional illiterate, without a trade or a skill, and is drug dependent, that that individual and others like him return to a life of crime. So that when we provide some balance—again emphasizing the fact that the overwhelming amount of money for this bill goes to prisons and police—it is a solid investment.

In the area of drug treatment, there is a 5-year study by the National Institute on Drug Abuse of 10,000 individuals in treatment that found that 3 to 5 years after leaving treatment, the proportion of people involved in predatory crimes was reduced by as much as 50 percent.

There are numerous other studies which support the proposition that carefully crafted preventive and rehabilitation programs do make sense. This is not a product which is new or untried. I point to programs in effect during the days of the administration of President Nixon, when certainly no one could say that there was anything but a tough attitude on crime. There were grants made to the city of Philadelphia, when I was district attorney there, that were very meaningful in our fight against violent crime. There was a program on juvenile gang violence in 1970 which was directed against an insurgence and a spree of gang killings, where an effort was made to reduce juvenile gang violence, especially murders, through the expansion of the Youth Service Bureau, concentrating on troublesome, hard-to-reach, dangerous juveniles, concentrating on gang members.

While I was district attorney of Philadelphia in 1970, there was a substantial grant to the juvenile branch of the family court division which provided for voluntary crisis intervention to divert juveniles from formal processing by the police and court. A unit involved in screening, counseling and referral services was designed to service approximately 6,000 juveniles.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. SPECTER. Madam President, that was part of a program which we put into effect in the early 1970's while I was district attorney which sought to divert individuals out of the criminal justice system. It was a novel program on diversion, which has since become a standard part of the Pennsylvania rules of criminal procedure, and which has provided a model for the country.

What was done, succinctly stated, was to bring in individuals who were charged with nonviolent first offenses. So it was not a matter of violence, and it was not a matter of a repeat criminal. In those situations, we took some 8,000 cases out of the criminal justice system of some 30,000 cases. A judge would meet on an informal basis with up to 8 individuals in a day, with nonjury trials, where a judge might be able to try 3, 4, 5 cases, or 6 at the most.

Those individuals were told that if they stayed out of trouble for a year their criminal record would be expunged, but if they got into trouble they would be back in the criminal justice system, they would be prosecuted for a new offense, and they would be prosecuted for the old offense.

The current bill does provide for education, training, research, prevention, diversion, treatment, and rehabilitation, programs that are designed to prevent young children from becoming involved in gangs, programs which are designed to take young people out of the criminal justice cycle.

Overall, I think these programs make sense. Some would like to spend all of the money on prisons or all of the money on police. While I believe that the emphasis ought to be on police and prisons and the tough aspects of law enforcement, this bill is appropriately balanced with about 70 to 75 percent of it being directed to those tougher measures.

When we talk about a program of three strikes-and-you-are-out, it sounds good and it is good rhetoric, but there has to be something in addition to simply that kind of a slogan or that kind of rhetorical toughness if we are to get the judges to impose those kinds of tough sentences.

In my own experience in prosecuting many felony cases, robbery cases, burglary cases which are the backbone of violent crime in our country today, I found it extremely difficult to get Pennsylvania judges, Philadelphia judges, to impose life sentences under the habitual offender statute because at the moment of sentencing it is extremely difficult to get that judge to impose a life sentence if the judge does not feel that there has been some opportunity for realistic rehabilitation.

That is why I think that it is very important to make an effort at early intervention to take an individual out of the crime cycle, and if that person becomes a second offender or a third offender and when the time for sentencing comes, there is an opportunity by the prosecuting attorney to demonstrate to the court that that individual has had a chance with rehabilitation and has failed, then I think it is realistic to get the judge to impose a life sentence for a career criminal and a habitual offender who has been convicted of three or more major offenses. And as we have seen the results only at an early stage from those States which have imposed three strikes-and-you-are-out laws, they simply have not worked because the background has not been set for that kind of tough sentence where the judge is satisfied that a realistic opportunity has been made for that kind of rehabilitation.

Madam President, in articulating these views today, they are not anything new on my own approach to criminal law enforcement. After being elected to the U.S. Senate in 1980, one of the first groups of bills which I introduced in 1981 involved the career criminal bill which provided up to a life sentence for three-time offenders caught in the possession of a gun, a bill that I worked on for several years until it became law in 1984 and has been widely noted as being very, very effective, especially against organized crime and drug dealers. That bill number was S. 1668 in the 1981 session.

Bill S. 1689 provided for incarceration of State prisoners sentenced to life as career criminals in Federal institutions, a concept which has been worked on by many Senators, including the chairman of the Judiciary Committee, on regional jails, to give Federal help to State institutions, which is now significantly embodied in this legislation.

Then there was a bill S. 1690 to provide for rehabilitation requiring States to provide prisoners with a trade before paroling them.

Those ideas of realistic rehabilitation have been ideas which I have introduced repeatedly which were incorporated in the District of Columbia correctional systems when I served as chairman of the appropriations subcommittee of the District of Columbia, and I think have been adopted in the Federal system to a substantial extent and I think will make very, very good sense in this bill.

Madam President, although some may disagree with the provisions at rehabilitation and the provisions for job training, none can disagree with the basic fact that the lion's share of the funding in this bill will be directed at hardcore juvenile offenders and will be directed at the very basic lines of providing more police which are at the core of law enforcement.

There is also no doubt that the provisions on violence against women will

fill a very major void in our law enforcement system at the present time. We have had a rash of violence against women following the celebrated incidents of the O.J. Simpson case. I had occasion to visit shelters for women in Harrisburg, PA, and Pittsburgh, PA, during the course of the last several weeks and was really surprised to find an increase in the incidence of violence against women where the male companions of the victims would say in the parlance of the day, "We're going to O.J. you."

We have provided some funding under the appropriations subcommittee for health and human services, but that is relatively minor in terms of what needs to be done in violence against women. Senator BIDEN outlined in some detail the problems in the field, and this legislation will be a very, very significant step forward in a very, very important line.

With respect to the issue of police on the street, the 100,000 police which will be added here—and it is true that there will have to be some local participation, but that is a common practice in the Federal system to offer seed money, to offer 75 percent funding to encourage local communities to add more police to the streets—the data shows that as crime rates exploded between 1950 and 1980, law enforcement resources did not keep pace. Between 1960 and 1980, the number of serious crimes in America grew by some 400 percent from 3.4 to 13.4 million and the number of crimes grew by 460 percent, from 288,000 to 1.3 million. During the same period, the number of full-time police officers in America grew by only 85 percent, from 195,000 to 361,000. Police resources were not expanding in proportion to do the job that they were expected to do and the crime clearance rates declined drastically.

During the 1980's, as there was a response to the need for law enforcement, police forces did grow in proportion to the crime numbers. Between 1980 and 1988, law enforcement ranks grew by 14 percent and at that time the number of serious crimes rose just under 4 percent, with the number of violent crimes rising 16 percent. As police numbers finally grew in proportion to the crime numbers, the arrest clearance rate stopped going down and the crime rates gradually stopped rising.

So it is plain that the provision for more police on the street and the effort of this bill to encourage local communities to hire more police will have a very significant effect based on the statistics of the 1960's, 1970's, and 1980's.

The addition of extra prison space, I would suggest, is really of vital importance. We have some 39 States of the 50 States at the present time under court orders. Some 15 States have had emergency release programs for overcrowding, and some 20,971 inmates were released in 1993, individuals who should have been kept in prison but who were released from prison because there simply was not enough space in the State prisons. The $9.9 billion provided in this bill will be a significant step forward in addressing the very serious shortage of prison space in America.

There is another very important aspect about this legislation, because it has a provision which will require a specific showing that there was a constitutional violation to an individual inmate before a Federal court may impose a cap on the population of any prison. There are many prison caps in effect in the United States today which were entered into under a consent degree without, at the time it was imposed, a showing having been made to demonstrate that there was a violation of the eighth amendment provision against cruel and unusual punishment caused by overcrowding. Such a prison cap is in effect in Philadelphia today. The enactment of this bill will require a specific showing of a constitutional violation against a particular inmate before that or any other prison cap can be enforced or extended. And in cases in which a constitutional violation has been demonstrated, there is a provision in this bill for review of such a prison cap every 2 years to determine if the cap is needed to prevent a constitutional violation. This provision is effective immediately, so a prison authority need not wait for 2 years before seeking review of a prison cap under this bill.

Madam President, in supporting this legislation, I acknowledge a very substantial constituent interest in opposing the gun control provisions which are in here. I have not supported gun control provisions as a general matter because my experience has demonstrated to me that criminals are able to gain guns, able to get possession of guns, no matter what kind of prohibitions may exist. As, for example, when I was district attorney of Philadelphia from 1966 to 1974 and there was a gun ordinance, the criminals had no problem getting their hands on weapons.

But when you take a look at the totality of this bill, the laborious process which has been undertaken to try to get it passed, the very tough battles which were undertaken in the House of Representatives where the bill was very, very substantially improved, on the totality of the circumstances, it seems to me that the national interest requires the enactment of this legislation.

The bill has been improved in very significant aspects. The cost has been reduced by about 10 percent, some $3.3 billion. There was the removal of a provision on retroactive application of the mandatory minimum sentences, going back into the record to make a determination about the so-called mules who had been sentenced under mandatory sentences. And on that subject, it is worth noting the comments of Chief Justice Rehnquist, who is well known for being strong on law enforcement, who spoke in an opinion of "the respectable body of opinion which believes that these mandatory minimums imposed unduly harsh punishment for first-time offenders, for mules"—that is, runners—"who play only a minor role in drug distribution schemes."

So that in this legislation, taken as a whole, there has been very, very considerable improvement.

The one major omission from this legislation which I think is very significant is the omission of revisions to the Federal law on habeas corpus, which is the Latin phrase "to have the body," which is an ancient writ and a very important writ, but one which I think has been overused to destroy the imposition of the death penalty in State criminal prosecutions. Today, when someone is sentenced to death in a State court, it takes an average of 9 years for that case to go through the Federal courts, and some cases are held up for as long as 17 years.

In 1990, the Senate adopted an amendment which I offered to the then pending crime bill which would have abbreviated the time for the pendency of habeas corpus petitions, something which could be done within a range of 2 to 3 years, giving defendants adequate protection with adequate counsel but still retaining the death penalty as an effective deterrent. The death penalty has been declared unconstitutional on two occasions by the Supreme Court of the United States, in 1972 and again in part in 1976. Following those declarations of unconstitutionality, some 37 States have come back and have imposed the death penalty because of the prevailing view that the death penalty is a deterrent against violent crime and is an appropriate weapon in the arsenal against violent crime.

This bill also, Madam President, brings back the death penalty in the Federal law for very important Federal offenses, such as fatal car-jackings, drive-by shootings, terrorism, murder of U.S. citizens abroad through terrorists, and the assassination of an American President. It is indeed an anomaly, Madam President, that if the President of the United States were to be murdered by a criminal conspiracy in Washington, DC, those conspirators, those murderers, would not face the death penalty because there is no death penalty in the District of Columbia and there is no Federal death penalty.

So when you add up all of the pluses and all of the minuses and you take a look at the number of police, with an expenditure of some $13.5 billion, and the additional prisons so badly needed in this country today, $9.9 billion, so that the preponderance of this legislation is directed toward tough law enforcement, and then the $6.9 billion or

prevention and antidrug efforts realistically designed to take individuals out of the crime cycle, but if they stay in the crime cycle to set the stage for life sentences for habitual offenders, I think this bill makes sense.

We have been working on this crime bill, Madam President, for years, and it has not survived action by the Congress of the United States. The House of Representatives has just gone through a grueling experience and has passed this bill by some 40 votes, with the majority being provided by 46 Republicans.

When you talk about a point of order on budget considerations, it is true that, on the technicality, that would lie, that could be asserted. But in considering that issue, it should be remembered that the $22 billion-plus crime bill, passed by the Senate by an overwhelming vote of 94 to 4, could have been subjected to that same point of order.

This is not a perfect bill. It is an improved bill. It is a serious step against violent crime in America. I think it ought to be passed by the Senate so it can be signed by the President.

And to those who say that we should not take any action unless the President receives some credit, I would reply, Madam President, by noting that the bulk of the American people today are not likely to give Washington, DC, any credit for anything we have done. But if the President of the United States derives some credit for it, so be it, when the bill is in the national interest.

It is time that the Congress of the United States put politics aside, took a hard look at the serious problem of crime in America, and took a significant step—not a perfect step, but a significant step—forward in the fight against violent crime.

I yield the floor.

Mr. BIDEN. Madam President, I understand that the Senator from Texas has the next 15 minutes. Senator GRAMM was just on the floor and indicated to me that he had to step down the hall for a minute to speak with someone quickly.

I ask unanimous consent to proceed for a few minutes, or until he arrives, on this bill.

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

Mr. BIDEN. Immediately upon his arriving, I will yield the floor.

Let me compliment my friend from Pennsylvania. There are a number of things he is that are fine, but one of the things is he is a man of his word. No one in the U.S. Congress, and surely in the Senate, which I know for certain, has worked harder to improve the criminal justice system or to deal more thoroughly with the plight of crime in America than the Senator from Pennsylvania.

We happen to know each other well. We represent neighboring constituencies and we live very close to one another. And I know of the intensity of his commitment to aiding local law enforcement in order to make the streets of his hometown and mine and every other one safer.

So I compliment him. I realize it is not easy politically for him to have made the speech that he made today and taken the position he has taken within his party. But, then again, I have never known politics to be a consideration in what decision he ultimately makes.

But I did want to recognize his leadership and acknowledge that for most of us, that would have been a tough position to take. But he is so accustomed to taking those kinds of stands where he believes something is right regardless——

Mr. SPECTER. Will my colleague yield for a moment?

Mr. BIDEN. I am delighted to.

Mr. SPECTER. I thank the Senator from Delaware for those comments. My own view is that this is not a close question. This crime bill is not a close question. It spends a lot of money, but it spends a lot of money for a very, very important cause.

When you have 435 Members of the House of Representatives, there are a lot of disagreements about how you want to spend the money. There are disagreements about whether it all ought to go for police and prisons or whether some of it ought to go to the inner city on crime prevention. I have seen the inner city of Philadelphia, a really rough, tough town.

When I was district attorney I got Federal grants for crime prevention for gangs. We had a rash of juvenile gang killings, about 60 of them during the summer of 1970, and about that number in 1971. We were in competition with Chicago, Madam President, your hometown, as to which city would have the most gang killings.

When we got this money for juvenile crime prevention, it was very, very well spent. One of the major grants on safe streets was administered by my district attorney's office. When there was another major grant to divert cases out of the criminal courts and try to take people out of the crime cycle, it made a lot of sense.

Since my first days here in 1981, I have tried to get realistic rehabilitation, because the basic proposition is that if you release functional illiterates from jail without training or a skill, they are likely to go back to a life of crime, especially when they are drug dependent. And the statistics have shown that education, job training, and drug rehabilitation work.

My first effort on drug treatment was on Gaudenzia House, back in 1968, a long time ago, when we got Pennsylvania to put up $250,000 for drug prevention. It is important to be tough on crime. I do not think anybody in America has been tougher on crime than I have—tough sentences for tough criminals, refusal to plea bargain, fights with judges, being held in contempt of court by a judge who disagreed with my vehemence on protecting a life sentence for a drug dealer.

