# SENATE—*Wednesday, August 24, 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. The Senate Chaplain, Dr. Richard C. Halverson, will lead the Senate in prayer.

Dr. Halverson.

## PRAYER

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

Let us pray:

In a moment of silent prayer, let us remember retired Capitol Police Officer Raymond Dextradeur, who is very, very ill in an intensive care unit.

*Blessed is the nation whose God is the Lord.*—Psalm 33:12.

Eternal God, Lord of history, Ruler of the nations, these are difficult hours in the Senate, filled with pressures, frustration, disappointment which challenge patience, objectivity, and emotions.

Mighty God of righteousness and peace, make Your presence felt in this place. Be Lord in the hearts and minds of Your servants. Guide this prestigious debating society as it struggles with the unprecedented diversity endemic in a democratic republic; inefficient by its very nature, but the best form of government in history—envy of the world.

Blessed Lord, fill this Chamber with Your light and love and peace. In Your name, for the welfare of the Nation and the glory of God. Amen.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 10 minutes each.

The majority leader is recognized.

## SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, the Senate will have a period of morning business until 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each.

At 10:30 a.m., the Senate will resume debate on the pending crime bill. This will be the third day of debate. It is my hope that the Senate will be able to proceed promptly to vote on that measure.

I believe that a substantial majority of Senators favor the bill and will vote for its passage when given the opportunity to do so.

We had a series of meetings yesterday involving an exchange of proposals between the distinguished Republican leader and myself and other interested Senators. We were unable to reach an agreement on how finally to proceed. It is my understanding that we will resume those discussions today. My hope is that we can complete action on this bill promptly.

Mr. President, I reserve the remainder of my leader time, and I yield the floor.

The PRESIDENT pro tempore. The minority leader is recognized.

## THE CRIME BILL AND THE HEALTH BILL

Mr. DOLE. Mr. President, I just advised the majority leader that we have a Republican conference at 10:30 a.m., at which time we will discuss the pending crime conference report along with health care and other issues that may come before the Senate.

I guess, as is always the case, there is always some misinformation about what may be happening, and maybe it is because I have given too much information.

But I note this morning in the New York Times, one of our great newspapers, just a flatout inaccuracy in one of the headlines. It says: "Dole Seeks Measure Without Weapons Ban, Asserting He Has Votes To Block Bill." That is just not true. We are not seeking a measure without a weapons ban.

I have made two proposals to the majority leader, one I have discussed, and one we have discussed privately so I will not discuss it here.

But this is just not an accurate representation of the debate, and we will have the debate. There should be a debate. But we should expect accuracy in reporting, notwithstanding the reporters' own views on a particular matter.

I think it is fair to say that there are a number of issues in the crime bill that will be discussed and on which we will either work out some agreement or we will come to the floor hopefully early today and have a vote on the point of order. I think it is important that we do that.

We are prepared also to vote on the majority leader's substitute on the health care bill, and to do that today, maybe, if we finish the other, or maybe tomorrow or Friday or next week.

We want to dispel any perception out there that somehow Republicans are not cooperating or not moving ahead. We are prepared to move ahead. But we have rights, as every Member has rights, and each party has rights, and we intend to protect those rights.

We will have further discussion today on the crime bill and why we believe it should be trimmed back in certain areas on the spending side and why we believe that it should have certain provisions added to the bill, some that passed this Senate by a vote of 2 to 1. One was accepted. The deportation of criminal aliens was accepted and dropped in conference.

I know that is what happens. I know the way it works. Some provisions do not survive conference.

But what did survive conference was voting this bill up with a lot of spending programs that were not envisioned by the Senate when we passed the bill by a vote of 94 to 4. So I guess all but four Senators are on record for a strong crime bill.

I assume in the crime bill, which passed the Senate, there are probably some areas where we probably should have been a little more careful in spending taxpayers' money.

But we are not swayed by the argument that since the House is not here, if we do not do this, something drastic might happen. We believe that the American people expect us to protect their interests, their interests in crime and their interests in spending their money, and we hope we can do that.

If we lose, we lose. But we are prepared to make the best effort we can, and we are prepared to move ahead on health care before we leave, if there is any recess. If not, we are prepared to stay here and do that through the next 2 or 3 weeks and beyond, if necessary.

So I guess the point I would make is I came to the floor just to correct the New York Times, and maybe just the headline is wrong, but it is certainly not what I presented to the majority leader. I think what they are suggesting is if the point of order is sustained, this would be what would happen. But we are trying to avoid that. Maybe we cannot avoid that.

So I just suggest that. And I guess there is a list of suggested amendments that we put together that may not be the final list, but that has been portrayed now by CNN and others that

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

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this is the list of amendments that we are going to insist on.

I think I indicated to the majority leader when I gave him the list that these were only proposed amendments and that I gave them to him just so he would have information of what we were thinking about and to have an opportunity to look those over.

Somehow the press is now suggesting that we are insisting on each of these amendments and we do not have a final list. We do have a final list that I will shortly deliver to the distinguished majority leader.

So we will have our own conference and we will then come back and debate the crime bill conference report. This may be the third day we are on the conference report, but it is very important. This is $30 billion; $30 billion is a lot of money.

We think a lot of the money could be taken out and still have a better crime bill. That is the point we are going to try to make. Maybe we will fail; maybe we ought to keep spending money and adding to the deficit. Many of us supported the trust fund suggested by the distinguished Presiding Officer, but that was at a much lower level.

So I look forward to working with the majority leader to see if there is any way to resolve this. If not, we are prepared to have the votes, win or lose. And then we will have the debate about the bill and what happens after that.

Mr. MITCHELL addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I would like to address the issue of funding in the bill, the amounts of money spent, and the reason for the changes, because the suggestion has repeatedly been made that the Senate passed a reasonable or a modest bill in terms of funding and the conference report has come back much larger.

The fact is, Mr. President, that the Senate passed a bill that covered the 5 fiscal years from 1994 through 1998. In the conference report that came back to the Senate, since we have nearly completed fiscal year 1994, the conference report covers 6 fiscal years beginning with 1995 and extending through the year 2000.

In the years which are common to both bills, the amount of spending is actually less in the conference report than it was in the bill which passed the Senate. The only reason there is an increase in the total is that the bill covers 2 fiscal years in the future which were not included in the original Senate bill.

So it is not correct for anyone to believe that there has been a substantial increase in funding over the Senate-passed bill. Because the fact is, I repeat, in the years 1995, 1996, 1997, and 1998, which are the years that are common to both the Senate-passed bill and the conference report, the amount of money being spent under the conference report is actually less than was in the Senate bill. And the Senate bill was approved by a vote of 95 to 4, with almost every single Senator, Democrat and Republican, voting for it, save four Senators. And so no one should be under any mistaken impression that somehow these funds have been ratcheted up during the years covered by the bill.

The increase is attributable entirely in the aggregate to the fact that the bill is extended for a longer period of time. If we had kept the bill running only through 1998, as originally passed in the Senate, the amounts of money would be substantially less.

So I hope all Senators and the American people are not confused by the rhetoric from our colleagues about big spending and more spending. In terms of annual rates in the years covered by the bill, the conference report is less than what they have already voted for overwhelmingly.

Second, everyone should understand that the point of order to be made by our Republican colleagues against the bill has nothing to do with the amount of money involved. It has nothing to do with the amount of money involved. The point of order is directed at a provision in the bill which reduces the spending caps on discretionary spending by the Federal Government and was placed in the bill to ensure that the funds involved will be used exclusively for fighting crime and not for other purposes.

When the distinguished Presiding Officer, with his usual skill, proposed such a mechanism, it was praised by the very Republican Senators who are now making a point of order against that provision in the bill. Indeed, if one goes back and reads the record of debates at the time, as I have done in the last few days, several of the Republican Senators engaged in a competition to suggest that it was really their idea, not the idea of the distinguished Presiding Officer, so as to claim credit for the concept. And it is that very concept which is now the subject of the point of order by our colleagues attacking that provision in this bill as a way of defeating the bill.

And so the issue ought to be clear on those two points, Mr. President—really three points.

First, the amounts of money in the bill are larger because the bill covers a longer period of time. Instead of 1994 through 1998, it is now 1995 through the year 2000. In those years common to both the Senate bill and the conference report, the amount of money is less per year.

Second, the point of order, which is going to be made against the bill by our Republican colleagues has nothing do with the amount of money in the bill. It does not make any difference whether the amounts were larger or smaller or by how much, the point of order did not address the amount of money in the bill.

The point of order addressed the provision in the bill which was placed there to ensure that the money would be used only for fighting crime and not for other purposes. And the very Senators now attacking this bill through this point of order against that provision lavishly praised that provision when it was proposed and voted for it on several occasions.

So no one should be misled or under any misimpression as to what is involved in this challenge to the bill.

Mr. President, I hope we can work this out in a way that permits the Senate to vote on the bill. That is all we want to do. We are not asking our colleagues to vote for the bill. If they want to vote against it, that is their perfect right. But we are asking that we be permitted to vote. I think it is a modest request. I think it is a simple request. I think it is a reasonable request. Let us have a vote on the bill. If it passes, I think it will be good for the American people. If it fails, the American people will be disappointed, but the Senate will have expressed its will on the subject, as is appropriate and as I think the American people understandably desire.

Mr. President, I will have more to say on this subject later, but I did want to clarify those few points.

I yield the floor.

The PRESIDENT pro tempore. The Senator from North Dakota [Mr. DORGAN] is recognized for 10 minutes.

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## THE CRIME BILL

Mr. DORGAN. Mr. President, I listened with interest to the remarks of the majority leader. I also listened to the statement by the minority leader in which he indicated we should have a debate and then vote, as he said. I think it is important to point out he was not saying let us vote on the crime bill. If there were a vote on the crime bill, clearly the crime bill would pass the Senate and we would have a crime bill signed by the President very quickly.

What he was saying is let us vote on a point of order that they intend to make, a point of order, I might add, that was not made—although it was available and called to everyone's attention—when the bill originally passed the Senate.

The point of order now will serve as a device to require 60 votes to advance the crime bill—under the guise of objecting to the spending in the crime bill. As the majority leader has just pointed out, that is a specious argument indeed.

In fact, much of the spending that was added in the conference was added at the request of the people on the Republican side of the aisle for more prisons and for the provisions that get

tough with criminals. The fact is the average expenditure per year in the 6-year conference report is less than the average expenditure per year in the 5-year bill that passed the Senate by a vote of 95 to 4.

This debate is like a bad migraine headache. It goes on and on and on, and the folks on the other side stand up and protest, "Gee, we are ready to vote. We want to move ahead. We are not obstructionists. We do not oppose anything."

Of course they do. What is this all about? It is because they simply do not want the crime bill to pass—for a number of reasons. And they construct these Byzantine arguments to suggest that it spends too much, and that there is a point of order that is of significant importance to us.

Part of the reason it spends more than they would like is that they demanded the spending. The point of order was in front of them before and they said the point of order did not matter. In fact, they say, the very financing device that enables us to make a point of order is one that we helped create. Of course it was really a creation of the President pro tempore of this body—and a good one, because it said that if we are going to do something in the crime bill we should pay for it.

We found a way to pay for it—by reducing substantially the number of Federal employees, which we were going to do and have done. We are going to use the savings from that reduction to pay for things we need to make this country a safer place.

On the other side of the aisle, when they realized that this innovative device was in fact fiscal conservatism—it was pay-as-you-go, it was do important things that need doing but pay for them while you do them—they not only embraced it, several of them helped claim authorship. Which is fine. But now, to come and say this gives us heartburn and causes us to not want the bill to advance, is a little disingenuous in my judgment.

But that is not why I came to the Senate floor. I came here to mention some very important things in this crime bill and call them to the attention of my colleagues.

We have heard about "three strikes and you're out." We are building more prison space to keep violent criminals in jail. We are being smarter in how we address prison space because we recognize that almost 50 percent of the people in prison are nonviolent. You do not need the most secure prison cell for these nonviolent offenders. You can put them, as Senator GLENN and I successfully urged when we first passed the bill, in lower-security prisons, in Quonset huts with wire perimeters and so on, and open up the prison cells for hardened criminals. To put violent criminals there and keep them there.

Two of my provisions included in this bill are especially important. They probably never will get much notice, but they are very important.

One of them, a sense-of-the-Senate resolution already passed by the Senate in November, said: Victims or victims' families should be able to present testimony prior to sentencing or parole of convicted criminals.

Do you know what happens with criminals? A criminal can commit the most heinous crime you can imagine. When he comes to court, they put a nice necktie on him and a brand new suit and he looks like he just stepped out of the church choir. They bring in the minister, they bring in the neighbor, they bring in the grocer, bring in the barber and say what a wonderful, wonderful young man this is. I want the victim or the victim's family to be present to give testimony that says: "You might think this was a wonderful young person, but let me describe the crime scene to you, and what it did to me, what it did to our family, and what it means to us." That ought to be part of the sentencing and it ought to be part of parole hearings.

Another amendment I authored in this bill will eliminate the automatic presumption that gives every prisoner in the Federal system automatic good time credit against their sentences. Violent offenders should not get good time credit, in my judgment. Those who commit violent crimes should be sent to prison and they should stay in prison until the end of their sentence. Does it cost us more? You bet it does. But those who talk about this as a financial burden are ignoring the cost shifting that happens when you let a violent offender out early to work his or her will on the streets and commit more violent crimes. The cost shift is to the victims of those additional violent crimes committed while that person should have been in jail.

Let me give a couple of examples. The people I will mention were not sentenced in the Federal system, but they are typical of what is happening all across this country.

A fellow named Henry "Little Man" James. I will never forget reading about him. A woman named Patricia Lexie was driving home with her husband on road here in Washington, DC, at 10:30 at night after visiting friends. She was just driving along, and a car pulls up beside them, a fellow pulls out a pistol and shoots Patricia Lexie in the head and kills her. Just like that.

It turns out it is a fellow named Henry "Little Man" James. He had been in jail just days before on an attempted murder charge, as a matter of fact, and was let out on $10,000 bond. It does not take Dick Tracy to follow somebody like this, to find out who is committing violent crimes. This is someone who was in the system but was let back out on the streets to come up behind another car, point a pistol at Patricia Lexie's head, and kill her—because, he said to his friends in the car, "I feel like killing someone," it was reported in the papers.

Another very high-profile crime last year was the killing of basketball star Michael Jordan's father. The only reason I single out this crime is because it was of a higher profile than most crimes. If you look into it, as I did, it is not any different than most violent crimes.

There are two suspects in that murder. One is Daniel Green. Someone we did not know? Someone who was a surprise to us? Oh, no. Like many in the criminal justice system, Daniel Green had a violent record. Sentenced to 6 years in prison after assaulting another boy with an ax. Two years later, with good time credits and parole, he was out.

The other accused murderer was Martin Demery, who was with Daniel Green. Before he allegedly killed James Jordan, he had been indicted for clubbing a 61-year-old store clerk with a cinder block—he put her into a coma—while robbing a market. Eight months after his indictment, he was still free on bond, even though he had failed to appear in court for a hearing.

These are the two people who are alleged to have killed Michael Jordan's father. Strangers to the system? Oh, no. People who had been in the system, people law enforcement officials knew, people who had been indicted, had been charged, had been convicted, had been sent to prison, and then found their way through the revolving door back to the streets again to victimize another innocent American.

This legislation, this crime bill, in a very significant way leads the way across this country to say "three strikes and you're out." For those criminals who have decided crime is a career, for those who have decided, "Victimizing Americans with violent crime, that is my life, that is my occupation," this bill says to them "Then you pursue your occupation behind a prison door because we are going to find you, we are going to prosecute you, we are going to put you in jail, and for the first time you are going to stay in jail." That is what this crime bill does.

It is not perfect. There are some things in it I would rather not see in it. But I am really tired of people taking a look at the best crime bill in the last decade, which moves us in the right direction in fighting violent crime, going out and finding "Moses" to put him on television to talk about the pork in this bill.

The fact is, if Charlton Heston thinks giving treatment to those addicted to drugs is pork, then he does not understand anything about fighting crime. You cannot put someone who is addicted to drugs back on the streets

with that drug addiction, because they will commit another crime within a half an hour. They must feed their drug addiction.

We have several million people addicted to drugs in this country but only several hundred thousand slots for them to get drug addiction treatment. On the streets of this city, people will show up today and ask for drug addiction treatment and they will be told, "We do not have an opening. There is a waiting list."

What will they do to feed their addiction today? They will find some innocent American somewhere and they will commit a heinous crime. We must, it seems to me, get tough with hardened criminals, and we must at the same time understand what causes crime, including drug addiction, and dedicate some resources to dealing with drug addiction.

That is why I rise today simply to say this crime bill is a good bill. We ought to pass it. We should not make excuses any longer. It has been through the House, it has been through the Senate, it has been through a bipartisan process. I would say to my colleagues on the other side: No more excuses, let us pass this crime bill and get it done for the American people.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. KENNEDY].

## ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I understand that under the previous order, at the hour of 10:30, we return to the bill. I will not ask consent to be able to proceed in morning business because I intend to make a comment that is related to the bill itself.

The PRESIDENT pro tempore. The Chair thanks the Senator from Massachusetts.

## TRIBUTE TO BERNICE OLSON

Mr. BAUCUS. Mr. President, I wish today to express my thanks and deep appreciation to Bernice Olson of Vaughn, MT. After 14 years of loyal service in my Great Falls office, Bernice is retiring at the end of this month.

During her time on my staff, Bernice has helped thousands of Montanans resolve their problems with the Federal Government. Through her hard work, cheerful disposition, and sense of compassion. Bernice has been a truly outstanding public servant.

I know this because I know Bernice. She cares deeply about people. And that is why she has made a difference for so many Montanans. Over the years, I've often heard from the people Bernice has helped. Let me cite just one example, a couple from Great Falls who were having trouble with the IRS. They wrote:

Because of the Congressional inquiry done by you and your office, we have a totally different relationship with the IRS—one we can live with. That means we can now sleep at night. I really mean that. And Bernice Olson was instrumental in helping us. She was truly a Godsend. Thank you Senator Baucus! Thank you Bernice Olson!

On behalf of the many Montanans Bernice has helped over the years, I echo that sentiment: Thank you Bernice Olson.

I wish her and her husband Swan the best in retirement. And I know Bernice will enjoy having more time to spend with her two grandchildren, Meghan and Kyla.

## SBA PROPAGANDA ON HEALTH CARE REFORM

Mr. PRESSLER. Mr. President, during my opening statement on health care reform, I took the Senate floor to decry the partisanship that has ruled this debate. The partisanship we have witnessed has brought meaningful health care reform to a standstill. As the ranking member of the Senate Small Business Committee, I wish to bring my colleagues' attention to another partisan act—this one orchestrated by the Small Business Administration [SBA].

The SBA recently issued a press release in region VIII, which covers Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. It may also have been sent out by other SBA regional offices. This release was received by my State offices in South Dakota. It outlined the benefits of the Clinton health care plan for small business and gives an example of one small businesswoman who would save money under the Clinton mandate/subsidy system.

The SBA release does not give the real story on health care reform and small business. It gives one viewpoint—the administration's viewpoint. Many small business owners and small business advocacy groups strongly disagree with the administration plan for reform. There is no consensus that an employer mandate is fair or effective in containing costs and providing coverage. These real world experts understand that job loss and wage reduction would be the bottom line. Job loss estimates due to an employer mandate have run from 600,000 to 3.5 million.

I have talked extensively with small business men and women throughout the course of this health care debate. They have told me, in no uncertain terms, that an employer mandate would not protect them—it would put them out of business. An employer mandate of the type proposed in the Clinton/Mitchell bill would cost businesses in South Dakota $266,195,000 by the year 2002.

The release purports to dispel misinformation about President Clinton's health care plan. In fact, the piece compounds misconceptions about health care reform by promoting the Clinton plan. The President's health care plan is dead. Congress is now debating alternatives. Some contain an employer mandate. As if their reliance on such a mandate were not bad enough, they fail even to offer an adequate subsidy system to help small employers. At the same time, there are viable proposals to help small businesses on the table. If the SBA intends to provide objective information on health care reform, shouldn't the agency include a comparison of all the plans and give people the chance to make their own decisions?

I do not feel such propaganda is an appropriate use of SBA funds. Last year, the agency also put out a slick brochure advocating the President's agenda and tested a computer program and toll-free phone line to disseminate information about Clinton health care reform. Along with the ranking member of the House Small Business Committee, Representative JAN MEYERS, I exercised my oversight duties as ranking member and fought to stop those activities. Now, we are in the same position. I said this before and I will say it again: it is not the mission of the SBA to act as a mouthpiece for President Clinton's health care reform agenda.

Reasonable people may disagree, but it appears unreasonable, unlawful, and unethical to use taxpayer funds, supplies, and equipment to lobby for the administration's bill. Federal agencies are prohibited by law from carrying out lobbying activities. This release was sent, unsolicited, to media outlets in my home State and takes a particular viewpoint which can hardly be considered educational.

Accordingly, I have requested that SBA Administrator Erskine Bowles provide me with some answers. I have asked Mr. Bowles to provide me with a list of everyone who received this release; the names of those who directed this effort; whether the General Counsel's Office was consulted as to its legality; and if similar lobbying campaigns have been conducted. I ask unanimous consent that this letter, also signed by three of my colleagues on the Small Business Committee—two of whom also represent region VIII States—be printed in the RECORD immediately following my remarks, together with a copy of the press release.

The SBA release is correct in one respect. We are at an historic moment. The security of thousands of small businesses and their employees are at stake. It is critical that small business owners and their workers understand the stakes and the various proposals for reform. They need access to accurate and complete information to participate in this process. They do not need taxpayer-financed propaganda.

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

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
*Washington, DC, August 23, 1994.*

Hon. ERSKINE BOWLES,
*Administrator, U.S. Small Business Administration, Washington, DC.*

DEAR ERSKINE: Enclosed you will find a copy of a press release authored by the Small Business Administration (SBA) Region VIII Administrator, Tom Redder. This release was received last week by Senator Pressler's state offices in South Dakota. We assume similar information was released throughout the country. The release outlines the benefits of the Clinton health care plan for small business and gives an example of one small businesswoman who would save money under the Clinton mandate/subsidy system.

This release does not give the full story on health care reform and small business. It gives one perspective—the administration's viewpoint. Many small business owners and advocacy groups strongly disagree with the administration plan. These people understand that job losses and wage reductions will occur if the administration plan is enacted. Job loss estimates resulting from an employer mandate range from 600,000 to 3.5 million.

We have talked extensively with small business men and women throughout the course of the health care debate. They have told us, in no uncertain terms, that an employer mandate would not protect them—it would put them out of business. For instance, in the first year of implementation alone, an employer mandate of the type proposed in the Clinton/Mitchell bill would cost 1,708 jobs in South Dakota, 922 jobs in Wyoming, 1,784 jobs in Montana and 18,616 jobs in Missouri.

The SBA press release purports to dispel "misinformation" about President Clinton's health care plan. In fact, that release compounds misconceptions about health care reform by promoting the Clinton plan. The President's health care plan is dead. Congress is now debating alternatives. Some contain an employer mandate. As if their reliance on such a mandate were not bad enough, they fail even to offer an adequate subsidy to help small employers. Many alternative plans to help small businesses also are on the table. If the SBA intends to provide objective information on health care reform, shouldn't the agency include a comparison of all the plans and give people the chance to make their own decisions?

As members of the Small Business Committee, we do not feel such propaganda is an appropriate use of SBA funds. The concerns we have outlined here are the same as those expressed to you earlier regarding the SBA health care brochure, computer program and toll-free phone line. It is not the mission of the SBA to act as the mouthpiece for President Clinton's health care reform agenda.

Accordingly, we wish to be provided with a list of all who received this release, not only in South Dakota, but throughout the country. Further, we want to be provided with information about any and all regions which have conducted similar "lobbying" campaigns. We also would like to know who directed this effort. Did the direction come from SBA headquarters? The White House? Who cleared the text of the message? Particularly, we wish to know whether the General Counsel's office was consulted as to its legality.

Reasonable people may disagree, but it appears unreasonable, unlawful, and unethical to use taxpayer funds, supplies, and equipment to lobby for the administration's bill. As you know, federal agencies are prohibited by law from carrying out lobbying activities. The enclosed release was sent, unsolicited, to a variety of states—perhaps to all states. It takes a particular viewpoint which hardly can be considered "educational."

This SBA release is correct in at least one respect. We are at an historic moment. The security of thousands of small businesses and their employees is at stake. It is crucial that small businesses owners and their employees understand the stakes and the various proposals for reform. They need access to accurate and complete information to participate in this process.

We look forward to hearing from you in the very near future.

Sincerely,

LARRY PRESSLER.
CONRAD BURNS.
MALCOLM WALLOP.
CHRISTOPHER BOND.

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THE REAL STORY ON HEALTH CARE REFORM AND SMALL BUSINESS IN SOUTH DAKOTA

(By Tom Redder)

This is an historic moment—after 60 years of fits and starts, of road blocks and dead ends, we are finally making real progress toward comprehensive health care reform. For the first time ever, both houses of Congress are simultaneously considering proposals to guarantee all Americans health care that can never be taken away.

As the process moves forward, it is important that we continue to focus the debate on the special needs of small businesses. This is an extremely personal debate: the economic vitality of South Dakota's eighteen thousand small businesses and the health security of South Dakota's more than 243,000 small business employees are at stake. South Dakotans need to know the real story on health care reform and small business.

For small business owners who want to cover their employees, the most important question is "What will I pay?". Small business owners want to know the bottom line—what reform means for their business and their family. They want facts, not ideology.

Regina Jaramillo owns one such business, a small restaurant in Topeka, Kansas, that she inherited from her parents. Through that restaurant, she provides minimum wage jobs for 11 people. Regina pays more than $3,400 a year for health insurance. Yet, that covers only the members of her family—but, none of her employees.

Regina's situation resembles that of thousands of small business owners in South Dakota and the rest of the country.

The facts are that the most reasonable approach, and that of the President, is about building on the current system by providing guaranteed private insurance through the workplace. Quite simply, the President believes that all Americans who get up and go to work each day should have health care coverage.

Today, nine out of ten privately insured Americans get their coverage through an employer. The simplest and least disruptive way to cover everyone is to task employers to share the responsibility. Yet, the question often asked is "Will this be good for the small businesses that do not now cover their workers?" Consider Regina's story:

Under the President's approach, businesses like Regina's—those with fewer than 25 employees and average wages of less than $12,000 a year—would have paid no more than 3.5 percent of payroll to cover all of their employees.

With the President's special discounts for small businesses, Regina would have paid $3,100 to cover all of her workers and her family, while today she pays $3,400 for her family alone. In other words, the President's health care plan would have allowed Regina to cover all 11 of her workers and her family for $300 less than she pays now to cover her family and none of her workers.

Why then are small business owners in Regina's situation so concerned with health care reform?

First, there is a lot of misinformation about the President's plan and other reasonable approaches in Congress. Ideology, not the bottom line, has governed much of the debate.

Second, the difficulties small businesses face in today's health care system make it hard for them to imagine being able to more easily provide coverage.

Little wonder. Consider what Regina faces today. Right out of the starting gate, her firm is likely to be denied coverage. Insurers commonly refuse to cover restaurants. Under a practice called "occupational redlining", entire industries, including everything from oil field operations to lumber mills, are refused coverage at any price because they are considered to be shaky financially or to have high-injury risks.

Regina then has to fill the role of an entire employee benefits department—enrolling her employees, negotiating coverage, and dealing with endless forms.

When her health insurance bill arrives, Regina will likely get hit again. She will likely be charged much more than a large company for the same benefits—as much as 35 percent more. Administrative expenses claim a large part; some small businesses pay up to eight times what large firms pay on these costs.

Once Regina secures a policy, she still faces great uncertainty. Her insurer can raise her rates, drop her from coverage at any point or, if Regina or one of her employees falls seriously ill, exclude that employee or radically raise the rates for the entire company. Just when her family or her employees most need their insurance, it might not be there.

The President's approach would fundamentally change the rules of the game and protect small businesses.

The discriminatory insurance practices under which insurers can refuse to cover certain businesses or exclude people because of pre-existing conditions would be outlawed. Regina and her workers would be guaranteed private health insurance, a comprehensive package of benefits, and a choice of doctors and insurance plans. Entrepreneurs would no longer have to go out on their own and negotiate insurance coverage, or deal with today's high administrative costs, hassle, and paperwork.

Most importantly, the President's approach would ensure that affordable health care coverage is available to small businesses. Substantial discounts—from 25 percent to 85 percent—should be provided for employer of low-wage workers. And through buying groups, small businesses and the self-employed should have the bargaining power they need to get the insurance rates that big businesses and government currently receive.

In Regina's case, that would mean better insurance for her family and her employees—for less than she pays for just her family today.

Will health reform be good for your company, your families and your workers? In the past few days, members of Congress have

begun to debate the concept that every job should come with shared health benefits, as many have come to understand that it is an economically sound approach. Simply put, guaranteeing health benefits at work, with structured discounts for small businesses, is good for the economy, good for workers, and good for small business. In fact, the U.S. Employers in South Dakota that currently offer insurance would pay $630 million less in premium payments in the year 2000 than they would have without reform. Small businesses—who pay the most today—would gain the most under reform.

Look beyond the rhetoric. Judge whether offering insurance will help you attract and keep more productive workers. Get the facts, calculate how much you would pay under each plan that is debated, and decide for yourself.

## LIMITED TAXES, LIMITED GOVERNMENT

Mr. PRESSLER. Mr. President, Congress should rethink and reshape the role the Federal Government plays in the daily lives of the American people. If we do not act decisively soon to scale back the runaway growth of wasteful and unnecessary Government spending—paid for with exorbitant taxes that punish people for being responsible—our Nation will find itself in dire straits. It is time for the representatives of the people to vote for measures to lower our national debt, and lower the overall tax burden that has been placed on the shoulders of the American people.

In 1917, this body passed the Second Liberty Bond Act, which authorized the Secretary of the Treasury to borrow money up to a specifically designated legislative limit in order to finance Government activities in times of war. In those days, the initial debt ceiling was $11.5 billion. Twenty years ago, the national debt had grown to $486 billion. Today it exceeds $4.6 trillion.

Annual interest on the debt is an astronomical $300 billion. To put this $300 billion interest payment into perspective, the Committee on Appropriations recommended $244 billion in new budget authority for fiscal year 1995 Defense appropriations. When a nation spends more on interest payments on its debt than it does for defense, it is taking the wrong course. We need to remember that the system the Founding Fathers envisioned for America was one of limited government with limited power. Mr. President, we should return to those roots. We must attack wasteful Government spending financed by confiscatory tax rates which penalize our citizens for working hard and staying married.

To deal with this debt, some have called for tax increases, some for spending cuts, and some for both. It should be obvious to everyone that the huge growth of Government and its accompanying entitlements, mandates and regulations is the main reason for our huge deficits. This Government is involved in far too many aspects of its citizens' lives. The Tax Foundation has calculated that when State and local taxes are added to Federal taxes, governments take 37.6 percent of the income of the average family with children. For this reason calls for tax increases are flawed. Our Government already demands enough of its citizens when it comes to taxes.

Thanks to the Heritage Foundation's analysis, the people I represent in South Dakota can now see how much the 1993 Clinton tax increases will cost our State. South Dakota taxpayers will pay a total of $520.2 million more to Washington over the next 5 years because of the Clinton tax law. That is money transferred to the Government that otherwise could have been used for investment in job-creating activities in South Dakota and elsewhere. The so-called soak-the-rich taxes contained in this tax package will cost South Dakotans an extra $225.8 million. My home State's retirees can expect to pay an estimated $42.7 million more in increased Social Security surtaxes. The gas tax increase will take $116.3 million more, and other revenue raisers including higher business, estate, and gift taxes, will take an additional $135.3 million from the pockets of South Dakotans. Taxes that discourage everything from investment and job growth, to getting and staying married, have become an excessive burden on the citizens of this Nation.

As experts have studied the new tax rates, it has become evident that the new system created by the 1993 tax bill unfairly soaks two-earner married couples. It penalizes these families, putting an undue burden on couples trying to make a living. A story concerning the marriage penalty printed in the Sunday, July 10, 1994, Washington Post, states that:

> Combined with changes in the earned income tax credit, the [1993] tax law brings back the so-called "marriage penalty" with a vengeance.

According to a study published by the National Bureau of Economic Research [NBER], in some circumstances, a married couple with two children and earnings totaling $20,000 will pay $3,000 more in income tax than if they were single. Economists Daniel R. Feenberg of NBER and Harvey S. Rosen of Princeton University state in a recent study, "The size of the marriage tax is now quite extraordinary." Their study indicates the tax rate for some lower-income couples this year will be as high as 18 percent of their income.

Feenberg and Rosen calculate that a married couple who earn $10,000 a year with two children, after figuring their standard deduction, personal exemptions, and earned income tax credit, would get a refund of $359 if they filed jointly. If they would divorce, each take a child and file as heads of households, they would each receive a refund of $2,038, or $4,076 between them. This makes their penalty for being married $3,717.

In a time when family values and concerns over the State of the middle class are at the forefront of the national agenda, penalizing our citizens for entering into and strengthening the family bond of marriage stands as a brutal irony. Consider how much of their wealth we ask the average American family to give up so we can spend it for them in Washington, DC. In 1950, the average American family with children paid only 2 percent of its income to the Federal Government in taxes. Today that family pays 24.5 percent.

Charles Adams warns in his latest book, "For Good and Evil: The Impact of Taxes on the Course of Civilization," "In any conflict between liberty and taxes, liberty will give ground." The average family now loses $10,060 per year of its income due to the increase in Federal taxes as a share of family income. This tax loss now exceeds the cost of the average annual home mortgage. It is plain to see that, in America, liberty has been giving ground under the constant onslaught of taxes. This trend must be reversed. The whole notion of just what government should or should not be responsible for has been twisted beyond recognition.

Many people today argue that Americans want expanded government services, but they don't want to pay for them. The result is a national debt that has grown from $1.8 trillion in 1985 to $4.6 trillion today. I think the tide has turned. I am convinced Americans believe it is time for Members of Congress to start making the tough, and sometimes politically painful, decisions that will begin reducing the overall debt. We must not settle for a reduction merely in the overall growth, but a real reduction in the $4.6 trillion principal which is dragging on our Nation's economy.