But there is also another aspect to law enforcement, and that is crime prevention. This bill is balanced very heavily in favor of police and prisons and lightly on the subject of rehabilitation and job training programs. So that when my colleague from Delaware makes a nice comment, I tell him that it is not a tough choice. There are 46 Republicans in the House of Representatives who provided the margin on this bill. This bill is not a Democratic bill. It was not passed by a majority of Democrats. The majority came from Republicans.

That is not to take any credit for it. It ought to be bipartisan and we ought not talk about Democrats and Republicans. But we hear the talk in corridors and cloakrooms about not wanting to give the President a victory. I do not consider it a victory for the President, just as I did not consider it a defeat for the President when the House did not pass the bill. In the legislative branch, we article I officers have a duty to do our own jobs without respect to what the President has to say.

We have very important issues to consider. There is a lot of dissatisfaction out there in America with the haggling that goes on across party lines. This is a bill which I do not think is a close call at all, and I came and sat here for 2½ hours to get a few minutes on the Senate floor because I wanted to speak early on this bill and I wanted to state the reasons it makes sense for America, whether you are a Democrat or a Republican. The criminals do not check your registration when they make you a victim of crime.

I thank my colleague from Delaware.

Mr. BIDEN. Madam President, I thank the Senator. I, too, agree it is not a close call on the merits. What I was referring to is, although many times on both sides of the aisle Senators occasionally know something is not a close call on the merits, they have a significant tug and pull from their political parties and/or interest groups to not go with what they think is the best call.

Usually, the cover that they find to not go with what they think is the best thing to do is to say that this or that vote is not a substantive vote but a procedural vote, to give them an opportunity to attempt to satisfy two things: One, the fact that they are not backing off a principle; and, two, being able to stick with their party. It happens on the Democratic side. It happens on the Republican side.

My larger point was that that never dissuades the Senator from Pennsylvania. If he thinks on the merits something is right, I have always found him

to be willing to take on whomever it was, whether it is his party, occasionally his constituency, an interest group—it has never seemed to get in his way. For that, I compliment him. That is why it is a pleasure to work with him.

It is also a bane to work with him when he is against you because he is so effective. This time, we happen to be together—as we most times are. I compliment him.

One point I would like to make while we are waiting for Senator GRAMM to come and claim the floor—and I will yield when he comes through the door—is that as I finished my earlier comments on this bill, I walked off the floor and one of my colleagues said to me: You know, JOE, if we do not overrule the Budget Act—which is a technical point, which is a fancy way of saying if we keep the bill from becoming law—it is not over, because then we just go back to the House-passed bill that was sent over here.

To the listeners, this will not make much sense, but to Senators, we understand the jargon and the procedural situation here. It is said once we defeat this conference report by that vote—so it is going—then BIDEN and MITCHELL and the key players on this side will go into a room with Republicans who oppose the bill the way it is, and we will just sit down and work out a further compromise and bring the bill back on the floor and we will vote on it.

I have been doing these bills, now, for the last 10 years. I can say without equivocation, absolutely confident that no one can contradict me, there has never been a crime bill that has been open to amendment that has not drawn several hundred amendments. Everyone in this body knows if this crime bill goes down on a procedural vote—like what happened in the House of Representatives 2 weeks earlier—that we are here for the next 3 weeks. We are not going to go home for Labor Day. We are not going anywhere.

The one thing I am convinced of—and I believe I know from my discussions with the majority leader who controls the schedule—and Senator MITCHELL is convinced of, this issue is so important to the American people there is not a chance that we will go home not having resolved passing a crime bill.

So everyone should be on notice that if they think by voting against this bill when the procedural vote comes up today, tomorrow, or the next day, whenever it is, that somehow that means I am going to go into a back room—not a back room; I do not mean that in a pejorative sense—but go into a room with Senators DOLE and GRAMM and HATCH and others, whomever, and we are going to sit down and work out a compromise on further things I would like to see changed in the bill and they would like to see changed, and we are going to come back out on the floor and spit-spat pass it, they are dreaming and they know it.

No one thinks that can happen. One of the things the Senator from Pennsylvania said is he observed how torturous a process it has been to get this bill this far. The American public must be wondering what is going on. They saw the Biden crime bill introduced a year and a half ago that had all this in it—all the cops, the money, and these big numbers for help for local law enforcement in terms of prison cells, and the rest. They know the bill I introduced 4 years ago passed both Houses, passed the conference, passed the House just like this did—got to the same stage. People who do not do this for a living—and thank God, most do not—do not necessarily remember what they learned in their civics classes. They should not remember it. I would not remember it unless I were here.

The way it works is the Senate passes a bill and the House passes a bill. If there are differences, they go sit down, literally, in a room between here and the House; we sit down and we work out the differences. Which is like another House working on it.

Then, when that passes, it is called a conference report. Then that goes to the House of Representatives. They debate it all over again and they vote on it.

Then the last step in the journey is it comes back over here and we vote on the conference report. The only difference between a bill and a conference report is a conference report is not able to be amended.

How many weeks did we spend on the crime bill? Weeks and weeks and weeks—I think there were over 300 amendments that were filed on the crime bill when I introduced it last October.

We did not pass this new crime bill until November. It took from November all the way until the middle of August to get it to the House of Representatives. Then it took, when they did what this outfit is trying to do now, and that is, on a procedural vote, turned down the conference report, it went back into a conference.

The conference took another 10 days. Then it finally got out on a pejorative, angry, contentious session that took place Saturday and Sunday. It took until Sunday evening to finally adopt it. Now it is here on Monday morning.

Does anybody truthfully believe if we turn down all that work that took over a year—almost a year—to get this far, that we are going to be able to turn this down now, the last 10 yards before we score—we already have gone 90 yards—that that is not going to put the ball all the way back to the 20?

Excuse my football analogy here, but that is where we are. Yet, I walk out of this Chamber and I hear one of my Republican friends say, "Well, the Republican leadership says not a problem, we'll just vote this down and we'll get BIDEN to sit down with us and BIDEN will work it out." I like the idea that everybody thinks BIDEN is so powerful. What makes everybody think I can walk in a room, sit down with the Republican leadership and not ask the other 55 Democrats in here and say, "Don't worry, just let me handle this, I will compromise these things. Trust me"—thank God they do trust me. They let me write the bill in the first place, and during the negotiations on the House side, I was the only Democratic Senator because they trusted me, and I was the only one in the conference because they trusted me to give me their proxies because I have been doing it so long. I know what every one of them think after 6 years doing this. I could write a book on every position every single Democrat has on every one of these contentious issues.

But my ability to walk into a room and at the end of this week say, "Well, let's start this from scratch again," then you know what happens? We pass it. Let us assume we can do that. Now that whole thing has to travel back to the House again and they have to vote on it again. Then we have to go to conference again and then we have to adopt a conference report again and then it goes back to the House again and then it will be back here. And I promise you, if you we are able to do that, they will have some other excuse as long as guns were in it. If guns are in this bill, I assure you that the Republican side of the aisle will, in fact, not let something go easily. And I respect their position on guns.

Speaking of guns, I see my distinguished friend from Texas is here. If you notice, every time I say "guns," he puts his hand on his right hip. I guess that is a Texan thing, I do not know. But he is my good friend. He is here and I thank my colleagues for allowing me to explain what I perceive to be the reality of a defeat of this conference report. We are here for a long, long time because we are not going home until we get a crime bill.

I thank my colleagues for their indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, thank you for the recognition.

Let me make it clear that I would like to pass a crime bill, I expect us to pass a crime bill and, quite frankly, in listening to the plans of the majority leader, my feeling is that he is overestimating the time required to remedy this problem because I think there is a simple way to fix it.

But before I get into that, let me just say to the chairman of the Judiciary Committee and to our ranking member, while there are many things in the conference report that I am still unhappy about, I do believe the conference report was improved in this

round of negotiations in the House, and I want to thank both the chairman and our ranking member for their efforts.

I have enjoyed having an opportunity in the 6 years that we have developed this bill to work with both of them. I have the highest regard for them. As I am fond of saying of our dear chairman, his heart is good, it is just that it has been minted in the sixties and its frame is bent a little to the left. In any case, his intentions are always good, he is always honorable, and I always enjoy working with him.

The House improved the bill—and I think we need to congratulate our colleagues in the House, the Democrats who opposed the rule, it was a courageous thing to do; the Republicans who opposed the rule and hammered out a majority that gave them an opportunity to go back and to delete some $3 billion of pork barrel spending which, in turn, allowed them to marginally improve the crime portions of the bill. It is easy for us in the Senate to say, "Well, there are still a lot of things that should have been done, there is still a lot of pork there, there are still a lot of good, tough anticrime provisions that were adopted in the Senate that were not included in the revised conference report.

All those things are true. But that does not change the fact that fighting with a very small stick in the House, with a very small minority—we had good people working hard to improve a bill that is important to the future of the country. So I want to congratulate them, and what I hope to do in the Senate is to build on their effort.

Let me try to be brief because I know there will be other people today who will want to speak, and certainly in the last 6 years on the subject of crime, I have spoken enough that certainly the Members of this body who are interested in my opinion know what it is. But let me say what I believe is wrong with the bill and what I would like to see fixed.

First of all, the original conference report had an extraordinary provision which at least around here has become known as the get-out-of-jail-free provision. This provision basically tracked the President's agenda which has always been to overturn mandatory minimum sentencing for drug felons. The President and the Attorney General have consistently supported that effort. That effort was fought in the Senate and defeated, but it ended up prevailing in the House and it was part of the first conference report.

What that provision would have done is not only overturn mandatory minimum sentencing for drug felons convicted in the future, but it would have produced the extraordinary specter of going back retroactively and allowing people already in prison to file petitions for shortening of their sentences. We could have had, over time as all those petitions were ruled on, as many as 10,000 people currently in the Federal penitentiary for selling drugs, many of them for selling drugs to minors, who could have been let back out on the streets. I think people were shocked at the possibility of that happening. I am delighted that the conference eliminated this retroactive provision so that the people who are already in jail will serve out their term.

I would like, if we have an opportunity to amend the bill, to go back to the Senate provisions which to me represented a compromise. One of the issues here, Madam President, is this: There are those who say that there are a lot of people who sell drugs who just happened to be in the wrong place at the wrong time; that this person just happened to be at a junior high school trying to sell drugs to our children; society supposedly had done them wrong; it was the first time they had done anything like this; they just happened to stumble in there and maybe sending them to jail for 5 years is too much. I have never bought that logic.

I view selling drugs to children as being a violent crime, and I have no sympathy for these drug traffickers whatsoever. If they sell drugs to children, I want them to go to jail and I want them to be there a long time.

But in trying to work out a crime bill, I think it is important to remind people that there has been a compromise in the Senate and Republicans have done some compromising. As our two colleagues who are here will remember, while I did not want to change the provisions relating to mandatory minimum sentencing and, in fact, I am going to talk about a provision we adopted in the Senate to strengthen them, I agreed to a compromise which we worked out here and with which I think, basically, people were satisfied.

What the compromise said was this: We would give judges some sentencing discretion, but only under the following circumstances: The person involved had no criminal record, including a juvenile record. A lot of people have a massive juvenile record as long as your arm, they have committed violent crimes—and I see our Presiding Officer remembers that her juvenile provision was dropped from this bill. I have not forgotten that myself.

But they have a juvenile record as long as your arm, often they have engaged in violent behavior and committed violent crimes, but with their first drug offense as an adult they might still not go to prison.

So our compromise was that if they had no previous criminal record, they were not carrying a gun or other weapon, they were not the leader of the drug conspiracy and no one was hurt in the crime, that the judge would have some discretion in their cases.

Now, we speculated about how many people that would affect. My view is it would be a couple hundred, no more than 500 people a year who would fall into that category. That was a compromise that I did not like, but I was willing to make to help us pass a crime bill.

I wish to open the bill for amendment, take out the provision that is in the conference report that will overturn mandatory minimum sentencing on a broad basis, and put the very carefully written compromise language of the Senate back in the bill.

Second, we have two amendments which I have offered traditionally in this debate. One amendment proposes 10 years in prison without parole for selling drugs to a minor or using a minor in a drug conspiracy, and life imprisonment for a repeat offense. That was adopted in the Senate. It has been adopted on numerous occasions.

What I wish to do is open up this conference report and get an opportunity to offer that amendment again and to put back in this bill stiff mandatory minimum sentencing for selling drugs to children.

It is certainly no secret that I am one of the people in the Senate who believes that gun control is a copout; that it will not be successful in taking guns away from violent criminals. They have plenty of guns, and they are not going to be deterred by a legislated gun ban when they are out killing people. What I wish to do is to try to deal with the criminals who are using these guns.

I offered in the Senate, as I have for 6 years, a provision which was modified and adopted in the Senate. It provided 10 years in prison without parole for anybody who possesses a firearm during the commission of a violent crime or a drug felony, 20 years in prison for discharging the firearm, life imprisonment for killing somebody, and the death penalty in aggravated cases.

That provision has been adopted consistently in the Senate. It was in our bill that went to conference. It was dropped out of the conference report. I would like to have an opportunity to put that back.

I would also like to have two other opportunities. No. 1, I would like to try to do something about the $7 billion of social spending that remains in this bill. I would have to say, Madam President, that I had thought I had seen great creativity in spending the taxpayers' money, but I have to admit that this crime bill reached an all-time global maximum. And it was not midnight basketball. It sounds almost incredible to say it—but a provision would allow someone to apply for money that would be used to train people who sprayed graffiti, to train them to be real artists.

Now, I thought I had seen every bad idea for squandering the taxpayers' money, but I have to admit that one takes the cake.

Now, what I would like to do is to go back and go through this list of $7 billion of social spending, and my own preference would be to strike out every bit of it. This is a crime bill. It is supposed to be about tough sentencing, about putting police officers on the street, about building prisons, and about putting violent criminals in prison. I think most people are surprised to know that we still have $7 billion of social spending in this bill.

My view is that we ought to cut all of that money out and then let committees that deal with social problems try to see where they would like to cut other programs to fund some of these great ideas if they are so moved to do it. My guess is they would not be moved to do it.

So I am hoping to have an opportunity along with my colleagues to offer an amendment—and I would like to do it in one amendment so we do not slow this whole process down—to take out the repeal of mandatory minimum sentencing in the House bill that will eliminate mandatory minimum sentencing for many drug felons and replace it with the strictly constructed compromise we adopted in the Senate—put back mandatory minimum sentencing for gun crimes, 10 years, 20 years, life imprisonment, or the death penalty, put back mandatory minimum sentencing for selling drugs to a minor, and while I would like to take out the whole $7 billion of social spending, my guess is in trying to line up the votes we would end up with a compromise. But, quite frankly, I think we can do better than the House did.

I would like to put back a provision related to treating juveniles as adults in these violent gun crimes. That is something I would like to look at. I am certainly supportive of it.

That basically is what I would like to do. We are going to have a vote on a budget point of order. I would be the first to say that the vote on the budget point of order is basically a vote as to whether or not we are going to open the bill for amendment. If you do not want to open the bill for amendment, if you want to see it pass exactly as it is, then you would vote to waive the Budget Act.

If, on the other hand, you would like to get some more of this pork out of the bill, if you would like to get more mandatory minimum sentencing back in the bill, if you would like to eliminate the provision that will repeal mandatory minimum sentencing for many people who are selling drugs including selling drugs to children, then you are going to want to sustain this budget point of order and open the bill for amendment so that we will have an opportunity to offer these amendments.

Let me say, in conclusion, that while I am eager to get a chance to improve this bill, I do not claim for a moment that there are not good things in this bill. I congratulate our two leaders in the Senate for preserving some of the good things we adopted in the Senate. I congratulate the people in the House who worked to make it better.

My point is simply this. We have a chance to dramatically improve this bill. I believe every amendment I have talked about is going to be adopted by an overwhelming vote in the Senate. The bill will then go back to the House with this amendment in disagreement. I am confident that when they have to vote up or down on it, they will adopt it; we will get a crime bill; the President will be able to celebrate; he will be able to sign the bill and say "Look what I have done," and it will be a good bill that will deal with the crime problem in America.

Why pass a poor bill when we can dramatically improve that bill? So tomorrow, I assume it will be, when we offer this budget point of order, I hope people will vote to sustain it and open the bill for amendment. I, along with others, will offer the amendment that I have outlined. It is a good amendment. I hope people will vote for it. I think then we will have a dramatically improved crime bill. I know there will be others who might want to offer an additional amendment. The focus of my attention on the amendments that I have outlined here. I believe we can make this bill better. The House, with the limited ability they had, with the rules that they have, was able to improve this bill.

Surely, in the Senate, with the rules that we have, with the makeup of the Senate as it is, I think we can do a better job, not erasing what they did but building on it to pass a better bill that will put more criminals in jail, that will guarantee we build more prisons, that will spend the money on police officers and prisons instead of social work.

I thank the Chair.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank the Senator from Texas for his comments. Let me ask a very serious question. The amendment that the Senator is talking about packaging which has the three or four parts he has outlined, some of which I agree with, is he suggesting that if we chose that route, there would be a unanimous consent agreement that would be the only amendment that would be introduced in the entire floor?

Mr. GRAMM. Let me say that I would certainly be willing to sit down and talk to people about how we would deal with it. My objective is to focus on those issues I have outlined.

I think the Senator would be willing to say that those are the things I have consistently fought for on this bill. There are provisions in the bill I do not like. I do not think gun control works. It takes away rights of law-abiding citizens. I think the Senate has spoken on that issue. There may very well be an amendment on that issue from some source.

My focus here is the amendment that I have outlined, and certainly if the Senator wanted to sit down and talk about how we would deal with that amendment and possibly his involvement in it, I would be willing to talk with him. Obviously, I cannot control the actions of every Member of the Senate. But my intention is not to do each of these individually. I assume that we could get the whole package adopted. And it is something that I think we could do relatively quickly.

But obviously, it is all contingent on sustaining the point of order. If we do not sustain the point of order, we will not have an opportunity to offer anything. These are the amendments that I would like to offer.

Mr. BIDEN. I thank the Senator for his answer.

Madam President, let me explain the dilemma we find ourselves in, if we go the route the Senator suggested. As he pointed out when he first stood up, he was very gracious in complimenting the Senator from Utah and me about having worked with us for 6 years on this bill without having a bill. Just so I understand it, and I wish some of the staff of the majority were here because parliamentary maneuvering is not my forte, assuming I have any. But that is not mine. As I understand it, though, and I stand to be corrected if I am wrong, if the point of order were sustained this technical vote we are going to take, it wins—by sustain I mean it wins—then we are back on the only vehicle, thing, we have to amend, which is the House bill that was originally sent over to us.

I ask the Chair if that is correct.

The PRESIDING OFFICER. A House amendment to the Senate amendment to the House bill would be before the body.

Mr. BIDEN. My understanding then, that is fully amendable. We open up the entire process for anyone who has an amendment on anything. Under our rules, it can be anything from abortion to health care to crime. It is totally amendable.

Is that correct, Madam President?

The PRESIDING OFFICER. The amendment would be amendable in two degrees.

Mr. BIDEN. But any subject matter could be raised.

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. And any number of amendments could be raised; 1,000 could be raised.

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. It also is my understanding, and I am not sure of——

Mr. HATCH. Will the Senator yield?

Mr. BIDEN. Not yet, I want to follow through.

Mr. HATCH. It is on that point.

Mr. BIDEN. The vehicle that we would be on—just so my friend from Texas knows at least what I know, and he knows more than I know on this I suspect—the vehicle, although he would not move to take guns out with his amendment, guns would already be out because the vehicle that we have, the House vehicle does not have the assault weapons ban in it, and it does have the Racial Justice Act in it.

So now we are back to square one. We have fought for 6 years over guns. Although he would be satisfied with having this small package of amendments, one of which at least I agree with, the others I could live with, but I compromised with him on those before, I have no problem with it, he and I would be happy as the proverbial clam; no problem. But then Senator FEINSTEIN and others, as would be their right, would say, "Wait a minute, do you mean now assault weapons can continue to be made? And there would be someone standing with an amendment to strike assault weapons?" That is good for at least a week's worth of debate all by itself.

Then, if she prevailed on this side, someone, the distinguished, tall, handsome Senator from Utah here would say, "Oh. Wait a minute. That bill before us has the Racial Justice Act in it." So he would move to amend it, to strike the Racial Justice Act. That has been good in the past for 3 days of debate. I mean that has been the record.

Then you would have all the other amendments that are in order, which means anything is in order. But the one thing we could be guaranteed of is that the whole assault weapons battle starts over again.

I know my friend from Texas was not being disingenuous. But, if we reject the point of order, guns are dead. They have to be affirmatively put back in the bill. That is a mile of difference because right now they are in the bill. They are banned. But if the point of order is sustained, and it falls, then the bill which comes popping up its ugly or handsome head is a bill that has no gun ban in it.

So once again, even though it may not be the intention of the Senator from Texas, this is about guns, guns, bang, bang, shoot-him-dead guns. And we know for 6 years we have debated. We had no crime bill because of guns, guns.

Mr. HATCH. Will the Senator yield on that point?

Mr. BIDEN. I will yield for a question.

Mr. HATCH. Let me say this: Is it not true—it is a lengthy question. Is it not true that we passed the Senate bill with the gun provisions on it 94 to 4? And I think what the distinguished Senator from Texas is saying, if a point of order is sustained, and we are going to get together as we did over this past weekend, and we will have a substitute amendment that at least the vast majority of people here will agree to. And we know that they are not going to agree to an amendment without the gun problem resolved. We believe that everybody knows we are near the end of the process. And what we want to do is improve this bill. I think people here of good will can do that.

The only way we can do that is by sustaining the point of order. When we do that, I think we can sit down, just like the House did this last weekend and get it resolved, hopefully, and have a bill that will pass the Senate at least 94 to 4—if not that, 85 to 15 or whatever it is.

The fact is, I think you would have something to be a far more consensual bill than the one you are trying to present.

Mr. BIDEN. To answer the question, Madam President, that would be possible, if the amendment that the Senator was going to introduce—if this was a single package, and he put the gun ban in it. Does he commit to me that he will put the gun ban in it?

Mr. HATCH. I cannot do that. But I believe that is what will happen. And I believe we can bring people together to do it. We did it once before. The reason we are here is because the Senate crime bill was a good bill. It had the gun provision in it, and 94 Senators voted for it. I believe that we can do a similar thing and adopt much of what the House has done yesterday, while adding some more intelligent anticrime changes that really were overwhelmingly voted up in the Senate to begin with. I believe that if we do that the House is going to take it.

Mr. BIDEN. Madam President, I thank the Senator for his second question. But let me point out a little bit of history.

From the historical standpoint, we passed the Biden crime bill 4 years ago. It had guns in it. No one voted for it when it was here, and the expectation was that when it got to the House it would not have guns. But guess what? They did. And the conference report got here. We had guns.

Guess what? The same people who voted for essentially the same bill the second time decided they will not vote for the bill because now it was real. Now it meant it would become law.

I want everybody to look through this smokescreen here. If my friends are sincere about wanting this, just to make those few little changes they want to improve it, then I stand ready to listen to them. I stand ready for them to give me a unanimous-consent agreement that they will, in fact, only have that amendment that the Senator from Texas talked about, and they will include guns in the bill because it is in the bill now, and that there will be promise of no filibuster on the gun issue. Then we can start to talk.

But guess what? If they do not agree to only those few amendments, it took 6 years now we have been doing this, and they will not agree to put guns back in, or they will not agree that if guns are not put back in, there will be no filibuster, then it would make one thing—at least raise the question of whether or not this was a very clever device in the name of just making sure that schoolchildren cannot be sold dope by somebody who might get out of jail early—a very clever device to do away with the single most contentious issue in the 22 years I have been here that relates to the criminal justice system, and that is guns, guns, guns.

That is what this is about.

Mr. HATCH. Will the Senator yield one more time?

Mr. BIDEN. I will yield for a question, without losing my right to the floor.

Mr. HATCH. Madam President, the Senator has indicated that he would begin to talk if that could be brought about. Everybody over here knows that either this conference report is going to pass—and a lot of people over here are unhappy with it, as are some on the other side—or if we sustain the point of order, we have to sit down and resolve it. I commit to try and resolve it with the distinguished Senator from Delaware, and I have been able to deliver in the past. I do not know that I can deliver, but I believe that we can, because I believe people want a crime bill. I believe they would like it to be the best possible crime bill, and I will do everything in my power to get it there without undue delay.

If there had to be a cloture vote in order to satisfy those who are very concerned about guns, once and for all, I personally believe I can work it so that we can have that within a very short period of time.

Mr. BIDEN. But we would have another vote on guns, right?

Mr. HATCH. I do not know. We would have to see where the good will is. My question is, if we can do that, then it seems to me—I am asking the Senator, Why do we not try to sit down and see if we can resolve it?

Mr. BIDEN. My answer is if cows had wings, they could fly.

Speaking of guns, the distinguished Senator from Idaho has come on the floor—and he is distinguished, and he is from Idaho—and he is a man who feels ardently about the second amendment rights of Americans, who believes fundamentally that a ban on assault weapons violates the second amendment. He is a member of the board of the NRA, if I am not mistaken, and it is not a bad thing to be; it is a good thing.

I will ask him the question, if he is willing to answer: Would he ever agree to a new bill that had guns banned in it under any circumstance? Will he agree

to a second shot here? If we took up a bill other than this one, would he agree to add the exact language we have now? Would he agree to add that to a new bill?

He need not answer if he does not want to, but my guess is that, the honorable man that he is, he could not do that. He could not make that agreement. He would be required to fight it. I respect that. I truly do. In his case, I really respect it. This is a man who does not like anything having to do with limiting anything, probably from bazookas to guns. I do not know.

Mr. CRAIG. Madam President, if the Senator will yield, when it comes to constitutional debates, and when it comes to a ban on legitimate firearms, the Senator knows the total parameters of the second amendment debate. He came to the floor last week and spoke of his professorialship in that area.

The Senator knows the bazooka argument is a phony one. But as it relates to whether I would allow any crime legislation to move across this floor that had a ban on legitimate firearms in it without a vote, I would not.

Mr. BIDEN. I respect that, Madam President, and I understand that. It makes my point. It makes my point that we would be moving maybe not back to square one, but assuming that this trek of the crime bill for 6 years was 10 giant steps, this proposal of turning it down through the vehicle of a parliamentary maneuver—wrong word; "maneuver" sounds pejorative—a parliamentary provision, sustained by the Chair on a technical issue where you do not vote for or against the crime bill, that gamble, if it were to succeed, means this crime bill has moved from square 9, where it is now, back to at least square 3. It has taken 6 years to get it to square 9. That would move us at least back to square 3—or, I would argue, back to square 1.

Let us assume further that my friend from Texas—and my mom always says, "You argue with him so much, why do you keep calling him your friend?" He is my friend. It is a tradition. And sometimes I think when people hear us, they say, "What is with these guys and women? Do they not mean what they say?" Seriously, the guy is my friend. I know what will happen.

Let us assume he was correct and, in fact, we could end up with one jumbo amendment that allowed us, after defeating this crime bill that is now at square 9, and we pick up a new bill off the desk, or an old bill off the desk, in effect, and we start amending that; let us assume that there was one giant amendment to that and that I could go in the back room and agree with the Republican leadership on it and say, yes, I will accept it; and assume I could walk into the Democratic caucus with the Presiding Officer and 54 other Democrats and say, look, ladies and gentlemen, I have worked this out; accept it for me; and you all say, look, you have worked so hard, we will do what you want. Assume I come to the floor then, and I say we are all set, and there are no more votes and we voted up or down, and it is now a new package; what happens next? What happens next is that the bill walks down this aisle, all the way across to the House of Representatives, and it starts all over again. All over again.

What happens then is the House of Representatives debates it. Does anybody think that the incredible debate over racial justice is not going to take place again on the floor of the House of Representatives? Does everybody think if these folks here got a chance to reopen it, the Black Caucus will say it is OK for those western guys, they got them to reopen it; but for us to reopen this bill, it would be viewed as being against crime. When they want to reopen the bill, it is not against crime. When the Black Caucus wants to do it and talk about racial justice, it is against crime prevention. What do you think is going to happen to the proguns people over there? Do you think they will say, OK, the Senate has done it; we know they are a superior body, and we are just going to take what they sent back to us on its face? We are just going to go ahead and do that?

Then we are back in the mix again. The whole thing starts over again. It would be easier for me to walk from here to Alaska. I could get to Alaska on foot faster than I could get this crime bill passed if, in fact, we open it up again and start all over.

I see my friend from Alaska here. We go back a long way. He is smiling, which means I am about to get in trouble. If he is looking for me to yield, I will be delighted to yield. But the point is that we are at a spot where this sounds reasonable to say: Look, JOE, just let us vote down this point of order and get to this new vehicle, and we will sit down and work something out and get a better bill. If guns are off the table, if racial justice is off the table, if all the big-ticket items we debated for 6 years and finally got this far—with, I might add, a majority in both Houses being for—keep in mind—I want everybody listening to this debate to understand—my Republican friends are not going to say let us vote and see whether BIDEN has 51 votes for this bill. That is not what they are going to say. The Senator from Texas was straightforward. He always is. This is not about the Budget Act, raise or lower the tax or caps. He says anyway this is about a simple thing: do we want an imperfect bill, from his perspective, to pass or take it back to try to improve it?

To him it is a substantive vote. That is what it is. It is substantive. It is not like everybody does not understand what is going on. It is not like my Republican friends are saying, BIDEN, we are going to test you to see if you have 51 votes to pass it. They are totally within their right. They are going to say: No. BIDEN, we are going to see whether you have 60 votes.

Name me another place in our life's experience where you have to have 60 percent instead of 51 percent?

That is what I am being asked—not asked. They are entitled to that. They are entitled to this vote. I am not suggesting this procedural vote they ask for is somehow wrong to ask for it and they are not within their rights or not within the rules. It is. But it is really a substantive vote.