We should realize our constituents are sick and tired of a government that invades every aspect of their lives with mandates and regulations. Americans are more than ready to start seeing their Government live within its means, just as they must do every single day.

In order to avoid a fiscal emergency, our Government must rethink how it approaches issues that clearly should be assigned to the personal responsibility of the average citizen. Americans have made it clear they would like to be paying the Government less of what they earn. We should oblige them and also cut back on doing for our citizens what they clearly can accomplish for themselves. Our tax policy must return to the ideal outlined by Sir William Blackstone, who said, "Taxes are a portion which each subject contributes of his property to secure the remainder." What we are asking people to contribute now is being misused for purposes

that have gone far above and beyond merely securing the remainder of our constituents' hard-earned wealth.

It clearly is time for Congress to begin giving back to the people the responsibility for ordering their daily lives. If we don't take decisive action now, the penalty for inaction truly will fit the crime.

## TRIBUTE TO MAXINE SCHOCHENMAIER

Mr. PRESSLER. Mr. President, today I pay tribute to a distinguished South Dakotan whose efforts to improve the education of our young people have been truly exemplary. For 18 years, Maxine Schochenmaier worked for the South Dakota Department of Education. She served as South Dakota's main liaison between the National Association of Federally Impacted Schools [NAFIS], and the Department of Education. More than 50 South Dakota school districts utilize funding from the Impact Aid Program. Maxine worked to secure the maximum funding for school districts that lost tax revenue due to the presence of a Federal Government activity.

Each State has an individual or group of people responsible for working with the NAFIS to secure funds for its impacted districts. Obviously, the better they do their job, the more schools in their States can benefit from this program. Judging by the comments of her colleagues, Maxine stood out as one of the most accomplished and well-respected State program administrators in the country. She maintained the delicate balance among education, politics, and the administration of a complex program.

According to her coworkers, Maxine's integrity and objectivity were always an asset when searching for new and better ideas about how to administer the Impact Aid Program. When formulating policies or resolving conflicts, her straightforward and insightful views always were refreshing.

Maxine balanced her drive to secure funding with an integrity that should be an example to everyone who works with the Federal Government. On one hand, Maxine did everything possible to maximize impact aid benefits for South Dakota schools. On the other, she balanced her efforts on behalf of South Dakota with an appreciation for the fact that this program affects all the States, and that each has an important and valid area of need.

I believe this program is no less important now than when it was created after World War II. Since its enactment in 1951, the Impact Aid Program has grown until today it benefits more than 2 million students across the country. In order to continue its effectiveness, I have worked to ensure the construction portion of the Impact Aid Program is maintained. Out-dated equipment and deplorable school facilities in many parts of the country are distracting from the effective learning environment vital to providing children with an adequate education.

Maxine's efforts were vitally important because education is the key to the future success of any nation and is one investment Congress can always be sure will be worthwhile. I have greatly enjoyed the opportunity to work with her and have benefited from her professionalism and expertise as we try to maintain the effectiveness of the Impact Aid Program.

In South Dakota, Maxine's devotion to the many small schools that rely on impact aid funding has been instrumental in maintaining our standing as one of the top States in educational performance. For her tireless efforts, the students and citizens of South Dakota owe her a huge debt. Through her steadfast commitment to helping children receive a quality education, Maxine made an investment in South Dakota's young people which will pay dividends far into the future. I commend Maxine Schochenmaier for all her efforts and wish her the very best in her retirement from South Dakota Department of Education.

## TRIBUTE TO SD NATIONAL SCIENCE FOUNDATION SYSTEMIC INITIATIVE

Mr. PRESSLER. Mr. President, today I pay tribute to a groundbreaking educational program in my home State. The South Dakota Statewide Systemic Initiative [SSI] has had far-reaching effects on educational reform. This 5-year grant program from the National Science Foundation has enabled South Dakota to change the educational perspective of math and science courses from kindergarten through the university level. As a long-time and strong supporter of educational reform, I applaud such initiative.

In the spring of 1991, South Dakota received a National Science Foundation grant to support a program to initiate a more comprehensive approach to math and science education. As an award State, South Dakota has been able to begin a new era in education. While there remains room for improvement, statewide change has made South Dakota a leader in reforming science and math education.

The SSI has improved education in math and science through actual changes in teaching methods. A more hands-on approach to learning is now utilized. Students are encouraged to show what they have actually learned versus what they merely know. Changes also have been made in the areas of student evaluation and assessment to provide more accurate feedback on students' progress under the SSI.

Changes vital to progress in the math and science fields have been possible only through a comprehensive support system set up under the National Science Foundation grant. Guidance through the in-service component; the integration of science and mathematics with one another and with the rest of the curriculum the establishment of a strong network of individuals involved at all levels of education; and the partnering of education with community and State leaders and business and industry all have made SSI one of South Dakota's most successful educational tools.

The impact of the National Science Foundation Systemic Initiative has been immediate. The changes made enable South Dakota students to compete more effectively in today's global economy and better equip them to deal with tomorrow's changes. On a more local but equally important level, in-State businesses, which in the past were forced to recruit elsewhere, now can look to their own State to supply a higher level of skilled workers.

As the linkage between the various educational levels created by the SSI strengthens, an increasing number of students with related majors will emerge from the university system, enabling South Dakota to fill an ever-increasing demand in the math and science related fields.

The program also is instrumental in encouraging the participation of women and minorities in the fields of math and science. The SSI has placed a high priority on eliminating the traditional discrepancies in proportionate enrollment in these areas. For instance, this summer the statewide systemic initiative is collaborating with Sinte Gleska University faculty to provide an inservice program to further the development of native American teachers and others working with native American students. This action is consistent with the SSI's goal of reaching all South Dakota students.

The South Dakota National Science Foundation Systemic Initiative will continue to make a significant impact on students and communities well into the future. The initiative's greatest goal is to continue the expansion of reform, development, and leadership in science and mathematics education. National Science Foundation funding has allowed South Dakota the opportunity to greatly improve its educational system. I commend the efforts of all involved in this extremely important program.

## SOUTH DAKOTA VOCATIONAL EDUCATION

Mr. PRESSLER. Mr. President, I rise today to pay tribute to the South Dakota Vocational Education Program's outstanding contribution to the economy and industry of South Dakota.

With approximately 160 secondary and 4 post-secondary vocational educational institutions, South Dakota is in the forefront of school-to-work education.

South Dakota's vocational technical schools help provide a skilled and competent labor force for business and industry in my State. They share the credit for achieving a job growth rate in South Dakota that ranks eighth in the Nation. This has helped maintain South Dakota's unemployment rate at a relatively low 2.9 percent.

Cutting-edge technological education provided by South Dakota's vocational technical institutions helps attract new business to the State. Businesses know South Dakota can provide a work force capable of adjusting to the rapidly changing labor market.

One such program in my State is known as Tech-Prep. Instituted in 1990, it integrates the final 2 years of high school with 2 additional years at one of South Dakota's four technical institutes. Participants receive an associate degree upon completing the 4 years of training. Funding is provided by the Carl D. Perkins Vocational and Applied Technology Education Act, which I voted for in 1990. Currently over 90 secondary school districts are participating in Tech-Prep. The four technical schools involved in the program are the Lake Area Technical Institute in Watertown, the Mitchell Technical Institute, the Southeast Technical Institute in Sioux Falls, and the Western Dakota Technical Institute in Rapid City. All four provide a link to the job market for students who do not wish to pursue a 4-year college degree, but want to learn a valuable skill. According to Betty Widman, current South Dakota Vocational Association president, only 20 percent of new jobs in the future may require a college degree, while 80 percent will need critical job skills. Preventing a potential labor shortage is a primary mission of the South Dakota Vocational Association.

An emphasis on applied academics in vocational training provides young people with the level of education needed for the high-skilled high-wage jobs for the future. Applied academics refer to scientific and mathematical workplace training. Advanced theoretical studies are substituted for real world problem solving. This gives management a well-trained employee who can start immediately, with a minimal of costly on-the-job training.

Along with this emphasis on Tech-Prep, South Dakota's vocational educational schools reach students in remote areas and small cities, especially those in agricultural communities. Let me explain.

In the summer of 1993, South Dakota's Department of Education began using the Rural Development Telecommunications Network [RDTN]. Fourteen satellite sites allow students access to courses previously only available at a single site. Telecourses open up opportunities for many, while simultaneously cutting cost duplication.

Students with disabilities are encouraged to participate in vocational education programs. Tutors, readers, notetakers, and others specialized in aiding disabled students are equipped in every way to make it possible for all to receive a good education. I commend South Dakota vocational educators for their efforts in affirmative outreach and recruitment efforts.

The South Dakota vocational education system also is a leader in providing education and training to incarcerated individuals in the correctional system. Teaching prisoners skills that can provide options for employment upon their return to the community may reduce recidivism. Currently, special attention is given to young offenders—those especially receptive to the opportunities this training offers. Indeed, vocational education offers opportunities to every segment of our population.

In 1980, Karen Dvorak joined my staff and contributed significantly to my efforts for 15 years. She began her career in my Sioux Falls office and finished as my State director. Karen Dvorak graduated from the Mitchell Vocational Technical School in Mitchell, SD. She isn't the only recipient of a vocational education who has worked on my staff.

In 1975, I hired a vocational education student as an intern. To my knowledge, this was the first such case on Capitol Hill. Tod Wells, an appliance-refrigeration student, worked for me in the House during my first term. He pointed out many of the funding problems previously faced by the vocational educational system before enactment of the Carl D. Perkins Act.

Through its ability to adapt to the needs of the people of my State, the South Dakota vocational educational system plays a key role in the economic development of our State. Giving young people rewarding career options while simultaneously creating a highly skilled work force creates incentives for people and businesses to remain and expand in, and even to relocate to, our State. The South Dakota vocational education system is of infinite value to the people of South Dakota. I salute the efforts of all who work in the field.

## TRIBUTE TO THE NATIONAL ASSOCIATION OF SOCIAL WORKERS

Mr. INOUYE. Mr. President, over the years, I have been privileged to work closely with the elected leadership of the National Association of Social Workers [NASW], and have been pleased to be of assistance in modifying our various Federal statutes to ensure that members of the association are appropriately recognized as autonomous health care providers.

As we continue our deliberations on the extraordinarily important crime legislation, I wanted to take this opportunity to express my grave concern regarding a number of aspersions that have been raised about members of this honorable and respected profession. The NASW, with its 150,000 members working in every general hospital in the country, in adoption agencies, private practice, and school systems, provides at least 50 percent of all mental health services in the United States. They have dedicated their lives to helping people in this country and they do much to ease human suffering, often with long hours and low pay.

I have been particularly sorry to hear members of our esteemed body malign a profession known for its courage and commitment. In my judgment, to put it mildly, it is simply irresponsible for the National Rifle Association to place advertisements by a renowned movie star maligning social workers as a political maneuver. The irony of these advertisements is the part where it is suggested that "what the public is not being told is a crime." At the very same time, in the very same commercial, they do not disclose what is their probable real purpose—to kill the ban on assault weapons. Instead, they insult our Nation's social workers as a diversion. Furthermore, may I suggest that the assertion they make, and has been made by members of this body, that the bill provides two social workers for every policeman has no basis in fact.

According to the leadership of the NASW, the profession of social work is mentioned only twice in the entire crime conference legislation and one of those times is in relation to a proposed commission. Police around the country acknowledge over and over that they cannot do it alone, and that they need help to prevent crime in the community. They need the help of parents, social workers, teachers, and the clergy, and they need this help badly.

Our Nation's youth, and in particular, our Nation's adolescents, are extraordinarily important to all of us and they truly represent the future of our Nation. In my judgment, we need everyone's help to ensure that these individuals will become productive, useful, taxpaying citizens. I am confident that our Nation's social workers will continue to be in the forefront of this important societal effort.

By unanimous consent, I request that the letter by Mr. Sheldon Goldstein, executive director of the NASW, addressed to Mr. Heston expressing their concern be printed in the RECORD.

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

NATIONAL ASSOCIATION
OF SOCIAL WORKERS,
*August 17, 1994.*

Mr. CHARLTON HESTON,
c/o Mr. JACK GILARDI,
*Executive Vice President, International Creative Management, Beverly Hills, CA.*

DEAR MR. HESTON: We are dismayed that you agreed to read a script for national broadcast that maligns a profession usually admired for its courage and commitment.

Did the NRA inform you that the National Association of Social Workers (NASW) did not endorse the Crime Bill? Did they tell you that "social worker" appears only twice in the House bill? Did they tell you how they computed the 2 to 1 ratio? Did you bother to ask?

Any one of our 150,000 members would uphold your right to speak out on any issue important to you, even though we disagree. But bashing crime prevention by casting social workers as bad guys is irresponsible at least, and ignorant at best.

Do you really think that the work social workers do is so inconsequential to society that you could so easily dismiss us? I think you should think again.

Sincerely,

SHELDON R. GOLDSTEIN,
*Executive Director.*

## IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. Many Senators talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control, but take a look at how so many of them vote in support of bloated spending bills that roll through the Senate.

As of Tuesday, August 23, at the close of business, the Federal debt stood—down to the penny—at exactly $4,674,171,453,528.20. This debt, never forget, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government should never be able to spend even a dime unless and until it had been authorized and appropriated by the U.S. Congress.

The U.S. Constitution is quite specific about that, as every schoolboy is supposed to know.

And do not be misled by declarations by politicians that the Federal debt was run up by some previous President or another, depending on party affiliation. Sometimes you hear false claims that Ronald Reagan ran it up; sometimes they play hit-and-run with George Bush.

These buckpassing declarations are false, as I said earlier, because the Congress of the United States is the culprit. The Senate and the House of Representatives are the big spenders.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban Missile Crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occurred not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,674 of those billions—of dollars. In other works, the Federal debt, as I said earlier, stood this morning at 4 trillion, 674 billion, 171 million, 453 thousand, 528 dollars and 20 cents. It'll be even greater at closing time today.

## CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

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

The PRESIDENT pro tempore. Under the order, the Senate will now resume consideration of the conference report accompanying the bill, H.R. 3355, which the clerk will report.

The legislative clerk read as follows:

A 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 Senate resumed consideration of the conference report.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, on Monday, I spoke generally of my support for the crime bill conference report. Today I would like to focus on two of the most important aspects of the bill: the assault weapons ban and community policing.

We must ban the military-style assault weapons that are killing men, women, and children on the streets of this country. Weapons like the AK-47, the TEC-9, the M-11, and the SKS assault rifle have no legitimate sporting purpose, and they should no longer be manufactured or sold in any community in America.

Had the assault weapons ban been in effect in December 1992, a deranged teenager could not have gone into a sporting goods store outside of Great Barrington, MA, and purchased a Chinese-made SKS assault rifle for $130. He took that weapon to Simon's Rock College and shot six people, killing two and leaving four others seriously injured. The assault weapons ban in this legislation could have prevented that tragedy, and it should have been enacted long ago. Every day we delay, another deranged person has another opportunity to purchase one of these battlefield weapons and use it to wreak murder and mayhem in this country. It is time to stop that slaughter, and this bill will do it.

Earlier this year I encouraged President Clinton to ban the importation of assault weapons that have poured into the United States by the millions every year from China and former Soviet-bloc nations. The President banned imports of the Chinese weapons in May, but it is only a partial victory. Remaining stocks of those Chinese weapons in this country can still be sold. In addition, domestic assault weapons are as lethal as foreign assault weapons, and they should be banned too.

There are about 2 million assault weapons that were imported, primarily from China, as well as from the Eastern European countries. The action that was taken by the President in May put a halt to the weapons that were being imported from China. Much of the commerce in Chinese weapons was carried out by the Chinese military, so these profits were funneled back to the repressive regime in China.

According to the Bureau of Alcohol, Tobacco, and Firearms, although assault weapons comprise only 1 percent of privately owned guns in the United States, they account for 8 percent of all firearms traced to crime. Assault weapons are eight times more likely to be traced to crime than conventional firearms. Some estimates are even higher than that.

This legislation bans many of the weapons of choice of violent criminals—the Uzi, TEC-9, M-11, and others. But this ban will also protect the public from other assault weapons that are easily concealed or equipped with military enhancements. There is no legitimate purpose for an assault weapon with a folding stock—which makes it easy to conceal. And no sport requires an assault weapon with a threaded muzzle—which allows it to accept a silencer or grenade launcher. These characteristics are designed for the battlefield.

We know the ban on assault weapons will save lives. The Senate knew that when it passed the ban as part of the crime bill last November. The House knew that when it passed the ban as a separate bill in May. We know the ban works, and we must pass it in this crime bill.

Another important public safety initiative in this bill is the firearms dealer provision sponsored by Senator SIMON and cosponsored by Senator BENNETT.

Today there are approximately 280,000 gun dealers in this country. There are more gun dealers in America than there are gas stations or even McDonald's. In 1991, the Bureau of Alcohol, Tobacco, and Firearms issued 270 licenses a day for gun dealers—a total of 91,000 new and renewed licenses

that year. Only 37 of the 34,000 requests for new licenses that year were denied.

BATF estimates that only 20 percent of all federally licensed dealers are actually local stores. The rest of the dealers operate out of homes, and garages—and even out of cars and hotel rooms.

BATF also estimates that a majority of these kitchen table dealers acquire a Federal license for the purpose of buying guns in bulk at wholesale prices and in order to avoid State and local laws, such as waiting periods and other restrictions.

For example, a gun dealer would not have to undergo a Brady background check or waiting period, nor would a Virginia kitchen table dealer have to comply with Virginia's one-gun-a-month purchase law.

This legislation requires applicants for gun dealer licenses to be in compliance with State and local laws before a Federal license is issued. It requires BATF to distribute a list of Federal licensees to the appropriate State or local law enforcement agency. And it allows BATF 60 days, rather than the current 45 days, to act on an application for a Federal firearms license in order to ensure that licenses are only issued to qualified applicants.

In this area, we are going to be respectful of the laws and regulations passed by States and local governments. Rather than preempting those laws, we are requiring that federally licensed firearm dealers comply with those laws.

Some people claim that criminals do not buy guns through legitimate dealers. But the facts demonstrate that criminals get guns both legally and illegally. In 1991, the Department of Justice conducted a survey of State prison inmates. They found that more than 27 percent of the inmates had purchased their crime guns from a retail gun dealer.

Extraordinary. Twenty-seven percent of the inmates had purchased their crime guns from a retail gun dealer.

We need to close the loopholes in the law and provide BATF with the capability to enforce the law and reduce the number of guns readily available to criminals.

This bill will also strengthen existing Federal law by prohibiting the possession of handguns by persons under the age of 18. I want to commend our good friend, Senator KOHL, for his leadership in this area. The rates of homicides committed by teenagers increased by over 130 percent between 1985 and 1991. Many of the victims in these cases are themselves teenagers. Gunshot wounds are now the second leading cause of death for this age group.

The causes of violence are complex, but one factor is clear. Handguns are far too accessible to minors. It is a national disgrace that so many children have guns, and we must deal with this problem as the emergency that it is. Fewer children will kill children if they do not have easy access to guns.

I also support the prohibition of possession of a gun by anyone subject to a restraining order or convicted of spousal abuse. That prohibition is included in this bill.

Last year, Kristin Lardner was shot and killed in Boston by a former boyfriend against whom a permanent restraining order had been issued 2 weeks earlier. Such tragedies are not isolated occurrences. In May of this year Donna Bianchi of Revere, MA, was shot and killed by her husband, despite the restraining order she had against him. These individuals even with restraining orders, went out and purchased these weapons and then went back and committed the heinous crimes of murder. This provision will help put an end to tragedies like these.

The final firearm provision included in this bill will expand the definition of armor-piercing ammunition in the 1986 Law Enforcement Officers Protection Act. This provision expands the definition of armor-piercing ammunition to ban certain new varieties of bullets designed to pierce bullet-proof vests widely used by police officers.

I see my friend and colleague, the Senator from Ohio, and he remembers the long battle we had in the Judiciary Committee getting support for the prohibition and banning of this armor-piercing ammunition that could go through bullet-proof vests worn by police officers in this country.

To my best recollection, it took us 4 or 5 years before we were able to gain sufficient support in the Senate to be able to pass this important measure. This conference report continues to upgrade that legislation and takes into consideration the advancement in new technology in armor-piercing ammunition.

This provision is strongly supported by the Federal Law Enforcement Officers Association and the Fraternal Order of Police. Police officers risk their lives every day to protect the public. This provision will help to protect law enforcement personnel from the deadly bullets designed to kill them.

In many other ways in this legislation, the U.S. Senate has an opportunity to demonstrate its unwavering commitment to police officers in every community in the country.

Police chiefs across the country have put out the call for assistance. With unprecedented rates of violent crime, local police departments are saying they need more police on the streets to reclaim neighborhoods and make the streets safer. Their call was answered when President Clinton pledged to put 100,000 community police officers on the streets of America over the next 6 years.

The community policing grants are the backbone of this crime bill. Community policing means more than just putting 100,000 more police officers on the beat. It means police who have a stake in the neighborhoods they patrol, who have the training to recognize the conditions that breed crime, and to deal with these conditions effectively, in order to prevent the crimes that are plaguing those communities.

I took time on Monday to spell out an extraordinary program in Dorchester, MA, that is having a profound impact on the issue of violence and lawlessness in that community. It is an enormously creative program. We take some pride in the fact that the Governor of Massachusetts has indicated the State will be prepared to make the matching grants to local communities that are able to win these community policing grants on the basis of merit. This would ease the burden placed on communities that might be particularly hard pressed. I expect that there would be similar kinds of efforts made in other States as well. There will be competition for these community policing grants, just as there was competition for the supplemental policing grants awarded earlier this year. Eight communities in Massachusetts received community policing grants this year, but many more applied and need more police officers. This bill contains the support for more police officers these communities asked for and need.

Obviously, there should be particular help and assistance in areas of high violence. To provide additional police for those communities is something that I hope the Senate will support by passing this crime bill. We need these officers not only to make our communities safe but to act as positive role models for young men and women.

Community policing has already had a substantial effect in reducing crime in many American cities. Lee Brown, our current drug czar, used it with great success in Atlanta, Houston, and New York.

We all agree on the need to hire 100,000 new community police officers. Both the House and Senate have passed bills supporting this commitment.

Now it is time for Congress to deliver on its promise to the American people. We have heard the call. We cannot afford to turn our backs on the police and the people of this Nation who are counting on us to do what is right.

Many of the communities in my own State are counting on this community policing program. We have built flexibility into the legislation in the conference report so that these community police officers will be available at the earliest possible time. I think that was one of the creative aspects of the conference report.

The public deserves tough, smart action on crime. The Congress owes them no less. We have been negotiating this crime bill for 6 years. The current version represents a bipartisan effort to

combat violent crime in communities throughout the United States. The time for delay is over.

We must pass this bill for the police struggling to protect our neighborhoods. We must pass the bill for the victims of violence, so that their tragedies are not in vain. We must pass this bill to keep the faith with 200 million Americans who are counting on us to take strong action against crime.

This bill does the job. It deserves to be passed by the Senate and signed into law by the President as soon as possible—not buried under a phony point of order that is nothing more than a Trojan horse for the National Rifle Association.

Mr. President, I see my good friend from Ohio here. For years, he and I have joined others here in an effort to curtail the proliferation of these weapons of violence. I can remember going back to the 1986 act. In the 1986 act, there were six former Secretaries of Defense, three Republican and three Democrat, who made a special plea to the Members of this body at that time to support a position that many of us have taken, to deregulate long guns. At that time assault weapons did not pose the kind of threat that they do today. We would deregulate long guns but control the manufacture and production of small, concealable weapons, the Saturday night specials, the weapons of choice for those who are committing violence in our communities. These handguns have no hunting purpose whatsoever.

But we were unable to gain support for that position. Except for some of these military assault weapons like the AK-47, the utilization of long guns in homicides are less than 5 percent. They do not pose the kind of threat to the security of our communities as either the assault weapons or the small concealable weapons.

But the National Rifle Association would not have any part of it. We could have made a deal at that time to protect the rights of hunters all over this country and ease the regulation of long guns that are legitimately used for hunting.

But, some Members of the Senate, acting on the behalf of the National Rifle Association, said absolutely not. Those Members thwarted that effort and chose the financial support of the National Rifle Association over the people whose interests they claim to represent.

Mr. President, not only is this a matter of importance for our own country, but it is important to other countries around the world. The Drug Enforcement Agency and the Treasury Department estimate that 40 to 50 percent of all the assault weapons used in the Medellin cartel and by the drug lords in Colombia and in South and Central America are manufactured here in the United States of America. We are exporting these assault weapons at an unprecedented rate.

We say that we care about what is happening with the growth of violence in these countries—the killings of members of the courts and judicial officers, outstanding and courageous journalists, members of political parties that have taken on the crime cartels.

The weapons that are being used to mow those people down and commit those crimes are manufactured, sold, and exported by the United States to those countries and to those drug cartels.

I think all of us recognize that we have to deal with the problems of the manufacture and export of these weapons that ravage young and old people in this society and abroad. We can do much more to prevent these weapons, that are readily available to criminals and drug cartels, from being used on countless innocent victims. We also can do much more to stop the export of a great deal of the chemicals which are used in processing much of the drugs that are eventually shipped back to the United States from South America and other parts of the globe.

In the previous administration there was a significant reduction in personnel used in the inspection and oversight of the export of various kinds of chemicals that eventually find their way into Colombia and other countries that are producing these products.

More can be done, Mr. President, particularly in the area of reducing violence. The U.S. Senate must act on this crime bill.

I hope that we have the opportunity to vote on this very important piece of legislation which had bipartisan support in the House of Representatives and in the Senate when it passed in November of last year. I must commend the President for a willingness to take on a tough and a difficult lobby, the National Rifle Association, on these assault weapons and for standing by his guns.

I commend our Republican colleagues, 46 of whom, in the House of Representatives were willing to deal with this issue and overcome partisanship to pass a strong crime bill for the American people. I had hoped that we would have bipartisan support in the Senate for this bill. I think we will at the time the roll is called. This is a matter of enormous importance. I hope the Senate will take action today to pass this tough, smart, crime bill and bring it to the President's desk.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, I rise to commend my friend from Massachusetts for once again taking a leadership role in the whole question of controlling crime in this country. No one has been more active in the effort to bring about a diminution of the number of weapons on the streets of America than the Senator from Massachusetts.

What we are engaged in at the moment is a filibuster. The Senator from Massachusetts referred to how we passed the bill having to do with cop killer bullets. I remember that very, very well because it was Senator MOYNIHAN's bill and it had come to the floor. It was on the floor for about 8 months. We could not move it until one day the Senator from Idaho, who is no longer here, had a bill having to do with wheat in Idaho. At that point, I indicated I was going to put the cop-killer bullet bill on as an amendment to that bill. The Senator from Idaho came over and was very much concerned about that because he was strongly opposed to my amendment and very much in favor of his bill. We worked out an agreement. We got an agreement that we have individual, independent votes on each of those issues and the cop-killer bill having to do with cop-killer bullets. We passed it I think 99 to 1.

I say that just as a preparatory statement to the fact that we are engaged in a filibuster here by the Members of the other side of the aisle, prompted, pushed, and supported by the National Rifle Association. You can call it anything you want. But I know a filibuster when I see one. I think that I probably have been involved in conducting as many filibusters as any Member of this body. Some I have been successful with and some not so successful. But I see a filibuster. I know a filibuster. This is a filibuster. And this is a filibuster against the crime bill prompted, supported, and urged upon the Members of that side of the aisle by the National Rifle Association.

It is shameful. It is absolutely shameful that after 48 or 60—I am not sure how many—Republicans in the House of Representatives joined to bring about the passage of the bill that the President of the United States had fought so hard to bring about and bring to the floor of the House for passage; it is shameful that my colleagues on the other side of the aisle see fit to use a dilatory tactic.

There is no secret about what is happening. This is not a new issue. This is the very same issue that was on the floor when the bill passed, and with respect to which Senators DOLE, GRAMM, and DOMENICI said it was a great procedure in order to fund the crime bill. The whole concept was brought about by reason of the lead the President pro tempore of the Senate, Senator BYRD, who conceptualized the whole idea of the trust fund. They all thought it was a brilliant idea, commended him for it, and now they are on the floor raising a point of order in connection with its usage.

Mr. President, the American people want Congress to pass this crime bill

not tomorrow, not next week, not a month from now, not next year. They want it now.

They have made it clear that meaningful gun reform legislation is long overdue. They have made it clear that the Government must provide adequate numbers of police and prisons. They are sick and tired of what is happening on the streets of America. They have made it clear that the programs addressing the root causes of crime are not a matter of coddling but a matter of common sense.

Some of my Republican colleagues are quite determined to bring down this crime bill that the American people so clearly support. It is not enough that Democrats and Republicans came together and worked out compromises in conference, not just once but twice. Those Democrats and Republicans, under the leadership of Senator BIDEN, chairman of the Judiciary Committee, worked all through the night Friday night, and then worked all day Saturday and then worked on Sunday, as well, in order to bring about the compromises that made it possible for the House to pass the bill.

The bill that is before the Senate at this point had bipartisan support in the House or it would not be here before us today. It is not enough because the goal of some is not to pass a compromise crime bill, a comprehensive crime bill. The goal is to promote the special interests of the antigun control lobby and to defeat the will of the American people.

This is incredible. This is politics at its cheapest. This is politics at its worst. This is shameful politics. It is gamesmanship, gamesmanship maybe to win a political point. I am not sure what that political point is, because the American people want a crime bill—the clearly expressed desire of the vast majority of Americans—to ban semiautomatic assault weapons, weapons that have no other purpose than to kill a greater number of people at a faster pace should not be held hostage to a single-minded special interest, the National Rifle Association, by this ill-conceived and ill-timed filibuster.

Seventy-seven percent of the American people want a ban on semiautomatic assault weapons. But a minority of the Senate—because they do not need a majority, just a minority; they only need 41 votes—are determined to keep the Senate from even voting on the measure. What an absurd idea. The leader of the other side comes forward and says, well, we will have 13 amendments we would like to take up, and then after the 13 amendments are taken up, then we may raise this point of order, the very point of order that they are talking about raising at this point. I hope they do not.

I hope more levelheaded Members on the other side will conclude that that is an inappropriate act and the American people do not want it.

Let me be clear. There are plenty of provisions in this bill that I object to; in fact, that I absolutely despise. I am also very disheartened that this bill does not include the Racial Justice Act and habeas corpus reform. These and other provisions I supported did not prevail on the floor or in the conference. But I do not stand here today as an obstructionist, hiding behind some procedural rule, because I lost.

I never thought I would stand on the floor of the Senate and support a bill that provides for 60 new capital punishment offenses because I do not believe in capital punishment. I do not believe that is the answer. But I am saying that I am supporting this bill because I think the total package is right for America. It is what the American people want. It is what I want for my children and my grandchildren.

I hope that we are about the business of solving and not creating problems. I hope we can pass this bill. It is no secret the main reason I support this bill is because it will ban semiautomatic assault weapons. A ban on assault weapons is one of the most obvious and effective anticrime measures that we can take.

Assault weapons are about 17 times more likely to be used in crimes than conventional firearms. The more than 1 million assault weapons that are on the streets of America today, which are manufactured and sold freely and wind up in the hands of felons, drug traffickers, and youth gangs, are literally wreaking havoc and death across this Nation. A crime bill that ignored that reality would not be worthy of the name.

It has been 5½ years since I first introduced a Senate bill to ban semiautomatic assault weapons. It has been a long, hard struggle. And finally, a couple of years ago, we were successful in working with Senator DENNIS DECONCINI of Arizona, and we worked out a procedure where I offered a bill. Then he offered a more mild bill to move in on the banning of semiautomatic assault weapons. We got it through the Senate. That was not enough. We could not conclude its action in the House.

Then Senator FEINSTEIN joined our group and worked zealously and hard in order to make some modifications of that bill, which became a part of the package that was sent over to the House and that is before us at this point in time. I introduced that original bill after 5 children were murdered and 29 others wounded in a hail of bullets in a crowded school yard in Stockton, CA.

I want to say to my colleagues on the other side of the aisle who are parents and grandparents, think for a moment if one of those five in that schoolroom had been one of your loved ones. Think if one of your children or grandchildren had been in that swimming pool when loony came along with a semiautomatic assault weapon and started mowing down the children in the pool.

It has been a long and lonely road for us to get to this point. But the fact is that it is time for us to take those guns out of the hands of the crazies, out of the hands of the criminals, out of the hands of those who have no regard or respect for life.

Law enforcement officials have consistently been on our side. All along, they have been telling us that they are being outgunned by the criminals. They do not carry semiautomatic assault weapons. Organizations like the Children's Defense Fund have been warning us about the growing impact on our children, and labor, medical, religious, civic groups, and business groups have all told us something had to be done. But 41 Members on that side of the aisle say: Oh, no, we want to use a technicality, because the NRA wants us to use the technicality, to keep this bill from being voted on.

It is not until recently that the American people raised their outraged voices demanding that Congress ban assault weapons. My colleagues on the other side aisle, do you not hear those people in America? Are your ears deaf to their pleas to ban semiautomatic assault weapons in this country? This groundswell of anger resulted from the cumulative effect of a long history of bloody massacres that finally took its toll on the collective patience of America.

The American people have made their message to Congress plain: Enough is enough. They are saying that to my colleagues on the opposite side of the aisle—enough is enough; do not try to keep this bill from being voted upon by a minority of the Senate. There simply can be no serious attempt to fight violent crime in this country without doing something to stop easy access to these military-style weapons of war.

Mr. President, all of us who have worked on this bill have been greatly impressed by the knowledge, the commitment, and the leadership of our chairman, Chairman BIDEN. I especially want to thank him for holding a tough line on assault weapons during both conferences and preventing any efforts aimed at weakening this much-needed provision. He knew how strongly I felt, and he knows how strongly I feel. Without the semiautomatic assault weapons provision, I would not be able to support this crime package.

(Mrs. BOXER assumed the chair.)