In order for me to pass the crime bill as it came out of conference, I have to convince 59 of you to vote on this rule, this budget point of order, the way I think you should vote, which is to vote to overrule the ruling of the Chair and say: "Now we are not going to sustain this budget point of order. We are going to waive it. We are going to waive it. So long. It does not count."

We waive it all the time, by the way. It is standard operating procedure. We waive the technicalities of the Budget Act every single year, every month, and almost every day. We waive it. There is nothing unusual about that. But my friends are going to say it is only a little technical problem.

Mr. STEVENS. Madam President, will the Senator yield?

Mr. BIDEN. I am delighted to yield to the Senator from Alaska.

Mr. STEVENS. I witnessed the debate last week in the House and saw how it stretched out. Finally, the leaders of the House sat down in two sort of marathon sessions and put together a more bipartisan approach.

Would the Senator from Delaware not agree with this, that when the bill was before us when we passed the $22 billion bill it was much different from the perspective of this side of the aisle than the bill that came back, this $30 billion bill? Would he not agree with that?

Mr. BIDEN. I will not agree. I am not being argumentative. It is more money but the same major provisions in the same percentage of distribution of each prevention, law enforcement, and prisons is in there. More than everything, in that sense it is a difference, but it is not different in any substantive sense.

Mr. STEVENS. I am spelling my friend from Utah, and I am pleased to have this chance to visit with my friend from Delaware. I intended to speak tomorrow to delineate some of the items that are not in this bill before us now that were in the bill when it passed the Senate before with $22 billion.

Mr. BIDEN. In fairness to my friend from Alaska, there were a number of things that were in the bill as it left the Senate that are not in it now, and there are a number of things that were

not in the bill that left the Senate that are in it now. He is correct in that regard. But if I can give——

Mr. STEVENS. If my friend will yield further, I do not have my notes here.

Mr. BIDEN. Yes.

Mr. STEVENS. But if my friend would be willing to sit down with Senator HATCH and others on our side as they did in the House and go through the night and come back to us tomorrow with a Senate version of the reconference version I believe there are some of us who would not see the point of order in the same light.

I think there has only been one side for a reconference. There was a conference. The House then went and reconferenced in those two long meetings and made a change that brought significant bipartisanship to that bill in the House.

That has not been done over here from our perspective because some of the amendments that I as a matter of fact helped author are not in this bill now.

Mr. BIDEN. Madam President, I would be willing to do that if the Senator from Alaska would agree by unanimous consent that all we had to do was get 51 percent to agree on this.

Mr. STEVENS. Madam President, I would say this is the problem with that. This is the Budget Act we are talking about. We are not talking about a Crime Act. We are talking about a Budget Act. The 60 votes is to waive the Budget Act.

I have not voted to waive the Budget Act that I can recall. I believe that the Budget Act is a different mechanism. It is a mechanism we established to set discipline with regard to the deficit.

The Senator from Delaware makes it sound like we are refusing to accept the 51-vote normal procedure for the crime bill. That is not so. The point of order is on the Budget Act, and if the Budget Act point of order is raised, it takes 60 votes. That is my understanding of the situation. But it is not something that is a new procedure we are inventing.

Mr. BIDEN. Madam President, that is not what my point was. The Senator is right on the Budget Act.

But the Senator stood up and said that if I would be willing to sit down with Senator HATCH and himself, and other interested parties who know a lot about this, and the Senator does, then they would be willing to look at the Budget Act in a different light. And then he by way of analogy said "just like the House did."

The House had nothing to do with the Budget Act. The House Republicans and House Democrats—and I was there for every one of the meetings—sat down and in a sense renegotiated the conference report. The reason that that was able to be done is that where the House Democrats and House Republicans disagree they ended up going to the floor and voting, and they only had to get a simple majority. What I am speaking to is not the Budget Act. I am speaking to——

Mr. STEVENS. Will my good friend yield there?

Mr. BIDEN. Surely.

Mr. STEVENS. My friend is missing the fact we do not have a rules committee that can raise a point of order. That happened in the House. They did not have a chance to raise the point of order in the House. We have not waived the point of order. We did not raise the point of order when it was a bill that was a different bill at $22 billion. I think that ought to be noted.

Mr. BIDEN. Madam President, again I was responding to this notion that somehow the House got together and they were able to work out their differences, Democrats and Republicans. Why cannot we do that?

We did. I wonder if the Senator from Alaska knows that Senator HATCH was present with his Republican friends in the House speaking for the Republicans in the Senate just like the Senator from Delaware was present with the Democratic House Members speaking for the Democratic Senators.

So this idea that they renegotiated House Member to House Member without any impact on us is, in fact, not accurate. There was a renegotiation, Democrats and Republicans, me speaking for the Democrats, Senator HATCH speaking for the Republicans, over with the Members of the House of Representatives.

I hope what is coming clear is the difference between the House and Senate. The Senate can hold us up with 60 votes. They cannot do that in the House. There is nothing that requires 60 percent over there. It is 50.1 percent. That is all you need to win over there.

So, if they want to negotiate with me like the House did, I would be willing to consider that if, in fact, it was by the same rules, the same circumstances, where if we disagree we come back on the floor and vote, and if I get 51 votes for my position my position wins; if they get 51 votes for their position, their position wins.

But that is what happens here. I am at the end of the road every time for the last 6 years in order to get a crime bill every time, Madam President, and it is within the rules I acknowledge. Every time I have passed—I say "I," I mean I happen to be the author of the crime bill, OK, and I have had the responsibility because I am chairman of the Judiciary Committee since Senator KENNEDY was gracious enough to leave that post and give it to me. I bless him every night on my knees for he having done that.

But, Madam President, every single time—I see the Senator on the floor—every time I have gotten this desk where the manager of the bill stands in order to get a crime bill I needed 60 votes, every time, every time, not 51—60, because there is a filibuster or there is a point of order, or Chicken Little, the sky is falling, or anything—60 votes.

Now that is their right. And my gun friends know that. They refer to the Senators like FEINSTEIN and METZENBAUM and others who are for an assault weapon ban as the antigunners. I call them the gunners. The gunners know the rules, just like the antigunners know the rules. But the antigunners win 51 votes all the time—not all the time—they have won 51 votes on Brady, and on this. And the gunners, within their rights, say, no, no; you have to get 60.

That is where we are now. That is what this is all about.

So, I see my friend from Massachusetts on the floor, and I assume he is seeking recognition.

Let me conclude by saying all this talk about, "We get out of here," "and you know my friend from Delaware is a reasonable fellow, and we work hard together and he agrees with me on these things," and I do, I happen not to have entered the safety valve GRAMM is talking about. I thought it was a mistake to even bring it up. I was prepared to support minimum mandatory—not "prepared"—I did support some of the minimum mandatory the Senator from Texas has. I do not have any problem with it—but then we get down to guns.

So we stand here and we talk, well, you know, the Senator from Delaware and I can just work this thing out, no problem. That is true, but when I asked him, do you promise not to make us go back and change everything in here, everything that has taken 6 years to get to in here, what my friend from Texas named—this whole bill, as I said before, is single space, small print, and goes about 400 pages; actually more than that. It goes 412, but really only probable, actual legislation, with explanatory, it is like 380 pages or something.

Everything the Senator from Texas talked about could be done in three pages—maybe five.

So, if they only want to fool around with three or five pages, good. I will sit down. We can do that, maybe; if I can get the House to agree they will do that. But that "ain't" what they are taking about, Madam President. What they are looking at is a lot more than just those three or four or five pages. That is what they are looking at. And I think what they are really looking at, if my staff can find the page for me here, the page that deals with assault weapons, I think they are looking at saying, if we were able to just—I will make you a bet. I guess, you know, I will never know whether this will work.

Page 208 of the "Violent Crime Control and Enforcement Act of 1994 Conference Report to Accompany H.R.

3355." I will make you a bet and say if I sat here and I said, OK, here is what I will do. I will take this part from the bottom of the page, take page 209, 210, list all the guns that are legal, and up to page 223, and I will rip those out. I will bet you I could pass this bill in 12 seconds.

Take those pages out. That is what this is all about. They do not want to add three pages. They want to rip these pages out, page 208 to page 223.

Now if they promise me this is not what they want me to fight again for the sixth year in a row and win again on this, let me keep that in, I am willing to talk about anything. I am just a talking fool. I will be happy to listen to anything they want to say. If they promise me by unanimous consent no one will touch any of those pages, I will talk.

Then I have to go to the House and make sure the House promises they will not touch these pages that have been fought over through late into Sunday evening. If those things are out, we can work a lot of things out.

But I respectfully suggest to you that if I asked that, if I stood and asked a unanimous-consent request that such a procedure took place, there would be at least three or four people over there, at a minimum, who would object.

I see my friend from Massachusetts is here. I am delighted to yield the floor so he may have an opportunity to address the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, first of all, I want to express my respect for the leadership of the Senator from Delaware on this issue, and I am sure I speak for the overwhelming majority of the Members of the body on that point. He is a leader on this and so many other issues that relate to the security of our fellow citizens.

I want to commend him for his conscientiousness over the period of recent days in pursuing the provisions of the Senate bill dealing with the community policing and with the assault weapons ban. These items are really at the heart of the bill. Also, he has paid special attention to the prevention programs of this bill. The chairman of the committee has reviewed the final outcome of the conference. As he said, there is about a $1.5 billion difference between the amount of prevention funding that passed here and the amount in the conference report that passed the House with bipartisan support yesterday.

So with any kind of fair consideration, one would have to say that the chairman of the committee and the other members of the conference committee have been true to the feelings and the views of the Members of this body on the important provisions in the Senate-passed crime bill.

Some of the prevention programs in the Senate-passed bill and included in the conference report were offered by Republicans, including my friend from Alaska, Senator STEVENS, who was talking about the prevention programs.

Any Member of this body can talk with law enforcement officers out on the streets of this country right at this moment and they will tell you we need prevention. Any Member can talk to the police officials in our major cities, as I have recently in Boston. Every one of them will tell you that there are young people who violate the law with impunity and they ought to be dealt with in a way that is going to preserve the security of the community and in a way which will remove those individuals from the community. But they will also tell you that there are many young people whose lives can be altered by giving them an opportunity to say "yes" to something in place of a lifestyle which is destructive to them and to the security of others.

This legislation, for the first time in recent years, really for the first time recognizes the importance of the role of crime prevention. I think the bill brings an appropriate focus on preventing crime before it occurs.

So I want to commend Senator BIDEN. He has great responsibilities in other areas, especially as a member of the Foreign Relations Committee and as chairman of important subcommittees there. But in the area of the domestic security of our country, he has really made an extraordinary mark on our national policy. All of us are grateful for his perseverance and his leadership.

As he reminded us a little earlier today, it is an extraordinary set of circumstances that we find ourselves in. The budget point of order that some have threatened to raise could have been brought up at an earlier time when the Senate was considering the crime bill initially. But those Members, many of whom oppose the assault weapons ban did not choose to do so.

We do not need to draw conclusions about the motivations of our friends and colleagues, but we do understand and do appreciate the fact that if this legislation fails on the point of order, then the assault weapons ban falls, the community policing effort falls, as do many other worthwhile provisions of this bill. And if the point of order succeeds, we start out de novo at this late date when we have yet to complete not only this important piece of legislation but also other matters of importance, such as the health care debate which has been temporarily set aside.

Madam President, I urge the Senate to approve the crime bill conference report. This legislation is both tough on crime and smart about fighting crime, and it deserves wide bipartisan support.

A fundamental responsibility of government is to ensure the security of its citizens. But over the last two decades, the rate of violent crime in the United States has almost doubled. Although the battle against crime is primarily a State and local responsibility, the pending measure is a comprehensive and appropriate Federal response to assist governments at all levels in meeting this challenge.

This conference report contains major steps to improve public safety. There is a long overdue ban on semiautomatic assault weapons. There is Federal support for 100,000 community police officers. There is a balanced approach between serious punishment for violent offenders and proven measures that are effective in preventing crime before it occurs. There are provisions to deal more effectively with violence against women. And there are many other provisions to improve all aspects of our law enforcement and criminal justice system.

The assault weapons ban will guarantee that these battlefield weapons and large capacity ammunition clips will no longer be sold to terrorize our communities. The National Rifle Association would have us believe that the debate is about hunting or target practice, but the fact is that these weapons of war are designed to kill as many human beings as quickly as possible.

The TEC-9 and the M-11 have become the weapons of choice for drug dealers and gang members. According to the Bureau of Alcohol, Tobacco and Firearms, assault weapons are at least eight times more likely to be traced to crime than conventional firearms. And because there are so few restrictions on access to firearms, any deranged individual can get his hands on a weapon capable of killing dozens of bystanders with a few sprays of gunfire.

In the past 2 weeks, some had urged that this effort to ban assault weapons be abandoned. Without the formidable opposition of the NRA, we could have passed a crime bill a long time ago. But President Clinton refused to back down from this fight, and I commend him for his persistence. Passing a crime bill with the strong assault weapons ban will be a major victory, and well worth the wait.

This bill also includes $8.8 billion for community police officers and $13 billion for law enforcement overall. These funds are a sound investment in public safety. Community policing is a valuable anticrime strategy in communities across the country. It means more than just more police. It means police who have a stake in the neighborhoods they patrol, who have the training to recognize the conditions that breed crime, and deal with those conditions immediately, in order to prevent crime from happening in the first place.

In February of this year I brought Attorney General Reno to see community policing efforts at work in Dorchester, a neighborhood in Boston.

The police maintain a substation at a community center. Young people come off the street and they go into this center to play basketball, in many instances with the police officers who work in the communities. They have daycare there so the younger children can be supervised prior to the time that a parent might be able to come home.

It is a screening center for vaccination and immunization programs and some other health needs for members of that community. There are translation services, because it is a diverse community, with members of the community volunteering, working with new immigrants and helping them become a part of the community. That has had an impact on reducing crime, by strengthening the social structure.

It ties into Boston City Hospital, working with the professionals there on violence against women and violence against children related to substance abuse. It is also tied back into this community policing. Community policing also helps small entrepreneurs. It provides protection for merchants and helps reduce the amount of pilfering and diversion of products. That is basically a spinoff of a very active successful community policing program.

Its impact in reducing crimes of violence and other crimes in that area has been noted. It is important and very much appreciated by members of the community. Capt. Bob Dunford of the Boston Police Department deserves great credit along with Commissioner Paul Evans and his entire police force.

Captain Dunford described the ways in which police officers and community groups work together to improve neighborhood conditions. The Attorney General heard how the police work in the local community center to provide role models for neighborhood children. Community policing is thriving in Dorchester and elsewhere, and this bill will encourage it.

One of the important features of the community policing initiative is the creation of the Police Corps. Under this program, which is built on the national and community service model, participants drawn from the community will receive scholarships for college in exchange for 4 years of service in a local police department. By emphasizing recruitment from the community, the Police Corps can break down barriers between police forces and the people they serve, and increase respect for the police in the community.

The original Senate crime bill contained a far larger authorization for the Police Corps Program than was included in this conference report, and I hope we can remedy that flaw in the near future.

We have seen where the Teacher Corps Program has worked; we have trained teachers and they have stayed in the community, and they have made a difference in the development of education excellence within various communities. We have the National Service Corps, which is bringing services to underserved areas that are not only in rural communities but also urban areas. That has been very, very successful.

Actually it has been expanded in the Mitchell health care bill. We had a very strong program that was pretty well emasculated during the 1980's, and now under President Clinton it is being expanded. But the concept of service, taking individuals from communities, providing them with education, and having those individuals serve the local community, is something that had support in the House and the Senate and is included in the conference.

More police and more effective punishment are part of the answer to crime. But we need to do more than just react to crime after it occurs. Drug treatment, job training, and antigang programs can help to end the cycle of crime and violence that is destroying our cities.

The evidence is clear. Drug treatment works, especially for addicts in the criminal justice system. Two-thirds of drug addicts who complete a treatment program in prison remain drug-free and arrest-free for at least 3 years.

We have not, until very recent times, been able to get the kind of assistance that is included in this bill, to provide help for individuals who are substance abusers and incarcerated.

But for addicts who get out of prison without undergoing treatment, two out of every three will commit new crimes and be back in prison within 3 years. This crime bill contains $1 billion for special drug courts to treat these low-level, nonviolent drug addicts.

We can understand the broad politics of this issue. People say, "Why look out after people who are in jail who are substance abusers when we do not have all the treatment slots we need outside of prison?" That has been an argument which has been difficult to respond to, other than to try to increase treatment resources for community-based programs. The health bill contains a very, very important provision to provide a comprehensive substance abuse benefit. So we are beginning to deal with substance abuse in a comprehensive way, both as a health issue as well as an issue in the criminal justice system.

The bill also includes a provision I strongly supported to provide funds for economic development to reduce crime in communities with high unemployment and poverty rates. This provision will promote economic growth and opportunity in high crime neighborhoods by assisting small- and mid-sized businesses, and by providing job opportunities for young people who might otherwise resort to crime. This is the only program in the bill that directly creates job and business opportunities in poor communities. One of the best anticrime strategies is a job and this bill supports it.

I am also pleased that the bill includes a comprehensive set of programs aimed at reducing violence against women and providing much-needed assistance to victims of such crimes. Chairman BIDEN deserves tremendous credit for his efforts on the Violence Against Women Act, and I am proud to have had the opportunity to join him in crafting this legislation.

Among the services for victims that this measure funds is a national toll-free domestic violence hotline, a provision we are including in response to concerns expressed by battered women's service groups is Massachusetts and around the country, to revive a hotline that closed 2 years ago for lack of funds.

The bill also contains a provision that Senator HATCH and I sponsored to protect the confidentiality of counseling programs for rape victims.

I see Senator HATCH on the floor, and that is one of the very important provisions in this legislation.

With regard to the hotline program, which was initially supported by the Johnson Foundation, more than 65,000 calls came in over the last year it was in effect. This bill provides limited but important resources to continue the program. The idea is that when an individual calls the hotline, they will be tied right into their local community and into the assets that will be available to that individual who needs the services.

So if you are in Methuen, MA, or in New Bedford, and you have a problem, you dial this one number and it ties you right back into the programs which are available in that community, or as close as possible. The technology is available. This legislation will give the hotline life again, and it is just one small but extremely important program in the Violence Against Women Act.

That act also provides help to prosecutors and to courts in dealing with domestic violence cases, and it will support battered-women shelters in our communities. The act is funded at about $1.6 billion over this 6-year program. It is a matter of enormous importance, and it certainly is one of the very important parts of the bill.

Another Massachusetts model that this legislation builds upon is the community prosecution program developed by the Middlesex County District Attorney Tom Reilly. This initiative encourages crime prevention partnerships among police, prosecutors, and community groups. Such a coordinated approach has proved to be useful in fighting crime in my State, and can benefit other communities through this grant program.

Basically, this program gets the district attorney's office working with a range of social service providers, working with schools in the community, working with parent groups to try to begin to identify those individuals who have a continuing record of violence and disruption and to give greatest attention to those individuals.

This program has had an extremely important impact. The people who are the strongest supporters of it are the school teachers, school administrators, and the parents themselves. The program has improved the whole atmosphere of learning in school systems, freeing the students from threats of violence in those schools. The coordination and seed resources that the program provides have had an important impact within the community.

In addition the bill contains a sensible three-strikes-and-you're-out provision to ensure violent repeat offenders remain in prison where they belong. Lengthy incarceration is essential for violence career criminals. There is also strong support in the bill to help States deal with the challenges of high prison costs and overcrowded prisons. In these important ways, the bill helps to make sure violent criminals actually serve the lengthy sentences that they deserve.

I have long opposed capital punishment as a matter of deeply held principle, and I regret this bill expands the Federal death penalty. There is little credible evidence that the death penalty actually deters crime. In fact, States with the death penalty generally suffer from higher rates of murder and other violent crimes than States without special punishment. I also regret the bill does not include the Racial Justice Act, which is needed to deal with serious problems of racial discrimination in the application of the death penalty.

But this bill contains so many provisions that deserve to be enacted: The assault weapons ban, the support for community policing, the Violence Against Women Act, the crime prevention programs, and many other provisions that are vitally needed.

This far-reaching legislation makes the Federal Government a real partner with State and local governments in the fight against crime. It commits Federal recourses to a balanced strategy of punishment and prevention that holds great promise for improving public safety.

I urge the Senate to approve the strong bill and send it to the President for his signature.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HATCH. Madam President, the debate has been an interesting one today, but it is pretty apparent we had a very good bill that went out of the Senate. It was $22 billion. The House came up with its bill, which was a very bad bill. It was $27 billion. Then the liberal conferees came up with a $33 billion bill. Suddenly, it jumped $11 billion from a really good bill that we passed here.

The bill has been somewhat improved by this last conference, by what the House did. It has not been improved enough.

Frankly, what we would like to do is improve it some more, but the only way we can do that is to sustain a point of order that it violates the Budget Act and then work out the final anticrime materials that have to go into it. That is what we are trying to do here, and that is what we are going to do if we can. We think America would be much better off if we do.

I do not think the distinguished Senator from Delaware has to worry about losing very much. The only thing we will lose is maybe a little bit of time. But we can get this bill so it is much better and would have overwhelming support in both Houses of Congress. That is all I am dedicated to doing and, frankly, I would like to see us have that opportunity.

There is still a lot of pork in this bill. When we passed our $22 billion bill, it was $2.3 billion in prevention programs, part of which was, of course, the violence against women bill on which Senator BIDEN and I have worked so hard. All of a sudden, it jumped to almost $9 billion, and now it is down to $5.3 billion, but $3 billion more than the Senate bill which some thought had too much pork in it as it was. It is time to change that.

Madam President, let us see what we can do in the next day or so, and if we can, it will be for the betterment of our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, during the course of the last 10 days, the crime bill has been debated from one corner of this country to another, and I believe debated in a constructive fashion.

A proposal originally presented to the House of Representatives and meant to be presented to the Senate on a take-it-or-leave-it basis has now, in fact, been changed in a number of material ways. It is unfortunate that that crime bill, originally reported from a conference committee, was written largely in secret by a small handful of Members without input either from the law enforcement community or from the vast majority of other Members of both Houses of this Congress that wished to do something constructive in the war against violent crime in the United States.

As a consequence, after its initial setback something more than a week ago, more and more Members read sections of the bill which they did not understand and other sections with which they vehemently disagreed, and the net result was a series of changes which took place late last Saturday evening and Sunday morning in a reconstituted conference committee devoted, unfortunately, more to attempting to make a few changes which would change a handful of votes than it was to examining the entire thrust and direction of that crime bill itself.

Certainly, what we have before us now is improved in at least two directions. It is improved from the point of view of the safety of the people whom we represent, primarily by the restoration of Senate language on sexual predators, language passed unanimously in this body last November and language which the House instructed its conferees to include by a vote of 407 to 13 just a few weeks ago.

It was puzzling, at the very least, to face a conference committee report which ignored both votes in the Senate and the House—not only ignored both votes but which included a distinct right of privacy for convicted sexual predators, a right of privacy which, in my view, might very well have overridden the laws of a number of States like my own which call for the notification of communities when a convicted sexual predator is released into their midst. In any event, whatever the proper interpretation of that first conference committee report, we now have language substantially similar to that which passed the Senate in this bill.

The second area, the second field in which this bill has been improved, of course, is in a modest reduction of programs at the most remotely are tangentially connected with crime or, for that matter, the prevention of crime.

It seemed that in the course of that bill through Congress, from the recommendations of the President, through the House, through the Senate, with the conference committee, nothing was ever subtracted, but a great deal was added, much of it in the form of individual bills introduced by individual Members of the Senate or House; some of which have never been the subject of hearings, others which obviously could not pass upon their own merits but were gathered together under the rubric of crime prevention and included in this bill.

One of them was removed lock, stock, and barrel—the youth employment skills program for $650 million, which would have been, if my numbers are correct, the 157th such uncoordinated program managed by half a dozen to a dozen different Federal agencies. Several of the others were reduced modestly—by, roughly, a 10-percent cut—but remain in this bill.

A few other modest changes have been made in the bill, Mr. President, but I am convinced that this bill still requires substantial improvement so that it can stand as a true step forward in the war against violent crime in the United States.

We here in the Senate who have been simply spectators of the debate in the House of Representatives will shortly have the opportunity to do just that, that is to say, to improve this bill to the point at which it can receive the votes of a wide bipartisan majority of Members of the Senate and, I trust, when it returns to the House, of the Members of the House of Representatives as well.

I wish to speak tonight just to a modest handful of the areas in which I think those improvements should take place.

The first, Mr. President, is connected in a rather interesting way, in my own mind at least, with my former position as attorney general of the State of Washington where, as was the case with the distinguished occupant of the Chair this evening, I was involved in consumer protection.

Mr. President, I am afraid that were it subject to my jurisdiction, I would have to sue the proponents of the proposal to put 100,000 new cops on the beat for false advertising, in utilizing that number in connection with an argument for additional policing, which unites almost all of us in this body.

I would have to do so, of course, because this bill does not provide money for 100,000 new uniformed officers on our streets. To the contrary, if all of the money in this bill were actually utilized for new officers, it would fund fewer, not many more than 20,000 such officers.

Why? Well of course, because this is only a partial subsidy, in fact, a declining subsidy to the cities and counties of the United States of America. And it is assumed in the bill, but never trumpeted by its proponents, including the President of the United States, that the only way in which we can get 100,000 new officers is to have local communities come up with enough money to fund almost 80 percent of the cost of those officers over a 5- or 6-year period. It is in this respect that this bill falls greatly short of what it is advertised to do.

I daresay that most communities in this country, if they could afford to finance 80,000 new police officers, would be doing so where they think appropriate, as they would in many parts of the country from one corner to the other. I know that I have been approached by myriad police chiefs, sheriffs, and for that matter those in the ranks, the police agencies in the State of Washington, with the definitive statement that there is no way their jurisdictions can pick up this massive local share of the expense of creating our proportion of the 100,000 new police officers.

These men and women state that their community budgets are pressed and stretched to the absolute maximum at the present time. They will resent being told that the Federal Government is funding men and women whom it is not actually funding, and whom they will not be actually able to take advantage of while, on the other hand, those who will be hired to administer the social programs in this bill, will presumably be paid for permanently and entirely by the Federal Treasury.

Second, Mr. President, of some close to $9 billion in social programs with only a tenuous relationship to crime prevention in this bill, only some $2 billion or so have been cut by this dramatic debate in the House of Representatives. And that is not nearly enough.

The Local Partnership Act, the model intensive grants, the Community Economic Partnership Program, all of which duplicate present programs in the Federal Government, sometimes duplicating them literally in the hundreds, are only reduced very, very slightly in this bill. The real irony in this connection is that there is a need for money spent on crime prevention. And we have a number of highly successful crime prevention programs which involve partnerships between the Government of the United States and our local government.

In my own State, we have "Operation Weed and Seed" in the city of Seattle, one of approximately 20 such projects going on across the country, which combine police work with community activism, married together with those who are working on social conditions in their communities with those who are enforcing the law in a way which has been immensely constructive. If the crime bill conference wanted to do something with extra money, why not 200 "Weed and Seed" programs rather than 20? Why not take something which has worked and expand it rather than simply creating a whole set of new programs presumably named after their sponsors in areas, many of which have not been successful in the past?

Why not expand a Safe Streets Program? Why not expand Triad? Why not expand DARE? Why not deal with those crime prevention programs with a proven track record rather than simply to add another juvenile program to the 266 we already have, another job training program to the other 155 that we already have? In this case we should be consolidating. We should be determining which ones have been successful and which ones have not been successful, and concentrating on those that have.

Third, and perhaps equally important, is the fact that so many of the tough anticrime measures designed to get violent criminals off the streets, that were included in the Senate bill, are not included in even this conference report. From my perspective, although it may the not be the largest of them, one which is utterly inexplicable has to do with making it easier to take an illegal alien who has committed a serious felony and running through that person's entire deportation proceedings while he is incarcerated so that the deportation takes place immediately upon the ending of a sentence.

I was given an example while I was home over the weekend of an individual, illegal alien, who has been convicted and jailed on nine separate occasions. Yet, the deportation proceedings have never caught up with that individual, so that he is released onto the streets in order to commit other crimes, and still has not been deported from the United States. Making that process easier for criminal illegal aliens in the United States, and that provision being dropped by this conference committee, absolutely begs explanation.

New sentencing provisions that are really tough have been removed. Some penalties for criminal actions with guns have been removed.

We just cannot understand why it is that so many of the provisions which would have accomplished something with respect to the sanctioning of violent criminals in the United States are not a part of this bill. Even when it left the Senate, it had done nothing to reform the endless habeas corpus appeals through the Federal courts.

Well, we could accept that. But when progressively we have lost more and more of the law enforcement, and progressively have more and more duplicative programs with respect to various social goals, we still have a bill, while not unsatisfactory of that originally reported by the conference committee, still needs a great deal of improvement.

Much has been made about the gun provisions and the assault weapons provisions that are still in this bill. There is much speculation by Senators about whether or not the bill would have a better chance without those provisions in it. Mr. President, I voted against those assault weapon provisions when the bill was before the Senate. It seemed to me peculiar that we should aim a law at thousands, perhaps hundreds of thousands, of law-abiding citizens in the United States, with a

particular kind of firearm which many of them feel to be their right to hold, in a fashion which almost certainly would have had no impact whatsoever on the use of guns of any kind, including those in violent crimes in the United States today.

Nevertheless, the Senate voted for that provision.

Many of my colleagues voted against that provision.

I, nonetheless, voted in favor of the crime bill as it passed the Senate because, it seemed to me, on balance the good in the bill outweighed the negative elements of that proposal. So I would do this time around, if I felt that the good outweighed the negative or the bad in this proposal. And I am here to say I am convinced that we have exactly just such an opportunity. We can gain that opportunity by turning down the motion to waive the Budget Act and by amending the bill, most particularly in the field of stronger and tougher law enforcement directed at violent criminals in our society, and removing several billions of extra dollars, additional dollars, from the dubious, questionable, marginal, non-law-enforcement elements of the bill itself.