Mr. METZENBAUM. There are many good points in it, and there are some I am not that happy with. To me, it is sine qua non—that without which there is nothing—the ban on semi assault weapons. Although a few technical changes were made to the assault weapons ban in the new conference report, none of the changes affects the substance or in any way undermines

the legislation. Those changes were intended merely to make explicit that the ban on large-capacity magazines—that is, those capable of holding more than 10 rounds of ammunition—applies prospectively only, to magazines manufactured after the effective date of the law. In addition, in order to provide those who lawfully possess exempt magazines more protection against prosecution, it was clarified that the Government has the burden of proof that a person possesses a banned magazine that was manufactured after the effective date.

In addition to the ban on assault weapons, this bill contains other vital measures to combat gun violence which I fully support. One measure will toughen the regulation of federally licensed gun dealers to weed out those selling to drug traffickers and gun runners and to improve efforts to trace guns used in crime. Other provisions will help to keep handguns out of the hands of juveniles, spouses, and child abusers.

The virtual explosion of domestic violence in our society makes it critical that we not only keep guns out of the hands of abusers, but also fight this problem on all fronts. With this purpose in mind, the crime bill encourages local authorities to more actively pursue domestic violence arrests and prosecutions where warranted and to establish shelters that protect and counsel battered women and their families. The bill also creates Federal penalties for spousal abuse and interstate stalking.

Unlike crime bills of the past, this bill contains several provisions that address the root causes of crime. It includes educational and recreational programs to prevent children from becoming involved in the criminal justice system, boot camps for first-time nonviolent offenders, and substance abuse prevention and treatment programs. Some of the opponents of this bill have trivialized the importance of prevention programs such as midnight basketball leagues. But the fact of the matter is that these programs are cheap, simple to execute and, fortunately, they work. Getting kids off the street playing basketball is a lot cheaper than having them on the streets involved in petty crime and major crime as well. Crime fighting does not always have to be complicated, original, or expensive. We all know that constructive physical activity is an effective way to channel all kinds of negative tensions. They can laugh all they want about midnight basketball. But the blood, sweat, and tears from playing a ball game can help avoid the blood, carnage, and tears from criminal activity.

Although the crime bill contains many provisions that will effectively fight crime; unfortunately, it also includes 60 death penalty provisions that will do precious little to make our streets safe again. I never thought I would vote for a bill adding that many capital punishment items—or any capital punishment items. The death penalty, in my opinion, is not an effective deterrent to violent crime. Evidence shows, and former Supreme Court Justices Blackmun and Powell, who in the past upheld the constitutionality of the death penalty, both now state publicly that the death penalty is applied in an arbitrary and racist manner. Justice Powell now concedes that he was wrong to cast the fifth and deciding vote to uphold a death sentence in a case where the defendant sought to offer statistical evidence of racial bias. The Racial Justice Act would have helped to remove the stain of racial prejudice from the death penalty in America. Our failure to adopt this measure morally taints any and all of our crime fighting efforts.

A broader imposition of the death penalty also means that more innocent people will be executed. A writ of habeas corpus is often the only way a defendant can prevent his execution for a crime he did not commit. Incredibly, meaningful habeas corpus relief has been placed in jeopardy by several recent Supreme Court decisions. I had hoped that the crime bill before us would include habeas corpus reform. We must not abandon our efforts to protect this most basic important right. It is a constitutional right that I believe should not be abandoned.

Crime bills of the past have not made a dent in the crime rate in this country. Our battle against crime is doomed if our only goals are to weaken constitutional protections, build more prisons, put more people to death, and impose mandatory minimum sentences that ignore individual circumstances and keep people in jail to ripe old ages. I am proud and grateful to be part of a crime bill that finally breaks with the failed policies of the past. Gun control, prevention and treatment, police, and fair punishment must be a part of the future if we have any hope of a future at all.

But I come back to the original point of this discussion and these comments, and that is I say to my colleagues on the other side of the aisle: You are being unfair to your own constituency. You are being unfair to your own families. You are so wrong about filibustering this crime bill that you ought to stand low and be ashamed of yourself. It is shameful, literally shameful to get 41 Members of the Senate to stand up and block passage of a bill to fight crime in America.

Have you no pride? Have you no character? What kind of sense of responsibility do you have that you want to play this political game? You are going to deny the President of the United States a political victory, but you do not care what happens on the streets of America.

You all voted for the same bill in the past when the same point of order could have been raised and not one of you raised it. You all said it was a great way to proceed, and now you are using a technicality. Shame on you. Shame on you.

A filibuster is not the way to defeat a crime bill. If 51 Members of the Senate do not want to pass this bill, so be it.

But the fact is we have a majority prepared to pass this bill, but you are trying to use the technicality to keep the bill from being voted on. You are trying to use a budget point of order. What an absurdity. What an impropriety.

How can you go home and face your own family under the circumstances? How can you go home and face your constituents? You are wrong. You are as wrong as you could possibly be.

I urge you to reconsider. I urge you to let this bill come to a vote. Let it be voted on up or down. If you do not like it, the NRA does not like it and you want to vote with them, vote "no." But do not use a technicality to defeat the crime bill. The American people want it. Let us have a chance to vote on it on an up-or-down vote.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, would the Presiding Officer state the business before this body?

The PRESIDING OFFICER. The conference report to accompany, H.R. 3355 is the order of business.

Mr. REID. I thank you very much.

Madam President, I rise in support of moving to consideration of the passage of the conference report on the crime bill.

Much of the debate we have heard from opponents of this measure stems from the belief that too much is being done to prevent crime and not enough is being done to punish crime.

Madam President, the State of Nevada has a few more Democrats than Republicans but not many. It is fairly evenly divided. I want the people of the State of Nevada to know that this is a bill that is not a bill that is a Democrat bill or a Republican bill. This is a bipartisan bill. This bill passed almost unanimously just a few short weeks ago, and now because of political gamesmanship, political partisans are trying to take down this bill. There are people who believe that it would be good for the Republican Party to take down this bill. Well, it may be good for some Republicans, but it is not good for the Republicans of the State of Nevada, and I am here on the Senate floor today to tell the Senate that for the Republicans of the State of Nevada and the Democrats of the State of Nevada we need to pass this bill.

Why? Madam President, about 7 percent of the criminals commit almost 80

percent of the violent crime in this country. About 7 percent of the criminals commit about 80 percent of the violent crime in this country.

The reason we need to pass this bill is this will assist not only Federal authorities but State authorities to put away violent criminals. There are numerous other reasons that have been explained on this floor why we need to pass this bill.

Madam President, I have been a police officer. I have worn the uniform. I have worn a badge. I have carried a gun. I have been a prosecutor. After I went to law school, my first job was as a prosecutor. I spent a large number of years of my adult life defending people charged with crime. So I have a little bit of background about criminal activities both from a police standpoint, a prosecutorial standpoint, and defending those charged with crimes.

I want to spend a little time today talking about a buzzword that has been used to say how bad this crime bill is. It is used to deride a crime prevention program that opponents of the crime bill have become obsessed with, the so-called midnight basketball program. Time and time again opponents of this legislation, even though they voted for it previously, are saying this is pork, that the midnight basketball program is pork and, for this reason and a few others, bring it down; we do not need a crime bill.

In fact, the Republican whip in the House has said he thinks the Federal Government ought to be encouraging kids to stay in school and study and not go out and play basketball at midnight. I say to the Republican whip, who I served with in that body, that the midnight basketball does just that. It encourages children to stay in school. It is about mentoring. It is about teaching responsibility. It is about working as a team. It is about working with high-risk youth to assure they stay in school and sometimes go on to college. It is about spending a little more money on our youth today so we do not have to spend a lot more money on them as adults in the future.

How do I know about this program? I know about this program because one of the first programs in the history of our country that dealt with nighttime basketball was a program that started in Las Vegas, NV. It is a great program. It is still in existence, and it is evidence that it is both cost effective and crime preventive.

These leagues were started almost 5 years ago by a man in Las Vegas who worked for the recreation department, a man by the name of Thomas Gholson. He was an energetic leader. He wanted to do something different. He wanted to do something more to justify his paycheck than just go to work every day. He came up with a program. There were kids on the street. You could drive down the streets and see them. They had no place to go and very little parental control.

Thomas Gholson, who understood troubled youth, said: "We are going to start a basketball program. We are going to get as many young people as we can come off the street. We have the gyms we built. We paid millions of dollars for them. Why not use them at nighttime?"

This program in southern Nevada in Las Vegas has kept hundreds and hundreds of young people in school. The organizers serve as important mentors to the many kids who play in this program. They are looked up to. They are respected. And in some instances, in fact more instances than I would like to admit, they are the only role model positive in nature that these young people have.

The person who runs my southern Nevada office is a man by the name of Eric Jordan. He wears on his finger a Super Bowl ring. He played for the New England Patriots in the Super Bowl.

Eric Jordan was raised in southern Nevada. He had good parents. He was able to go to elementary school, high school and college. I have spoken to Eric, and there are not many people who wear a Super Bowl ring. Why? Because it is difficult to make it through high school, college, and certainly through professional football.

But this is the program Eric Jordan said has kept people off the streets. He should know. He was raised in the community.

I would ask opponents of this bill to ask themselves the following questions: Is it wrong for the Federal Government to provide money to programs that teach at-risk youth about the importance of responsible parenting? The obvious answer is no.

Is it wrong for the Federal Government to reach out to at-risk youths and attempt to impart in them the importance of continuing their education? Is it wrong for the Federal Government to spend $5,000 to organize a basketball league for at-risk youths? It takes as much as $50,000 a year to keep a young person in a reformatory, a youth in prison, as much as $50,000 a year. And we are talking about organizing a basketball league for a lot less.

Is it wrong to spend a few dollars to provide alternative activities for youths who are now aimlessly wandering the streets and engaging in random criminal activity?

We read all the time about random criminal activity; people hurt other people for no other reason other than they do not have anything else to do.

Is it wrong for the Federal Government to attempt to make our streets safer to walk at night and now even in the daytime? Is it wrong for the Federal Government to encourage team play and civic behavior? Is it wrong for the Federal Government to make a modest investment in today's at-risk youth in the hopes that by so doing we will prevent future crimes? I say no. If it is, Madam President, vote against this bill, but do not play these games that this is pork as if somebody who is in favor of this is getting some benefit for themselves.

I get as much benefit from this as the rest of the people of the State of Nevada do; that is, if this bill passes, I will get a little more peace of mind. It is not going to eradicate criminal activity in the State of Nevada, but it will give the Federal authorities and the State and local authorities more tools to deal with criminal activity. That is what we need.

Criticisms of this measure, I think, are disingenuous, especially, Madam President, when you consider they voted for it before. And, as the majority leader explained on the floor today, they cannot talk about the numbers. They lose that game, because the only numbers they complained about originally were that it did not give State and local authorities a long enough time to get assistance. So we extended that time. That is where the added dollars come from.

If you look at the findings summary, you find that the trust fund dollars have been set up in this bill. Law enforcement, together with prisons, made up 77 percent of the bill. In the bill now, after the conference report, law enforcement and prisons make up 77 percent of the bill. It did not change a percentage point. It changed it around a little as to how much went to prisons and law enforcement, but they are the same numbers. With prevention and drug courts, it originally started out at 23 percent; after the conference report, 23 percent. It has not changed a percentage point.

I say that we should be able to vote on the bill. The people of the State of Nevada—Democrats, Republicans, and Independents—recognize that these random crimes, these random killings, these random acts of violence are not directed at Democrats, they are not directed at Republicans or Independents, they are directed at people who, by chance, may be Republicans, Democrats or Independents.

This is not a time to be partisan. By being partisan, they stand the chance of bringing down this crime bill. And I say those that are facing election this year or next year or the year after in the Senate should face the voters for bringing down this crime bill because that is what they will do.

This is what the American people really want—crime prevention.

Let us get rid of this program, they say, this midnight basketball program. If the kids are roaming the streets at midnight and engaging in criminal activity, lock them up; arrest them. This will prevent crime and will keep our streets safe.

This is simply not realistic, Madam President. We need to have strong law enforcement. We need to do better with our prisons. We cannot have the rotating prison system that we have. We have to make sure that we have certainty of punishment. Our criminal justice system is breaking down, not because of a lack of severity, but because of lack of certainty of punishment. Punishment is good because it is certain, not because it is severe, and we do not have certainty of punishment. This legislation will help bring about certainty of punishment and maintain the severity when necessary.

So, doing away with the midnight basketball program, as they want to do is wrong. It is a partisan smokescreen, and the American people can see right through it.

Solutions to today's crime problems are not going to be found solely in the construction of more prisons to house America's youth and Nevada youth.

George Allen, whose son is now a conservative Republican Governor in Virginia, George Allen, the famous late football coach of the Washington Redskins, considered a conservative both on the field and off, put it best when he said that the best offense is a good defense. I agree with that philosophy, whether it is liberal or conservative.

Midnight basketball leagues offer effective defensive schemes that we can employ in our fight against crime.

Do Government-run basketball programs prevent crime and provide at-risk youth with greater opportunities to succeed? Yes.

Madam President, I will ask unanimous consent to have printed in the RECORD an article from the largest newspaper in the State of Nevada. The newspaper is now, in circulation, approaching a quarter of a million. It is entitled "On-Court Lessons Prove Valuable."

I know that the pictures that appear on this cannot go into the CONGRESSIONAL RECORD, but I ask unanimous consent that the article be printed in the RECORD.

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

[From the Las Vegas Review-Journal]

ON-COURT LESSONS PROVE VALUABLE

PLAYERS FIND ENJOYMENT AND ENCOURAGEMENT IN A BASKETBALL LEAGUE FOR YOUNG MEN AND WOMEN

(By Marlan Green)

To get along with people. To never give up.

Those are two of many lessons 16-year-old Pharin Wheaton says he's learned through playing basketball in the Late Night Hoops program targeting at-risk youths and young adults in economically disadvantaged neighborhoods.

"Before I was playing basketball, I didn't really want to live because I didn't think I was nothing," Wheaton said, as he watched a game from the bleachers at North Las Vegas Recreation Center.

Then, last year, he joined Late Night Hoops.

"It was like a chance to show I was better," said the soon-to-be Clark High School junior. "I started listening and paying attention. Basketball is like teaching. You won't learn if you don't listen."

Now in its third year, the summer basketball league offers participants age 16 to 25 something to do in the late hours of the night to keep them out of trouble. It also provides the opportunity to interact with professionals—including firefighters, deputy district attorneys, a public defender and a housing authority deputy director—who serve as coaches.

The league, which plays at Doolittle Community Center, North Las Vegas Recreation Center and the Chuck Minker Sports Complex, is sponsored by the Las Vegas and North Las Vegas housing authorities; parks departments from the two cities and Clark County; the Federal Bureau of Investigation; and the county public defender's office and Juvenile Court Services offices.

"This stuff has kept a lot of kids off the streets," said referee Larry Cross. "Basketball brings a lot out of a kid."

Las Vegas Housing Authority Deputy Director Tom Gholson initiated the program, along with Ray and Ross Transport owner Sammie Armstrong, after learning of a similar league in Washington, D.C.

"I've gotten close to a lot of the young men and have been able to try to guide them in a positive direction and have learned that they want the same things as anybody else—an opportunity," said Gholson, who coaches one of the teams.

Often, players decide to get their high school equivalency degrees, go on to college or find jobs, including positions with the housing authority's apprenticeship program, which pays $8.50 an hour while teaching participants a skill, he said.

This year, the program has been expanded to include eight women's teams as well as 16 men's teams.

Diana Cranford, for one, is grateful. "There's nothing else to do around the neighborhood," said the 15-year-old resident of the Marble Manor housing project in West Las Vegas.

Without Night Hoops, she probably would be home watching television, said Cranford, who will be a freshman at Cimarron-Memorial High School this year.

Coaches also detect they're making a difference.

"You see a definite change as far as attitude, as far as they want to do something other than hang out," said Wayne Carrington, Jr., assistant coach of the Aggies.

What Wheaton has learned from Night Hoops has carried over into his school life.

He made the junior varsity basketball team and plans to play on the varsity team next year. His schoolwork has improved, too, Wheaton said, noting he upped his grade-point average last year to 3.0

Wheaton's now setting his sights on college and a sports administration career.

The camaraderie of the teams has meant a lot to Wheaton.

"The guys on the team, they try to like be a dad to you if they see you have no guidance," said Wheaton, who lives with his mother in West Las Vegas and says he is not close to his father.

Program coordinator Will Reed is one person Wheaton said he turns to for guidance.

"You're not going to reach them all, but for the ones that you do reach, it's worth it," said Reed, 26, a former professional football player who grew up in predominantly black West Las Vegas.

Basketball turns out to be a good vehicle because of the relationships players develop with their coaches, said Reed, who played on a Night Hoops team before landing his current job.

"They find out that somebody does care about them. Then they start to think, 'If somebody else can care about me, then I can care,'" he said.

Mr. REID. I do this, Madam President, because this article says it all. And I might add that this newspaper is a very conservative newspaper, editorially. But this is a feature article in that newspaper and it says, as a subheadline, "Players find enjoyment and encouragement in a basketball league for young men and young women."

We in Nevada believe that at-risk youth are more than just young men. We know that there are gangs that consist only of women. We know that some of the gang membership is also made up of women. So the program affects young men and young women.

Let me read just a little bit, Madam President, from what the writer of this article, Marlin Green, wrote.

To get along with people. To never give up.

These are two of the many lessons 16-year-old Pharin Wheaton says he's learned through playing basketball in the Late Night Hoops program targeting at-risk youth and young adults in economically disadvantaged neighborhoods.

This has been branded, Madam President, as a midnight basketball program. Some of the games go as late as midnight, but also they end earlier than that. It is a night basketball program, popularly known as the Late Night Hoops Program.

Anyway, on with the article.

"Before I was playing basketball, I really didn't want to live because I didn't think I was nothing," Wheaton said, as he watched a game from the bleachers at North Las Vegas Recreation Center.

Then, last year, he joined Late Night Hoops.

"It was like a chance to show I was better," said the soon-to-be Clark High School junior.

I had two children that graduated from Clark High School.

"I started listening and paying attention. Basketball is like teaching. You won't learn if you don't listen."

Among other things, the article says:

It also provides the opportunity to interact with professionals—including firefighters, deputy district attorneys, a public defender, a housing authority deputy director—who serve as coaches.

The league, which plays at Doolittle Community Center, North Las Vegas Recreation Center and the Chuck Minker Sports Complex, is sponsored by the Las Vegas and North Las Vegas Housing authorities; parks departments from the two cities and Clark County; the Federal Bureau of Investigation; and the county public defender's office and the Juvenile Court Services offices.

Do you think the FBI and the Clark County Juvenile Services and the public defender's office and the DA's office are involved in this because they want to make more delinquents? I think

they are involved in this program because they are curing delinquency. That is what this program is all about.

"This stuff has kept a lot of kids off the street," said referee Larry Cross. "Basketball brings a lot out of a kid."

Las Vegas Housing Authority Deputy Director, Tom Gholson—who I spoke about a little earlier—initiated the program, along with Sam Armstrong—a good personal friend of mine—after learning of a summer program in Washington, DC.

"I've gotten close to a lot of the young men and have been able to try to guide them in a positive direction and have learned they want the same things as anybody else—an opportunity," said Gholson, who coaches one of the teams.

Madam President, I have had the pleasure of watching these young men—I did not see any of the young women—watching the young men. They were so proud of being able to be on a team and being part of something. For most of these young men it was the first time they had ever been part of anything—part of a team—that was constructive in nature.

The article goes on to say:

Often, players decide to get their high school equivalency degrees, go on to college or find jobs, including positions with the housing authority's apprenticeship program, which pays $8.50 an hour while teaching participants a skill, he said.

This year, the program has been expanded to include eight women's teams as well as 16 men's teams.

Diana Cranford, for one, is grateful. "There's nothing else to do around the neighborhood," said the 15-year-old resident of the Marble Manor housing project in West Las Vegas.

Well, she would have "something to do," paraphrasing, but it would probably not be what we want her to be doing.

"You see a definite change as far as attitude, as far as they want to do something other than hang out," said Wayne Carrington Jr., assistant coach of the Aggies.

This is a great program. I could not let the time go by with the bashing that the so-called midnight program has taken without defending something that has been good for my community. It is wrong they are trying to bring down the bill for pork. This is pork? If this is pork we need more of it.

I have given the local flavor that I understand very well. Last night at home, as I was resting, trying to doze off, I picked up this week's Time magazine, and sure enough, in Time magazine there is a commentary written by Margaret Carlson. This is the August 29 issue of Time magazine. The article is entitled "Order on the Court."

Madam President, I ask unanimous consent that this article as well as the Levy article be printed in its entirety in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. REID. Margaret Carlson says:

"Stop the shooter!" shouts the man with the blue bandanna around his head. There's a cop nearby, but he makes no move on the 6-ft. 3-in. teenager who is taking aim. That's because the patrolman is one of about 75 spectators who have dropped by for an Under the Stars basketball game—and the shooter simply wants to sink a basket.

I am not going to read all the article, but I want to read part of it because it makes the point as to the charade going on here in the U.S. Senate about the pork. That is only a subterfuge to kill the bill. The article continues, next paragraph.

Somehow, though, midnight basketball has become the laugh line of the crime bill. It has come to stand for all that is wrong with liberals and their woolly talk about "root causes."

Madam President, the Senator from Nevada has been called a lot of things in these Senate Chambers but never a liberal, and I support this bill.

What the ridicule of midnight basketball shows is how mindlessly partisan Congress has become. For the most part Republicans were in favor of the crime bill—including Subtitle F, called Midnight Sports. That was before they realized that they could recapture the law-and-order issue for themselves by stalling the bill. Suddenly the G.O.P. and conservative think tanks—even Charlton Heston, speaking for the National Rifle Association—were all over it. Instead of putting 100,000 police officers on the street, they said, the crime bill would find only 20,000; it would create more social workers than cops; it would also release 10,000 drug dealers.

This is Time magazine, not HARRY REID, even though I certainly underscore and support what they say. The next sentence is: "All those allegations are untrue."

All those allegations are untrue. They are a cover to defeat this crime bill. I repeat, the people of the State of Nevada, Democrats and Republicans, when a violent crime hits them or their family or their friends nobody asks if they are Democrat or Republican. When the ambulance comes, when the police show up, they do not say are you Democrat or Republican or did you register independent? That is not the question. The people of the State of Nevada want something done about crime. This is not a cure-all, but it certainly will go a long way in allowing local police to do more than what they have been able to do.

She goes on to say: "Before civility and politics completely broke down, George Bush"—in case we have forgotten, he was our President, and I might add, a very fine man. I like George Bush a great deal. I prize three letters, handwritten letters, he wrote to me on things I did to support my Republican President. He was grateful and sent me handwritten letters saying that he was grateful. I like George Bush very much.

Before civility in politics completely broke down, George Bush gave midnight basketball the Republican imprimatur. In 1991 he visited the first such league, in Glenarden, Maryland.

That is right out here not far from where I am speaking.

"The last thing midnight basketball is about is basketball," President Bush said at the time. "It's about providing opportunity for young adults to escape drugs and the streets and get on with their lives. It's not coincidental that the crime rate is down 60% since this program began."

The program has grown to serve about 10,000 kids in 50 cities. Says David Mitchell, police chief of Prince George's County in Maryland; "You hook them with basketball with all the trappings—in a gym with referees and uniforms and a tournament—and then you teach them lots of other things as well." However, expanding this proven crime stopper to the many thousands of kids who want to join will take more than a patchwork of volunteer coaches, country recreation programs and local businesses to pay for the referees, bus drivers, utilities, uniforms and equipment. The money in the bill—$5 million in 1996, rising to $10 million in 2000—sounds like a lot. But remember: it cost at least $20,000 to lock up one person in prison for a single year.

So I believe if we are going to be bashing on pork we should find another victim and not midnight basketball.

If you take five at-risk youths and organize a forum where they can learn of alternatives to criminal activity and the importance of responsible behavior, we are talking about a taxpayer saving, if we can keep five young people out of prison, of a quarter of a million dollars.

If the issue is whether we ought to be spending money on these kinds of programs, we must also ask questions like this: How can we pay taxpayers' dollars to farmers to ensure they do not harvest wheat or some other crop, that they do not plant, but insist no Federal dollars should be spent to keep our youth out of trouble and on the right track? Maybe we should do away with price support programs and programs dealing with farm subsidies.

I personally think there are some programs we could cut down there. But these programs were developed for real good reasons—to increase farm production, to allow farmers to maintain a price that they could sell their crops.

Prisons, reformatories, are not cheap to run. The costs simply do not stem from incarceration. Prisoners file frivolous appeals once they get in prison. In the State of Nevada, the Federal court system, about 40 percent of the cases filed in our Federal court system are by prisoners. Opponents of this bill bemoan us spending money on prevention but have no problem spending billions to lock people up and allow them to drain away our judicial resources.

There are billions of dollars in this bill for crime prevention, for locking people up, for law enforcement, for drug courts—and I am glad it is there. But do not beat up on the nighttime basketball programs. Call it like it is. You want to defeat this bill because it

is a bad bill? You want to defeat this bill so President Clinton may be embarrassed because the bill just passed the House? But do it on that basis, be up front, vote against the bill. Do not do it on this technicality, because the American people will see through this. The people of the State of Nevada—consisting of Democrats and Republicans and some independents—they know a partisan harangue when they hear one.

It is outrageous to accuse those who support this kind of program as being soft on crime. It is a red herring, and those who make this charge know it is a red herring.

I think most people who have gotten to the U.S. Senate have a pretty good record as far as fighting crime, but that is up to their own constituency to determine. But for me, as an example, I support the death penalty. I support cracking down on sexual predators and child molesters. The issue I believe is not whether this is a tough crime bill, but whether it should be killed on a technicality.

The State of Nevada benefits from this crime bill. In dollars and cents, we benefit from this crime bill.

The State of Nevada is going to get more than 500 police officers. That might sound like a lot. The Presiding Officer, I see, and also her colleague from the State of California, have 30 million people in the State of California, and I know 500 police officers does not sound like much. We have about 1.4 million people living in the State of Nevada, and 500 police officers scattered around the State of Nevada will make a significant impact.

Given Nevada's share of the population and the additional $6.5 billion in discretionary dollars, Nevada should expect a total of about $75 million over the next 6 years. Of that total, up to 85 percent can be used to hire police officers and about $11 million can be used to help pay for the training over time, administrative costs, and community policing in Nevada. These are real things that help the State of Nevada. Boot camps—we hope to get some in Nevada.

Byrne enforcement grants—we will get part of those moneys if this bill passes. Madam President, I have not heard anyone on this floor complain about Byrne grants. They are in this bill. They do not complain about them because they work. They help in doing something about illegal drug trafficking.

Rural law enforcement grants—Nevada is going to get money for law enforcement in rural Nevada for drug and crime enforcement. We need that help. About 85 percent of the people of Nevada are in Reno and Las Vegas, maybe a little more. But we have huge, vast areas where tourists use the highways coming to Nevada. These small communities throughout Nevada need help, and we want to give them help. The only way that I can see that they can get the help they need is through this legislation.

There are many other things that we look to for help. Drug court programs—we have a very successful program in Nevada. It started in southern Nevada, championed by a judge by the name of Jack Lehman, a man I practiced law with in the same community for a number of years. I am personally grateful to him that he gave up a lucrative law practice to become a State court judge. He is doing a wonderful job. These drug court programs, which he pioneered in Nevada, will receive money in the State of Nevada, an estimated $4.8 million over the next 6 years for the State of Nevada.

Criminal record systems, we can get some help with. For example, enforcing the Brady law. Judges, prosecutors, public defenders, about $1 million to the State of Nevada.

Madam President, the State of Nevada stands to gain significantly from this legislation. I think it would be a real shame if this legislation did not pass.

Those who oppose these programs, I think, should reexamine their consciences. They are the naysayers who do not believe the Federal Government could and ought to reach out to our Nation's at-risk youth and steer them away from a life of crime and toward responsible civic behavior. They are using nighttime basketball, night hoops, as a ploy to defeat this whole bill. I think it is wrong. Do not tell me this prevention does not work. Preach it to someone else, but not to the people of Nevada. We know that it works.

Arguably, criminal activity has been prevented. Kids were provided with alternatives to hanging out and getting in trouble. And, hundreds of thousands, if not millions, of taxpayers' dollars have already been saved because we are not incarcerating young men and women, but teaching them through mentoring and being part of a team.

So, Madam President, in the State of Nevada, if we can keep 10 kids out of the reformatory in Caliente or in Elko, we can save hundreds of thousands of dollars just in the first year.

I do not really like everything in this bill. There are parts of it I do not like, Madam President. But there is such an overriding goodness in this bill that I am going to support this bill. If this bill were given a fair shot, people on both sides of the aisle would vote overwhelmingly for it. I think it is a shame on a technicality that we may not have that ability.

I ask the people of this country to make sure that we have the ability and the opportunity to vote on this bill.

EXHIBIT 1

ORDER ON THE COURT

(By Margaret Carlson)

Stop the shooter!" shouts the man with the blue bandanna around his head. There's a cop nearby, but he makes no move on the 6-ft. 3-in. teenager who is taking aim. That's because the patrolman is one of about 75 spectators who have dropped by for an Under the Stars basketball game—and the shooter simply wants to sink a basket. Every Tuesday and Thursday night inside Dunbar High School gym—12 blocks from the Capitol and five from one of Washington's most notorious drug markets—the only shots the police have to worry about are lay-ups and free throws.

Somehow, though, midnight basketball has become the laugh line of the crime bill. It has come to stand for all that is wrong with liberals and their woolly talk about "root causes." The criteria set out to define communities eligible for funds—those with a high incidence of joblessness, illegitimacy, AIDS and crime—have been parodied as requiring teams to be made up of HIV-positive, drug-taking pregnant dropouts. And the very name doesn't help. At midnight all the good kids are supposed to be in bed, and anyone who isn't should not be coddled with giveaways. More curfews will do the job and they cost nothing, the critics say. What the ridicule of midnight basketball shows is how mindlessly partisan Congress has become. For the most part Republicans were in favor of the crime bill—including Subtitle F, called Midnight Sports. That was before they realized that they could recapture the law-and-order issue for themselves by stalling the bill. Suddenly the G.O.P. and conservative think tanks—even Charlton Heston, speaking for the National Rifle Association—were all over it. Instead of putting 100,000 police officers on the street, they said, the crime bill would fund only 20,000; it would create more social workers than cops; it would also release 10,000 drug dealers.

All those allegations are untrue. The bill funds 75% of salary and benefits for 50,000 new police officers by the year 2000, with local funds providing the remaining 25%. Moreover, $7 of every $10 in the bill goes toward law enforcement and prison construction. As for the release of drug dealers, judges would be required to review the mandatory minimum sentences and free less egregious criminals—probably 400 at most—to make room for truly violent offenders.

Before civility in politics completely broke down, George Bush gave midnight basketball the Republican imprimatur. In 1991 he visited the first such league, in Glenarden, Maryland. "The last thing midnight basketball is about is basketball," President Bush said at the time. "It's about providing opportunity for young adults to escape drugs and the streets and get on with their lives. It's not coincidental that the crime rate is down 60% since this program began."

The program has grown to serve about 10,000 kids in 50 cities. Says David Mitchell, police chief of Prince George's County in Maryland: "You hook them with basketball with all the trappings—in a gym with referees and uniforms and a tournament—and then you teach them lots of other things as well." However, expanding this proven crime stopper to the many thousands of kids who want to join will take more than a patchwork of volunteer coaches, county recreation programs and local businesses to pay for the referees, bus drivers, utilities, uniforms and equipment. The money in the bill—$5 million in 1996, rising to $10 million in 2000—sounds like a lot. But remember: it costs at least $20,000 to lock up one person in prison for a single year.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, we have been listening for days to arguments on the floor. I would like to bring it to a close, and I would like to be able to resolve these matters. I think we have provided a means to the majority leader where we might be able to do that.

I have been listening to the distinguished Senator from Nevada, and he is a dear friend of mine. He acts as if this money is going to be there. I can tell you what the people in America think. They know it is not going to be there, and I am telling them it is not going to be there.

Who here in this country today believes that this administration is going to cut back on 250,000 Federal employees in order to create this money which, by the way, other committees have already spent, anyway? You have committees that have tapped into this so-called trust fund, assuming that it is going to be there; 250,000 employees under GORE Reinventing Government have to be thrown out—not thrown out, but gradually done away with. When was the last time you saw that happen, in order to get this money?

So we talk about how our States are going to benefit from this money. I would like to know where it is. This country is awash in debt, and here we are talking $30 billion more. Maybe that miracle will occur. I believe in miracles. I have been raised to believe in miracles. I have seen some miracles in my lifetime. But I really lack a certain amount of faith that this Federal Government and this administration is going to somehow find $30 billion over the next 6 years to spend on this bill.

Mr. LOTT addressed the Chair.

Mr. HATCH. Madam President, if I can make one last sentence. In fact, even if—even if—we somehow get rid of those 250,000 Federal employees to fund this trust fund because the Congress, at least the House, has been so profligate, and the conference committee, to go to $33 billion and then back to $30 billion, according to the budget people, we are still going to have a $13 billion deficit. At best, that is what we are going to have.

I do not know about you, but I think the American people are sick with it. They are fed up with it. And now, for us to act like this is all going to happen because of a crime bill, they are just sick of it.

Mr. LOTT. Will the Senator yield for a question?

Mr. HATCH. I will be happy to.

Mr. LOTT. Madam President, the Senator's point is, the truth of the matter is, there will not be funding for a number of these programs. For instance, there will not be 100,000 law enforcement officers put on the streets across this country. And, as a matter of fact, in addition to that, there is at least probably $13 billion, maybe more, that will not be paid for. If it were spent, it would just be added to the deficit.

My question to you on that point, though, is, is it not that one of the things you want to try to address with amendments, that you would like to be able to offer, is to reduce the overall spending level in this bill that went from $5 billion or $7 billion when originally introduced all the way up to $30 billion now? It seems to me we could at least cut back some of the spending in this bill which would just be added to the deficit, if we do not. Is that one of the amendments or series of amendments you will have?

Mr. HATCH. The Senator makes a wonderful point. It is one of the amendments we would have. I just saw on CBS nationwide news this morning a liberal Democratic mayor from Kansas get on and say, "We don't want the money for the police." Why would he say that? Everybody is saying, "We don't have enough police," and that is what we are trying to do with this bill, is it not? He said, "We don't want the money."