The Senate, in other words, has the same opportunity this week that the House of Representatives availed itself of last week. The House of Representatives in its changes took significant steps in the right direction. The Senate should now follow suit, and if it does so, this Senator for one will be delighted to support a bill which is not as undesirable as it was 10 days ago, but which needs considerable improvement on balance before it becomes the law of the United States of America.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois, Ms. MOSELEY-BRAUN, is recognized.

THE CRIME BILL

Ms. MOSELEY-BRAUN. Mr. President, I had occasion to preside over the Senate for the last 2 hours, and I could not help but be reminded of that old expression that those who love the law and those who love sausages should not watch either of them being made. I had a chance to sit through the rancor and debate around the procedural status of this legislation, and to have occasion to think for a moment how we must appear to the people of the public, who do not know about the rules and about the procedural maneuvers and do not quite understand why it is taking such an extraordinary amount of debate and is such a long, drawn-out process for us to achieve a crime bill in this session of the Congress—a bill, I might add, that the American people want.

I say, Mr. President, in explanation to those people who are more than mystified at this point about what is going on, and the reason this bill has taken such a long time to resolve, and the reason behind all of the rancor and debate and the controversy that surrounds the crime bill, is because it is important—precisely because it is so very important to our country—that we have the clash of interests, we have the clash of perspectives and the clash of ideas going on here in this, the greatest deliberative body in the world. And that is why finalizing and enacting into law this crime bill has not been easy for Senator BIDEN, who has certainly worked on it so many years, or for all of the other people here in Congress who have been so passionate about giving the American people what they want and need.

But, at the same time, because it is so important, I think it is of critical significance that we continue the debate as long as it takes to get our job done.

The Senate first passed the crime bill last November, nearly 8 months ago. At that time, everyone in this body hoped the bill would quickly become law. Unfortunately for all of us, procedural maneuvering and partisan politics has delayed completion of this legislation. But now, at long last, the Senate stands poised to vote on a measure that, for the first time, will devote substantial resources of the Federal Government to the effort to reclaim our streets. As far as I am concerned, Mr. President, this vote is coming not a moment too soon.

By way of background, Mr. President, I come out of a law enforcement family. My father was a police officer, as were my brother and my uncle. I have grown up discussing issues relating to crime and punishment in the criminal justice system in our home all my life. I served formerly as an assistant U.S. attorney in the Northern District of Illinois. I served as a State legislator, as a local elected official, and finally as a U.S. Senator.

For all of these years, Mr. President, crime has been an issue of great public concern. And for all of those years, the level of crime in our society has been unacceptably high. But the challenges posed by violent crime today are greater now than they have ever been.

I do not make that statement easily, but we can no longer ignore the truth. We live in a country where 7-year-olds are gunned down on their way to school, and 9-year-olds bring guns to school for protection. We live in a country where violent crime occurs every 22 seconds. That includes one murder every 22 minutes, one rape every 5 minutes, and one aggravated assault every 28 seconds.

The public, the people, are frightened. Fifty-nine percent of city residents and 57 percent of suburban residents fear becoming a victim of crime. Sixty percent of all Americans limit the places they travel to out of fear of crime. We are in danger of becoming a society of victims.

I can cite statistics such as these for the rest of this evening, but the numbers only serve to illustrate what we already know. I believe the Federal Government must act to help take back our streets, to ensure that every man, woman, and child in this country feels safe in their communities, in their schools and in their homes. That is why it is imperative that Congress send this bill to the President as soon as we can, today or tomorrow. We cannot afford to wait another day.

I want to call the Presiding Officer's attention to our Constitution, the document that all of us love so much and pledged to be faithful to in our work here.

The preamble of this Constitution says:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

I read that because I think it is important for us to be reminded, Mr. President, that ensuring our domestic tranquillity is part of what we were sent here to do. That is our job. It is what we are elected, in part, to ensure. And, more importantly, it is what the crime bill gives us the opportunity to do.

I believe that it is important that we remind every Member of this Senate that ensuring our domestic tranquillity does not mean that we have to ensure a liberal approach to crime or a conservative approach to crime. It does not call for us to ensure the building of more prisons or "grabbing them by the throat," as one of my colleagues likes to say. What this says is that we have an obligation to focus on the needs and interests of the honest people of this country, the needs and interests of the citizens of this country who want to be able to live without the threat of violent crime. I believe this crime bill goes a long way in that direction.

Stories that have been written about this crime bill have tended to focus on the critics of the bill, critics who exist on both sides of the political spectrum. According to the reports, the "liberals" have criticized the bill for focusing too much on the "lock-em-up" approach to solving crime, while the "conservatives" contend that the bill places too much emphasis on prevention. Some critics have urged a vote against the bill because too much money will be spent to build prison cells or to fund boot camps. Others urge a vote against the bill because too much money will be spent to fund programs designed to steer children away from crime and drugs or to provide youth with job training and career opportunities.

Mr. President, I would like to take this opportunity to address those critics—again, on both sides of the political spectrum and, frankly, both sides of the aisle. I certainly hope that those of us in this body will resist such simplistic analyses. Fighting crime is not an either/or decision; it is not a liberal or conservative decision; nor is it a Republican or Democrat decision—or at least it should not be. And it does not just come down to a choice between funding a social program or funding a prison cell. The truth of the matter is that there is no liberal solution to crime, and there is no conservative solution to crime. There is only a cooperative solution.

We are all in this together, and we should be prepared to take what works to fight crime. We should be prepared to take a little bit of this approach and that approach, approaches that have been demonstrated to be effective, in our effort to fight to secure our domestic tranquillity.

Common sense tells us that we cannot focus solely on alleviating the root causes of crime, even though as much as I would like to see that happen, because even if it were successful, those measures might not show any effects for 10 or 15 years down the road. But neither can we simply talk about locking people up and throwing away the key, because once you need to lock someone up you have already failed at what should be the central task of the criminal justice system, which is preventing crime in the first place.

The crime bill we are considering today recognizes both of the realities, that we have to focus on prevention as well as punishment. This bill recognizes that we should be prepared to take what really works to fight crime. Prevention efforts, in my opinion, are important in securing our future and securing our children's future if for no other reason than the old adage that says "a stitch in time saves nine." It makes sense to stop crime before there are victims, even at the same time as we focus in on punishing those who made a victim out of all of us. This bill strikes a balance between prevention and punishment in a way that makes sense.

So let us not focus on just the detractors and critics of this bill. Let us focus on its supporters. This crime bill has the support of the National District Attorneys Association, the National Association of Attorneys General, the Fraternal Order of Police, the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriffs Organization, the International Brotherhood of Police Officers, the National Troopers Organization, the National League of Cities, the United States Conference of Mayors, the National Association of Counties, the National Conference of Democratic Mayors, the National Conference of Republican Mayors, and Municipal Elected officials, just to name a few.

Most important, though, let us focus on the supporters who matter the most, the honest citizens who resent being made victims of crime; the mothers who want to save their boys from gangs; the communities, large cities and rural towns, that want to preserve a quality of life; and the people who want to reclaim the domestic tranquility that the Constitution says is our job to protect.

Why does this bill have so much support? First and foremost this bill will deploy an additional 100,000 police officers on the streets of our cities and towns, exactly where they are needed the most. Police officers hired under the bill will be trained in community policing, a new idea that really is nothing more than the old-fashioned beat cop that existed in the days when my uncle first started on the police department.

Having police walking the streets, as members of the communities, makes all the sense in the world, and as a member of a law enforcement family, I for one am delighted that Congress has recognized the value of encouraging police officers to become part of the community, to walk the streets of the neighborhoods, and to get to know the residents.

Again, simple common sense tells us that the cop on the beat in the neighborhood decreases the likelihood that a crime will be committed in that neighborhood. The addition of 100,000 community police represents a real opportunity not just to make more arrests and prosecute more offenders. It offers a chance for law enforcement agencies throughout the Nation to respond proactively to help deter crime before there is a need for arrest or prosecution.

In my State of Illinois, there should be somewhere in the neighborhood of 2,000 new police added to the police that are already in place. That will be in additional support to the big cities as well as the small towns that have seen a rise in violent criminal activity.

But this bill will not just send out more police officers. It also provides the funds necessary to give States and local law enforcement agencies the tools to do their jobs. The bill provides funds for the Edward Byrne Formula Grant Program to assist State efforts in fighting drugs. It provides money for fighting crime and drug trafficking in rural areas. It provides money to assist States in administering the Brady law, a law that has already proved successful in keeping guns out of the hands of those who should not have them. It provides funds for States to acquire the DNA labs and or technologies in carrying out the fight against crime. And, it provides funds to State courts, prosecutors, and public defenders to assist in the administration of justice.

This bill provides for new death penalty offenses, contains a three-strikes-and-you-are-out provision for repeat violent offenders, contains discretionary authority to try juveniles aged 13 and above as adults, gives the States $9.9 billion to provide boot camps to house hardened criminals.

This bill is very tough on crime. It is, of course, the very provisions I have just cited that made the bill subject to some of the criticism. The bill is too tough, some opponents say. It focuses solely on locking people up once they have committed a crime, but does little to prevent a crime from occurring.

The fact of the matter is this bill achieves a balance of punishment, on the one hand, and prevention, on the other. I for one would never support a bill that focused solely on punishment, but that is not the bill we are considering. This bill is a recognition of the fact that we must do both.

The funding in the bill, frankly, is slanted heavily in favor of the punishment side of the equation. Seventy-seven percent of the money in here is for after-the-fact law enforcement, for police, punishment, and prisons. But 23 percent of the funding is for prevention, and I believe that represents a sea change and step forward in putting together a collective, cooperative approach that will begin to tackle violent crime and help us to reclaim our communities.

Mr. President, if we only concentrate on punishing crime we will never be able to build enough jails and boot camps and prisons to hold all the people that find their way into criminal activity. We already in this country have the highest per capita prison population in the world, yet that has not made our communities any safer. And there is nothing to suggest that the trend is changing.

I would point out to my colleagues and anyone listening that simply locking people up is an awfully expensive way to approach the issue. The taxpayers pay on average $25,000 a year for every person that we put into a jail cell.

It seems to me, and it seems I think to the authors of this bill, that we can do a little bit better to diminish the pipeline to prisons. We can do better to give people an opportunity, an option that will steer them away from criminal activity and save us all the tremendous cost of victimization that we are currently experiencing.

We particularly need to give young people a chance, Mr. President. As President Clinton has stated so eloquently, if we want people to say no to crime, to drugs, and to violence, we must give them something to say yes to.

This crime bill does that, by authorizing money to fund drug education, summer recreation programs, and employment initiatives, programs that

will give young people an opportunity to find good jobs and lead productive lives and stay away from the lure of the easy dollar and criminal activity.

This bill will fund programs to allow schools to remain open in the afternoons and evenings, so young people will have an alternative to hanging out on the street corners. And it will fund local crime prevention block grants, which will allow local governments to provide numerous crime prevention programs ranging from gang resistance education, Boys and Girls Clubs, supervised visitation centers for children removed from abusive homes and, yes, even the now-famous midnight basketball program. This bill recognizes the value of crime prevention.

Mr. President, I was the original sponsor here in the Senate of the Midnight Basketball League Training and Partnership Act of 1993. As one who has observed firsthand the benefits that midnight basketball leagues have provided not just in my hometown of Chicago, but in 40 other cities across the Nation, I would like to take a few moments to speak about why it is not only appropriate, but also necessary, that funds for midnight basketball be included in comprehensive crime legislation.

The midnight sports programs are much more than just fun and games. I want to congratulate the media for the articles and the stories on this issue that have pointed that fact out. This is not just about recreation. This is not about basketball. In fact, if anything, the basketball aspect of midnight basketball is probably the least important. If anything, basketball becomes the hook by which we attract young people and give them an alternative to the streets, an alternative to the gangs and a little alternative to destructive activities.

Midnight basketball leagues promote youth development by forming private-public partnerships with local companies and with the police. In Chicago, private sponsors have not only contributed funds to help finance the leagues and the teams, they have also helped midnight basketball leagues design educational and job-related workshops which league players are required to attend after the games. Consequently, these partnerships have provided adolescents with important adult mentors and role models and also demonstrated themselves in helping prevent crime, by providing adolescents with opportunities to play basketball during the hours when most crimes are committed, from 10 p.m. to 2 a.m in the morning.

Midnight basketball leagues have also successfully assigned rival gang members to the same teams, affecting truces both on and off the court. They have been successful everywhere they have been tried. They have kept down crime. They have given people something to say yes to. They have been an exercise that has more than returned the investment that we are called on in this legislation to make.

And so, based on the experience in Chicago, I am proud to say that many of the midnight basketball league players have recently completed their GED requirement—in other words, received their high school diploma—and none of them, Mr. President, were in trouble with the law during the 3 years that this program was evaluated.

That, it seems to me, Mr. President, is well worth the effort. It goes directly to the point that we do better making investments in young people, giving them something to say yes to, providing them alternatives to the gangs and to the crimes, than with simply locking them up.

For my colleagues who have complained about the pork-barrel spending and the wasted dollars used to fund midnight basketball and other prevention initiatives, I would ask them to consider this. In Chicago, midnight basketball leagues have been able to serve 80 youngsters a year at the cost of about $85,000. On the other hand, it cost approximately $20,000 to incarcerate a juvenile for 1 year. And those are strictly the incarceration costs, Mr. President. That does not include what we spend to hire the police to make the arrests, to provide a prosecutor, a court guardian, a judge to hear the case, money for restitution for the victims, et cetera, et cetera. So it seems to me we have a choice. We can choose to spend that money, that $85,000 on 80 youngsters and give them something to say yes to, or we can spend $85,000 on four youngsters to lock them up and throw away the key.

For those in this Chamber who do not live in communities where midnight basketball programs have been run, it may seem like a small thing to do. But I can assure you it makes a huge difference in the lives of young people who have little opportunity. It can make a real difference to young men and women who have the potential to make significant contributions to our society, but ultimately lack the opportunity to make those contributions.

So I ask my colleagues to come and examine these programs. And I would be willing to organize a tour, while I have one of my colleagues on floor who no doubt is a better basketball player than I am, who just indicated he might be interested in doing that. But I would very much like to offer to take my colleagues to see my reality, to see what it is like in the cities and to talk to these young people, to see how desperately they want to avoid the lure of the people of the gangs and the lure of the people of the streets and they want to do the right thing. They just do not have the opportunity.

We can provide them with that opportunity, Mr. President, and this crime bill is a vehicle in which we can do that. I hope that we will not miss this chance to do so.

This summer I had occasion to visit the Robert Taylor Homes with the President of the United States. It was really stunning, because I think that many times, as we talk about these issues, there is almost a disconnect. Some of my colleagues do not necessarily know what urban communities are like, there is a disconnect between the realities they see and what actually goes on, particularly in some of the inner city communities.

The Robert Taylor Homes are not far from where I grew up. In fact, I had an occasion just yesterday to drop off a friend who lives there and who is doing her level best to raise her children and to keep them alive in a community in which she has to walk her children to school for fear of them being shot. I guess the feeling is that she will take the bullet instead of them.

In the Robert Taylor Homes, there is an 89-percent poverty rate. The median family income is $5,400, and unemployment there averages 60 percent. Only 32 percent of the adults have more than a high school education, and 45 percent of the residents are under the age of 14.