You know why, because people do not understand out there—maybe it is time we tell them—that the State has to put up 25 percent of the money in the first year for these new police, but in the second year, they have to put up 50 percent, and in the third year, 75 percent of the money.

They are saying if we had 20—this is what the mayor said, or at least one of the policemen said it and then the mayor confirmed it. If we had 25 percent of the money now, we would be hiring policemen now, and we would be putting them to work. But we do not have the money.

How are they going to have 50 percent the next year and 75 percent the next year? There is not anybody who looks at this who does not realize that we are putting a little more than $1 billion to hiring new police in this country from this bill a year, and that it is not going to a hire 100,000 police even at best. And let us say if you get 20,000 you would be lucky. And then the States are going to wind up footing the bill in the end and policemen are saying, rookie cops are not going to help that much under these circumstances when we are going to pay the bill.

Mr. LOTT. Madam President, I would like to ask the Senator to yield again for one more question before moving on to another subject.

Mr. HATCH. Sure.

Mr. LOTT. I had hoped to make a statement on a whole number of areas, but I think since the ranking member of the Judiciary Committee is here it best I be able to ask him two or three specific questions.

Mr. HATCH. Sure.

Mr. LOTT. A question has been raised, what is pork? Is there pork in this legislation? There are billions of dollars of programs that certainly could be described in that way. As a matter of fact, I have a list here of a number of the programs that are still in this conference report, some of which certainly were not in the bill when it passed the Senate originally, and there are hundreds of millions and billions of dollars. The Model Intensive Grant Programs, which is $625 million, that will go to 15 cities, hand-picked by the administration; the Local Partnership Act, $1.6 billion which takes the form of revenue-sharing grants to be distributed by the Department of Housing and Urban Development for three general purposes. One of particular interest, the National Community Economic Partnerships, the Department of Health and Human Services—not the Justice Department, HHS—would provide $270 million in grants to community development corporations to "improve the quality of life." No pretense of tying the use of these funds to any sort of crime control is made.

Now, let me ask the Senator, the distinguished Senator from Utah, are these some of the projects that could be knocked out by the amendments he would have, some of the programs that clearly do not affect fighting crime in these communities?

Does the Senator have others that he could cite that we could possibly knock out and save money or move that money over into legitimate crime fighting?

Mr. HATCH. Clearly, the conference report still contains billions of dollars of pork barrel projects, or what we would call wasteful social spending programs—wasteful because many of them are duplicative of dozens, if not hundreds, of other programs already in existence. And one of the things the House did this last weekend was knock out the job training part of it. It was almost $1 billion. They knocked it out because we already have 154 job training programs in this country at a cost of almost $25 billion.

I might say the bottom line is these programs are not about crime prevention, as President Clinton likes to claim, but about placating the most liberal wing of the Democratic Party with pure social spending, more of the same.

The Senator mentioned the Model Intensive Grant Programs. That is a program of $625 million of pure pork. Under this program, as the Senator said, 15 cities hand-picked by the administration—my goodness, why would not the Justice Department do that? I guess they do, do they not? They are the administration, are they not? Fifteen cities are going to be the wonderful beneficiaries of this well-intentioned grant program and they are given complete discretion on how to spend this money, and it may be spent on any purpose loosely tied in in the grant application to crime reduction. Goody-goody.

The problem with that is there will not be any money there to do it anyway, or if the money is there to do that, you can guarantee it will not be there for prisons or police or apprehension, prosecution, conviction, incarceration, and punishment of criminals, which is what we really started out to do.

Take the Local Partnership Act. That is $1.6 billion in pure pork, which takes the form of revenue-sharing grants to be distributed by the Department of Housing and Urban Development—the Department of Housing and Urban Development. What made them experts on crime? They are hardly experts on housing and urban development. As I understand it, they have already overspent their budget—for three general purposes: Education to prevent crime, drug abuse treatment to prevent crime, and job programs to prevent crime.

Keep in mind, there are 154 Federal programs, Federal job training programs now paid for by you, the taxpayers, almost 25 billion bucks and they want to give them more for these duplicative programs.

Look, if they want to do these social engineering programs, I might even vote for them if they would do them straight up and not hide them in the crime bill.

Mr. REID. Will the Senator from Utah yield?

Mr. HATCH. I will not yield now because we did not get a chance to talk last night. I waited for 3 hours just for 15 minutes and finally had to leave in despair.

Mr. REID. I only interrupt because the Senator mentioned my name, and I would be happy to respond.

Mr. HATCH. I would be happy to yield for that.

Mr. REID. I appreciate that very much. I will take time responding later.

The Senator said he doubts the trust fund will be funded as a result of cutting back Federal programs.

Mr. HATCH. I not only doubt it. I know those funds are not going to be there and so does the Senator from Nevada.

Mr. REID. The Senator is aware that, for example, in the legislative branch, which is part of the overall cut, we have met our responsibility by cutting personnel by 4 percent, overall administrative accounts by 14 percent. The Federal Government has 3.4 million employees, and this trust fund called for cutting approximately 250,000 people——

Mr. HATCH. Yes, 250,000.

Mr. REID. Out of the 3.4 million employees. I think we can do that easily. We are already well toward that. And I would just say to my friend that it seems very clear we can do that, and the people on that side of the aisle believed that when this bill passed the first time by an overwhelming majority.

Mr. HATCH. We helped.

Mr. REID. To say it would take a miracle is not true.

I would also say to my friend from Utah regarding his concerns about why HUD should be involved in this? We have all read the paper. That is where much of the crime in this country is bred, in the housing developments. The midnight basketball program in Las Vegas started as a result of a person who worked in housing.

Mr. HATCH. If I could take back my time, let me just answer some of that. I commend the Senator if he has been able to reduce spending in the Federal Government on that one small, solitary Appropriations Subcommittee. I believe the Senator has worked hard, but I am talking about $5 trillion of debt now.

Wait just a second. Let me just say what I am going to say. I am talking about $5 trillion of debt, and if I am going to spend crime money, I do not want HUD spending it. I want the Justice Department or somebody who knows something about crime spending it, some department that really deals with criminal problems. And I do not want to have it spent on pure pork social programs when we have got violent criminals running all over this country berserk. Frankly, when you can show me when we have made a real dent in getting those 250,000 employees gone, I might believe this. But even then you are $13 billion in deficit under this $30 billion bill.

Let me just finish the answer to the question.

Mr. REID. I appreciate the Senator yielding. I would ask unanimous consent that a statement regarding the deficit, the trust fund does not add to the deficit—I would not take the Senator's time, but I would ask the remarks be made part of the RECORD.

Mr. HATCH. That would be fine.

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

TRUST FUND DOES NOT ADD TO DEFICIT

This point rests on little more than an accounting rule—the Republicans point out (correctly) that in fiscal year 1999 and fiscal year 2000 there are no discretionary budget caps, so there is no budget total agreed to by a congressional budget resolution, so—the argument goes—we cannot guarantee that the crime bill will not add to the deficit in fiscal years 1999 and 2000.

This is a "Red Herring." The trust fund language in the crime bill specifies that the $13 billion in reductions to fill the trust fund in 1999 and 2000 will be made from "comparable amounts for budgetary purposes"—in other words, none of us know how many discretionary dollars the Federal Government will have to spend in 1999 and 2000, but whatever the total it will be reduced by $6.5 billion in 1999 and $6.5 billion in 2000.

In plainer English, none of us know exactly how much money is going to be in the Federal Government's discretionary "check book." But, whatever the amount, the trust fund tells us to put aside $6.5 billion of our total in a special checking account—kind of like a "Christmas Club"—that we will only use to pay for the police, prisons and prevention in the crime bill.

The PRESIDING OFFICER. The Senator from Utah has the time and has the floor.

Mr. HATCH. I thank the Chair. Let me continue to answer the question of my friend from Mississippi.

He said, what are some of these programs? We just named $625 million in the Model Intensive Grants Program, pure pork; Local Partnership Act, $1.6 billion—that is with a "B"—pure pork, with the most generalized, generalized description.

Let me give you the National Community Economic Partnership. Now, let us see what this has to do with crime. This is what my Democrat counterparts think we should be doing for crime when we are awash in violent criminals, that is, other than their constant harping on the fact that the whole battle here is over guns.

Give me a break. My side is not fighting guns at all right now. We hate that provision, some of us, but the fact is we lost. What we are fighting is pork. And we are fighting the fact that they took 30-plus anticrime, tough amendments that we passed here by almost unanimous votes in the Senate out of the crime bill in the House.

Mr. LOTT. Will the Senator yield at that point, and I will stop asking questions?

Mr. HATCH. Sure.

Mr. LOTT. I had one other point I wanted to make, and it fits in right there.

Will the Senator explain to me on that point why the strong language that we had in the Senate-passed bill that increased the penalty on criminals that commit crimes while using a handgun was deleted?

I have, for the life of me, tried to figure out why they say they want to get gun control and yet when we try to get tougher on criminals who use handguns, they take that out.

What possible explanation could exist for that?

Mr. HATCH. Does the Senator not realize that there are those on the conference committee—of course, all very liberal—who believe that these people really did not commit the crimes, that they are a product of their environment, and that the environment is so bad that it produces these criminals and they should not be held responsible for it? Why should we be hammering them with tough mandatory minimum sentences when they use a gun because that is what they learn in these tough areas? Unfortunately, there may be a modicum of truth to that. But I think people still have to be held responsible for their actions, but they do not feel the same way. It is apparent.

But back to the Senator's other point. I thought it was a real good

question. Look at the National Community Economic Partnerships. The Department of Health and Human Services—get this again. The Department of Health and Human Services—not Justice, not any law enforcement agency, not the FBI, not the DEA, or anything else—they are going to provide $270 million in grants to community development corporations "to improve the quality of life." I think that is wonderful. I just cannot believe how serious about crime some of our colleagues really are.

There is no pretense of tying the use of these funds to any sort of crime control. No. They are hiding it in the crime bill because they think the American people want a crime bill to do something about crime and it is a good opportunity to spend more. That is why it is a $30 billion bill. It can go on and on. I think the point is made. We could go on through 30 programs like this. Some of them are good.

I saw the distinguished Senator from Nevada talk about how midnight basketball works in Nevada. I am for that. I think it is a great. It has been working without Federal Government funding or strings. It has been working on a voluntary basis, and he made the point. I do not care if the HUD employees helps with them. The fact of the matter is it has been working voluntarily. It was one of President Bush's points of light. It was supposed to be a voluntary program. I believe in it. I think midnight basketball is a terrific idea. But the problem is, if you read this bill, you find that there are Federal strings attached to it.

I would like to just point out a few of them, if I can read this fine print. It is very fine print. This is a big bill, as Senator BIDEN said. There is all kinds of nice language like this in here. Let me read this.

Midnight sports league programs that shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held in conjunction with the league's sports games at or near the site of the game.

This is the Federal Government running midnight basketball. You have family outreach in this particular program. I could go on and on. You have them running midnight basketball that has been working well on a voluntary basis without the Federal Government's interference or strings attached, dictating what we have to do in midnight basketball. I am sure we will have a nice set of regulations telling us how to play basketball.

Mr. GRAMM. Will the Senator yield?

Mr. HATCH. Yes.

Mr. GRAMM. I was wondering, as the Senator was going through that, if they would have the NBA rules and the college rules and the high school rules?

Mr. HATCH. No. These are inner city rules. They will have Federal rules. The Federal Government knows more about basketball than you and I. They know more about what to do. They will tell us how to hire our policemen and what they should act like. We are going to give them sensitivity training as a matter of fact under this bill. It is unbelievable the strings attached in this bill.

Mr. GRAMM. Will the Senator yield?

Mr. HATCH. Yes.

Mr. GRAMM. I see the Senator is caught up in his passion with this bill. And I think there are plenty of reasons to be caught up. If my phone calls and mail are an example of how the American people feel, they are caught up in it, too. But I did want to have one tiny little bit of time.

Under the Local Partnership Act, we are going to give $1.6 billion that will be passed out on the basis of the tax rate in cities so that big taxing cities will get a lot of money and low taxing cities will not get much.

Mr. HATCH. That will encourage lower taxes, will it not?

Mr. GRAMM. But I think the prize of this whole bill is that the mayor of Providence, RI, has said that with $3 million he gets under the Local Partnership Act he has what I believe is the most innovative idea of the whole crime bill. And the mayor of Providence, RI, has proposed this innovative program where you would take people who were convicted of graffiti violations who wrote nasty words on public buildings—we have all seen their work—he would like to take $3 million under the Local Partnership Act, money provided by this bill, and train these graffiti violators to be real artists. The Senator has to admit that this is a man who can have a future in the Federal city.

[Laughter in the galleries.]

There is a man who would have the capacity with powerful ideas——

The PRESIDING OFFICER (Mr. DORGAN). The Chair would ask the galleries to refrain from demonstrations.

Mr. HATCH. Will the Senator yield for a second? The only problem with this is that they have not asked the National Endowment for the Arts to supervise the program of graffiti training.

The PRESIDING OFFICER. The Chair requests that Senators seeking to ask a question of the person who has the floor to actually ask the question of that person.

Mr. LOTT. I would like to ask one final question. I ask unanimous consent to have printed in the RECORD an article from the Washington Times by William Bennett and our colleague, Senator COCHRAN, from my home State of Mississippi, entitled "Where the Pending Crime Bills Fall Short."

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

[From the Washington Times, July 11, 1994]

WHERE THE PENDING CRIME BILL FALLS SHORT

(By William Bennett and Thad Cochran)

By now the figures are all too familiar. Over the past three decades, violent crime in America has increased by more than 500 percent. Yet, nearly 3 out of every 4 convicted criminals are not incarcerated, and fewer than 1 in 10 serious crimes results in imprisonment.

The American public will not accept widespread lawlessness indefinitely. If the rate of violent crime continues to rise, people at some point will look for a police state to restore order. This makes it all the more urgent that we gain control of our streets.

Unfortunately, members of Congress are using the crime issue as a pretext for doing what they do best: increasing federal spending on social programs, while reducing the independence and authority of state and local officials.

The major effect of the crime bills currently making their way through Congress will be to federalize street crime.

Virtually all violent street crime now falls under the jurisdiction of state and local governments. Yet the Senate version of the crime bill detracts from local authority by adding more crimes to the federal code.

The House version would add 66 felonies to the list of crimes eligible for the death penalty, but it would all but do away with the death penalty by enabling a person convicted of a capital crime to argue that his execution would reinforce a pattern of racial discrimination.

Because the burden would be on the state to prove discrimination was not involved, the so-called Racial Justice Act would make it virtually impossible to implement the death penalty. But the worst feature of this provision is the message it sends: that race, not the crime itself, is the most important factor in imposing a death sentence.

Both the White House and Capitol Hill are committed to increasing the number of police. However, even though individual merit is nowhere more important than in the hiring of a police officer, the House bill calls for state and local authorities to adopt racial, ethnic, and gender guidelines in hiring.

Since more than 88 percent of the funding would be controlled by the Executive Branch, these "guidelines" could quickly turn into quotas.

Besides burdening state and local authorities with even more federal rules and regulations, these bills would make states and localities increasingly dependent on Washington's largess. Included in the House version is roughly $9.2 billion in '60's-style social programs to prevent crime. This tax money would fund everything from midnight basketball leagues—with federal rules detailing even the composition of neighborhood teams—to self-esteem classes, arts and crafts, dance classes, physical training programs and conflict resolution training.

If Congress is as serious as its rhetoric about fighting violent crime, it should help provide states and localities with the resources they need to apprehend and lock up felons for their full sentences, and thus put an end to revolving door justice.

For example, it should establish an anti-crime trust fund. Under a proposal by Rep. James Sensenbrenner, Wisconsin Republican, Congress would rebate an amount equal to 2 percent of federal income tax revenues to the states to spend on crime fighting. This would put between $45 billion to $55 billion into the hands of the people on the

front lines in the war on crime during the next five years.

Because of crowded conditions in many state prison systems, judges are imposing prison caps, which result in early release of criminals. This must stop.

Congress should reform federal rules, such as those surrounding habeas corpus, to prevent convicted felons from tying up the court systems with endless appeals. It should also establish a good faith exception to the exclusionary rule to prevent criminals from beating the rap because otherwise solid evidence was taken in technically imperfect search and seizure operations.

These are just a few of the measures that could have a real impact on violent crime.

Until members of Congress adopt a crime package oriented toward empowering state and local governments, they should refrain from talking tough on crime.

Passage of the policies now being considered would only further erode Congress' already damaged credibility. Congress should salvage the few sound policy options left in the crime bills—such as truth in sentencing provisions—and make a fresh start on a tough problem.

Mr. LOTT. The question is this: The operative sentences in this article are these.

Congress should reform Federal rules to prevent convicted felons from tying up the court systems with endless appeals. It should also establish a good faith exception to the exclusionary rule to prevent criminals from beating the rap because otherwise solid evidence was taken in technically imperfect search and seizure operations.

In other words, the American people are really looking for a strong crime bill with limits on endless appeals and a good faith rule so that the policemen, law enforcement people, doing their job in good faith will not have the criminals and the evidence thrown out on technicalities.

Here is my question. Are either of those in this bill?

Mr. HATCH. Neither of them are in the bill.

Mr. LOTT. Through all this exercise over the past year, the two most critical points probably in most people's minds are not even in here.

Mr. HATCH. That is right. I have to state why. The reason is because we passed a tough habeas corpus reform bill in the Senate, and the House passed a soft one. When we got to conference, of course, the liberal conference committee dominated all by Democrats just chose the soft provision. Of course, that is one of the reasons why the last crime bill died. It was not the gun. It was for reasons like this that we killed it. The reason the exclusionary rule did not pass is because the House passed a good exclusionary rule and we passed a weak one. When we got to conference the liberal conferees took the weak one, just like they took the weak habeas corpus reform. And, of course, that is another reason that last crime bill died. It was not the gun thing that caused it. It was this.

So it was a conscious decision this time, that since the same Congress existed there was not much we could do about it, leave it to another death of a crime bill that, you know, we did not even bring it up. And I have to say that certainly is a mistake, because you cannot have a tough crime bill without habeas corpus reform and the ending of these endless appeals. So the Senator makes a very good point.

Let me just talk about a couple more of these pork barrel programs. What is pork barrel to the Nation out here may not be pork barrel to some of our more liberal colleagues in the Congress. So I have to at least admit that. I think we have been making a pretty good case of why should HHS and why should other agencies that really do not work daily with the actual problems of crime, except indirectly, be handling these funds? Why should just 15 cities get the bulk of some of these funds?

Let me mention a few more. Community-based justice grants. This is $50 million in grants that 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 sanctions such as conflict resolution, treatment, counseling and recreation programs." The program defines young violent offenders as individuals up to 22 years of age "who have committed crimes of violence, weapons offenses, drug distributions, hate crimes, civil rights violations, and offenses against personal property." Grants are discretionary with the Attorney General this time.

Police recruitment; $24 million is given to the Attorney General to make discretionary grants to community organizations to "recruit and retain applicants for police departments." Do you not think police departments can do their own recruiting without community organizations doing it?

Ounce of prevention. This is a $91 million program. This program is established to coordinate all of the wasteful spending programs established by this bill. Believe it or not, the council is given $91 million of its own grant money to hand out on a discretionary basis for mentoring, tutoring, and other programs involving participation by adult role models such as programs assisting with employability. We have dozens of those in existence. GAO has said what we are doing for our young people is more than adequate under the current program. So we are going to add money in here because it is a good vehicle, it is going to go through. We may as well hide it in the crime bill and beat our breasts and say how great and compassionate we are in spending all this taxpayer money to help people. It is to be for prevention and treatment programs to reduce substance abuse, child abuse, and abortion counseling as well.

That is what this bill does. There is a lot more to be said. I would feel badly if I did not answer that question a little bit better that my colleague asked.

My colleague from Delaware refers to the Dole-Hatch gangs program, which sounds like a pretty softheaded program. But he wrote that program; he wrote that legislation. Senator Dole and I offered a tough gang amendment which enhanced penalties for gang offenses. When we offered our amendment, we incorporated the Biden gang grants provision. We did so to build bipartisan support to demonstrate our own good-faith efforts in this area. That was written by Senator BIDEN. We put it in our bill.

Senator BIDEN has spoken eloquently about his opposition to the Dole-Hatch-Molinari prior crimes amendment. We decided that there should be an admissibility or at least a presumption in favor of the admissibility of evidence of prior acts by rapists and child molesters. We think the game is up, it is time to get tough on those people. I have to say that Senator BIDEN did speak eloquently about his opposition to that. But in conference he offered this provision as part of the Senate Democrats' offer to the House. He did this early Sunday morning, and I was there. We stood here and accused Senator BIDEN of authorizing this particular provision? Of course not. He does not like it. He does not like the Molinari-Dole-Hatch provision. We do, but he does not. But we are not accusing him of writing it or even supporting it.

To suggest that the gang grants in the Senate bill was written by Senator DOLE is pure bunk. Unfortunately, we have seen a lot of that around here.

I have some more to say, but I notice that the distinguished Senator from California is ready to speak. So I will be happy to relinquish the floor in just 1 minute.

I will say this: The gun issue is no longer an issue and anybody who says it is just plain is not informed or does not realize the negotiations involved. Our side wants basic amendments to do away with pork barrel spending in this bill and to strengthen and toughen the bill again with Senate amendments that were overwhelmingly passed here. That is what we want. We want that opportunity to get our Senate language back in and, as a matter of pride, we Senators ought to do that.

The gun issue, as far as I am concerned—and I believe as far as this side is concerned—is one that we have lost. We feel badly about it. We do not feel good about it. We think it is wrong, and we can give plenty of reasons why it is wrong. But it has been lost.

The real issues are two: Pork, which this bill is filled with, and I have just been making some of those cases. And the tough-on-crime provisions that were stripped out by the liberal House conferees and, I might add, Senate conferees as well, that were in the Senate bill, the Biden-Hatch bill, which was a

considerably different bill than this one. I would have fought for it, and did fight for it, all the way through. But it was gone just like that once the liberal conferees decided they were not going to do the really tough things about crime, but they were going to still play this game that they are doing something about crime with your money that is not here, will not be here—not 30 billion dollars' worth—at least $13 billion in deficit, even if you can get all that trust fund money. And I challenge anybody to stand here on the floor and say they know we will get it, especially when we are not doing very much about other deficit problems.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mrs. FEINSTEIN] is recognized.

Mrs. FEINSTEIN. Mr. President, I have been listening to these remarks, and I must say my heart is breaking, because I see a bill that is important to the American people being taken hostage by a minority of this body. Hostage-taking is a Federal crime, and it will be a crime if we do not send the President a crime bill today.

Mr. President, I have just heard the remarks from the distinguished ranking member of the Judiciary Committee that "This is not about guns. We have lost that battle." Mr. President, I saw the list of 13 amendments the Republicans want, and number 12 is—and I quote—"strike the assault weapons ban." It is to strike the assault weapons ban.

Why do people not tell the truth on the floor of this Senate? Why do they not tell the truth so we can deal with it? Why come forward when the Republicans are passing around a piece of paper with 13 amendments, and the 12th amendment says "strike the assault weapons ban," and then say—as the ranking member of the Judiciary Committee just said, "We have lost that battle. We are not going to raise that issue. We admit that the votes are there for the assault weapons legislation."

If that is true, then I make a proposal. There can be a unanimous consent agreement, and we can bring the assault weapons up. The Republican minority can say: we will not make you file for cloture, and we will have an up or down vote on assault weapons, and the bill can go directly to the President for signature, if passed again—as I fully expect that it would be. I challenge them. I challenge them to do that.

I have heard so many arguments that are disingenuous. Let me begin to take them on one by one.

Let us talk for a moment about the funding mechanism of this bill. I wish I were doing campaign commercials: flip-flop, flip-flop. That is what the minority is doing on the issue of the crime bill trust fund. This has been said on the floor again, but still Senators come back and contradict themselves. Let me quote Senator HATCH, November 4, 1993 on the floor of this Senate:

He, Senator BYRD, was the one who came up with the funding mechanism. I just want to personally compliment him for it, plus the ability to put this together the way we are putting it together.

Now today he is critical.

Second item: Senator DOLE, the minority leader, November 19, 1993:

From day one, Republicans have insisted that any anti-crime bill we pass must be fully paid for. Security has a price, and it is a price we at least attempt to pay for by establishing a violent crime reduction trust fund. In the months ahead we will see whether we live up to the trust fund commitment.

Senator GRAMM, senior Senator from Texas, May 19, 1994:

First of all, it [Motion to Instruct] asks our conferees to stay with the funding mechanism that Senator BYRD offered. I was a cosponsor of it. It was a broadly supported bipartisan effort. So the first thing I want our conferees to do is stay with our funding mechanism.

The senior Senator from Texas was referring to the trust fund, and I quote him again:

Every time we have gotten down to the goal line trying to make it the law of the land, it ended up being killed. I do not want it to die this time. Without it, there are no prisons, no additional police officers on the streets, and no effective crime bill.

Now, suddenly, this very funding mechanism that everybody voted for 95 to 4, that these three distinguished Senators testified on behalf of, is being met by cries of "throw it out, throw it out." Now when the bill is almost passed: "Throw it out. We do not like it. Why do we not like it? Well, we do not like it because we do not think the money will be there."

Let us talk for the moment about whether the money is going to be there or not. The work force reduction of 252,000 Federal personnel has begun. It is already mandated by Federal law.

As a matter of fact, in a crime trust fund analysis just produced by our very own Budget Committee, it is clear that the revenues will be there. After just 5 fiscal years of work force reduction savings, the crime bill will capture in the trust fund more than enough money—over $33 billion—to pay for all 6 years of the programs authorized by this much maligned, and much needed, bill. I also note that those are net savings, which take into account all benefits that will be paid to retiring or terminated workers.

This is not my estimate, this is the Budget Committee's estimate. It is not based on wishful thinking. It is based on a mandatory law which is in place and which is already reducing the Federal payroll.

What is especially interesting about this is the crime bill will cost $30.2 billion over 6 years, but the trust fund will accrue more than $33 billion in just 5 years. Clearly, suggestions to the contrary notwithstanding, the money will be there to pay the bills.

Mr. President, I ask unanimous consent that this document entitled "Crime Trust Fund Comparison" be printed in the RECORD at this point.

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

CRIME TRUST FUND COMPARISON

[In billions of dollars]

| | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | Total |
|---|---|---|---|---|---|---|---|---|
| VCRTF (Senate): | | | | | | | | |
| Budget authority | 0.720 | 2.423 | 4.267 | 6.313 | 8.545 | | | 22.268 |
| Outlays | 0.209 | 1.027 | 2.493 | 4.330 | 6.373 | | | 14.432 |
| CCF (President): | | | | | | | | |
| Budget authority | | 2.423 | 4.287 | 5.000 | 5.500 | 6.500 | | 23.710 |
| Outlays | | 0.703 | 2.334 | 3.936 | 4.904 | 5.639 | | 17.515 |
| Conference proposal: | | | | | | | | |
| Budget authority | | 2.423 | 4.287 | 5.000 | 5.500 | 6.500 | 6.500 | 30.210 |
| Outlays | | 0.703 | 2.334 | 3.936 | 4.904 | 5.639 | 6.225 | 23.740 |
| Savings: | | | | | | | | |
| Budget authority | | 3.113 | 4.287 | 6.327 | 8.394 | 11.027 | NA | 33.148 |
| Outlays | | 3.007 | 4.233 | 6.234 | 8.491 | 10.917 | NA | 32.882 |

VCRTF: Violent Crime Reduction Trust Fund in the Senate-passed Crime Bill with CBO estimated outlays.
CCF: CBO Estimate of Crime Control Fund in the President's Budget.
Savings: Savings from the Federal Workforce Reduction Act of 1994 (CBO Estimates).

Mrs. FEINSTEIN. Mr. President, I thank you very much.

Before putting this issue aside let me just note for the record that the Republican crime bill would cost $28 billion. So what the Republicans would propose is $28 billion. What we are talking about is $30.2 billion. Is that a

difference worth killing this crime bill over.

A bill that has been through the Judiciary Committee of this Senate, has been subject to amendment for days on end on the Senate floor, was approved in the Senate 95 to 4. A bill that was further honed in not one, but two, bipartisan House-Senate conference committees and ultimately approved by the House with a 40-vote margin provided by Republicans. I think and hope not, Mr. President.

Let me turn now to another of the truly disingenuous claims being made about this bill and the process that produced it. Namely, say the minority, "We were not sufficiently involved in the crime bill conference report." I say to that, nonsense.

At the marathon conference my staff attended around the clock, there were Republican senior staff present. There were Democratic senior staff present. There were Republican legislators present. There were Democratic legislators present. Everybody with a role in the process, and the minority does have a legitimate role in that process, was present. We all saw, if we watched C-SPAN over the weekend, how House Members came forward one after the other with 1-minute speeches to say why they could support the conference report or why they could not support it. So let us be very clear: everybody with a claim to be at the table had a seat and a role in hammering out this crime bill.

The third utterly political and disingenuous argument made against this bill, let us get down to it, is the pork argument. Let me ask another question. Last night I listened for 2 hours as the chairman of the Judiciary Committee, the very distinguished Senator from Delaware, gave what in my view was the best speech I have ever heard on the floor of the U.S. Senate. He spoke with passion, commitment, and knowledge of the law about what was truth and what was fiction in this bill.

One of the questions he properly asked, and I thought about it when I went home and I turned on C-SPAN and I saw him once again, was "Why would the National Rifle Association—the No. 1 gun lobby in this Nation, that has a stranglehold over many Members of both bodies—run a spot with Charlton Heston that talks about pork when we know what they are interested in is the assault weapons ban, when we know what they are interested in is allowing weapons like this, an AK-47, to be sold on the streets of our cities?"

This is a gun, Mr. President, which comes standard with a 30-shot magazine, but can accept magazines—including 100-round clips—that was originally designed and made for troops of the Soviet Union. It is the most widely used semiautomatic rifle in the world. Up to 50 million of them exist. Now, however, it is wielded not just by soldiers, but by gang warriors. It is used by kids. It is used by drive-by shooters. And, as no Californian will ever forget, it was used by a drifter named Patrick Purdy on a Stockton schoolyard to kill 5 children and wound 29 others.

Some of us want to take AK-47's off the streets, and some of us—a majority of the House and Senate, I might add—think that they ought to be banned. Why will the NRA not address the question directly? Why are they spending thousands and thousands of dollars on TV ads to talk about pork?

I will tell you why. Because the American people want the assault weapons ban. Mothers all across this Nation do not want to have to worry about their kids going to school and catching a bullet in the brain as standing in their schoolyards. I am not being dramatic, Mr. President, this happens with regularity across this country. People do not want to be mowed down at work, like the workers in a printing plant in Kentucky where a deranged and disgruntled employee came in with one of these weapons and with 100 rounds in a magazine.

This is not an academic concern. Violence is now the No. 1 killer of workers on the job in my State of California, Mr. President.

Here is another reason for the NRA's sudden interest in quality prevention programs. Because, Mr. President, we want to stop future production of the AR-15. Let me tell you about this weapon. It is a cop killer. Its bullets go through a bulletproof vest. They go through a wall. They go through a car door. They just killed a police officer in Los Angeles that way. Her father was a cop. She raised her kids, went back to the Police Academy and graduated as "Most Inspirational New Officer." Four days later she was dead. That is why we want the free flow of AR-15's to the streets stopped.

The NRA also is involved with this bill on behalf of this weapon and the people who sell it—an M-10 semiautomatic assault pistol. It is a copy of a MAC-10 machine pistol. It is sold with a 32-round magazine, threaded barrel for flash suppressor, and is among the 10 firearms most often traced by Federal agents each year. A version of this gun was used in a 1992 bank robbery in Maryland in which four tellers were taken hostage and two died. Eleven people in Atlanta were convicted of gun trafficking after shipping nearly 1,000 of these guns to New York over 2 years.

Let me tell you about a sergeant in the Houston Police Department, George Rodriguez, who also knows this gun all too well. He made a routine traffic stop and walked up behind the car. The driver of the car had one of these weapons. He cracked open the door and, without even turning around or aiming, he pointed the weapon like this and, because it has a 32-round magazine and an easy trigger, he just began to fire it very rapidly.

He hit this Sergeant Rodriguez, a 32-year veteran of the Houston Police Department, the first Hispanic-American ever in that police department. He hit him. He went down. He lay close to death for 2 months. He then picked himself up with two bullets in his body and insisted that he was well enough to come to Washington last week to deliver a very simple message. He said that the time has come to end this nonsense and to ban these weapons of war.

That is why the NRA is interested in this bill. That is why they are interested suddenly in pork. Does anybody believe the National Rifle Association cares about anything other than the ban on assault weapons that Congress has effectively approved four times, but must get through the Senate one last time before the President can—and this President will—sign it into law? I do not believe that anybody really thinks so.

The NRA knows that these guns are cop killers, that every major police organization in the Nation has pushed hard to get it into law for years. That is why they need another rallying cry. That is why they transparently talk pork, because they have nothing honest to say.

You cannot go up against one of these weapons with a .38 revolver. You cannot. You cannot go up to it with a magnum. You cannot meet this weapon unless you have another assault weapon. That is what is going on here.

And, I must say, the minority is disingenuous. It says that it is not now trying to block passage of the assault weapons legislation. The minority knows, like the NRA, Mr. President, that it too has to pretend publicly even as, in private, it circulates an amendment list that seeks to strip the assault weapons section from the crime bill conference report. There is reason why the truth is not spoken by them either.

There is a new CNN poll, conducted on the 17th of this month, just a week ago. Let us take a look.

Do people want the crime bill? Yes, 46 percent of them favor it; and only 29 percent of them oppose it.

Now, what do they favor in the crime bill? Assault weapons ban: 71 percent of the people of America favor it; 26 percent oppose it. Community notification of sex offenders—89 percent favor it; just 8 percent oppose it. "Three strikes and you're out," on the ballot in California, is in this bill: 74 percent of the people favor it; 21 percent oppose it. Providing dollars to hire more police: 79 percent support it; 18 percent oppose it.

The most maligned program of all, midnight basketball: 65 percent of the people support it; 31 percent oppose it.

These provisions are supported. These provisions are supported. The

American people want this bill, and yet this bill is being held hostage by a Republican minority in the most disingenuous way.

Mrs. BOXER. Will my colleague yield for a question?

Mrs. FEINSTEIN. Of course; I am delighted to yield.

Mrs. BOXER. I am so proud of the senior Senator from California for the work that she has put into this bill and for her tenacity in working against all odds to make sure that weapons of war are no longer going to be on the streets of our cities and counties throughout America if—if—we can get a vote on this bill.

But the question I had for my colleague: She and I were here, and I was sitting in the Chair, when the distinguished Senator from Utah [Mr. HATCH], who is the ranking member on the Judiciary Committee, attacked the trust fund. I have not seen him get so upset in a while. He said this is terrible; the money is not going to be there; this is awful.

I remember, when this bill was initially debated and the idea of a trust fund came up, I recall that Senator HATCH was very supportive of it. So I asked for the RECORD. I would like to ask my colleague if she remembers this.

The Senator from Utah, who now wants to launch a point of order against this bill because of the trust fund, that same Senator said in November:

> I have to say we now have a trust fund, at least in the Senate bill, that I am going to fight with every fiber in my being to keep.

So the Senator from Utah, who now wants to bring down this bill because of the trust fund, which he says now is not a good idea, said he would fight with every fiber in his being to keep it.

And further, he says, "If we can hold on to it,"—meaning the trust fund—"and we intend to, we are going to have a bill that will make a tremendous dent in crime in this society, and it could not without the funding mechanism of the distinguished Senator from West Virginia," meaning Senator BYRD, who thought of the idea of the trust fund.

So I say to my colleague—she used the word disingenuous—is this not outrageous that the very people who praised this trust fund, indeed said they would fight with every fiber of their being to save it, are now going to launch a point of order against the bill because we have a trust fund?

I ask that question of my friend.

Mrs. FEINSTEIN. I say to the Senator, she is absolutely right.

And, even more than that, she was not on the floor—and I am very pleased she is here now—but her very own committee, the Budget Committee, has just done an analysis. As you well know, the mandatory personnel reductions in the Federal work force are now taking place. A law has been passed. They must take place. What the Budget Committee found is, including paying departing employees benefits, that in 5 years, this will produce $33 billion in 5 years, which is $3 billion more than the crime bill requires over 6 years. So the money will be there at the end of 5 years, according to the Budget Committee's analysis.

Mrs. BOXER. If I might, Mr. President, just say to my friend, I appreciate her bringing fiscal responsibility to the floor of this Senate.

All of these arguments we are hearing are a subterfuge. They are make believe; make believe. The real reasons the Republicans do not want this bill—I think there are two—they want to hurt this President. A couple of them are already practically announced for President. I hope the people of America will call those Senators—the minority leader and the Senator from Texas, Mr. GRAMM—on the phone and leave word: "Don't block this bill for your own political ambition." That is not what we are supposed to be about.

I ask unanimous consent that the words of Senator HATCH from November 18—and I have this page of the RECORD—be printed in the RECORD at this time so that the American people can see, when our colleagues get up and blast this trust fund, that a few short months ago they praised it like it was the new solution to the problems of the world.

Mrs. FEINSTEIN. I thank the Senator very much for that helpful addition.

Now, let me dispel another myth promulgated by the minority: That this crime bill is soft on crime. Not so. Not so. Here is the truth. Not my impressions of the bill, or "spin," but a list of what is, in fact, in it:

Death penalties—and many Members of this body are opposed to the death penalty. I happen to favor it, but many Members are opposed. There are presently two Federal death penalty crimes. This bill would take it up to 60 death penalty crimes.

In addition to that, this bill would strengthen sentences on over 70 crimes. I am going to go through those crimes because it is important that people understand.

Semiautomatic weapons, section 401, enhances penalties for using or carrying weapons during Federal crimes of violence or drug trafficking crimes.

Second offense for using or carrying explosives; enhances penalty for second conviction for using or carrying an explosive to commit any Federal felony.

Regarding guns, the list of increased penalties goes on: Smuggling firearms, sentence is up; theft of guns and explosives, sentence is up; revocation of supervised release, mandates revocation of a supervised release and institution of a prison term for a defendant who possesses drugs or firearms in violation of condition of supervised release. So we have toughened provisions after release from a Federal penitentiary.

Revocation of probation mandates revocation of probation for possession of drugs and firearms. Lying on a gun application increases the penalty for lying from 5 to 10 years. Felons possessing explosives, prohibits felons and drug addicts from possessing explosives; explosives destruction, prohibition against transactions involving stolen firearms or stolen guns, up 10 years.

It goes on with these: Using firearms in commission of a felony, up; firearm possession by a violent felon, up; receipt of firearms by nonresidents, up; firearms or explosive conspiracies, up; stealing guns or explosives, up; disposing of explosives to prohibited person, up; interstate gun trafficking, up; drive-by shooting—something that concerns every resident of every big city in this Nation—up to 25 years for shooting into a group of two or more to further an escape from a major Federal drug offense.

Adult prosecution of juvenile offenders—very interesting. Many people are concerned about juvenile crime, understandably so. As you know, we have worked on legislation together, Mr. President, with respect to guns in schools. Many people are very concerned that young people, 16 years old, who go out and kill and rape and maim, be treated as adults. This bill makes possible the prosecution of certain hardcore juvenile offenders as adults.

Let me talk about some drug penalties. We have heard this bill is soft on drugs. Using kids to sell drugs, up to a threefold penalty increase for using youngsters to sell drugs in drug-free zones; drug dealing in public housing, up; drug dealing in drug-free zones, up; drug use in Federal prisons, up; smuggling drugs into prison, up; drug trafficking in prisons, up; selling drugs at a truck stop, up.

Let me go into some other penalties.

Three strikes and you're out—three convictions of serious violent felony or serious drug abuse in this bill and you go to prison for life.

Criminal street gangs, an additional 10-year penalty for a gang member who commits a Federal drug crime or crime of violence and has a previous conviction. Again, using kids to commit crimes enhances penalties for all crimes where defendant used a juvenile or encouraged a juvenile to commit a crime.

Repeat sexual assault offenders, doubles the maximum penalty for repeat sexual assault offenders. The first offense can be Federal or State. That is a major, major change.

Aggravated sexual abuse, Federal penalties; direct sentencing commission to review and recommend enhanced penalties for aggravated sexual

abuse; interstate travel to commit spousal abuse, a new Federal offense is created. Sex offenses against victims under the age of 16, broadens the definition of a sex offense as the intentional touching through clothing with intent to abuse, humiliate or harass. It makes it much stronger. Assaults against children, increases the penalty for simple assaults against a youth under 16, creates a new penalty for assaults against youth under 16 resulting in substantial bodily injury.

Hate crimes, something I put in the bill in the Senate. If you commit a felony against another and prosecutors can show beyond a reasonable doubt that the victim of the felony was chosen because of their race, religion, disability, gender, or sexual orientation, the Federal sentencing guidelines are upped by one-third in this bill.

The bill also includes Federal prosecution of 13-year-olds as adults in some instances. Assault—it increases the penalties for assault of a Federal officer, of a foreign official, of U.S. maritime and, within territorial jurisdictions, Congress, Cabinet, Supreme Court, et cetera. Manslaughter, increases the penalty for involuntary manslaughter on Federal territory from 3 to 6 years—doubles it.

Conspiracy to commit murder for hire. It broadens the murder-for-hire statute to include conspiracy to travel interstate to commit murder for hire. Remember, this is a Federal bill so it is those things in the Federal domain.

Then a whole series of civil rights penalty enhancements are included: Conspiracy against rights, deprivation of rights, federally protected activities, religious property, free exercise of religion protected, fair housing broadened, arson—something I know well, in an arson-subject city—increasing the penalties for damage or destruction of property by fire or explosives.

Crimes against the elderly. There is no excuse to steal an elderly person's purse, smash her head against the concrete and crack open her skull—an actual case of which I am aware. No excuse, nothing, justifies that kind of behavior. This directs the sentencing commission to ensure increasingly severe punishment for physical harm imposed on elderly victims. It requires enhanced penalties for the second offense.

Terrorism penalties, a whole series of increased terrorism penalties. I will not go into them in detail, but they are in the bill.

Alien smuggling, counterfeiting, weapons of mass destruction, airport violence, document forgery, maritime violence, white collar penalties, mail fraud, extortion, kidnaping, receiving proceeds of a postal robbery, credit card fraud, insurance fraud, computer crimes, theft of major artworks, scams, et cetera—all strengthened.

Drunk driving with kids—strengthened. It enhances the penalties imposed by a State—by a State, this is interesting—for drunk driving on Federal lands if a child is in the vehicle up to 1 extra year; up to 5 extra years if the minor is seriously injured; up to 10 extra years if the child is killed.

International child pornography, provides up to 10 years in prison for engaging or conspiring to engage in sexually explicit conduct with minors outside the United States.

It changes the good time, the time accorded to a prisoner who serves time without a disciplinary offense and it strengthens the provision and limits it.

Trafficking in counterfeit goods—and so on.

Mr. President, I ask unanimous consent this entire list be printed in the RECORD at the appropriate place, as a demonstration of how this crime bill actually strengthens Federal penalties.

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

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, what is important about this—because this is not State law—is that it ways implicitly to the States, here are tougher penalties that are producing in the Federal Government which you might use as a model for increasing them in State law. The conference report also: Has 60 death penalties; allows juvenile killers and rapists to be tried and sentenced as adults; funds 120,000 prison cells; includes a 3-strikes-and-you're-out provision; funds 100,000 cops everywhere in America; ups penalties for more than 70 violent crimes; and puts a quarter billion dollars into new prosecutors, and U.S. attorneys.

Is that soft? Are those prison cells upholstered? Will those cops have cap pistols instead of real sidearms? Is the death penalty for carjacking, which I added to the bill, too lenient?

So, Mr. President, I say to my Republican colleagues, the conference report before the Senate is not soft on crime, as they insinuate.

Finally, Mr. President, I want to go to another subject and that is the substance—such as it is—of the so-called pork point raised by the minority.

Forty Republicans say that this bill is full of pork. Well, that's baloney. What the bill has in appropriate proportion is tough law enforcement, prison and prevention—not pork programs. Programs that work:

The conference report before the Senate today spends 45 percent—$13.45 billion—of the money in the bill—all of it real, by the way—on State and local law enforcement assistance;

The report before the Senate today puts 32 percent—$9.7 billion—into prison construction. Half of that money is tied to the requirement that, over the next few years, State prisons assure that criminals serve at least 85 percent of their sentences—the Federal average;

The report before the Senate today puts the balance, just 23 percent—$7.054 billion—into prevention programs that work. In fact, many of the programs were sponsored and supported by my Republican colleagues who know—but may have forgotten—that prevention and pork are two different matters.

Is the Violence Against Women Act pork? It accounts for 23 percent of all the prevention money in this conference report.

Are drug courts that will assure testing and supervision of first-time, nonviolent drug users to unclog our courts and jail violators who would otherwise walk pork? The $1 billion in the bill for those courts accounts for another 14 percent of all prevention money in this bill.

Is the Local Partnership Act, which will give mayors and county supervisors and other local officials the ability to target money to programs that work in their communities—proven programs—pork? I know from my days as mayor of San Francisco that it is not and the Local Partnership Act funding here accounts for another 23 percent of all prevention money in this report.

Taken together, just these three line items in the report account for 60 percent of all prevention money in the bill. In addition to citing these important statistics, let me relate this discussion of prevention to my own personal experience.

I was mayor of San Francisco for 9 years, was a county supervisor for 9 years, that is 18 years in local government. I will never forget one day as mayor walking through the western addition and a woman rushed to me and said, "Mayor, would you please put on a curfew?"

And I said, "Why do you want a curfew?"

And she said, "Because I cannot get my child to come home at night."

And I said, "How old is that child?"

And then she just stunned me, she said, "Ten years old."

And I thought, my goodness, if somebody cannot control their 10 year old, what will happen when that child is 15? 16? 17? 18?

And then I tried as mayor to start my own program with youngsters who either had worse than a 60-percent truancy rate from school or were suspended or expelled for disciplinary reasons, to get the toughest kids I possibly could and work with them. For several years, I tried to work with them. I was a mentor to one of them. That youngster had two family members shot in drug-related disputes and lived in the projects. I traveled regularly through streets inundated with drugs. I saw kids hanging out on the corners with nothing to do.

I learned some things in those 18 years. I found that prevention does work. I found that most police want prevention programs. That is why in my city there is a police fishing program and police take kids fishing, talk

to them, get to know them, try to straighten them out. That is why we have what is called a PAL, a Police Athletic League, where police themselves get children together and play games.

I went out myself and read stories to youngsters who had never heard a fairy tale, youngsters who lived in San Francisco who never saw the Golden Gate Bridge, who never saw a tree, who did not know different colors of green, youngsters who did not have a bed or a home in which to sleep. This is all true, Mr. President.

I worked with girls: pregnant, 14 years old. One million of our 14-year-olds become pregnant every year in this country and give birth to single mothers—a child begets a child that she cannot take care of. That is why prevention is important.

That is why working with children is important. That is why mentoring is important. And I respectfully submit to you that is why Republicans, as well as Democrats, propose crime prevention programs. Why is it, though, that when a Democrat proposes a crime prevention program it is pork, and when a Republican proposes a crime prevention program, well, it is real crime prevention?

Project safe works; neighborhood watch works. They develop a sense of one neighbor looking out for another neighbor. They develop a sense of community, and they develop a coordinated sense of goals among members of that community to protect each other. I have seen it work. I know it reduces crime, just as I know cops on the beat, community policing, work. And that is why this bill is so important.

Some of these kids that I worked with I could not change. Others have gotten out of the projects, gotten through school, they are able to work, they have gotten a job because there was a lifeline, somebody who cared, a program that cared in a life where all they eat is fast food, have no adult supervision, they have no bed, many of them, at night, and are shuttled from place to place. They can go someplace where somebody cares, is willing to help them turn around their lives. That is what prevention is all about.

I have been a mayor. I have used Federal moneys. I remember revenue sharing, block grants. I used them. I put $5 million in the police department, put $5 million in the fire department. Yes, it helped me balance a budget. It made our city safer. It hired new police officers.

Two small additional points. First, I have heard on the floor earlier today that, "Well, this does not fully fund 100,000 police officers." As mayor of San Francisco, I was under court order to develop a new wastewater system for the city which cost about a $1.5 billion and was not 100 percent funded by the Federal Government either. If I wanted that money, I had to produce local money to match it. That is not unheard of, not unreasonable.

Second, the suggestion has been made that local jurisdictions will not be interested in matching funds. Well, that certainly was not the Justice Department's experience this year with $150 million in police supplemental hiring grants awarded. These grants, which were awarded according to the same matching requirements as the community policing money in the conference report before us, were amazingly popular. Fact: There were 10 times the number of applications for supplemental police grants by local communities for last year than there were dollars to make available.

Everywhere I go in California, mayors and chiefs of police have said to me, "I wish I could have gotten some of those moneys, we would have found our local match for those funds."

I respectfully submit to those who are holding this bill hostage that local jurisdictions will use these dollars; that they will fund these police officers; that it will increase response time to those "A-priority" calls where it makes a difference sometimes between life and death, often between conviction and acquittal.

Mr. President, youngsters are dying across this Nation. People are dying in their workplace. They are dying when they go to the automatic teller to deposit a check. They are walking down the streets of some of our proudest cities looking over their shoulder at who is behind them.

Do you do it, Mr. President? I do it on occasion. I do it. I do it when I do not see a police car or a police officer and I know I am in a troubled area. I will walk down the center of that sidewalk and I am alert. I know who is behind me and who is to the side of me all of the time. We should not have to live this way in the freest Nation on Earth.

This is the largest crime bill in the history of our Nation. It has been discussed and rediscussed. I must say to the minority, please, the time has come, let us pass this bill. And if, in fact, the unwritten agenda is not really your 12th point to strike the ban on assault weapons, agree to a unanimous consent resolution. Let us vote—50 votes or more—on assault weapons. Let us send it to the President, let us get it signed, and let us take it out of this picture. Otherwise, I must believe that part of the minority's agenda is to stop the United States of America from banning assault weapons.

Mr. President, I believe very deeply that the time for passage of this bill has come, the most important piece of legislation of this session. If we can just vote on it, it will pass overwhelmingly. I ask for that up-or-down vote. Thank you.

I yield the floor.

EXHIBIT 1

NON-DEATH PENALTIES IN CONFERENCE REPORT

GUN PENALTIES

Semiautomatic Weapons (§401) Enhances penalties for using, carrying semiautomatic weapon during federal crime of violence or drug trafficking crime.

Second Offense for Using or Carrying Explosives (§402) Enhances penalties for second conviction for using or carrying an explosive to commit any federal felony (current enhancement—10 years).

Smuggling Firearms (§403) Increases penalty for smuggling a firearm into U.S. to violate a federal or state drug trafficking law or to commit a crime of violence—up to 10 years.

Theft of Guns and Explosives (§404) Provides up to 10 year penalty for stealing a firearm or explosive which has moved in interstate commerce.

Revocation of Supervised Release (§405) Mandates revocation of supervised release and institution of prison term for defendant who possesses drugs or firearm in violation of condition of supervised release.

Revocation of Probation (§406) Mandates revocation of probation for possession of drugs, firearms.

Lying on a Gun Application (§407) Increases penalty for lying on a gun application from 5 to 10 years.

Felons Possessing Explosives (§408) Prohibits felons, drug addicts from possessing explosives.

Explosives Destruction (§409) Authorizes the summary destruction of explosives subject to forfeiture where the explosives cannot be safely removed and stored.

Prohibition Against Transactions Involving Stolen Firearms or Stolen Guns (§411) Prohibits possession, receipt, sale of stolen firearm, ammunition that has moved in interstate commerce—up to 10 years.

Using Firearm in Commission of Forgery (§412) Enhances penalties for using or carrying a firearm in commission of felony counterfeiting or forgery.

Firearms Possession by a Violent Felon (§413) Enhances penalties (depending on number of prior convictions) for gun possession by defendant previously convicted of a violent federal felony or serious drug offense.

Receipt of Firearms by Nonresidents (§414) Prohibits non-license from receiving firearm if not a resident of any state unless for lawful sporting purposes.

Firearms or Explosives Conspiracy (§415) Enhances penalties for conspiracies to violate federal firearms, explosive laws.

Stealing Guns or Explosives from a Licensee (§417) Provides up to 10 years for theft of firearm or explosive from a licensee or permittee.

Disposing of Explosives to Prohibited Person (§418) Prohibits any person from transferring explosives to felon or other prohibited person (current law forbids transfer by licensees)—up to 10 years.

Interstate Gun Trafficking (§420) Increases penalty for interstate gun trafficking—up to 10 years.

Drive by Shooting (§208) Up to 25 years for shooting into group of 2 or more to further or escape from major federal drug offense.

Adult Prosecution of Juvenile Offenders (§614) Expand category of federal offenses for which juveniles may be prosecuted as adults to include receiving a gun with the intent to commit a felony; traveling interstate to get a gun with intent to commit violence, drug

trafficking crime; transferring a gun knowing that it will be used in a crime.[1] Directs court to consider extent to which juvenile played leadership role in an organization, or otherwise influenced others to take part in criminal activities in deciding whether to transfer to adult status.

DRUG PENALTIES

Using Kids to Sell Drugs (§615) Up to threefold penalty increase for using kids to sell drugs in "drug free" zones.

Drug Dealing in Public Housing (§616, §1503) Increases penalties for dealing drugs near public housing.

Drug Dealing in Drug-Free Zones (§1505) Enhances penalties for dealing drugs in a drug-free zone.

Drug Use in Federal Prison (§1506) Enhances penalty for simple drug possession in federal prison or detention facility.

Smuggling Drugs into Prison (§1506) Enhances penalty for smuggling drugs into federal prison or detention facility.

Drug Trafficking in Prisons (§1501) Mandates that sentence imposed for providing or possessing drugs in prison be served consecutively to any other drug sentence imposed.

Selling Drugs at a Truck Stop (§1411) Enhances penalties for drug-dealing near truck stops and rest areas.

Cocaine Penalty Study (§3092) Requires Sentencing Commission to submit a report on sentencing disparities regarding crack and cocaine. (House)

OTHER PENALTIES FOR VIOLENT OFFENDERS

Three time Loser (§501) Life imprisonment for 3 convictions of serious violent felony or serious drug offense. (House)

Criminal Street Gangs Additional 10 year penalty for gang member who commits federal drug crime or crime of violence who has previous conviction (state or federal).

Using Kids to Commit Crimes (§5130) Enhances penalties for all crimes where defendant used a juvenile or encouraged a juvenile to commit a crime.

Repeat Sexual Assault Offenders (§3211) Doubles maximum penalty for repeat sexual assault offenders (first offense can be federal or state). (VAWA)

Aggravated Sexual Abuse: Federal Penalties (§3212) Directs Sentencing Commission to review and recommend enhanced penalties for aggravated sexual abuse. (VAWA)

Interstate Travel to Commit Spousal Abuse (§3321) Creates new federal offense to travel interstate or to cause someone else to travel interstate to intimate, harass, or injure. (VAWA)

Sex Offenses Against Victims Under Age of 16 (§3702) Broadens definition of sex offense as the intentional touching through clothing with intent to abuse, humiliate, harass.

Assaults Against Children (§301) Increases penalty for simple assaults against a youth under 16; creates new penalty for assaults against youth under 16 resulting in substantial bodily injury. (House)

Hate Crimes (§2409) Directs Sentencing Commission to enhance sentences at least 3 levels for persons convicted of hate crimes.

Travel Act (§2906) (also see §617) Increases penalty for interstate travel to commit violent crime in furtherance of drug trafficking from 5 to 20 years.

Federal Prosecution of 13-Year Olds as Adults (§1101) Discretionary transfer for 13-year olds who commit assault (with intent to commit murder or felony, with dangerous weapon) murder, attempted murder and with gun: robbery, bank robbery, aggravated sexual abuse, sexual abuse. (House)

Assault (§2901) Increase penalties for assault of: federal officer, foreign officials, official guests, within U.S. maritime and territorial jurisdiction, Congress, Cabinet or Supreme Court, and President and President's staff.

Manslaughter (§2902) Increases penalty for involuntary manslaughter on federal territory from 3 to 6 years.

Conspiracy to Commit Murder for Hire (§2905) Broadens the murder-for-hire statute to include conspiracy to travel interstate to commit murder-for-hire.

Addition of "Attempt" Offenses to Federal Robbery, Burglary, Kidnapping, Smuggling, and Malicious Mischief Statutes (§2969)

Civil Rights Violations (§2903):

Conspiracy against rights. Broadens criminal civil rights conspiracy statute to punish kidnapping, aggravated sexual abuse and attempted murder in connection with civil rights deprivation—up to 10 years.

Official deprivation of rights. Broadens criminal civil rights statute to punish use or attempted use of dangerous weapon, explosives or fire in official rights deprivation—up to 10 years.

Federally protected activities. Broadens criminal civil rights statute to punish use or attempted use of dangerous weapon, explosives or fire in deprivation of federally protected activities, such as voting, serving as juror, or joining labor organization—up to 10 years.

Religious property/free exercise. Broadens statute to punish use or threatened use of dangerous weapon in defacing religious property or obstructing free exercise of religious beliefs—up to 10 years.

Fair Housing. Broadens Fair Housing Act to punish use or threatened use of dangerous weapons or explosives or fire.

Arson (§2907) Increases penalties for damage or destruction of property by fire or explosives.

Extension of Civil Rights Statute (§2911) Extends protection of civil rights statutes to include all persons (now limited to state "inhabitants").

Crimes Against Elderly (§2002) Directs Sentencing Commission to ensure increasingly severe punishment for physical harm imposed on elderly victim; requires enhanced penalties for violent second offenders.

TERRORISM PENALTIES

Failure to Depart (§5005) Increases penalties for failing to depart or reentering the U.S. after an order to deportation, to a maximum of 20 years.

Alien Smuggling (§215) Increases penalties for alien smuggling for profit.

Counterfeiting U.S. Currency Abroad (§721) Extends counterfeiting laws to acts committed overseas.

Terrorist Felonies (§724) Enhances penalties for any felony involving international terrorism.

Weapons of Mass Destruction (§711) Outlaws use of weapons of mass destruction against U.S., Americans overseas—up to life; death penalty if death results.

International Airport Violence (§719) Increases penalties for acts of violence or destruction at international airports—up to 20 years.

Document Forgery (§712, §5124) Enhances penalties for various offenses involving false documents for immigration purposes to 10 years; 15 years if used for drug trafficking; 20 years if used for international terrorism.

Maritime Violence (§701) Up to 20 years for violent acts against maritime navigation (e.g. forcible seizure, property destruction, injury to person).

Violence against Fixed Platforms (§701) Up to 20 years for violent acts against fixed maritime platforms.

WHITE COLLAR PENALTIES

Mail Fraud (§2103) Broadens the mail fraud statute to include use of private interstate carriers to commit fraud.

Receiving Proceeds of Extortion or Kidnapping (§2941) Provides up to 3 years for the knowing receipt of extortion proceeds; up to 10 years for the transport or receipt of ransom.

Receiving Proceeds of Postal Robbery (§2942) Provides up to 10 years for the knowing receipt of postal robbery proceeds.

Credit Card Fraud (§2102) Makes it an offense to: use with intent to defraud another person's credit card; solicit a person to offer credit card or sell information regarding the same; show without permission a person's transaction records.

Insurance Fraud (§2101) Creates a new offense of insurance fraud, including false statements, embezzlement, and obstruction, with maximum penalty of 15 years.

Computer Crime (§2601) Strengthens federal laws in relation to hackers; prohibits transmission of programs to cause damage to, or to deny the use of, a computer or system; provides a civil remedy.

Theft of Major Art Work (§2966) Prohibits and penalizes the theft or procurement by fraud of any object of cultural heritage held in a museum.

Scams (§3901) Enhances penalties for telemarketing and other fraud targeted at senior citizens.

Animal Pests (§5105) Makes it a federal offense to mail non-indigenous species.

Interstate Wagering (§5109) Makes it a federal violation to transmit in interstate commerce information for the purpose of procuring a lottery ticket.

MISCELLANEOUS PENALTIES

Drunk Driving with Kids (§1602) Enhances penalties imposed by state for drunk driving on federal lands if child is in vehicle—up to 1 extra year; up to 5 extra years if minor is seriously injured; up to 10 extra years if child is killed.

International Child Pornography (§824) Provides up to 10 years in prison for engaging or conspiring to engage in sexually explicit conduct with minors outside the U.S.

Crediting of Good Time (§5101) Amends 18 USC §3624 regarding release of prisoners to change the requirements for violent criminals (serving sentences of more than one year and less than life) to receive good time credit. Such offenders may receive credit of up to 54 days for each year served after the first year of the prisoner's sentence if the Bureau of Prisons determines that the prisoner has displayed exemplary compliance with disciplinary regulations.

Trafficking in Counterfeit Goods (§2904) Increases penalty for trafficking in counterfeit goods or services from 5 to 10 years; increases penalty for second offenders from 15 years to 20 years.

Military Medals and Decorations (§3056) Amends 18 USC §704 to provide a maximum punishment of one year for the unauthorized wearing, manufacturing or selling of a Congressional Medal of Honor (current punishment is up to 6 months); broadens the meaning of the term "sells" as applied to Congressional Medals of Honor to include trades, barters, or exchanges for value. (House)

Mr. DODD addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Chair recognizes the Senator from Connecticut.

[1] Senate bill also included drug possession as transferable crime—mark deletes.

Mr. DODD. Madam President, first of all, before she leaves the floor, let me commend our colleague from California for the eloquence of her remarks. More than anyone in this Congress, the distinguished Senator from California [Mrs. FEINSTEIN], has been the leader on the assault weapons issue.

Over the years, others have tried valiantly to deal with the issue of guns. As a child growing up, I recall in 1959 when my father was a freshman Member of this body offering the first gun control legislation. I think he got three votes. In those days, he was trying to ban the mail order of weapons.

Some who are old enough may remember that in the back of Argosy Field and Stream magazine you could literally send away in the mail and get bazookas and rocket launchers and all sorts of surplus weaponry delivered to you.

In fact, the weapon that was used by Lee Harvey Oswald in the tragic assassination of President Kennedy, the Mannlicher-Carcano rifle, was acquired from a mail order house in Chicago.

By 1968, after the tragic assassinations of President Kennedy, Martin Luther King, Jr., and Robert Kennedy, my father's legislation became law and we were able to ban the mail order of weapons in this country. We then had legislation dealing with the Safe Streets Act, but it was a laborious fight.

My father has been deceased now for almost 25 years, but were he alive today he would be very, very proud of the Senator from California.

Mrs. FEINSTEIN. I thank the Senator.

Mr. DODD. I might point out, Madam President, Connecticut is the single largest gun-producing State in the United States. So the issue of guns in Connecticut has not just been an issue of law and order. It has been a jobs issue. Colt Manufacturing goes back as a historic supplier of weapons for this country's military and we are very proud of that tradition as well as those of other manufacturers in our State.

So when my father took on the issue of guns more than 30 years ago it was a lonely battle to try and inject some sanity into a process where literally children could apply or send away for a weapon in the mail and receive it.

And I wanted just to express my gratitude to the Senator from California for her untiring determination that we try and deal with the assault weapons issue. All this really does is try and take off the streets weapons that have no value or purpose for a hunter or a sportsman.

A collector can make a case, I understand that, but the argument that somehow these weapons have value for those who engage in the legitimate sport of hunting just has no place, nor do I think anyone accepts or even buys the notion that they have value in that regard.

So I commend her for her efforts, and I am very hopeful, as is she, that before very long, hopefully in the next several days, we will have an opportunity to vote on this issue and that we will be able to pass this crime bill, including the ban on these assault weapons. When that occurs, the American public, and particularly the people of California, will owe a deep debt of gratitude to their Senator.

So I commend the Senator for her efforts.

Mrs. FEINSTEIN. I thank the Senator.

Mr. DODD. Madam President, I want to take a couple minutes, if I may, in this debate just to try to maybe lower the temperature a bit here. I am very hopeful we are going to get to a vote on this issue. But I would just observe, Madam President, that the shrillness of this debate is not helping anyone in this body. I do not think that the impression of this body is necessarily being advanced by the finger pointing that is going on. I do not think people really care or understand the minutia of some of these debates on points of order and procedures and details, motions of one kind or another.

They would like us to do the right thing. I think they believe that there is a legitimate problem in the streets of our country, not just in urban America but in suburban and rural America, that there is a significant problem with crime. They have identified that for us. I think regardless of where one lives or what State one represents that message comes through loud and clear.

I am hopeful that in the next day or so we can vote on this package that has been the subject of debate now for almost the entire 2 years of this Congress. A lot of work has gone into this bill. It is not merely the product of people who sit on this particular side of the Chamber who have the label of Democrat associated with their name. Much of what is in this bill, much of what is good that is in this bill, sprang from the ideas and thoughts of our colleagues on the other side of the aisle, those who wear the label Republican.

I do not believe we are necessarily endearing ourselves to our constituents who do not think of themselves first and foremost as Democrats or Republicans or independents or whatever other political party or association with which they may identify. They think of themselves first and foremost as Americans, and they see this as a problem they would like to have us do something about.

I think the chairman of the Judiciary Committee, Senator BIDEN, Senator HATCH, and many others who have been involved have put together a good bill. It has its flaws. It has its shortcomings.

But in my 14 years as a Member of this body, Madam President, I have yet to see a bill that satisfied everyone or that was perfect in every regard or that did not include some extraneous material from time to time. One can make a case that we ought not to have any such matter in any bill that comes before us, but each and every one of us at one time or another has been guilty of including extraneous matter in a bill that we have asked our colleagues to support. And so I do not think we collectively advance or enhance our own reputations by engaging in a debate that has little or nothing to do with how most people feel in this country which is that we should try to get something done.

So my hope is in these next few days we can come to a vote on this issue. We have had a lot of debates and compromises and conferences, and I think we probably glaze over the eyes of most of our constituents when we engage in that kind of rhetoric.

Again, I would say to my Republican colleagues—and I see the distinguished minority leader has come to the floor—that some of the best aspects of this crime bill originated on the other side of the aisle, and I think those colleagues take great pride in the authorship of these ideas.

My experience is, Madam President, you do not get anything done in this Chamber, in this body, unless it is done in a bipartisan way. I do know from time to time we would like it to be otherwise, but in every piece of major legislation that I have been associated with I have had a major Republican cosponsor.

When it was child care, my major cosponsor was Senator HATCH of Utah, and I never would have passed that bill without his involvement and his participation. On family and medical leave, had it not been for KIT BOND of Missouri and DAN COATS of Indiana and people like JOHN CHAFEE and others, we never ever would have passed family and medical leave legislation. I think it is probably true, if people were to go back and look at some of the major issues before this Congress, particularly before this body, the Senate, that in order to get something done you have to work together. That is how it happens around here. The rules in effect almost require it because of how we are organized and how we are set up to function.

So again I just want to take a moment, Madam President, to try to bring us back to a sense of getting something done. Now, points of order will be raised, whatever. I think we probably should have them raised, let people express their views on various issues—as has happened over the past couple days—and then move on. I think the bill would pass if we had an up-or-down vote.

The bill is changed, no question about it. The conference report added money. Again, change in conference is not a unique experience around here. If

it were an unprecedented action, I could understand the concern. But my experience is that this is the nature of a conference and what happens when the House and the Senate meet to resolve differences. Someone once said if the Congress did not exist, we would have fist fights in its place. Hopefully, Congress is a place where you can resolve some of the natural conflicts that our constituents feel and move forward.

So I hope today that we will move forward on this bill with an up or down vote. Also, I would just honestly say that if I could write a crime bill, I might just have a one-page bill that made a block grant and sent the money back to our municipalities and States and let them figure out what they would do with it. I have heard people lecture here day in and day out what ought to be done. I honestly believe most of our police departments do not need to be lectured by their Senators and Congressmen. They go out every day and do a pretty good job under tough circumstances to defend our lives and our property.