When this mix is aggravated by drugs and guns and overcrowding, it is not hard to see why these young people might turn to a life of crime.

That is not to excuse their conduct. In fact, there is no excuse for it. We have to be clear that we insist and demand on individual responsibility for what one does.

But, at the same time, as President Clinton again stated, we have to give these young people something to say yes to. We have to provide them with some alternatives. And, thanks to midnight basketball, the answer to the question, "What else can I do?" is no longer "Nothing."

This is a program that gives them an alternative to the streets, that helps them graduate from school and to find a job.

And in the absence of investment, Mr. President, in other alternatives, it seems to me that this is a small contribution for us to make.

I hope that this debate recognizes, as this bill recognizes, that prevention and programs like midnight basketball have a positive effect, that the Members of this body will see their way clear to supporting this conference report.

Mr. President, this conference report also authorized funds for something called the family unity demonstration project. This provision, which I was proud to cosponsor, was sponsored by my senior Senator from Illinois, Senator SIMON, along with Senator DURENBERGER of Minnesota. This provision will establish five demonstration projects—four at the State level and one at the Federal level—where nonviolent female offenders can reside

with their young children. In these centers, women can not only bond with their young children and keep their families together, but they can receive parenting classes, drug treatment, job training, and other educational opportunities.

By allowing nonviolent offenders to live in the community with their children, we can help maintain more stability than if the mother and the child were separated. This serves two very important purposes. First, by allowing the mother to form strong bonds and attachments with her child, we can give the mother a strong incentive to go straight, and help make it less likely that she will become a repeat offender. And second, we can prevent the child from being shuffled endlessly through the foster and group home system that we all know creates so many problems for young children.

The majority of women prisoners are nonviolent offenders, jailed for property or drug crimes. These women can serve their time in the community, alongside their children, without posing any risk to society. I do not mean to say that these women should not pay for their crimes—of course they should. But I believe this will give us an opportunity to provide a win-win situation, where the children are not made victims because of the error of their parents.

And the crime bill also contains what I consider to be one of the most important preventative programs ever to be passed by this Congress, the landmark Violence Against Women Act. Passage of this bill will, for the first time, put the U.S. Congress on record in support of the fact that violence against women is just that—violence.

By now, Mr. President, we have become all too familiar with the frightening statistics on crimes against women. The fact that the rape rate has risen four times as fast as the total crime rate; that one in every three women will be the victim of a rape during her lifetime; or that between 3 and 4 million women are abused in the United States each year.

Yet we also know that despite the high rate of crimes against women, rape and domestic assaults often go unreported. Women are afraid to turn to the justice system for help, fearing that they will be assaulted a second time by a system that blames the victim. All too often, they are correct. Who would believe, in this day and age, that a judge could issue a light sentence to a rapist by asserting that the victim, "ended up enjoying [herself]?" Who would believe that the police could refuse to arrest an abusive husband because his abuse is a "family issue?" But day after day, in courtrooms and police stations throughout the country, such callous and insensitive attitudes prevail.

This legislation gives long-overdue recognition to a disturbing reality. And that is, while crime affects all Americans, it affects women in more insidious ways.

Women who are the victims of rape are nearly nine times as likely as nonvictims to attempt suicide, and are twice as likely to experience serious depression. Rape and sexual assault affect even women who are not victims. Just ask the millions of women who have altered their patterns of behavior to avoid being alone on the street at night for fear of being attacked.

This bill will help ensure women are once again free to walk the streets alone at night if they so choose. It will also help assure those women who are assaulted, despite our best efforts to prevent that, will feel free to turn to the justice system without the fear of being victimized a second time. In short, the Violence Against Women Act will help create a more responsive justice system for our mothers, our sisters, our daughters, and our friends. I applaud Senator BIDEN for his leadership in introducing the Violence Against Women Act, and for including it in this legislation.

Finally, this bill signals our intent to get serious about the gun violence that is plaguing our streets. The crime bill contains a provision to ban the manufacture and sale of 19 deadly semiautomatic assault weapons. I was proud to stand with my colleague from California, Senator FEINSTEIN, as a cosponsor of this amendment, for if any provision is essential to securing our domestic tranquility, it is a ban on assault weapons. I would like to take a moment to discuss what this ban on assault weapons does and doesn't do.

This amendment in no way infringes on the right of legitimate hunters and sportsmen. In fact, it specifically exempts, by name, more than 650 rifles, and it also provides a set of functional characteristics to protect their successors.

What this amendment bans are guns that are designed solely to spray large groups of people with gunfire in a short period of time—guns that are designed not to fire precisely, but to fire quickly. Semiautomatic assault weapons are the weapons of choice for gang members, terrorists, assassins, drug kingpins, grievance killers, and drive-by shooters. These guns have no other purpose but to kill as many human beings as possible as quickly as possible. Hunters have nothing to fear from this bill, unless of course they plan to hunt humans.

The cynical efforts of gun control opponents to derail the crime bill because it contains an assault weapons ban must fail for one reason, and for one reason only: The American public wants an assault weapons ban. The voices of the American public have prevailed over the cries of the special interests, and the crime bill is a stronger bill as a result.

Senator BIDEN spoke earlier about the fact that a great deal of the effort being expended to filibuster or derail this legislation by procedural maneuvering is a direct result of the assault weapons ban. I think that is really unfortunate, Mr. President, because I am one who supports the second amendment, who understands and is sensitive to the concerns of legitimate hunters and honest people who want to have weapons. But certainly no legitimate hunter needs to have an assault weapon as part of a private arsenal. And, certainly, as I have stated previously, given what we have seen time and time again, that assault weapons are the guns of choice for gang members, drug dealers and drive-by shooters, for people who just want to kill other people, our duty to ensure the domestic tranquility requires we pass an assault weapons ban.

I mentioned earlier my visit to the Robert Taylor Homes with the President. We went into a police facility located in the housing development, and saw stacks upon stacks upon stacks of assault weapons which clearly were not being used for any legitimate purpose. These weapons clearly were not being used by anyone who wanted to hunt, and certainly were not being used to protect anyone's security in their home. They were seized from gangbangers and other young people who were on the streets terrorizing the honest citizens who live in the Robert Taylor Homes.

Another critical step in the controlling of gun violence, Mr. President, is getting the guns out of the hands of the 17-year-olds, the 16-year-olds, and yes, even our 12- and 13-year-olds. The fact of the matter is that, today, our Nation's schools are looking less and less like halls of learning and more and more like armed camps. We cannot expect our children to thrive in those kinds of environments. I am proud to have been a cosponsor of the amendment to the crime bill, offered by Senator KOHL, to ban the transfer or possession of a handgun by a minor.

It is almost stunning—in fact people are very often surprised when I tell them—that it is not currently illegal under Federal law for a minor to possess a handgun or for an adult to give a handgun to a minor.

While I do not believe a ban on handgun possession by minors will solve all the problems associated with juvenile violence, I do believe this amendment—along with the provisions already in the crime bill—can continue to make a difference in combating that problem. I cannot imagine—getting back again to the second amendment—I cannot imagine that the founders of our great country intended to grant children unlimited, unsupervised access to the gun of their choice.

My praise for this bill does not mean I believe it is a perfect piece of legislation. I do not know that there is such

a thing as a perfect piece of legislation precisely because the process is intended to function, is designed to function, as a process of compromise and give-and-take. We pass the best bills we can, and then we improve them over time.

As a long time opponent of the death penalty I, frankly, do not support the expansion of the death penalty to over 60 crimes in this bill. And, given the overwhelming evidence—and I have spoken to this on this floor more times than I like to think about—but given the overwhelming evidence of discrimination in the application of the death penalty—particularly in the Federal criminal justice system—I regret that the Racial Justice Act was not included in this crime bill. We know that, under the Federal death penalty adopted in 1988 for drug kingpins, a sentence of death has been sought against 36 defendants. Four of those defendants have been white, 4 have been Hispanic, and 28—77 percent—have been black. This despite the fact that 75 percent of defendants charged under that same law have been white.

We also know, because the General Accounting Office has told us based on their evaluation of 28 studies on the effect of race in capital sentencing, that there exists, and I quote, "a pattern of evidence indicating racial disparities in the charging, sentencing, and imposition of the death penalty." So I deeply regret that my colleagues in this body did not see the need to accord to those charged with death the same rights as those denied an apartment or fired from a job—the right to use statistics to prove their discrimination claim.

The fact the Racial Justice Act did not receive the support of this body is, in my opinion, regrettable. But President Clinton has pledged that he, along with Attorney General Reno and other supporters of the Racial Justice Act, will work together to see to that the death penalty under the Federal justice system will be administered in a nondiscriminatory, fair, manner. That was the only point that the Racial Justice Act intended to address—that there be some fairness in the application of the law, and that the death penalty be applied based on what a person has done, not who that person is.

I am also disappointed the conference committee chose not to adopt an amendment that I had offered to the crime bill—that passed the Senate with an overwhelming 64 votes—mandating that juveniles who commit serious violent crimes with a firearm be prosecuted as adults. Instead, the conference committee chose to make such prosecutions discretionary.

I am certainly pleased that the conference committee recognized that we can no longer afford to indulge the fiction that young teenagers are incapable of appreciating the seriousness of their actions when they kill or rob or maim someone with a gun. However, I believe the discretionary nature of this provision will function much the way similar provisions in State courts have, with minority youth being disproportionately more likely to be tried as adults than nonminority juvenile offenders. Eliminating the discretion would have eliminated the potential for discrimination in the treatment of juvenile offenders.

But I do not expect to agree with each and every provision in a bill as large and as comprehensive as this one. For me, the decision whether or not to support this bill was not predicated on any one particular provision. Instead, the question was whether or not the bill as a whole was a good one, one that will make Americans feel safer on our streets, in our schools, and in our homes.

In closing, I want to commend Senator BIDEN for all the work he has put into this bill and, frankly, for his patience in guiding it not only through this body, but through the conference committee and through the House of Representatives as well. If anything, the fact that we have a crime bill at all is due in large part to the work of the Senator from Delaware, and I commend him on his tenacity. The fact that it has taken 6 years is probably to be expected, given the kind of emotion that attaches to these issues.

I think the most important thing we have done here is to begin to take positive steps to fulfill our constitutional obligation to ensure domestic tranquility—to begin to give the people out there some hope that the Congress and the Senate and the House are not unmindful of what is going on out in the real world, of what is going on in the streets; that we really are committed to providing honest citizens with the security to which they are entitled. No community of people should be victimized or should have to lose their quality of life because of the activities of a few violent criminals.

This crime bill goes a long way, I believe, in helping us to address this issue. It will not be a panacea. It will not solve crime. You will not see crime go away the day after this bill is signed into law.

But it certainly will give us the tools with which to begin to address an issue that has just gotten worse and worse over time. We will have some tools with which to begin to reclaim our streets. We will have some tools with which to begin to give people the notion that we in Congress are serious about our responsibilities and we are going to try to help them get back the communities in which they live. We are going to begin to try to make the United States a safe place in which to live again.

Again, I encourage my colleagues to pass this legislation, not to allow it to continue to be wrapped up in partisan politics. This is not a victory for President Clinton or victory for the House or victory for the Senate. Instead, it will be a victory for the American people when the crime bill is signed into law.

Mr. President, I yield the floor.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:53 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendment of the Senate to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The message also announced that the House has agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

H. Con. Res. 289. Concurrent resolution providing for an adjournment or recess of the two Houses.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 4603. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

At 11:52 a.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2178. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3239. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the efforts of the United Nations and North Atlantic Treaty Organization in Bosnia and Herzegovina; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 544. A bill to amend the Federal Power Act to protect consumers of multistate utility systems, and for other purposes (Rept. No. 103-351).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 194. A bill to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes (Rept. No. 103-352).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1848. A bill to provide for disclosure of the bumper impact capability of certain passenger motor vehicles and to require a 5-mile-per-hour bumper standard for such vehicles (Rept. No. 103-353).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3485. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1994, 1995, and 1996 (Rept. No. 103-354).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1782. A bill to amend title 5, United States Code, to provide for public access to information in an electronic format, to amend the Freedom of Information Act, and for other purposes.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WALLOP:

S. Res. 251. A resolution expressing the sense of the Senate regarding human rights violations in Kashmir and calling for a negotiated settlement to the Kashmir conflict, including India, Pakistan and the people of Kashmir; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 725

At the request of Mr. KENNEDY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 725, a bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

S. 2335

At the request of Mr. BROWN, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 2335, a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to require that OMB and CBO estimates for paygo purposes to recognize the increased revenues generated by economic growth resulting from legislation implementing any trade agreement.

S. 2347

At the request of Mr. WARNER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2347, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution.

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE RESOLUTION 251—RELATING TO THE CONFLICT IN KASHMIR

Mr. WALLOP submitted the following resolution; which was read and referred to the Committee on Foreign Relations:

S. RES. 251

Whereas U.S. policy calls for a solution to the conflict through negotiations between India and Pakistan taking into consideration the wishes of the people of Kashmir and further states that it is up to the people of Kashmir to determine who best represents their interest;

Whereas India and Pakistan have fought two wars over the Kashmir conflict, and tensions in the region continue to escalate;

Whereas India and Pakistan possess the capability to assemble and deliver nuclear weapons;

Whereas reports of significant human rights abuses continue in Kashmir particularly as a result of the excessive and unrestrained force used by the Indian Security Forces against the civilian population;

Whereas the Muslim population of Kashmir has organized the All Parties Hurriyat (Freedom) Conference an umbrella organization of 34 political parties to engage in negotiations with the Indian and Pakistani authorities without precondition;

Whereas the Hurriyat believes that all representatives of the Kashmiri people should be represented in any dialogue including: The Kashmiri Pandits, the Dogra, the leadership of Azad Kashmir, the Ladakhis and all other legitimate representatives of the people;

Whereas the United States Institute of Peace (USIP) in January, 1994 brought together representatives from the central participants to the conflict—India, Pakistan and Kashmir—to engage in a dialogue for peace;

Whereas the USIP concluded that, "It is essential that people of Jammu and Kashmir be central participants in this political process, along with the governments and citizens of India and Pakistan." The report further states that the formation of the Hurriyat could potentially facilitate possible negotiations.

Resolved, that it is the sense of the Senate that—

(1) the United States condemns the use of coercive force being employed by Indian military and paramilitary forces against civilians in Kashmir and similarly denounces any acts of violence by the Kashmiri militants;

(2) the United States urges the government of India to take specific steps to respond to human rights concerns including: Releasing political prisoners; opening Kashmir to international human rights groups and electronic media; permitting the International Red Cross to visit prisons and detention centers; prosecuting security personnel involved in wanton violence against the civilian population;

(3) the United States reiterates the need for all parties to the dispute—the governments of India and Pakistan as well as the legitimate representatives of Kashmir—to enter into negotiations and resolve the conflict peacefully;

(4) the United States Senate urges the Administration to work with the United Nations and the international community to facilitate a peaceful negotiation for the final settlement of the Kashmir crisis.

• Mr. WALLOP. Mr. President, I rise to submit this resolution which seeks to encourage a negotiated settlement to the conflict in Kashmir through dialog between all parties to the conflict—India, Pakistan, and the people of Kashmir. It is my hope that through Senate action the United States will take a leadership role in dealing with this conflict which has the potential to evolve into a nuclear confrontation.