To listen to some here from time to time, you would think that the localities did not know what they were doing and needed to be told by their elected representatives how they ought to be doing their business. Obviously, my proposal is not going to happen. Nonetheless, I believe we might have a considerable amount of success in reducing crime if we would just give our communities the resources they need to get out and get the job done.

Second, I would point out—I realize this may be a minority view here in the Senate—I do not think the problem is quite as bad as some have suggested. In fact, the statistics show that crime rates overall are coming down. The problem is that we are seeing an explosion among young people in criminal activity. That is serious. It is almost impossible to turn on the nightly news anywhere in America and not have as the lead story some act of violence that has occurred in our communities. So whether it is a typical event or not, it is indelibly burned in our minds that this is something going on everywhere, all the time, in growing numbers.

In fact, statistics show that overall crime rates are coming down in certain areas. But with certain types of crime there is an increase. We ought to pay attention to the latter. We ought to try to deal with the real problems.

I happen to believe that our police departments and our communities are doing a lot of good things. But as all of us know, the media does not report about planes that fly, they only report about the ones that do not. The fact is that there are people out there doing a good job every day in mentoring programs for young people: Boys Clubs, Girls Clubs, Police Athletic Leagues, and the like are making a difference. We do not hear much about them because they are working. We hear only about the stories that do not work, examples of violence.

The headline in the New York Times this morning about the tragic shooting in the subway of that city yesterday captured our attention. I am trying to keep this in perspective, and have some sense of proportionality about it that is important.

I again emphasize that I hope we do the right thing, and pass this bill. I think our instincts were pretty good several months ago when this body, by an overwhelming vote of 94 to 5, I believe it was, passed the Senate version of the crime bill. It went to conference. Some changes have been made. I think improvements have been made in the bill, that are without any question not to the satisfaction of everyone. I would like more prevention, I suppose, in the bill, than others would have supported. But I am satisfied that the conferees have done a pretty good job.

I have confidence in my colleagues that they do the best they can under the circumstances. They do not always get what they want. But that is the nature of our business. If we all insisted upon getting exactly what we wanted, we would never get anything done. Politics is the art of compromise. Most of the people who serve in this Chamber, regardless of label or political party, understand that and are darned good at compromise, are good citizens, and are strong patriots.

My hope is we will remind ourselves of that particular part of our business, to engage in the art of compromise—that is what I think must be done here—and move on with this bill and try to address some of the other pressing problems that we face in our country.

So my hope is we will have a vote on this, that we will not spend hours and hours pointing fingers at each other, screaming and yelling back and forth as to who cares more or less. I think all of us care about this issue. We all would like to help our constituents back home. We have gotten the product now that has been delivered to us, a product in which many, many people—Republicans and Democrats—have had more than ample opportunity to express their views and ideas. I think now is the time to act, and we should do so.

My hope is the rhetoric will come down and that we will lower the temperature here a bit and get about the business of casting our votes and allowing—as the majority leader said this morning—the Senate to express its will either to support or to defeat this conference report on the crime bill. That is what our constituents want us to do. They do not want us to engage interminably in a debate that just loses them when we start talking about the arcane procedures of this institution. Act either positively or negatively, but please act and decide. That is what we were sent here to do. I think we ought to do it sooner rather than later.

ORDER OF PROCEDURE

Mr. DODD. Madam President, I see the distinguished Republican leader. I want to take a few minutes on another subject, if I may. I will sit down if the Republican leader has some pressing issue to talk about. I will just take 5 minutes, and ask unanimous consent to speak as if in morning business. I apologize to my colleagues for breaking the flow of the debate. I want to take a few moments to address the issue of Cuba.

## THE ISSUE OF CUBA

Mr. DODD. Madam President, I think it is important that we discuss the issue of Cuba, and what is going on with the literally hundreds and hundreds of displaced persons. This issue has been the subject of some discussion and debate here in the Senate as to how we ought to proceed.

As of August 22, a little over 7,000 Cubans have arrived in Florida since the beginning of the year. That is nearly double the number of Cubans that sought refuge in the United States in 1993. Clearly, this is a situation that cannot be allowed to continue. However, there does not seem to be any end to it.

In the immediate and short term, I do not believe that the President of the United States will have any other choice but to act to alter a policy that is serving as a very powerful magnet and that is attracting hundreds and thousands of Cubans every day to risk their lives in ill-equipped rafts and boats for the dangerous 90-mile journey to the United States. Despite the criticisms that have been made in this Chamber and elsewhere concerning the President's recent change in policy toward Cuba, I would seriously question whether any President, Republican or Democrat, would sit back and do nothing in the face of what appears to be an open-door policy by Cuban authorities for those Cubans who wish to take to the sea.

Our Nation has the capacity to receive and accept immigrants. We do so far more generously than any other nation on the face of the Earth. But there are tolerance levels as to what we can accept and how much we can manage as a Nation. So the notion that the President has engaged in some dreadful action by diverting these people seeking to leave Cuba for good cause, I think is unfounded and unfair. I think again any President faced with a similar situation would have taken, frankly, a very similar action. But, I think we have to begin to think anew about our approach towards Cuba. I think we need intelligent and creative thinking, not just some of the mindless passion that surrounds this subject and this debate.

Let me just begin by stating something that I think probably should be stated more frequently. I know of no other ethnic group that has contributed more economically, socially, or culturally to the fabric of our country in less time than Cuban-Americans have. In the space of a short 25 years, the people who have left Cuba for good cause because of the intolerable conditions in that country, have made a significant contribution to this Nation.

I was just reading a speech that my father gave on the floor of this Chamber in the spring of 1961 in which he accurately and properly described the events that occurred in Cuba, the literal hijacking of any hopes for democracy in that nation by the forces that took control of that island under leadership of Fidel Castro.

I certainly understand and can relate and identify with the sense of anger and the frustration that Cuban-Americans feel for how they have been treated and how their families have been treated by the Castro government over the years. There is no debate that I know of about our collective outrage and sense of identity with the Cuban-American population of this country for what they feel; what they have been robbed of by the government in Cuba. But having said that, Madam President, I think it is also important that we try to think freshly, if we can, about how to begin to deal with this problem other than just dealing with displaced persons.

First of all, I think it is important to state that the Cuban-American population is not a monolithic population. I think every one of us in this Chamber would be offended if it was suggested somehow that some one person, using my own ethnicity, if I can, speaks for all the Irish-Americans in this country. There is no monolithic view among Irish-Americans about the events in Northern Ireland. There are many different opinions within the Irish-American community about events that occurred in the land for which they have a particular caring. Certainly, I think that can be said of every single constituency represented in this body. To suggest somehow that Cuban-Americans are all of one mind as to how we ought to deal with Cuba is insulting to Cuban-Americans.

There is a diversity of thought among the population of Cuban-Americans as to how we ought to deal with these problems. I think we do them a great injustice by assuming somehow that one or two or three people speak for everyone across generations, across economic and cultural and political feelings and ideas.

So I hope that we might, as we debate and discuss what needs to be done here, listen to the diversity of thought within that community in our own country as to how we ought to approach the problem of Cuba; that we might want to listen to Ernesto Bettencourt and Alicia Torres, who testified before my Subcommittee on the Western Hemisphere a year or so ago on how to deal with Cuba today. Both of those individuals were just as maltreated by the Castro government as anyone else. Yet, they asked us to follow a different path in trying to deal with the problem of Cuba.

Lord knows, we have engaged in diplomatic relations and political discussions with Kim Il-song in North Korea. We now have most-favored-nation status with the People's Republic of China. And we sit down and try and work out a political solution with the leadership of the Serbians in Central Europe. We have watched President de Klerk work with the ANC in trying to resolve the problems of South Africa. We have watched Prime Minister Rabin sit down and try to work out a problem with Arafat and with King Hussein. All over the globe we are watching the political and diplomatic process work with people who absolutely have totally opposing views from one another, and yet they understand the value of that process.

Yet, in this one situation, the nation of Cuba and our relationship to it, we seem to be unwilling to examine and explore alternatives. I am not suggesting they may even work, but we ought to try them. The idea that any government, whether it is this administration or any other administration, could not explore and examine the political and diplomatic channels of how to help resolve the issues that divide two nations is a mistake.

If we continue to engage in this one-faceted situation—if we can find a way to have a political channel open up with Kim Il-song in North Korea, the "dark hole" of nations, if you will, on the globe; and if we can extend most-favored-nation status to the largest Communist, repressive government on the face of this Earth, in my view, we ought to be able to examine and explore new avenues with the island of Cuba.

That is not to endorse or to want to perpetuate the rule of Fidel Castro—quite the contrary—any more than it is to perpetuate the rule or governance of the leadership of the People's Republic of China, or North Korea, or any other oppressive government around the globe.

But to have one isolated example of unwillingness to go forward and not to listen to the diversity of thought and ideas that exist within the Cuban-American community is to make a mistake, and this should change. The cold war is over. Cuba no longer presents the kind of threat it did even a few short months ago.

There is a threat, obviously, to the population of Cuba with the continuation of a repressive government. But that was true in Poland, Czechoslovakia, Hungary, and many other nations, such as the Soviet Union, only a few short months ago. Yet, that chain, that domineering and threatening environment has changed. It changed because we found creative ways to engage in a dialog and discussion with the leadership of those governments at the time when they were oppressive.

All I am asking for here is that the Clinton administration and we in this body not close our eyes, not shut down the possibility of exploring new ways to establish a new foreign policy with the advice, with the consultation, and with the diversity of thought within the Cuban-American community in this country. And, not to assume that one or two people speak for everybody, because I do not believe they do.

So I urge my colleagues here to look at those ideas.

Mr. SIMON. If my colleague will yield. I was over in my office listening, and I want to say to my two colleagues who were on the floor before that what you say makes so much good sense. Our policy toward Cuba is a response to the national passion rather than the national interest. It seems to me that what we might do, recognizing that Castro has one of the worst human rights records of any leader in this hemisphere—but that is also true of China, and we give China MFN status; and obviously China is a much greater long-term threat—would it not make sense to at least take two initial steps: First, to say that we will at least sell food and medicine to Cuba; and second, we will permit Americans who want to travel to Cuba to legally do that and not go through Canada or Mexico or someplace?

Mr. DODD. I say to my good friend—and I thank him for his kind remarks—that I think certainly that ought to be examined and explored. We have a new Secretary General of the OAS, the former President of Colombia, President Gaviria, who, by the way, ended up with the job of Secretary General with the strong backing and support of the United States. He has a unique and special knowledge of Cuba. It seems to me that we ought to be examining and exploring this issue through the OAS. And we do not allow Cuba to be a member of the OAS.

It makes more sense to try to deal with somebody under those circumstances than to engage in perpetual isolation and not even explore ways in which we can facilitate change. Somebody pointed out the other day that one of the reasons that the Polish Government under Ceausescu collapsed was because faxes, phone calls, videos, and information from the West was getting into Poland. We were beginning to have an ability to change people's ideas and views. I think Radio Marti and Television Marti are good ideas; they get information into the island of Cuba. Gerald Ford, President Ford, was

absolutely correct when he reversed the policy on the secondary boycott, that did nothing at all except basically hurt our own industries and companies in this country.

There has been a lot of good thinking by Democrats and Republicans on how to approach this problem. And, as the Senator from Illinois has pointed out, we have managed, with other governments that are just as repressive, to find ways to deal with the strong arguments made on the floor of this Chamber that the way to increase human rights or improve human rights in the People's Republic of China was not to extend most-favored-nation status. I think it is a credible argument, that it will in fact improve the situation there.

If we can apply that in the People's Republic of China, where a billion people live under the repressive thumb of a government that denies them their basic human rights, can we not at least explore that with a nation that is sending thousands of people on rickety rafts to our country, people that we then have to house at Guantanamo or some other place, begging other nations to house and keep them at our cost and expense?

I do not think that is a wise course to be following, and it is not good judgment.

I thank my colleague.

Mr. SIMON. I thank my colleague for his leadership.

Mr. METZENBAUM. Madam President, I rise to commend the Senator for addressing himself to this issue this morning. I think he is exactly on target. I think our policy is an absurd one.

As recently as this morning, I was talking with one of our Nation's more famous artists, and he said, "Why is our policy on Cuba what it is?" I said, "I am frank to tell you I do not know the answer, but I am going to discuss it with one of the people I think is more knowledgeable than I, Senator DODD of Connecticut." I am pleased I was on the floor when you addressed yourself to this subject. I identify with the Senator's remarks. I think he is right, and this Nation needs to revisit this issue and change its position.

I think Senator SIMON addressed himself in part to it in saying that we ought to see that we get food and medicine to Cubans. I agree with that, but I think we ought to go further. I cannot explain the contradiction in our policy in doing business with some of the nations of the world whose policies are more repressive, and we give them most-favored-nation status.

I thank the Senator for his remarks and indicate if I can be of help in furthering his views, I am with him.

Mr. DODD. Madam President, lastly, I do not know whether opening up diplomatic and political channels will work or not. But it seems to me we ought to try. We did that in Haiti. Through diplomatic procedures, we tried to resolve the crisis there. Ultimately, it has fallen apart, unfortunately.

I am not suggesting that we ought to exclude some of the options being considered today. But those options ought not to be resorted to prematurely, and we ought to at least explore the possibility of reaching some rapprochement here to some of these problems. If that fails, if Castro is unwilling to do anything at all, then consider these other options, but do not jump to those options before you have given a chance for political and diplomatic efforts to prevail.

On this note, Madam President, I apologize to the minority leader who has been patiently waiting for the floor, and I yield the floor at this moment.

Several Senators addressed the Chair.

Mr. DOLE. Madam President, I will just take 5 minutes.

Mr. DODD. That is a Connecticut 5 minutes?

Mr. DOLE. That is a Kansas 5 minutes.

## CUBA SITUATION

Mr. DOLE. Madam President, I have a little different view on Cuba.

We have had this morning a press conference where President Clinton's advisers just announced an expansion of facilities at Guantanamo, indefinite detention of Cuban refugees, and possible safe havens throughout the hemisphere—but not a word about Castro stepping down immediately. Instead of calling around the hemisphere for safe havens, President Clinton's goal should be to make Cuba a safe haven—a safe haven without Castro for all Cubans.

President Clinton's new policy on Cuba has failed. The flow of refugees fleeing Castro's tyranny has accelerated since last Thursday—more than 7,000 since the policy shift. President Clinton's Cuba policy punishes the wrong Cubans: Freedom seekers are apprehended while Castro gets off scot-free.

The continued refugee flow demonstrates once again that Cuba is not Haiti. News reports quote an administration official saying, "It's not clear why the Cubans aren't reacting as expected." It may not be clear to the administration, but it is pretty clear to me: Cubans continue to flee because it is the first time in years they can leave without being shot in the back, murdered at sea, or thrown into a political prison by Castro's regime.

After strong criticism last week, the Clinton administration decided to include some half-measures to increase pressure on Castro. I support efforts to tighten the screws on Castro—including consideration of a blockade as mentioned by White House Chief of Staff Leon Panetta. However, the administration has spent more time denying a blockade is an option than they have developing a strategy to bring freedom to Cuba.

The administration has been quick to interdict Cubans but slow to do anything against Castro. The anti-Castro measures—halting airplane charters, stopping remittances, condemning human rights vioaltions—have not been implemented. Some question their effect on the Cuban people. The administration has no strategy for a transition to democracy in Cuba. They announced a series of stop-gap measures but there is no plan and no long-term policy. There is concern that a hidden agenda of normalization with Cuba will emerge.

The administration will not even call for Fidel Castro to step down immediately. We have all heard months of calls for Cedras and other Haitian military leaders to resign, but there is silence about Castro. Castro has a 35-year track record of murder, tyranny, export of terror, and human rights abuses. Why the reluctance on the part of the Clinton administration's policymakers? Do they think Castro can contribute to a democratic Cuba? I do not know anyone who thinks Castro will be the midwife for Cuban democracy. The administration's first step should be to call for the immediate removal of Castro from power—no conditions, no wafling. Castro's ideology and ambition have created the Cuban crisis, and it will not be resolved while he clings to power.

Second, the administration must make a serious effort to build an international coalition to isolate Castro. Going to the United Nations to condemn Castro's human rights violations is not enough. If tough sanctions are good enough for Haiti, that should be the goal for Cuba. The administration should call an emergency meeting of the Organization of American States to address the lack of democracy in Cuba. Castro's denial of freedom to the Cuban people should be a hemispheric concern—a Latin American problem just as much as it is an American problem.

Third, the administration should approach Canada and our European allies on the Cuban crisis. It is their investment and their tourists which provide Castro far more cash than remittances to help starving Cubans. Castro poses a clear threat to American national security through his cynical export of his people. Our allies need to understand that we will not tolerate continued subsidy of a regime that threatens American security.

It is morally and politically bankrupt to punish Cuban freedom seekers, while letting Castro off the hook. Many Cubans have died in the last few days trying to leave Castro's terror. Castro has now successfully dictated American immigration policy. He should not

be allowed to dictate our foreign policy. During the campaign President Clinton promised to support democracy in Cuba and to oppose deals with Castro. Not all of his national security personnel share those views. Many of them were the architects of President Carter's efforts to normalize relations with Castro in the 1970's. This administration has normalized relations with Vietnam, and offered aid to North Korea. Cuba should not be added to that list.

The President should renounce any deals with Castro. He should instead pursue a foreign policy that envisions a Cuba without Castro.

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

The Senate continued with the consideration of the conference report.

Mr. DOLE. Madam President, with reference to the earlier statement on the crime bill, Senator MITCHELL and I will have a meeting a little after 2 p.m. We do not know what will happen at that meeting. We are trying to proceed in good faith on each side. That may or may not be resolved. If not, we will have a vote this afternoon on the point of order.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I will not take long. I know the distinguished Senator from Virginia has been waiting. I have to correct the record.

While I was off the floor, it was suggested by some of my Democratic colleagues that I changed my opinion on the trust fund concept, that the reason that I am critical of this bill and its trust fund is one of political motivation.

That is hardly the case. I will remind my colleagues that I did support the trust fund and its concept in the Senate bill. That was a completely different bill from this bill.

This bill's trust fund is not the same at all. It is not even the same proposal. The old trust fund that was $22 billion, we passed out of the Senate. This one is $30 billion. Clearly, it is $13 billion in deficit. The old trust fund was budget neutral as we passed it on the floor. That is why we did not raise a point of order against it. This one contains $13 billion in deficit spending.

My fellow citizens out in America should just think about that. We have a bill here that is going to spend $13 billion more than we have. The old trust fund was a 5-year plan, which required more spending in the early years. This new trust fund requires nearly half of its spending to be in the years 1999 and 2000. Who is kidding whom? This trust fund promises the country to pay for the crime bill. But it also trusts the Clinton administration to pay for most of it after the 1996 election.

Let me just make another point here, because I think it is important to set the record straight. My colleagues should not misconstrue my support for the original Senate crime bill.

When the Senate bill originally went out, it was the Biden-Hatch bill. It was a tough-on-crime bill, and it did not have the pork in it that we now have in the conference report. Frankly, it was a good bill, and its trust fund was deficit neutral.

I did say this morning that I questioned, and it has been through the ensuing months that I have questioned it, whether this administration will cut 250,000 employees and thus provide the moneys for the trust fund. I really do not believe it will. I do not know anyone else who believes that it will either.

To make a long story short, President Clinton and his allies are suggesting that the conference bill before us is pretty much the same bill we supported in the Senate last November. They know better. I think they are simply putting up a smoke screen to cover their hijacking of scarce crime-fighting resources into Great Society-style social spending boondoggles.

Like I say, the distinguished Senator from Delaware worked long and hard and deserves a lot of credit. I also have worked long and hard. I certainly have worked long and hard to help get the violence against women bill through. And we are going to try to do that before we get through here. We are going to try and pass this bill with that provision intact.

Let me tell you something else. Some of these people have bowed, once again, to their party's liberal wing and they do not want the American people to know it.

The bill I supported in November did not have the $1.62 billion Local Partnership Act in it. We consider that not only deficit spending, but a boondoggle. The Senate bill did not have the $625.5 million Model Intensive Grant Program boondoggle. This is to name just two of the pork provisions, to the tune of nearly $2.25 billion, sent to us by the other body and contained in this conference report. I might add they are two of the programs we would like to remove from the bill.

The original bill I supported in November did have tough mandatory minimum sentences for the use of a gun in a crime. The bill I supported in November had tough mandatory minimum sentences for selling drugs to minors and for using minors in a drug crime.

The bill I supported in November contained the tough Dole-Hatch-Brown antigang provisions, with tough Federal penalties for violent juvenile gang offense. The bill I supported in November contained the Simpson criminal alien removal provision, making it easier to deport criminal aliens after they have served their sentences, rather than letting them walk out of prison and able to commit more crimes. We would like to change that and enact the Simpson criminal alien removal provision. It will be one of the amendments that we will bring up if we are successful on this point of order, or on any agreement the distinguished leaders of this body work out.

The original bill I supported in November contained the Smith-Simpson Terrorist Alien Removal Act, which made it easier to boot out alien terrorists from this country.

The bill I supported in November contained the Moseley-Braun-Hatch provision to prosecute violent juveniles 13 and older as adults for certain heinous crimes. We are tired of these kids—drive-by shootings and all of the other things that they have done. And I commend the distinguished Senator from Illinois for having been the sponsor of that amendment and having made such cogent and eloquent arguments for it on the floor, and she did.

The bill I supported in November fully restricted so-called drug court treatment programs to nonviolent first offenders. This bill goes way beyond that, with money being wasted on hard core offenders. I am not against doing it in theory, if we had unlimited money to spend. Hope still springs eternal in my breast. But why not use those scarce funds for first-time offenders? The current bill does not.

All of these and more are missing from the bill before us. Once President Clinton and his allies, in a conference controlled by liberals from his side of the aisle, got their hands on the Senate bill, these tough provisions went out the window and they larded the bill up with more and more pork programs.

The President and his liberal congressional allies took a Senate bill, which was not perfect, by any means—there were provisions we did not like in it—but which had more pluses than minuses, and both turned it into a vehicle with pork for special interests and softened it considerably.

The Senate bill, apparently, was just too tough on crime for this President. It was only $22 billion, in contrast to the $8 billion more, $30 billion bill we have before us now in this conference.

So nobody should misconstrue my position on the trust fund. It is completely different now than what it was when I argued in favor of it on the floor of the Senate.

I thought it was splendid at the time, but that was last November. The more I think of it and the more I see how this administration is operating and, frankly, the more I see how the Congress is operating, I do not have any real faith that we are going to reduce Federal employment by 250,000. In fact,

Federal employment is growing every day. I really doubt seriously that we are going to have the trust fund money to be able to fund this bill.

Last, but not least, even if we did, even if the trust fund worked, the benefits are now put off until 1999–2000, so it will be paid for only after this President is reelected, if he is reelected. And, even if they were, you would still have a $13 billion deficit. We would be spending $13 billion more dollars that we do not have.

Now, I do not think that is the way to do business. I do not think that is the way to run our country. That is one reason why we are raising such Cain here. We are not just going to roll over and play dead because we are outmanned here. We know the Democrats have controlled the Congress for most of the last 60 years. And we know that this administration ignored the Republicans in the Senate. We are just not going to be ignored. We think we are right on these issues. We are going to fight until we at least have a chance to bring these issues up and bring them up in a decent way.

I also understand that the distinguished Senator from California indicated that she thought I was being disingenuous with regard to guns. Well, how can she come to that conclusion? I do not think any Senator on the Democrat side has been in our Republican caucus meetings where we agreed to what the issues are. I have discussed what happened in those meetings. And I made it very clear that the gun issue was not and is not the issue.

Yes, we do not like the ban. We did not like getting beaten on it. We do not like having second amendment rights taken away from the people. We do not like decent, law-abiding sports people losing their right of access to a number of these firearms. But we lost.

And I do not know of anybody on our side who is now trying to make the gun ban issue the major issue. It does not have to be. Moreover, it does not have to be under the proposals that the minority leader is making to the majority leader.

So to even imply that I am disingenuous implies that somebody over there must have a spy in our meetings. A person who just plainly cannot hear well and cannot see well.

Keep in mind, the Senate bill passed 95–4 with the gun ban in it only because the bill otherwise was a tough anticrime bill. Only two Republicans on this side voted against it. And yet, people on this side of the aisle, the Democrat side, have been talking about guns for the last few days because that is the only issue they have. They cannot talk about the bill and the pork issue because they know that the bill is loaded with pork. They cannot talk about tough provisions on crime, even the Moseley-Braun provision, because it is no longer in there. The mandatory minimum provisions for committing crimes with the use of a gun, it is no longer there. Now, what kind of "anticrime" reasoning would take that out?

And, by the way, the two Republicans who opposed this bill when it went out of the Senate did not oppose it because of the gun issue. They opposed it because of the death penalty. And they made that clear.

I guess what I am trying to say is that we are tired of business as usual in this body. We may be a minority and we may get tramped on from time to time, but you are not going to tramp on some of us without an effective fight back.

I have to say, this administration just ignored the Republicans in the Senate, even though Senator DOLE sent a message to the President offering to help in this matter. He offered to cooperate, offered to bring Republicans along, offered to try to resolve the issues. The administration figured, by resolving some issues with a number of young Congresspeople over in the House that they could simply bind the Senate, and the Senate would just roll over and play dead. It just so happens, we do not have to do that, nor will we.

The American people expect more from us. We will give them more. We are going to stay here as long as we have to. If we have to go to a point of order and if we win, we are going to bring up these amendments. If we lose, then the American people are going to lose once again because you are going to have a $30 billion bill loaded with pork. That is likely to be funded first, instead of the prisons, instead of police, instead of law enforcement. And many of these anticrime provisions are not very tough at all in this bill.

When the House defeated the rule, everybody said it was about guns. Senator BIDEN said that on the floor; so did the President. But guns are still in the bill.

And I am telling anybody that thinks that I may be disingenuous that I think it is disingenuous for the Democrats to try to make that the issue when it is not. They have been doing it from word one because they do not have the arguments to uphold the provisions of this bill that we have been talking about. And they know it. They figured they were going to get along by hiding all of the pork in the bill, this 1960's style social spending, because they know that people want a crime bill, a real crime bill.

Well, I am personally sick of it and we are not going to roll over and play dead just because we are a minority.

So, Madam President, I feel deeply about having a crime bill. Nobody wants one more than I do.

I would like to have the Senate crime bill. We cannot get that now. But I would like to reform it and make it a little bit better so that at least when people in this body vote for it they do not have to hold their nose.

Frankly, it is something that needs to be done. Maybe we will be successful, maybe we will not, but we are giving it everything we have.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Madam President, as the Senate stands deadlocked over a $30 billion crime bill, 5-year-old Andre Grady lies paralyzed and fighting for his life in a Norfolk, VA, hospital, an innocent victim of the kind of violence the crime bill is designed to address.

Last week, while riding his bike outside his grandmother's house at 3 o'clock in the afternoon, Andre was gunned down in a drive-by shooting.

The responsibility for determining who shot Andre now lies with the judicial system.

The responsibility to help prevent senseless violence from claiming more innocent 5-year-olds in Andre's neighborhood—and in neighborhoods all across the Commonwealth of Virginia and the Nation—lies with us today.

We have pending before the Senate the conference report on a $30 billion crime bill that passed this body in a very similar form by a vote of 95 to 4 just 9 months ago.

A bill that focuses on prisons, police, punishment, and prevention.

Let me repeat that, Madam President, this bill focuses on prisons, police, punishment, and prevention.

That means that if this bill passes, more police officers are put on our streets, providing reinforcement for the men and women who currently serve our communities, enhancing the overall safety of our neighborhoods, and providing a real deterrent to those contemplating a criminal act.

If this bill passes, prison sentences are toughened and extended, keeping violent criminals off the streets for greater periods of time.

If this bill passes, prison systems are expanded, allowing for the implementation of tougher and longer sentences.

If this bill passes, juveniles guilty of violent crimes will be treated as adults, ensuring greater fairness to victims and reducing recidivism through tougher sentencing.

If this bill passes, greater access to prevention programs will reduce both the number of young people engaging in violent criminal acts and the number of people falling victim to violent crime.

If this bill passes, expanded provisions to protect women against violent crimes will be implemented.

Very importantly, Madam President, if this bill passes, 19 types of dangerous assault weapons—designed to kill large numbers of human beings—will be outlawed.

The police officers, the sheriffs, the commonwealth's attorney's and the

judges in the Commonwealth of Virginia with whom I have spoken support this legislation overwhelmingly. They support it because it gives interested States and localities the resources they desperately need to fund anticrime initiatives on a voluntary basis. This is not a Federal mandate. States and localities simply do not have the capacity to shoulder the entire financial burden alone.

Law enforcement officers have told me they fear turning a dark corner and facing an assault weapon more sophisticated and more deadly then the one they carry to protect our streets and our neighborhoods.

In addition, the Virginia General Assembly is currently reviewing a proposal to eliminate parole in the Commonwealth of Virginia. This has already been done at the Federal level, but to do so in Virginia, we would need an enormous amount of new funding to build and expand prisons. The crime bill could help fund this initiative.

We ought to pass this bill and we ought to do it now.

Virtually every major law enforcement agency in the country has expressed support for it.

It includes $9 billion to hire 100,000 new police officers—a potential $215 million for Virginia.

It includes $9 billion to build new prisons and boot camps—a possible $108 million for Virginia.

It includes $3 billion to enhance activities at the Federal Bureau of Investigations and the Drug Enforcement Agency, and $7 billion for proven and effective crime prevention programs—a guaranteed $108 million for Virginia.

It also includes tough, increased penalties for crimes committed with firearms, for drug use, for drug-trafficking, for sex offenses, for assaults against children, and for "gang" crimes.

In addition, this bill expands the Federal death penalty to cover over 50 new offenses, including terrorism, murder of a law enforcement officer, large-scale drug trafficking, drive-by shootings, and carjackers who murder.

In an effort to keep more prisoners in jail and deter repeat offenders, it eliminates the automatic granting of good time credits and creates incentives for States to adopt truth-in-sentencing guidelines, which requires prisoners to serve at least 85 percent of their terms, and mandates life imprisonment for criminals convicted of three violent felonies or drug offenses.

Some opponents of the bill are now criticizing its price tag—and I am about as tough on Government spending as anyone.

But the indisputable fact is this bill is paid for. It is paid for with the money saved by reducing the Federal work force, by 252,000 positions.

And while I understand some of the concerns about specific provisions in the bill—no bill is ever perfect, and I am convinced that, on balance, it will reduce crime in America and make our streets safer.

It is worth the money we will save from downsizing the Federal bureaucracy.

We cannot continue to just debate this issue. We have been doing that for almost 6 years and we cannot devise parliamentary maneuvers to try to delay its passage further.

We have communities under siege that cannot wait any longer for help and they are counting on us for help.

We have Americans insecure in their own homes and neighborhoods and we have it in our power to help.

And we have a 5-year-old child named Andres, who lies paralyzed in a Norfolk hospital fighting to recover from a senseless gunshot wound when he should be spending an innocent summer afternoon riding his bike in front of his grandmother's house.

Madam President, it is time to act, it is time to pass the crime bill.

I thank the Chair and 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. GORTON. 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. GORTON. Madam President, within a relatively short period of time, the Senate is going to get an opportunity to determine whether or not the crime bill before us will be passed entirely unchanged or whether, as was the case in the House of Representatives, it could be improved; not improved in the marginal fashion which took place in the House of Representatives, but dramatically.

Because this crime bill requires a waiver of the Budget Act, voices other than those who crafted the conference committee report, are going to be heard. After a conference committee which added to the pork and subtracted from the law enforcement provisions of the bill which was passed by the U.S. Senate, for myself I am confident that one way or another we are going to get that opportunity to improve this crime bill.

The history of the debate since the original conference committee report is relatively short, and memories are still fresh about the arguments that were made in the White House and in the press and in the House of Representatives immediately following the defeat of the rule for the consideration of the original product of that conference committee.

They were that a crime bill was dead for this year.

They were that this was a sneaky parliamentary trick designed to kill the bill.

They were that the only concern of the opponents were those who wanted to defeat the assault weapons ban.

They were that the bill was as close to perfection as was possible and could not possibly be changed.

During the course of the succeeding week, each of those arguments turned out to be fallacious. In fact, the defeat of the rule, the technical rule, in the House of Representatives, did not mark the end of the crime bill. In fact, it turned out that a handful of dedicated Members, mostly from the minority party, mostly relatively junior, succeeded in removing $2 billion, $3 billion of the pork from the bill, adding at least a handful of good law-enforcement provisions, including one that had been sponsored by this Senator and accepted unanimously by the Senate of the United States.

Lo and behold, those who voted in favor of the bill then in the House of Representatives, the President of the United States said, "Gosh, now we have a better bill than the one that just 1 week ago was defeated." "However," they all reported, "it must be absolutely perfect now because we certainly do not want the Senate of the United States to debate it in detail. We don't want the Senate of the United States to avail itself of the same right to amend, to change before it comes to a final vote that the House of Representatives took."

We hear exactly the same arguments today. First, that the budget point of order is a mere technicality. It is, however, Madam President, something more than a technicality that a budget point of order that was waived last November for a $22 billion bill, might not be waived for a $30 billion bill. In the mind of this Senator at least, who may not have been here long enough to consider several billions of dollars to be a mere technicality, that difference is a profound difference. It is all the difference in the world and overwhelmingly merits a real debate over a point of order and an upholding of that point of order so that this bill can be reduced to being at least roughly the same size it was when it left this body the better part of a year ago.

When a bill is produced, as this one was, not just by one party, at least before the last meeting last Sunday night, but only a handful of Members of even that party, when it includes matters that were not earlier debated, when it excludes matters for which both Houses voted by significant majorities, something is wrong with the procedure and another debate is more than appropriate.

Madam President, this Senator hopes that there will be an agreement involving the majority party and the minority party which will outline and limit both the number of amendments which ought to be considered and the time during which they ought to be debated.

This Senator feels that there is a very real possibility of such an agreement. But if there is not, that we should avail ourselves, as our rights as Senators, to reexamine a number of significant provisions in this bill.

In fact, it seems to me that the very delays on the part of those who say we must pass it in exactly the form in which it was passed by the House, have increased public scrutiny of the bill, have increased public criticism of much that is in this bill, have increased the demands from all across the country, as well as from Senators on this side of the aisle, that we get down to passing a bill which actually does something for our law enforcement and which does not just scatter money widely across the land for whatever any individual Member thinks might have been a good idea.

When we end up in this bill with more than $1.5 billion for a program identical to a program which was proposed as a part of the notorious and unlamented stimulus agreement a year and a half ago, with no changes other than the preamble—then for economic recovery now for crime control—we are not dealing seriously with the fiscal concerns of the people of the United States of America.

Madam President, for this bill to be acceptable, a wide range of programs in the bill which are not directly related to the safety of our people in their homes, on their streets, in their schools, must be removed. We must be serious and focused in our attentions in this bill. And then, Madam President, in the quiet before the storm here early on this Wednesday afternoon, I, at least, express my confidence that we are going to get that opportunity; that Members will be allowed to vote.

I hope—I do not know whether I am correct in this regard or not—that one of the strong law enforcement provisions which can be restored to the bill is one which the distinguished occupant of the chair, at this point, introduced and, I believe, passed unanimously through the Senate relating to violent crimes by juveniles and allowing them, to a greater extent than is the case today, to be tried as adults when they have acted as adults and endangered and wounded and killed people just as adults will.

I hope that is one of the opportunities that we have because it is certainly an example of one of the strong antiviolence provisions of the original proposal in the Senate that simply disappeared from this bill during the course of the meetings of that secret conference committee between the House and the Senate.

Madam President, this Nation needs a crime bill, but it does not need just any crime bill. It needs one that will attack the problem successfully and well, more than by simply a splattering of money across the landscape.

This morning, there was a report on a national network from Kansas City, MO, with a very, very high crime rate, in which the police officers are simply overwhelmed and need more members. The chief of police had discovered, however, that the promise of 100,000 new cops on the beat was a hollow promise, a promise which my jurisdiction, when I was attorney general of the State of Washington, had it extended any further, would have been required to bring a suit to enjoin false advertising, a promise of 100,000 new police officers, with a big asterisk that the beneficiary pay 25 percent of the cost the first year, 50 percent of the cost in the second year, 75 percent of the cost in the third year, and all of it thereafter.

The response there, and the response has been from many of my law enforcement officials, if we had that kind of money, we would have already hired those police officers. But we certainly cannot do it on a partial Federal subsidy for 3 years, a period of time basically that it takes to train them to be good, effective police officers, and then be left with the entire cost ourselves.

This was a promise that was made that is not kept in this bill.

Lord knows, we could have kept that promise with less money than is in this bill if we had switched money from many of this wide range of other programs into this one. I think that you will see, when amendments are proposed, there will be money taken out from projects that looked good to Members on this side of the aisle, that were sponsored by Members on this side of the aisle, as well as those programs which were added either on the other side of the aisle in this body or in the House of Representatives.

We need a lean, mean anticrime bill. This Senate is likely to vote very quickly this afternoon on whether or not that is what we are going to get.

The people of the United States are up in arms over what was sold to them as a crime bill and what they now understand is very largely a pork bill. I look forward to the debate on specific amendments. I look forward to a defense of specific elements in this bill when we can vote on them individually on their own particular merits.

I strongly suspect that there will be a bipartisan majority, joining Members of both parties in this body, to restore crime-fighting measures, to remove money measures which could not pass on their own merit and were hidden away in this bill in hopes that they could be passed without debate, without careful examination.

If we do that, if we follow that kind of debate, we, first, will be responsible to the citizens who sent us here, and, second, we are likely to end up with a bill that I suspect the President will end up signing and saying, my gosh, they improved it still more in the Senate than they did in the House.

The pretense that somehow or another to change one thing in this bill will kill it is exactly that. The pretense that it is perfect at the present time so that we should not touch anything in it is just exactly that. The pretense that it is not filled with pork is just exactly that. And the pretense that it does everything that needs to be done to strengthen the hand of our law enforcement officers is just that.

We have an opportunity to change pretense into reality, and to pass a very good anticrime bill if it is allowed to be amended, as I believe it will, during the course of today and succeeding days.

Mr. BIDEN addressed the Chair.

Mr. BROWN. Will the Senator yield for a question?

Mr. GORTON. I will be happy to yield.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. GORTON. Madam President, I have not yielded the floor.

Mr. BROWN. I asked the distinguished Senator to yield for the purposes of a question.

Mr. BIDEN. I did not hear that part.

The PRESIDING OFFICER. The Senator may yield for a question.

Mr. BROWN. There is included in the bill some $6 to $7 billion in spending, often called pork barrel spending but the advocates of that spending describe it as preventive spending. The Senator has a long career in the legal profession, particularly as a prosecutor. How much crime will be reduced by the $6 to $7 billion in new spending that is included in the bill?

Mr. GORTON. My own estimate, I say to my colleague from Colorado, is very little. But I must confess, to a certain extent, that is only an estimate because so much of what is in this bill either duplicates existing programs or is entirely untested that it literally seems to me simply to be a blind throwing away of money in the hopes that somehow or another crime rates might somehow be affected.

I find this particularly strange, I can say to my colleague, from Colorado, because of the fact that there are now being funded, in part by money from the Federal Government, a number of crime prevention programs which have been of demonstrable value in reducing crime. One of them, one particularly close to the heart of this Senator, is the Byrne grants for multijurisdictional drug task forces. Here we had, as recently as January of this year, a proposal by the President of the United States in his budget to wipe them out, to cancel them after 3 or 4 years of increasing success. No single item in this year's budget exercised law enforcement officers in the State of Washington, I know from firsthand experience, and law enforcement officers from across the country as did the cancellation of these Byrne grants. And with a

bipartisan majority, ultimately they were restored, first, cautiously in a budget resolution and, ultimately, as recently as last Thursday or Friday, by the appropriations bill for the Justice Department to a point at which they will be increased over last year.

It was a wonderful coincidence for this Senator because that great restoration took place just as we had headlines in newspapers in eastern Washington about a magnificently successful major drug bust conducted by the very teams that were being funded in part by these Byrne grants.

But in a bill that was going to cost ultimately $33 billion, was there anything more for Byrne grants? No. No. Just a whole bunch of new sets of ideas.

There is another program, still new, called weed and seed—aid from the Federal Government to roughly 20 major cities across the country, of which one is located in the State of Washington, which brings together law enforcement officers and various social welfare agencies that zero in on high-crime neighborhoods. It has been a marvelous success in the city of Seattle, and I am told it has been an equal success in a number of other cities across the country. Why not add to a successful experiment like that with respect to crime prevention efforts?

These are only a couple of examples of where we know that this kind of work could work. But instead, where we have 266 job training programs, we will add a 267. We are going to have I think about 155, or we have 266 juvenile programs, and we are going to add two or three more. There is no study of which of those work, no relation, no figuring out what we should add to because it is already highly workable. It is just another set of programs of that sort.

The National Community Economic Partnership, what has that to do at this point with crime prevention? Would we have passed at a time of burgeoning budget deficits a $270 million brand new grant program totally untied to crime statistics at all had we voted on it separately, individually? I think not. But one of the things that we will attempt to do during the course of the rest of this debate by sustaining a point of order is to let the Senate of the United States vote specifically on whether or not its Members think that is the way in which we ought to be spending money.

Mr. BROWN. I might say to the Senator that the contention by the advocates of this pork barrel spending that it would reduce the crime rate flies in the face of our experience. Since 1960, we have seen welfare spending explode from $30 billion to $230 billion, and at the same time we have seen the crime rate not go down but go up, over tripling in that same period.

Mr. GORTON. Almost, I might add, by looking at the chart at the same rate.

Mr. KERREY. Will the Senator from Colorado or Oregon yield for a question?

Mr. BROWN. I might simply follow up that comment with a question. What proof is there——

Mr. BIDEN. Madam President, who has the floor?

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

Mr. BROWN. That pork barrel spending will indeed result in lower crime rates?

Mr. KERREY. Will the Senator yield for a question?

Mr. GORTON. I just did. I would like to answer the one that I already yielded to.

Mr. KERREY. Will the Senator yield for another question?

Mr. GORTON. I will after I have taken care of this one.

I think the question asked by the Senator from Colorado was whether or not I have any indication with my background that these programs which we have attacked as spending programs are likely to have a significant impact on reducing crime rates. My response to that is any such question obviously can be answered in any way. Certainly, the experience of the last 20 or 30 years, as outlined on the chart there, would indicate that to so believe that would be a triumph of hope over experience that literally dozens or hundreds of these programs in the past have not been accompanied by any lessening of the crime rate, and to think that doing more of the same thing, particularly by doing it in an uncoordinated fashion, is going to have a dramatic and positive impact on crime is to put it, at least, without significant proof.

I will be happy to yield to the Senator from Nebraska.

Mr. KERREY. I have a very short question of the distinguished Senator from Washington, Madam President, and I suspect, by association, the distinguished Senator from Colorado.

The distinguished Senator from Washington is a lawyer and has a great deal of legal experience, probably has worked with a lot of charts, and knows that if this occurs, thus, this follows.

I am wondering if the distinguished Senator from Washington believes that just because I do a graph that has one line going up, and another line below is going up, that that means necessarily the first line follows the second. I suspect that it would be possible for me to take the very attractive chart of the distinguished Senator from Colorado and show the stock market increased over that period of time. I suspect the stock market would go up in real dollars.

I ask my friend, the distinguished Senator from Washington, would that mean therefore that the stock market went up over that period of time and that we can conclude that the stock market causes increased crime?

I would like to ask question of the distinguished Senator from Washington. He has the floor.

Mr. GORTON. Yes. I appreciate the question from the Senator from Nebraska.

My answer to his question is that, of course, he is correct; that from the point of view of logic courses that he and I both took when we began college, you cannot necessarily put two isolated factors together and show that they have risen or fallen at the same time together and say that one is the cause of the other.

I may say, however, that was not the question that I was asked by the Senator from Colorado. He did not ask me whether or not I thought that the increase in welfare spending had caused the increase in crime on his chart here. He asked me, in light of these two facts, whether I thought that another increase in welfare spending contained in this bill was going to cause a dramatic drop in the crime rate. My answer to that question was no. I was not asked the question whether or not I thought that his welfare spending chart was the cause of the increase in the crime rate.

In any event, the Senator from Nebraska gives me the opportunity to repeat the point for which I came to the floor; that is, there ought to be time in this debate, which essentially has gone on for 1½ years, I think, from the middle of last year when we first began to talk about crime, as to whether or not a number of specific programs in this bill are appropriately a part of a crime bill, or ought to be voted on separately, and whether or not a number of anticrime substantive measures, which were debated and passed by the Senate of the United States and dropped in this bill, ought to be restored.

The only way in which we can have that debate rather than an amorphous, generalized debate on the whole bill is to sustain a point of order raised under the Budget Act, or have a unanimous agreement that we will go to these amendments.

I am here simply to say that these are questions that we ought to allow to be debated in the context of specific amendments aimed at specific grant programs that are included in this bill.

With that, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I sincerely hope my friend from Washington—I wish he had followed the debate up to now like he says he wants to follow it from here on. I find this fascinating. I have always thought my wife, a former Republican, and most of my friends are Republicans, that Republicans grasp concepts as rapidly as Democrats do.

But I am finding that on every issue where the Republican minority, and the minority in the Republican Party, does not like what is going on, they conclude they need more time. I do not think they are really slower. I am sure that is not true.

I do not understand where my friend from Washington was as we debated these points the last 6 years. I do not know where he was the last year when we debated this very point that my brilliant friend—and he is a brilliant man with two advanced degrees, a very fine fellow from Colorado—is about to raise. We have debated that point.

The other thing is that I am also stunned at how so many people who have been around here for a while do not understand how the Congress works, do not understand the Constitution, and the way the process works here. The way the process works is we debate issues on this floor, in this body, that go into a bill that sometimes are not debated on the House side. And the House, golly, they sometimes debate particular aspects of a piece of legislation that we do not debate. That is why we have conference committees. That is the purpose of a conference committee because sometimes one body puts into a piece of legislation something the other body does not. Under the way in which the legislative process was designed to work in this country, instead of going back and repeatedly debating them and debating them on both sides of this Chamber, meaning this end of the Capitol and that end of the Capitol, we have a conference committee to resolve the differences. Maybe that is a surprise to people. I thought everybody knew there were conference committees.

I thought they knew the purpose of conference committees. My friend from Washington says "when this bill is acceptable." I have news for him: It is acceptable to 57 people here. Is that not an unusual thing? It is acceptable—right now. Right now, this bill, which we are going to be put through parliamentary hoops on, is acceptable. The appropriate thing, the proper thing, the precise thing my friend from Washington should say is: When this bill is acceptable to me, SLADE GORTON, and when this bill is acceptable to a minority of us, 41 of us, when we deign to accept it, then the majority of you can have it.

The majority of the House already said this was acceptable. The majority of the Senate is prepared this moment to say it is acceptable. But it is not acceptable. It is not acceptable to my friend from Washington, until he debates things which have already been debated. But it is not acceptable to him.

Second, my friend says things—as I said, I wish he had paid attention to the debate as closely in the past as he said he is going to in the future, because had he paid attention, he would know he made a number of factual misstatements. I will stand here later when he gets to come back to make it clear, if he wants to debate the points I am about to raise, where he is factually inaccurate. He said this bill went out of here—this crime bill—that was just a nice old bill he voted for. Golly, it got over there in that House and they did something different to it, and those old folks got together in that conference committee and they really jerked it around, and one of the results of that was that we cut law enforcement.

I would like to point out to him that we increased the amount of money spent on law enforcement from the bill he thought was a good bill, to the bill he is going to vote down, now by $1.3 billion. Factually, $1.3 billion more money in law enforcement—that was his phrase—now than in the bill he voted for.

Second, factually, we increased the amount of money for prisons $3.2 billion more than in the bill he voted for. This bill we are about to vote on, this conference report, if they ever let us vote, this bill has $3.2 billion more dollars than he voted for.

So if my calculation is correct, there is $4.5 billion more—if you count prisons as law enforcement—law enforcement money in this bill than the bill he thought was so good enough to vote for. So he is factually—not politically, not rhetorically—he is simply factually incorrect. I am sure some of his staff will call that to his attention.

Third, he says it includes matters that were not debated earlier. Guess what? Has he ever found any bill he has ever voted for—see, the public does not understand this because this is not their full-time job to do this. But what we ultimately vote on are not bills. We ultimately vote on conference reports. That is the only thing that ends up becoming a law—a conference report, which is something that the House and the Senate have finally agreed to. We do not have two different Governments here, where the Senate passes a bill and the President can sign the Senate bill, or the House passes a bill and he can sign the House bill. If that were the case, we would teach our kids in school, well, there are House laws and there are Senate laws. But there are not. I understand that one of the great Speakers of the House, Sam Rayburn, used to have a thing he called the "Rayburn board of education," to teach new Members about how the process works.

Conference reports are what we vote on. They are not amendable. Why do my friends think there is a Senate rule and a House rule that says once the conference passes a report and one of the two Houses, the House or Senate, votes for it that the conference is disbanded and they are legally not able to meet again, and then it is not amendable in the other House? I feel a bit insecure talking about the Senate rules with the man back here who literally knows them better than any man has in the history of this body—not this body, but the history of this body. I think he would sustain what I am saying, but he would say it in a more articulate fashion than I am.

I do not understand what these folks are talking about. They know full well you cannot amend a conference report. You can get a concurrent resolution correcting the enrollment at the desk and all this other malarkey, but you cannot amend a conference report without starting a whole new bill over again. They know that. Maybe they do not know it, in which case they now know it, and they will withdraw this approach they are taking. But if they do know it, then they know the truth of what they are saying. They want to kill this bill—or at least start from scratch again.

Madam President, I go back to the point made that police officers are against this bill. Again, for the 50th time, I will put in the RECORD the following number of pages listing all the law enforcement organizations—I will not take the time to read them again—that all endorse the bill.

My friend from Washington was a prosecutor. Maybe that is why he does not understand some of this, because he focused so much on prosecution. But the way in which cops always got help, the way in which he got help when he was a prosecutor, the way in which the States get help from the Federal Government for this law enforcement thing, is not the Federal Government says: By the way, we are doing away with the distinction between State and Federal jurisdiction and we, the Federal Government, from this point on are going to pay your bills. That is not how we do it. That is not how it has been done.

We say: You all need some help and here is the deal. We will put up *X* amount of money if you will put up *X* amount of money. We did that this year in something my friend from Washington, if I am not mistaken—and I may be—strongly supported, another $150 million for a supplemental appropriation in which my friend from West Virginia made sure the police got, and that is how we got it. And that said: Look, for every dollar you want from the Federal Government, you have to put up a dollar. For every single city, State, county, that came to ask for that money that got a penny from the Federal Government, 10 did not get it, because there was not enough money. So that is why we put more money in there.

Why all of a sudden is it, oh, my goodness, you mean to tell me we are not going to pay forever to pay for the salaries of police officers in our cities

and the counties from the Federal Government? I mean, is that really what my friend from Washington thought? Holy mackerel, I am sure the staff will straighten him out on that and explain to him—or it may be that he thought that. I do not know. If you were not a local person asking for these moneys and you have never been involved in this, you might think that is what the Federal Government does. Madam President, the Federal Government does not do that, has not done that, is not doing that now. So what is the surprise?

Madam President, my friend says that these Byrne grants are important things. The bill he voted for, where there was $23 billion, had no money for Byrne grants. Yours truly, me, added a billion dollars in this conference report. How can he be unhappy with this conference report on the grounds of Byrne grants when that has a billion dollars in there when he was happy with the bill that went out of here that he voted for that had no money for Byrne grants?

I hope you can understand my sense of confusion here. I hope anybody listening can understand why I am a little confused. It astounds me. It astounds me that a man can come in and say this is a bad conference report because of Byrne grants, and the thing he said was a good deal did not have Byrne grants, and the conference report that he says is a bad thing has the Byrne grant money in it—$1 billion.

Now, Madam President, it was also pointed out by my friend from Washington State—and I will not take all the time to do all that I would like to respond to my friend from Washington—he comes along and he said, "Here is what I want to do." He said, "What we ought to do is we ought to just start this thing all over again from scratch."

Then earlier today, my friend from Utah, who does know all this stuff because he has been an expert on this and deals with it, spoke. It is his jurisdiction. Let me make it clear if it were a telecommunications bill or health care bill, I do not know much about it. I try to understand, but I do not offer myself as an expert. That is not my job to do every single day like this is in the Senate. I am pretending everybody should know everything. I wish they would pay more attention to the debate and not what someone tells them or what they read in the paper some advertisement they see. My friend says this bill is a product of the Democrats "bowing to the liberal wing of the Democratic Party."

Let me define the liberal wing of the Democratic Party. The liberal wing of the Democratic Party is now for 60 new death penalties. That is what is in this bill. The liberal wing of the Democratic Party has 70 enhanced penalties, and my friend from California, Senator FEINSTEIN, outlined every one of them. I gave a list to her today. She asked what is in there to every one of them. The liberal wing of the Democratic Party is for 100,000 cops. The liberal wing of the Democratic Party is for 125,000 new State prison cells.

The liberal wing of the Democratic Party is not the old wing I knew. So if that is what he defines as the liberal wing of the Democratic Party, then I suspect I would like to see the conservative wing of the Democratic Party.

There was another thing my friend from Washington said. I will cease after this. There is so much to say because there is so much misinformation going out on the airways now. My friend from Washington and my friend from Utah said, "This point of order lies," implying it lies because the bill is more expensive than the one that left here. They said: "That is a problem. We ought to get the cost down on this bill."

Let us do that. Get that cost down. They said they are not for anything that did not go out of here at $22 billion. That further confused me because remember when the House of Representatives got hung up on the debate about racial justice and the House of Representatives got hung up on the gun control issue and it looked like the conference would not meet because we could not get the House to agree to come and meet with us, my Republican friends wisely said: "Look. Those Democrats are not making any progress over there. So let us introduce our own bill." And there were big press conferences, and the press came to me and said, "What do you think of that new Republican bill?"

I went back. I thought I remembered that Republican bill that they signed. I do not know if everyone signed on, but they usually do everything together, to their great credit. I do not know how many they got. Maybe it was 40 or 41 on, or maybe all, or maybe 20. I do not remember the number. But a lot of Republicans said, "This is our alternative."

This is the last point I will make, and I will come back to these points after others get to speak. Keep in mind now what the premise of my friend from Utah, my friend from Washington, and possibly my friend from Colorado is: This bill just costs too much money. This conference report with $30.2 billion in a trust fund with real dollars over the next 6 years, that is just too expensive. We should have stayed with a trust fund proposal that was $22-some billion, even though the increase was because we added more cops, we added more prisons, and we added an extra year of commitment to the States.

Is it not kind of fascinating that my friend from Washington says one of the problems he has with the cop provision is we do not promise the States enough, right? Then we add an extra year so they have a commitment for even another year, and he says that one of the problems with this bill is it is 6 years long and it cost too much money, that we commit for too long down the road.

Keep in mind now, if the issue is money, and I would suggest there may be a little bit of—the fancy word we used in this body is being "mildly disingenuous."

I went and got the press release that was attached to the bill of my Republican friends when this conference report was stalled in the House. They had press conferences. They went on television. They went to the floor here. This is from their press conference what they released on June 30, 1994, just a couple months ago or 2 months ago almost now. Guess what the first thing it says in here, and I am quoting.

> The Republican proposal is a deficit neutral $28.24 billion 5-year plan.

I know my friend from Colorado is a bright guy and really is quicker with numbers than I am because he always has charts. That is a more expensive bill than the bill you say is too expensive to vote on because $28.24 billion over 5 years on an annualized basis is more than $30.2 billion over 6 years.

I find incredible the ingenuity of my Republican friends who say the conference report is too expensive, the only bill that made any sense was the bill that went out of here that was much less expensive, but in the meantime we propose a bill that is more expensive. Do you all find that confusing or is it just me?

When I regain the floor after everyone speaks here, I hope one of my Republican friends can explain to me how they could be for $28.24 billion in a trust fund over 5 years, against $30.2 billion for a conference report for 6 years and for a $22.3 billion bill for 5 years.

Again, I have to admit Republicans have always confused me, and I have to admit that particularly minorities within a minority of the Republican Party have confused me the most.

But make no mistake about it, my friend from Washington said, and I am going to get the exact phrase, "when this bill is acceptable," let me be the first to announce, because no one seems to listen, let me announce again the bill is acceptable to over 55 Members of this body. If they let us vote in the next 20 seconds, I promise them I can prove to them that 55 at least, and I suspect 63 or 64, but 55 people are for the bill. It is acceptable right now. But if they want to be petulant and it is not acceptable to them and they want to take their ball and go home, I understand. They can do that. That is the nature of the rules. But the bill is acceptable now, right now. If they let us vote by the day's end, it will be on the President's desk probably tomorrow, and 100,000 cops will start their way to

the streets, 124,000 prison cells will start to be built, and tens of thousands of people's lives will be changed because they will not be in jeopardy.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BROWN. Madam President, are we rotating?

The PRESIDING OFFICER. The Senator from West Virginia has been recognized.

Mr. BROWN. Are we not rotating the speaking, Madam President, which I understand was the agreement with the Republican and Democratic leaders?

The PRESIDING OFFICER. There has been no order to that effect.

The Senator from West Virginia is recognized.

(Mr. CAMPBELL assumed the chair.)

Mr. BYRD. Mr. President, may I say to the distinguished Senator, I will not be long.

Mr. President, after Caesar had spoken in the Roman Senate, protesting against the death penalty, Sallust—meaning Gais Sallustius Crispus, a Roman historian who lived between the years 86 and 34 BC—in his report of the debate, writes that for the accomplices of Catiline, Cato, when called on by the Consul to speak, demanded that they be put to death under the ancient laws of the Republic. From Cato's speech, I quote only the following strain:

> Do you think it was by arms that our ancestors raised the State from so small beginnings to such grandeur. * * *
>
> But there were other things from which they derived their greatness. * * * They were industrious at home, just rulers abroad, and to the Senate chamber they brought untrammeled minds, not enslaved by passion.
>
> "* * * and to the Senate Chamber they brought untrammeled minds, not enslaved by passion."

Mr. President, I have listened to this debate as much as I cared to listen and as much as I could bear to listen at times. I have viewed and listened to it from the chair. I have listened to it from my office and viewed it on the screen, and I have listened to it at home in the evenings.

There has been a great deal of edification in my doing so. But there has also been, I think, Mr. President, too much of the use of political assault rifles. I think there is too much politics involved in this debate. That has struck me, as I have listened to this debate—the crossfire, the sniper fire, the political ambush. And that is not edifying, or informative, or instructive to the people who are watching their television sets throughout the land.

I would like, Mr. President, if I could, just for a few minutes, to speak a bit more seriously and soberly. I do not intend to engage in the Democrat-versus-Republican crossfire, the flowing of partisan charges and countercharges. I hope that I might bring a little more light than heat to the debate in the few words I shall have to say. And I hope that I shall speak with an "untrammeled mind, not enslaved by passion."

Mr. President, there are some Senators who would like to defeat this conference report by means of a 60-vote Budget Act point of order against its consideration. Such a point of order is indeed available to them under section 306 of the Budget Act. That point of order does not relate to the spending provided in this measure. Rather, section 306 prohibits the inclusion of certain budgetary matters in measures not reported by the Senate Budget Committee. Since this measure was not reported by the Budget Committee, yet reduces discretionary spending caps and creates a new category of spending, namely the Violent Crime Reduction Trust Fund, the conference report is subject to such a point of order.

The very same point of order as has been stated on this floor by numerous Senators could have been made against the underlying bill. The Violent Crime Reduction Trust Fund was included in that bill by a Senate amendment, which I offered on November 4 of last year. In fact, the very distinguished Senator from New Mexico [Mr. DOMENICI] and I discussed this very point before the amendment was voted upon in the Senate. The vote on the amendment was 94–4, with the same people who would now raise the point of order voting in favor of the amendment at that time. I might add, Mr. President, that among the cosponsors of the amendment were Senators DOLE, HATCH, GRAMM of Texas, MACK, THURMOND, DOMENICI, MITCHELL, BIDEN, SASSER, KERRY, DODD, DORGAN, CONRAD, D'AMATO, COHEN, LIEBERMAN, BRYAN, WOFFORD, ROBB, HOLLINGS, and LAUTENBERG. Let me go through that list again.

Among the cosponsors of that amendment were Senators DOLE, HATCH, GRAMM of Texas, MACK, THURMOND, DOMENICI, MITCHELL, BIDEN, SASSER, KERRY, DODD, DORGAN, CONRAD, D'AMATO, COHEN, LIEBERMAN, BRYAN, WOFFORD, ROBB, HOLLINGS, and LAUTENBERG.

To act as though this conference report creates some new unforeseen Budget Act point of order is a bit disingenous, to say the least. During the debate on my amendment, Senator DOMENICI stated the following: "I am sure the distinguished chairman agrees with me that the pending amendment violates section 306 of the Congressional Budget Act, which prohibits consideration of legislation under the jurisdiction of the Budget Committee that has not been reported by the Budget Committee. The section 306 point of order can only be waived by an affirmative vote of 60 Senators."

I then responded to the Senator from New Mexico as follows: "I want to be clear that a 60-vote point of order does lie against the pending amendment. The distinguished Senator from New Mexico and I discussed this earlier today, and we both agreed that it did, that it would lie."

Therefore, Mr. President, it should come as no surprise to any Senator that a section 306 point of order would have lain against that measure or would lie against this measure. We all knew that such a point of order would exist upon the adoption of my amendment, if the conferees agreed to retain it.

Now, that is the way it was.

> And all those sayings will I over-swear;
> And all those swearings keep as true in soul
> As doth that orbed continent the fire
> That severs day from night.

The trust fund is a novel concept which should be used only rarely, but crime in this country is a major, major crisis that justifies this approach and the conferees in their wisdom realized that fact.

With regard to the trust fund, as my colleagues will recall, the crime bill passed by the Senate last year authorized 77 percent of trust fund spending for strengthened law enforcement efforts—specifically, 50 percent for increased State and local assistance and strengthened Federal efforts to control our borders; and, 27 percent for State prison construction grants. The remaining 23 percent of the trust fund was authorized for spending on prevention programs. That was last year, when the Senate passed the bill.

The crime bill conference agreement on the floor today has a similar anticrime emphasis, with 77 percent of the trust fund authorized for increased Federal, State and local law enforcement efforts and, again, 23 percent for prevention programs. The only difference—the only difference—is the shift within law enforcement to provide even greater assistance to States for prison construction. In essence, this conference agreement acknowledges the fact that if we want the States to follow the Federal lead and mandate truth-in-sentencing, then we have to help by assisting the States with the funding to build more prisons.

In total, the crime bill conference agreement authorizes nearly $13.5 billion for law enforcement assistance, including $2.6 billion for increased Federal efforts and $10.8 billion for State and local assistance. Of particular note is $8.8 billion to hire additional police officers in communities throughout America; $1 billion to expand the popular and effective Byrne Formula Grant Program; $200 million for additional local prosecutors; $240 million for rural drug enforcement; and $1.2 billion to strengthen border enforcement.

Another $9.7 billion is included in this conference agreement for State prison construction grants and for the reimbursement to the States for the

costs of incarcerating illegal criminal aliens.

On the prevention side, a total of $7 billion is included in this conference agreement to support drug courts, implementation of the Violence Against Women Act, drug treatment in State and Federal prisons, and the Local Partnership Act.

So, for those who come to the floor to oppose this crime bill conference agreement and suggest that it is laden with "social programs", let the record show that this simply is not the case. The conference agreement now before this body contains the same emphasis on prevention that my colleagues on both sides of the aisle supported by a vote of 95 to 4 just 9 months ago. Twenty-three percent of the trust fund will support prevention programs—programs that are primarily antigang in focus and which permit localities flexibility in their implementation.

For instance, the term "midnight basketball" has crept into the debate in a very disparaging way. Some State and local communities may prefer to use their grants for midnight basketball, or for 7 p.m. basketball, or 5 p.m. basketball or 6 a.m. basketball; others may want to use their grants for boys and girls clubs; and still others may use their grants for programs to prevent crimes against the elderly. These and others are qualified activities but are not mandates. In the final analysis, local communities—my home town of Sophia—will have the right to choose. They are the ones on the firing line.

This conference agreement provides greater budgetary control than did the Senate-passed bill last year, combined with greater flexibility to fund those programs through the annual appropriations process.

No element of the trust fund is off-budget and a separate sequester process is created to ensure that each year crime trust fund expenditures stay within the amounts provided in the act.

The conference agreement also allows the Appropriations Committees each year to transfer up to 10 percent of the funds authorized from any particular program to any other program. This gives the House and the Senate the opportunity in each of the next 6 years to examine carefully the various programs for which authorizations are provided in this act and to set the funding levels for them in the appropriations bill.

Certain Senators during this debate have stated that the savings in Federal civilian personnel costs, which were anticipated in the creation of this trust fund, will never occur. Therefore, they say that we are, in fact, going to be increasing the deficit if we fully fund the programs authorized in this act. That is simply not correct.

Mr. President, their "words are a very fantastical banquet—just so many strange dishes."

First, the Federal Workforce Restructuring Act of 1994 was enacted into law earlier this year. That is law. And that act sets annual civilian personnel reductions for the Federal Government for each of the years 1994 through 1999. I have here CBO's analysis of the effects of those personnel reductions which, as I have said, are required to be made by law.

The law says they will be made. That is what the law says. I cannot change it. Mr. President, you cannot change it. For that law to be changed, Congress must change it. That is the law. Until Congress changes it, that will be the law.

For 1994, according to CBO, Federal civilian personnel had to be reduced from 2,103,600 to 2,084,600 (a reduction of 19,000 positions); for 1995, such personnel reductions will have totaled 76,475; and by the end of 1999, total Federal civilian personnel reductions will equal 221,300, according to CBO.

Second, the CBO analysis calculates the annual budgetary effects which will occur from the above-stated Federal civilian personnel reductions.

Those reductions are going to be made. The law says so. They have to be made. How they will be made—by attrition, whatever—they will have to be made. That is what the law says. You cannot get around that law.

Now, what are the annual budgetary effects of those personnel reductions which are set in place by law?

Over the period 1994–1999, CBO estimates the savings will be $34.29 billion in budget authority and $33.59 billion in outlays.

Therefore, Mr. President, the facts are that we have enacted into law the Federal Workforce Restructuring Act of 1994 which, unless changed by law, will result in Federal civilian personnel reductions totaling 221,300 positions over the period 1994–1999 and these personnel reductions will result—according to CBO—in budgetary savings totaling $34.29 billion in budget authority and $33.59 billion in outlays.

The Violent Crime Reduction Trust Fund, which is authorized in the pending conference report, will receive annual deposits over the period 1995–2000 which will total $30.2 billion.

Let me say that again. The Violent Crime Reduction Trust Fund, authorized in the pending conference report, will receive annual deposits over the period 1995 to the year 2000 which will total $30.2 billion.

As one can see then, the savings over the period 1994–1999 from the Federal Workforce Restructuring Act of 1994 are more than sufficient to fully cover the entire trust fund authorizations contained in this act. Furthermore, there is no deficit spending in this act. There is no spending in this act at all. This is not an appropriations bill. The spending will only come about in annual appropriation acts.

Let me make clear that any Senator who has problems with some of the funding provisions of this legislation need not kill this bill to have his or her problems addressed.

This is not an appropriations bill. This is an authorization bill. Not one thin dime—not one—not one thin dime is appropriated in an authorization bill. This legislation will be without teeth, as far as funding is concerned, until the Appropriations Committees act each year to fund the provisions of this crime bill. Any Senator can address programs or provisions not to his or her liking at that time. "There are many events in the womb of time which will be delivered." So, Mr. President, if somebody thinks there is pork in this bill, let them offer an amendment to future appropriations bills to remove it.

That will be the time, this will be the place. That will be the legislation on which to act to remove any perceived so-called pork.

No special vehicle is needed for that. There is no need, may I say to my friends on the other side of the aisle in particular, there is no need to attempt to reopen this conference report to do that. Those claims are a ruse to disguise an effort to kill this bill.

If there is the perception that there is pork in this bill, the time to remove the pork is when the appropriations bills come before the Senate each year. That is where the funding is. That is where the money is and if there is pork, that is where the pork will be and any Senator may offer an amendment to remove it.