In 1948 and again in 1949, the United Nations passed two resolutions in which the Kashmir people were promised the right to determine their own future through a free and impartial plebiscite. These resolutions were never implemented. To this day the United Nations and the United States recognize that Kashmir is a disputed territory whose final status has yet to be determined.

Kashmir has already been the cause of two wars between India and Pakistan. As a result of this dispute, the two nations have accumulated massive weaponry, including a sophisticated nuclear arsenal, to stare each other down along a U.N.-demarcated cease-fire line.

Mr. President, it is the people of Kashmir who suffer. Their calls for self-determination have been brutally suppressed by India's border security forces. These human rights abuses have been well documented by international human rights organizations including Human Rights Watch and Amnesty International.

There are no democratic freedoms in Kashmir. The political process has been suspended. Court decisions are overruled in the name of state security. Under India's Public Safety Act, the border security forces have the ability to act at will without fear of retribution or justice. This has led to a record number of Kashmiris who have been tortured, and raped, or who die in custody. In the past year, Amnesty International has dedicated two special reports detailing these abuses.

Mr. President, every day, a larger segment of the Kashmiri population becomes alienated. Every day, more Kashmiri youths turn to violence. And every day, those who advocate a peaceful negotiated settlement lose critical support.

Mr. President, serious talks between the involved parties must be initiated.

The Moslem population of Kashmir has organized an umbrella organization consisting of 33 political parties. It is called the All Parties [Hurriyat] Freedom Conference. It was formed in January 1993 to pursue a peaceful dialog with the Indian Government in order to find a resolution to this crisis.

The Government's response to this development has been tragic. They have refused all dialog with the organization and have beaten and imprisoned its leaders.

Today, messengers Abdul Gani Lone, Syed Ali Geelani, and Shabir Shah, all moderate leaders of the Hurriyat, are in jail. Lone and Geelani are both in their sixties and in poor health. These men have been identified as prisoners of conscience by Amnesty International. Mr. President, I would like to commend my colleagues, Senator HELMS and Senator KENNEDY, for drawing attention to their plight and calling for their immediate release.

Mr. President, the United Nations can no longer be silent on this issue. If not for the sake of the people of Kashmir, then for the sake of the stability of South Asia and the United States interest in avoiding a further nuclear buildup on the subcontinent.

Mr. President, as India seeks closer economic relations with the United States, we have not only the opportunity but the obligation to call on India to stop the abuses of the security forces in Kashmir and to encourage a dialog among all parties to the dispute.

The status quo that the United States has established holds grave consequences for the Kashmiri people. Left unattended, the tensions will only increase, placing the subcontinent and, indeed the world, in a dangerous position.

I urge all my colleagues to support this resolution so that 2 or 3 years down the road, we are not faced with a crisis whose cost in human and material resources would be enormous.●

ORDERS FOR TOMORROW

Ms. MOSELEY-BRAUN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. Tuesday, August 23; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there be a period of morning business with Senators permitted to speak therein up to 5 minutes each, not to extend beyond 10:30 a.m.; that at 10:30 a.m. the Senate resume consideration of the conference report to accompany H.R. 3355 and that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m. to accommodate the respective party conferences.

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

ORDER OF PROCEDURE

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order at the conclusion of Senator SIMPSON's remarks.

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

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Ms. MOSELEY-BRAUN. Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, my remarks will not be long.

I want to commend the Senator from Illinois. I have come to know her as I work with her on the Judiciary Committee. She is a very fine contributing member to the Senate Judiciary Committee. I very much enjoy my activities and work with her and enjoy her person and admire her ability to bring controversial issues to the floor and to deal with them in a way which usually obtains a productive result.

I remember her work on the crime bill and especially a very controversial provision about handguns and youth. She had the courage to go forward with that. We tried to save that in the conference. I was a member of the conference committee of the Senate, and we all backed that here, but that was one of the several things that fell off the table.

But I do thank the Senator from Illinois, and I want to comment on midnight basketball. I have always been one who said I thought that was a very good provision. Perhaps it was simply because you can see with my elongated, emaciated form, it was a great part of my life, basketball. I came from a very close-knit, loving family. But I was in plenty of trouble and basketball helped me, too, playing it at night in vacant lots. When we built our own home, we put a light on the basketball court, and it was used into the early morning hours by most of the kids in Cody, WY. So I know what that is. It is a very important thing. I commend you. It is not a privileged thing in any way.

I think it is good that in the Block Grant Program now if local governments wish to use those funds in that manner, they can. If it does not fit in other communities, they cannot. But I think you are to be commended for your persistence on that, and it will be a good thing.

Mr. President, I will take just a few moments. I just want to say I worked on this bill, I was on the conference. There has been sufficient improvement but, in my mind, it is not yet a good tough crime bill. It is still a spending bill. The American people have been demanding a crime bill. They have been looking to Congress to "do something" that will have an immediate and recognizable impact on violent crime and want to see that impact now and not later. This bill will not accomplish that result.

When we passed the Senate bill, it was a $22.8 billion crime bill. That bill, I think, had every potential of becoming a good, tough crime bill after conference committee action and that, in my view, is exactly why it passed the Senate by a vote of 95 to 4. I supported it at the time. However, I think it is also safe to say that so many of our colleagues voted for that and did so in the honest expectation that it would be improved in conference and that the levels of spending for social programs would be substantially reduced, and that did not occur.

In fact, Mr. President, the opposite happened. In fact, the absurdly opposite happened. From a bill of $22.8 billion in the Senate, it went to the House and passed with a cost base in it of about $26 billion plus, and we went to conference and came out with $33.5 billion, which was far above a target of either the House or the Senate. So it was loaded up. Funding levels for the various programs were increased by the conference.

The legislation which the Senate is now considering is only a 10-percent reduction in the $33 billion spending programs provided by the original conference committee bill. It is important to note, of course, that the 10-percent reduction also extended to prisons and police programs, too.

So despite what the President said and many of his loyal party members have said, this is not about guns. This is about enacting tough crime legislation which has a focus and establish its priorities. We Republicans want to focus the spending on those priorities in a meaningful manner.

The first priority should be police. We have always said that. A second priority should be prisons. We need more facilities, and we need them now. That is far more important in the eyes of many of us than additional "outreach" or sensitivity programs. Yes, those types of programs when and if they work are very important. But they are a lower priority than the immediate need for more police and more prisons. We should stick to those priorities, Mr. President, and not dilute them with passionate rhetoric or big buck grant programs.

I have been hearing a lot about this legislation from concerned Wyomingites. Most I heard from do not want this bill. Working members of the Wyoming law enforcement community tell me they see no benefit to "police programs" that require States to spend money they do not have just to get some short-term conditioned Federal assistance. They see too many Federal strings attached to all those Federal dollars which, of course, is the eternal truth and often unlearned here. I have a hunch many other State law enforcement officers will feel the same way once they scrutinize these programs and see what the Feds will be demanding from them.

So, unfortunately, this is not good, tough, smart crime legislation. There is still plenty of fat that ought to be cut from this bill. We should substantially pare this bill down, and we should continue to work toward a better product.

In only 10 days, $3 billion of unnecessary and ineffective spending was cut from this bill. If we had another 10 days, we could find another $3- to $10 billion to cut or at least redirect to proven programs which will make our streets safer immediately.

If we could enact legislation that would have an immediate impact on crime, Congress could then revisit these potential programs and their effectiveness and costs of the "prevention" programs. However, "prevention" should be our priority only after we have added more police, prisons, and prosecutors to the front lines of the war on crime. I will be voting against the conference report.

I have one other comment with regard to that, and then I shall conclude. I think it is very important to remember, in this process in the House, the Republican Party was of great assistance to the President of the United States. It is a curious thing to watch the conference committee operate, especially in the House. The Senate conferees had a convivial relationship where we presented our amendments and voted them up or down without blatant partisanship. Whenever the minority Republicans would present an amendment to the House conferees, there was simply a dismissive attitude, an out-the-door-with-you, Charlie, we-are-through-here attitude.

That is not good, and that is what is slowly causing and has caused a tremendous disruption in the House of Representatives. I think that is noticeable to any American.

It is a curious thing that the House consists of a majority of people from both parties who talk continually about protecting minorities—minorities of every single kind, every variety, every legal, every justifiable, every moral issue of the rights of the minority. They come to the aid and comfort of all types of minorities, of any, any, any definition except one, and that is the Republican minority in the House of Representatives. How curious.

So a concerned group of Republicans saved the President's bacon after he railed and ranted about the Republican Party and the NRA after the defeat of the rule many days ago. Those are abusive tactics against the minority Republicans. Fortunately, they do not work in the Senate. Our rules prevent it. And that is a good thing. But I think the President certainly has indicated in more moderate remarks recently that, indeed, he owed a thank you to the Republican Party. Indeed, that is true. We have not been here acting out of gridlock. We have assisted him with many of his legislative endeavors—NAFTA, aid to Russia, many other things—and we will continue to do that. It certainly lessens him in the eyes of the American people when simply it becomes a defensive reaction without credibility or without truth to lash out against the Republican Party. I think that comes perhaps from being a chief executive of a State where the Republican Party was apparently just kind of a wandering band out in the wilderness, but that is not the way it is here in this city.

I just want to say the conference report did delete several sections and substantially altered the expedited deportation process for criminal aliens. We here in the Senate thought that was a good move, that was a good bipartisan provision. They deleted a provision which expanded the list of crimes which trigger expedited deportation procedures. Without this expansion, aliens convicted of some serious crimes will not be subject to these expedited deportation procedures.

Another provision deleted was judicial deportation which allowed only Federal trial courts to issue an order of deportation during the sentencing phase of the trial of an alien convicted of an aggravated felony. The section streamlined the deportation process by allowing the court to order the deportation at the time of criminal sentencing instead of requiring entirely new deportation procedures after the alien had served his or her sentence.

A portion of one provision is deleted which results in allowing a criminal alien who has already been deported to challenge the deportation order.

These criminal aliens have already had the opportunity to use the Federal court appellate process to challenge the original order of deportation. The expedited criminal aliens provision was substantially weakened in the conference report.

First, the conference report deleted the language requiring the alien aggravated felon to be detained until they were deported. Second, they made it more difficult for the Government to prove an alien convicted of aggravated felony is deportable. And thirdly, the conference report allowed an alien aggravated felon full judicial review of the deportation order. By allowing court challenges by these criminal aliens, the "expeditious" nature of the process is a mockery and is undermined.

So what we have again is one of those provisions where we give more due process to an illegal, deportable alien than we do to an American citizen. That is because of the work of the "groups" in America, and they are very good at that. I always say to them, "Button your shirt. Your heart fell out." Nevertheless, that message has not been conveyed to them.

Finally, the conference report eliminated the special procedures for the removal of alien terrorists. I do not know how, yet I was there. But they took it out. We will get it back in because I know that occupant of the chair and myself and others will be working to do some sensible things with legal and illegal immigration in the United States, and what we are going to do to remove from our midst people who do not deserve to be here and who are here illegally, and do that especially with terrorists.

This provision would provide the United States with a new tool to fight international terrorism perpetrated by aliens present in our country.

This special procedure could be used where an alien poses an immediate threat of death or serious bodily harm to either a substantial number of persons, or an individual of political significance.

The conference report deleted a provision which would remove restrictions on Federal, State or local government entities in communicating with the INS regarding the immigration status, legal or illegal, of aliens from the Senate—no.

[Laughter.]

That is a Freudian slip of all time. Certainly I was accused of being a space alien—along with 11 of my colleagues. And that bore strict scrutiny. But without that Freudian slip—

The Senate passed the similar provision 93 to 6 and State and local governments too often contribute to their own immigration problems.

Several major cities have adopted these practices of noncooperation with the INS, and what has happened? It happened during the sanctuary movement where they said we are not going to cooperate with the INS. We will not tell you who is in our community. I think it was never a rational thing. But it came up through the sanctuary movement. It has no bearing now whatsoever, especially when we have our colleagues from border States and heavily affected States saying help us. The Federal Government should pay for this. We are being overrun.

There is one way you guarantee to get overrun. You pass an ordinance that says you cannot communicate to the municipal authorities or the State authorities or with authorities from the INS to tell people about people who are illegal in the community. It is absolutely absurd.

You will note that as we deal with this issue in the future that each and every occasion when some State is asking for support from the Federal Government I will be adding an amendment which has already passed on each and every occasion which says then, if you do that, you will communicate with the INS. You cannot have it both ways.

None of those provisions survived the conference, even though they are important tools to remove criminal aliens, alien tariffs, and illegal aliens.

For those and various other reasons, I will not support the conference report.

I thank the Chair, and realize the lateness of the hour. I appreciate the accommodation.

RECESS UNTIL TOMORROW AT 10 A.M.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Senate will stand in recess until the hour of 10 o'clock in the morning, Tuesday, August 23.

Thereupon, the Senate, at 7:16 p.m., recessed until tomorrow, Tuesday, August 23, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 22, 1994:

RAILROAD RETIREMENT BOARD

MARTIN JAY DICKMAN, OF ILLINOIS TO BE INSPECTOR GENERAL, RAILROAD RETIREMENT BOARD, VICE WILLIAM J. DOYLE III.

AMTRAK

CELESTE PINTO MCLAIN, OF CALIFORNIA, TO BE A MEMBER OF THE AMTRAK BOARD OF DIRECTORS FOR THE REMAINDER OF THE TERM EXPIRING MARCH 20, 1995, VICE CARL W. VOGT.

CELESTE PINTO MCLAIN, OF CALIFORNIA, TO BE A MEMBER OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF 4 YEARS. (REAPPOINTMENT.)

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF REAR ADMIRAL:

GORDON G. PICHE
PAUL M. BLAYNEY

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

FRED L. AMES
THOMAS H. COLLINS
RICHARD M. LARRABEE III
ERNEST R. RIUTTA
JOHN T. TOZZI

DEPARTMENT OF DEFENSE

FREDERICK F.Y. PANG, OF HAWAII, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE CHAS. W. FREEMAN.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, August 23, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 24

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Henry J. Cauthen, of South Carolina, and Frank Henry Cruz, of California, each to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

SR-253

AUGUST 25

10:00 a.m.

Judiciary

To hold hearings on pending nominations.

SD-226

AUGUST 29

10:00 a.m.

Environment and Public Works

Clean Air and Nuclear Regulation Subcommittee

To hold hearings to examine the potential health effects resulting from radium nasopharyngeal irradiation treatment.

SD-406

SEPTEMBER 13

2:00 p.m.

Veterans' Affairs

To hold hearings on the nomination of Kenneth W. Kizer, of California, to be Under Secretary for Health of the Department of Veterans Affairs.

SR-418

SEPTEMBER 14

2:00 p.m.

Veterans' Affairs

To hold hearings on pending legislation.

SR-418

SEPTEMBER 21

2:00 p.m.

Veterans' Affairs

Business meeting, to consider the nomination of Kenneth W. Kizer, of California, to be Under Secretary for Health of the Department of Veterans Affairs.

SR-418

SEPTEMBER 22

9:30 a.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold hearings to examine immigration in the Commonwealth of the Northern Mariana Islands.

SD-366