It is simply not accurate for any Member to claim that there is a need to take down this entire conference report because of dissatisfaction over some funding provisions. The appropriations process is still alive, it is well, and it still remains as a good vehicle and the proper vehicle for addressing the funding specifics of this crime bill.

So let no one hide behind dissatisfaction over one or two provisions in this important crime bill. There will be another turn at bat next year without totally killing this important legislation. I may have changes I will want to try to make at that time. Others may have changes. But, let us not be so insistent on perfection that we take down a major piece of important legislation—one of great benefit to the citizens of this Nation, many of whom have been terrorized by crime in our streets—on the thin, flimsy reed of needing to make a correction here and now. That claim is not justified and just not so.

Mr. President, the people of this Nation are watching this Senate. I hope they are. I hope they do not get turned off by the political sniping, the partisan firing of political assault weapons. They are not watching Democrats or Republicans. They are watching one

of the bedrock institutions of their Government. Are we going to prove to them that inside the beltway here we live in a cocoon? Surely we have only to take note of the killing and crime that go on here in the District of Columbia where we meet at this very moment to realize that we have a horrific problem in this Nation concerning violent crime.

No wonder people have questions about the efficacy of their governmental institutions when we behave in this fashion. No wonder people are frustrated with this Congress. We dither and posture and we insist on having our own way while people out there are being brutalized, raped, robbed, and murdered by criminals. How can one claim to be tough on crime and then vote to hold up this bill on a procedural point of order—a point of order that was discussed when this bill was initially before the Senate and that was deemed not useful to raise because of the critical importance—the critical importance—of this bill.

That is why it was not raised. I said it could be raised. Mr. DOMENICI said it could be raised. But we deemed it of such importance at that time to pass the bill that it was not raised.

This is the type of posturing which will ultimately make the Senate an irrelevancy—ultimately make the Senate an irrelevancy—in the life of this Nation. If we cannot respond to the overwhelming violence in this Nation when people are afraid on the streets of their own communities and behind the locked doors of their own homes, perhaps we are already irrelevant.

If we cannot put aside our own small personal nits and picks, our fear of certain special interest groups, our fixation on partisan warfare for an issue as critical and as pervasive as rampant violent crime in our streets, then how do we dare call ourselves Senators?

How can we claim to be representatives of the people when the people's major concern falls upon deaf ears in this body and we trivialize the debate by putting political party first before the people, before the Nation?

In conclusion, let me repeat my endorsement of the crime bill conference agreement before the Senate today and urge my colleagues to support its prompt passage. Enactment of this crime bill will make a difference. It will authorize additional police officers to communities throughout America; it will strengthen Federal enforcement of our Nation's borders; and it will provide the prison beds to prevent the Russian-roulette release of violent offenders before they have served their full sentences.

Mr. President, crime is a terrible problem in our land. Our people fear for the safety of their children and their grandchildren. Metal detectors are becoming familiar fixtures at our schoolhouse doors. How shameful! Our prisons are overflowing. How long is this Senate going to wait to act? How long are we going to let the people "twist slowly in the wind" while we engage in partisan argumentation on this Senate floor? How long will we continue to let the problem of rampant, violent, criminal activity terrorize law-abiding citizens while our monumental egos lock in mortal combat?

Let us pause and remember the words of the Preamble to our Constitution:

> 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.

Note the words "promote the general welfare." That does not mean the general welfare of a political party. It does not mean the "general welfare" of any one special interest group. Those hallowed words "promote the general welfare" do not mean the general welfare of any Senator's campaign for reelection to this body or to any Senator's campaign for the Presidency, or for any other office.

They mean the "general welfare" of the people of these United States.

Please let us stop this ruinous public display of partisan trench warfare on this floor. Let us remember why we are here, rise to the occasion, act like Senators, and do something that will help us all, regardless of party. There is nothing which would more "promote the general welfare" in the short run than to pass this worthy crime legislation.

People are dying. People are suffering. Lives are being shattered. It is time to come together, for our people, and let this measure pass.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I wish to pay tribute to the distinguished chairman of the Appropriations Committee for his thoughtful discourse. While we come to a different conclusion in this matter, his factual presentation was most helpful in the debate and it provides a basis for working together as we move forward.

Mr. President, I do not intend to take a long time, but I do want to lay before the Senate some of the reasons for raising the point of order. It stems from the fact the conference committee that was appointed was far more liberal than both Houses. Indeed, it drafted a conference committee report that is not only inconsistent with what the American people want but also inconsistent with what both the House and the Senate enacted.

Those are serious charges, but I think it is important for Americans to understand what was left out of this conference report. Let me be specific because it is important to understand that measures which were approved by overwhelming votes in the Senate and which had significant support in the House were just dropped from the conference report.

Included in the items that the conference committee simply omitted from the bill was the criminal alien deportation provision offered by the distinguished Senator from Wyoming.

This measure passed overwhelmingly in the Senate. It calls for the expedited deportation of illegal aliens who have been convicted of violent felonies. Let me repeat that. For someone who is convicted of a violent felony and who is an illegal alien, this provided for their expedited deportation.

The conference committee was so liberal that they left that out of the bill entirely even though this body overwhelmingly approved it. That needs to go back in. It needs to go back in not because it represents my view or another's view but because it represents the view of the American people.

The second provision, the Dole-Hatch-Brown Federal anti-gang provision. As the distinguished President is well aware, in Colorado we have had a number of gang members come in from California, gangs moving from Los Angeles to Denver and Aurora and setting up shop.

If you talk to the Aurora police, you quickly find that they not only know the names of the gangs and that the gangs are the same as the Los Angeles gangs, but the organization is similar. They have literally moved hundreds of gang members from California into the Denver area. They sell drugs; they sell crack cocaine; they engage in a wide variety of violent crimes. There is an urgent need for Federal involvement to address the interstate nature of this violence problem.

One of the roles of the Federal Government is simple identification. Federal assistance in identifying gang members that are traveling across State lines to set up a nationwide gang system is a Federal challenge and ought to be addressed. That has overwhelming support. It was simply dropped by the conference committee. That does not represent the will of this body, nor the will of the American people.

A third provision is the Moseley-Braun prosecution of violent juveniles. This provision passed in the Senate and was dropped by the conference committee, again, defining itself as much more liberal than our membership or that of the House.

What did the Senator from Illinois want to do? She focused on mandating prosecution of violent juveniles as adults in those circumstances where they involved a Federal sexual offense or Federal crimes of violence with a firearm. In those two circumstances of

violent crime she asked for juveniles to be tried as adults.

I remember the moving speech that she made on this floor. To take that amendment out and throw it away does not symbolize a real commitment to the wishes of this body or to strong law enforcement. Our distinguished colleague from Colorado, Senator CAMPBELL, has been a leader, both at the State level and the Federal level, in ensuring that those people who use a firearm in the commission of a crime receive strong, tough penalties.

I remember the Campbell amendment that strengthened and toughened penalties for people who misused firearms in that way. The Federal mandatory minimum sentences for using a firearm in the commission of a crime were dropped from our bill and not included in the conference committee's report. It was because the conference committee was far more liberal than this body. They did not represent us when they went to the conference committee.

Men and women of good conscience will disagree on the propriety of mandatory minimum sentences. But there is one such penalty that I find difficult to believe was dropped by the conference committee: mandatory minimum sentences for selling drugs to minors. People who sell drugs to our kids—that is what we are talking about—who sell drugs to our kids or who employ children in the drug trade, deserve a much tougher sentence. That was dropped by our conference committee—once again, far more liberal than this body and far more liberal than the American people.

When the bill left this Senate, it was paid for. There was a total of $22 billion in the crime fund and a $22.3 billion reduction in the discretionary spending caps. That trust fund that passed the Senate was paid for.

Let me quote a letter from the distinguished chairman of the Budget Committee which was introduced into the RECORD on August 22 by the chairman of the Judiciary Committee. Here is a quote:

> 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 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.

That quote is from the Senator from Tennessee, the chairman of our Budget Committee. That is a very important point because our distinguished appropriations chairman referred to that trust fund and those caps.

Mr. President, the difference between the bill that is before us from the conference committee and the bill that we passed is not just in the amount of money; that is, this bill spends over $30 billion versus the one that left here which was $22.3 billion. The difference is that our bill was paid for and the committee report is not. How is it not paid for? Two years of spending are added during which the discretionary spending caps are not lowered.

So two things are different about this bill as it comes from the conference committee than when it left the Senate. When it left the Senate every penny it spent was paid for by lowering the caps. As it comes back to us, 2 years of spending are added where there are no caps—$6.5 billion in 1999, and $6.5 billion in the year 2000. That is why people have problems with this bill. It is different than what left the Senate. It is not paid for.

I have heard the President on television a number of times talk about how strong a bill this conference report is because he holds it out that it is paid for. It is not paid for. If the President wants a bill that is paid for, he is going to favor the amendments that will be offered after the point of order is made and upheld. If the President means what he says, he does not want the conference report kept in its current form.

That is why there was no need to offer a point of order when it left the Senate: it was all paid for when it left the Senate. When it came back, it was not paid for.

There are some additional changes that occurred. I will not go into all of them. But let me simply sum it up by saying this: What we have before us is dramatically different, and it is dramatically different because it left out some of the strongest anticrime provisions that were included in the Senate. The omission of these tough penalties is a result of the conferees simply ignoring the wishes of the Senate.

That is why this bill has been fussed about in the House and the Senate. It is why it has taken far longer to pass than it should have. It is because we have conferees, theoretically representing the Senate, that have simply forgotten their obligation to the Senate and have not stood up for the specific provisions that we insisted upon once, or even twice. Is this a way most legislatures do business? No; it is not. The State legislatures of most States operate conferences in a dramatically different way. Let me be specific because these are fair changes that we ought to institute here.

First of all, we should demand that the meetings be open. No secret sessions should occur. We should demand that conferees give notice of when they are going to meet. That was not done here either. Members met in secret without public notice.

Third, Colorado and most States allow for minority reports. That is, if the conferees are not able to agree in conference, they allow someone who is not in the majority in the conference to send back a minority report. The purpose of it is simply to make available to the body an alternative so that the bodies can work their will. It is a device to allow the majority in both the House and the Senate to make itself heard. That is not within our rules. And it is a tragedy because it leads to circumstances like this where a bill comes back from conference that not only does not represent the will of the Senate, but does not represent the will of the American people either.

And lastly, there is a dramatic difference that exists between the U.S. Congress and Colorado and most State legislatures. Conferees are normally limited to the scope of the differences. Keep in mind what happened here: This bill came out of the Senate spending $22.3 billion. It went to the House, and they made it $27 billion. It goes to conference, and they compromised on $33 billion the first time and a little over $30 billion the second time. I suppose if you have a sense of humor this appeals to you. To say my position is $22 billion and your position is $27 billion and we are going to compromise on $33 billion or $30 billion may show a lot for your flexibility. But it does not show a darned thing for your math.

This conference committee, so far to the left of this body, ignored the clear wishes of both the House and the Senate. As a consequence, the conference committee denies the House and the Senate the ability to make their will. That is why this point of order is being offered, to simply allow people to vote on the real issues and let the majority of both the House and the Senate work their will.

The real underlying problem with this is the breakdown in our conference system, a breakdown in the system that denies the majority to work its will.

Some have replied that Republicans are trying to stop this bill or slow the bill down. Nothing could be further from the truth. I want a vote on this bill. I want a vote on the real alternatives, and I want to get on with it. I think the American people deserve a strong anticrime bill.

Mr. President, the facts are these. Only 1 out of 10 serious crimes results in imprisonment in this Nation. If there is a question as to why you have a breakdown of law and order, it is because there no longer exists the certainty that if you commit the crime you will do the time. As a matter of fact, 9 out of 10 serious crimes do not result in imprisonment.

We have established the opposite of certainty of punishment. We have adopted a system that provides a high probability of no punishment. Three out of four convicted criminals are not incarcerated. This is part and parcel of why ignoring the mandatory minimum sentences is such a serious matter that ought to be dealt with.

Mr. President, I want to draw the attention of the Members of this body to

the chart that I have on my left. It has been suggested by a number of Members of this body that the $6 billion to $7 billion of pork barrel spending in this bill would reduce crime. In fact, it is called that; it is "crime reduction or crime prevention money." The suggestion is that if you spend more money on welfare or programs of this kind, you will reduce crime.

Mr. President, let me acknowledge that there are many good programs, and some could well have that impact. But to suggest that the key to reducing crime is to increase this kind of spending simply is not borne out by the facts. Most State legislatures, when they come up with spending programs, will do something more than just pass them. The conscientious legislators will ask the proponents of the program: Tell me what results you expect. They do not just put the rhetoric out there. They say: Write it down for me. Put it in figures. Whether it is $5 billion more, $6 billion more, or $7 billion more, how much will that reduce the crime rate? What specific results do you expect from the expenditure of public money? That is good budgeting and good common sense. When you spend the taxpayers' dollars, you specifically identify a goal that you expected to accomplish.

The thesis is that this additional spending of $6 billion to $7 billion would reduce the crime rate. Ask yourself what our record has been. Since 1960, welfare spending in the United States has gone from $30 billion up to $230 billion. It is much higher right now. If the thesis that higher spending on welfare items and on Government social programs were the key to reducing the crime rate, you would expect almost an eightfold increase in welfare spending to have reduced the crime rate. If that were your thesis, you would expect almost an eightfold increase would have wiped out crime entirely. What happened to crime? The crime rate tripled at a time when welfare spending exploded almost eightfold. The crime rate tripled.

Mr. President, I am not suggesting that the increase in welfare spending caused the increase in the crime rate. I do not know of strong, valid proof that would show that. But I do know that those figures are relevant to show that an increase in Government welfare programs and an increase in Government social programs are not the key toward reducing the crime rate. There is no other conclusion. If you honestly believe that we can solve this crime rate simply by more spending, please look at the facts. The facts indicate that it has not worked, and I do not believe it will work.

Mr. President, some have said these pork programs can accomplish some good. Let me go through some of them.

The Local Partnership Act is included in the conference report. This is a proposal by Representative Conyers for an economic stimulus. The bill that he introduced, H.R. 5798, which this provision was lifted from, does not even mention crime. Let me emphasize that. The bill does not even mention crime. It was put on the crime bill, frankly, because it could not pass on its own merits. It involves $1.6 billion, and in the words of the original Conyers bill, the legislation is to address "declining social services."

I ask Members to consider whether or not they think this $1.6 billion really is going to reduce crime.

The Model-Intensive Grant program. That is a creative label. It spends $625 million to find meaningful alternatives to crime. This may include a new recreation center in some lucky Member's district, or improved public transportation, or almost anything else you can think of—except criminal punishment. Could some of the money go for a good purpose? Certainly, it could. But should we not, as guardians of the public money and as those who take people's hard-earned savings away from them in taxes, demand specifics before we hand out the dough?

The Family and Community Endeavor Schools Grant Program. This provides $243 million for academic and social development, and educational, social and athletic activities, nutrition services, mentoring programs, and parental training programs. It provides $243 million.

Mr. President, if these programs were the key toward reducing crime, why have the ones we have tried not worked? We have 154 job training programs on the Federal level on the books now—154. I know of nobody who comes to the floor and says they are a ringing success, that they have solved the problem of unemployment. If 154 Federal programs for job training have not worked, why will three new ones in this bill make the difference? The truth is that what is missing is not more Federal grant money or Federal training programs. What is missing is far more serious than that: it is real crime control.

The Community Schools, Youth Services and Supervision Grant Program. This one gives $567 million to private community organizations. The money is earmarked for supervised sports programs, extracurricular, and academic programs, including entrepreneurship, cultural, health programs, social activities, arts and crafts, dance programs, tutorial, and mentor programs. The money can also be used for renovation of facilities. Once again, there is no clear objective and no clear indication of what we are going to get for the funds. Once again, there is duplication of existing services.

There is the Assistance for Delinquent and At-Risk Youth which provides $36 million to fund activities to increase the self-esteem of such youth, assist such youth in making healthy and responsible choices. Mr. President, we have described almost every desirable, nice attribute we can with all these new spending programs. But, once again, they duplicate ones that are in existence, and they lack any clarification, any clear goals or any significant, long-term record of achievement of those goals.

The National Community Economic Partnership gives away $270 million in taxpayer dollars to encourage private investment in distressed local communities. Private investment is encouraged with $270 million in "nonrefundable lines of credit."

Ask yourself: are Government handouts to encourage community economic partnerships the answer to crime?

The key to economic prosperity is not Government handouts. If it were, our growth rate would be the greatest in the world. Think about it for a minute. If the real key to economic progress, either in the inner cities or the Nation as a whole, were more Government handouts and national community economic partnerships and Government subsidies, then why have we not had runaway growth in the last several decades? It is because we have had runaway Government handouts and runaway Government spending.

The truth is that real economic progress is not the product of Government handouts and subsidies. If it were, we would not have a problem to talk about. The truth is real economic growth comes from rewarding people for hard work, allowing productivity and incentive to foster in the society, and letting Government eliminate the regulations that impede the creativity of each individual.

This measure is not a blueprint for increasing economic activity. It is another failed program.

Other pork includes the saturation jobs program, again duplicating 154 existing programs, midnight sports leagues, supervised sports recreation programs, and funds for recreational facilities.

Many of these sound good. But we ought to at least allow a separate vote on these items. We ought to at least ask ourselves if they are real crime prevention measures, how much crime they will prevent, how they will reduce the crime rate, and what we expect from them.

Almost all of these programs duplicate existing programs that have failed, that have not done the job, that have not reduced the crime rate.

It does not mean that we give up. It does not mean that we do not try. But, Mr. President, I personally believe it is appropriate to ask Members to at least vote on these programs. I personally believe it is appropriate to put back into the anti-crime bill the tough penalties and the mandatory minimum

sentences that can make our streets safer.

People who use a firearm in the commission of a violent crime ought to do additional time. This crime bill should not be simply an excuse to hand out more Federal money, but it ought to reflect our commitment and our conviction that the safety of our streets is important and worth protecting, that it is far more important than a simple pork barrel bill, that it is far more important than simple Government handouts.

Mr. President, I intend to vote to sustain the point of order if it comes forward. I intend to vote for responsible amendments to put the crime bill back into the form both by Members of this body and by the House intended it to be in.

The President said the crime bill was paid for. We ought to make sure it is paid for. The President talked about 100,000 new policemen. Critics have pointed out that there is only enough money in the bill for 20,000 policemen, not 100,000, and that money is phased out over time. I do not accuse anyone of bad faith coming up with the 100,000 number.

My own estimate is that the difference lies in the ancillary cost, the cost of training policemen, the cost of equipping the policemen, the cost of providing the car, the salary increases and fringe benefits.

I think it would be foolish to think that we are going to get 100,000 new police officers. But I do think we ought to have a chance to work on that, so that we can actually make it happen.

One alternative that I hope will be considered by this body is the suggestion that I received from the mayor of Denver just recently. He suggested we use some of the money for policemen to provide overtime pay to their existing police force which is already trained, already equipped and which can work overtime. By using some of this additional money for overtime pay, we can circumvent the extra costs and make the dollars go further.

And last, Mr. President, let me say this: it is not unreasonable that people who act in good faith and good conscience will come to different conclusions about crime. That is not to suggest that one side has a monopoly on the truth. The truth is that compassion and assistance at times can well be helpful. It is also true that tougher penalties must be used as well.

If we are to solve this problem that goes to the very core and the very heart of American society, we have to be willing to move in both directions. But we must insist that those who represent this body in conference are true to the Senate. We must insist that the conference bill reflects the will of the Senate, the will of the House, and the will of the American people.

The bill, as it comes from the conference, does not do that. The bill, as it comes now from the conference, has eliminated many provisions that the American people strongly support. It includes a number of pork barrel handouts that the American people strongly oppose, and I do not believe we do our job properly if we do not address these issues to make a good, get-tough crime bill.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, the statement I will give to you—but I must say I was listening very carefully to the distinguished Senator from Colorado. I would like to respond to some of the things that the distinguished Senator said.

I have a great deal of respect for the Senator from Colorado. He and I earlier this year both went into the tank on a specific proposal to cut spending, a proposal for which I have been rewarded still with letters from constituents who say they may never vote for me again because of the cut proposal that I put in there. So I appreciate his leadership in that regard.

Let me say, Mr. President, that one of the promises that I made to the people of Nebraska is to do something about crime. Thus, I have spent a lot of time with law enforcement officers, police chiefs, sheriffs, county attorneys, prosecutors, defenders, people who work with children, judges, school teachers, parents, and community leaders. I have spent a lot of time, and I must say that one of the most difficult things that you have with crime is there are not any clear answers, there are not any real simple easy solutions.

But there is one thing I am quite certain about, and that is that the people of Nebraska, if they read this bill, would not judge it to be liberal. Indeed, I expect, and I already know, in fact, that the liberals in Nebraska, particularly those who work on the defense side of the equation, are opposed to the bill. They do not like the death penalty provision. They do not like the mandatory minimum provisions. There are a lot of things in this bill they do not like.

I can understand why a liberal will come to the floor and say "I am against this bill." I would greatly respect that conclusion. I must say I do not understand how someone who says "my philosophy is conservative" comes to the floor after reading the particular bill in question. I know there are liberals in Nebraska who oppose this bill because, in fact, it does take a very tough stance on law and order and, as a consequence, they will have opposition, and I respect and appreciate that.

Second, Mr. President, I heard the distinguished Senator from Colorado talk a lot about the pork in this proposal, particularly the $6 billion over 6 years program for prevention. I noted with great interest that the distinguished Senator from Colorado did not talk about accountability for the money we are spending on prisons or the money we are spending on law enforcement, both of which are about 80 percent of this particular piece of legislation.

As I said, when I talk to law enforcement people in the State of Nebraska, they are not sure any of it is working. I heard a very rock solid conservative chief of police in Grand Island say to me the other day when talking about this piece of legislation which he supports say," I have been arresting people for 30 years and thrown them in jail. I am not sure any of it is working any longer."

This question of accountability, what works and does not work, is not just in prevention. It is also in the area of prisons and law enforcement.

I think an honest person would come to the floor and say, "We are not sure what is going to work. We know that something needs to be done. We know action needs to be taken. Gosh, we do not know."

I, indeed, point out that colleagues are concerned on the preventive side, unlike the law enforcement side and prison side, because of concern for accountability.

We have written in on page 64 language that says that all grant applications have to have specific measurement accounts for youths served by the program. We do not have that kind of outcome requirement for law enforcement or for prisons. We do put it, I think quite appropriately, given the imprecise nature of the programs on prevention area.

The distinguished Senator from Colorado says this bill does not express the will of the American people. I hope we have the debate. My advice to the majority leader is do not lose this debate. Let us come down and look through all 33 titles. Let us read to the American people. Let us tell them what is in this bill. Let them decide, do they want Republicans and Democrats to come together and vote for this piece of legislation?

I must say, based upon my conversations with people in Nebraska who want a conservative approach to law enforcement, and I will speak to that later, I must say my reading of this bill there may be things in there they do not like.

I indicated earlier I expect liberal Nebraskans are going to oppose this bill. They, in general, will say, look, you made a good-faith effort to listen and try to put something in place that will change the way things are going and make our streets and communities safer.

I hear the distinguished Senator from Colorado talking about changes that were made in the House having to do with criminal illegal aliens, gangs,

prosecution of violent juveniles, and minimum mandatory sentences. I support all the things that distinguished Senator from Colorado was talking about.

But I say to Americans who are watching this debate, do not believe, by implication, that there is nothing in this bill dealing with criminal illegal aliens or gangs or prosecution of violent juveniles or minimum mandatory sentences.

Again, I say, I expect that liberal Nebraskans in fact will not like titles 13 and 14 and 15 that deal with all of these things.

Again, I hope that the citizens of this country have the opportunity to look at this piece of legislation. I hope this debate provides them with the opportunity to carefully examine it. Is it perfect? No. Do we know what works? Unfortunately, we do not have good guidelines to make absolutely certain this is going to work.

I hear the distinguished Senator from Colorado say, "Well, this is not paid for and that is why I am going to vote against it."

Well, on that basis, there are 100 votes against the defense authorization. On that basis, there are 100 votes against the transportation authorization. It should not come as a surprise to Americans—certainly not the distinguished Senator from Colorado, who, as I said earlier, joined with me, or I with him, going in the tank earlier this year recommending specific lines of $95 billion total of reductions in authorizations—it should not surprise Americans to discover that that goes on with every authorizing piece of legislation.

Mr. President, this debate is about crime. In Nebraska, it is the No. 1 problem for the majority of the people. It is a problem, as I have alluded to, without easy answers. It is a problem which places our moral beliefs into conflict with our need to feel safe in our homes and to feel safe when our children walk to school.

Crime is a problem whose heroic stories are mixed with failures, tragedies, terror, and disgust. It is a problem where the soaring spirit of mankind comes crashing down to earth. We walk away from American crime scenes shocked and dismayed.

It is a problem, Mr. President, which has drawn us to debate one more time a comprehensive crime bill. Given the difficulty of passing this bill, you might guess it to be monstrous in size, complexity, and costs. It is not.

Measured by size or complexity, it is smaller and simpler than the Republican health care bill. In length, it is 368 pages, Mr. President. It contains 33 titles. It is understandable, even by those of us in this body who are not lawyers.

Measured by total dollars spent per year, it is smaller than virtually all of the 13 appropriations bills passed by this Congress each year.

For all the hoopla about pork and waste, the Violent Crime Control and Law Enforcement Act of 1994 authorizes us to spend an average of $5 billion per year, ranging from a low of $2.4 billion in 1995 to $6.5 billion in the year 2000. That average figure is less than one-third as much as we spend per year on foreign aid; less than one-half the amount we spend on the farm bill; and one-ninth of the amount we will spend just to cover the increased cost of Federal health care programs.

If you compare the volume of our speeches about crime or the demand from the citizens of our States to do something about crime with the amount of money we are including in this bill, you are bound to ask what all the huffing and puffing is about. You might ask why we are creating a special trust fund for crime when we do not for foreign aid, or the farm program, or health care? You might ask why, when we are finally debating an issue where Americans are willing to spend money, do we suddenly become unanimously concerned about the deficit?

The simple answer to all three is that we are confused. Uncertainty is the order of the day, even for those of us who have spent a lot of time asking questions and listening to the answers of Federal, State, and local law enforcement officials, prosecutors, defenders, judges, juvenile advocates, educators, and parents explain what they fervently believe needs to be done.

In spite of that confusion and in spite of the high-decibel dispute going on in the Senate this week, this crime bill is noteworthy because in Nebraska Republicans and Democrats agree more than they disagree about what needs to be done. While some here are using this issue for political purposes beyond coming to the aid of the men and women who are fighting the battle against crime, at home there is a lot more consensus on this issue than with most others.

There is consensus in four key areas.

First, there is consensus amongst Nebraskans that our laws must be tougher on the criminals and more understanding of the victims. There is consensus that delays in carrying out punishment or leniency in granting parole has weakened the chain that holds in check the violent impulse of intentional crime.

That is why this bill provides stiff new penalties for violent and drug crimes committed by gangs. It triples penalties for using children to deal drugs near schools and playgrounds. It enhances penalties for crimes using children, and for recruiting or encouraging children to commit a crime.

That is why this bill expands the Federal death penalty to cover about 60 new offenses, including terrorism, murder of law enforcement officers, large-scale drug trafficking, drive-by-shootings, and carjackers who murder. It mandates life imprisonment for criminals convicted of three violent felonies or drug offenses. It increases or creates new penalties for over 70 criminal offenses, primarily covering violent crimes, drug trafficking, and gun crimes.

Nebraskans feel like we are being suckers when it comes to immigration enforcement. That is why this bill provides expedited deportation for aliens who are denied asylum. It increases penalties for smuggling aliens and for document fraud. It provides new money for border patrol agents, asylum reform, and other immigration enforcement activities.

Nebraskans of both political parties believe that victims of crime need help. That is why this bill allows victims of violent and sex crimes to speak at the sentencing of their assailants. It also requires child molesters to pay restitution to their victims. And, it prohibits diversion of victims' funds to other Federal programs.

The second area of consensus in Nebraska is that we must come to the aid of our local law enforcement officials in order to increase the likelihood that criminals will be caught, thereby decreasing the incentive to violate the law in the first place. And there is consensus that crime is not a problem confined to our urban areas.

That is why this bill authorizes about $2 billion per year in multiyear grants to be made available to State and local police efforts, including a special provision for rural law enforcement. This is a relatively small amount given the challenges faced by our community police force. The most legitimate criticism of this program is that it is too little and too late to save lives already lost.

There is also consensus that our Federal crime fighters are being asked to do more and more with less and less. That is why this bill authorizes about $500 million per year for the FBI, the Drug Enforcement Agency, Immigration and Naturalization Services, the Border Patrol, the U.S. Attorneys, the Treasury Department, the Justice Department, and the Federal courts combined. This is a rather small pat of butter to cover a rather large piece of toast we have given these agencies in the form of new work to do.

Forty-five percent of this bill's authorization is for law enforcement. Of the $30.2 billion total over the entire 6-year period, $13.5 billion will be available to city police departments, sheriffs offices, courts, prosecutors, and public defenders. If you include the spending for new drug courts that nearly everyone believes is needed to enforce our drug laws, then half of this bill's spending is on law enforcement.

The third area of consensus is that Nebraskans believe we need to change our prison policies. Nebraskans want

violent criminals behind bars. They want to build and operate prisons and incarceration alternatives such as boot camps. They want to make certain that sentences are carried out as advertised and, they do not want criminal illegal aliens to be let off the hook.

That is why this bill authorizes about $1.3 billion per year in grants to States to build and operate prisons and incarceration alternatives. That is why this bill authorizes $300 million per year in grants to States for the costs of incarcerating illegal aliens.

Of the total spending in this bill, 32 percent will go to build new prison and incarceration alternatives and operate existing ones. This means that $8 out $10 spent by this bill will go for law enforcement, prisons, and drug courts. Why this is not seen as a major victory for Republicans who have been arguing in favor of this course for years is beyond me.

Fourth, at home there is consensus that we must try again to prevent crime before it occurs. In the words of Omaha Police Chief Jim Skinner "our boat is taking on water."

To be clear, the demand for spending on prevention is as strong with law enforcement officers as it is from social workers. That is not the only difference between prevention in the nineties and social programs in the sixties. In the nineties we do not excuse the adolescent criminal's behavior with theories about society's failure. We do not indulge weaknesses with talk about it being someone else's fault.

We insist upon personal responsibility from parents who must teach the values which are the first line of defense against crime. We require bench marks and taxpayer accountability. We understand the need for demonstrable progress to keep the citizens's trust.

That is why the $1 billion per year available to local communities is allocated the way it is. This is not a top-down effort. This is a partnership which begins with the local community putting forward a plan and matching money. Rather than a Washington-knows-best approach, this crime prevention begins at home.

Before you assume this money is going to be wasted listen to the list of community efforts to be supported. I heard my friend from Colorado list some in a disparaging fashion. I would love to have a debate about each and every one of them. I believe it is important for the American people.

This bill funds community schools for after-school weekend and summer safe-haven programs to provide children with positive activities and alternatives to the street life of crime and drugs.

At almost every townhall meeting, almost every meeting I have with citizens in Nebraska, it is this kind of program they talk about being needed. It comes from law enforcement officers.

This bill funds local efforts to fight violence against women and children. Women and children are the most vulnerable targets of violent crime. Both in and out of the home this American problem is a top priority of urban and rural law enforcement officials.

This bill funds local partnership action for anticrime efforts in drug treatment, education, and jobs; model intensive grants for model crime prevention programs targeted at high-crime neighborhoods; community corporations to stimulate business and employment opportunities.

Again I heard it disparaged earlier. Mr. President, there is no better solution for the problem of crime than finding an individual a job that provides that individual with the dignity, to feel as if he or she has some worth.

This bill provides funding for drug treatment for State and Federal prisoners and crime prevention block grants to be used as local needs dictate.

As I said earlier, crime prevention is not an exact science. There are very few proofs which can be offered to skeptical taxpayers. There are very few guaranteed successes. In truth, any person who enters this field must be prepared for the wrenching pain of failure. Crime prevention is most definitely not for the cynic or the faint of heart.

Still, there is not a community in Nebraska where leaders are not working on projects to fill the holes in the leaking boat. They know the first step is to strengthen the family. They know we must help our children grow up with the values of hard work, discipline, deferred gratification, and, most important, respect for the property of others. They have tough-minded ideas to go with their compassionate hearts. They need a Federal partner, and this bill gives them one.

Contention is not absent from the Nebraska consensus. Two issues stand out. First, a strong, dedicated, and principled minority believe passionately that the death penalty is neither morally justified nor a deterrent against the kinds of crimes which it is applied.

I confess I am not morally comfortable with executions. And I am not persuaded of this penalty's capacity to deter. My decision to support the public taking of a life is based on one belief: In some cases it is the right punishment; in some instances it is appropriate for the crime.

Second, an equally dedicated and principled minority believe that a ban on the manufacture of assault weapons is an unreasonable and unnecessary restriction of Americans' constitutionally guaranteed right to bear arms. While they do not oppose the prohibition in this law of the sale or transfer of a gun to a juvenile or the prohibition of gun sales to, and possession by, persons subject to family violence restraining orders, the ban on assault rifles looks like a dangerous first step on the road to a ban on all guns.

I have concluded this ban on 19 specific weapons, and weapons with specific features, does not represent such a step. For the 1 percent of the crime victims who are on the receiving side of these weapons, and for the police whose lives are at risk, I have concluded this restriction is both necessary and prudent.

However, I also need to be clear that I will defend the right of Nebraskans to own and use guns safely. I do not believe the second amendment is an archaic principle clung to by fanatics and nut cases. I believe it is just as necessary and proper right to extend a free and independent people in the late 20th century as it was in the 18th. Further, I believe that gun ownership is itself a deterrent to crime which is commonly overlooked and understated by too many enthusiasts of gun control.

There is one last specific concern about the assault rifle provisions of this bill which I need to raise on behalf of Nebraskans who worry that this law could be overreaching. The Bureau of Alcohol, Tobacco and Firearms helped compile the list of features that could result in the banning of hand guns, rifles, or shotguns that should not be banned. If this bill becomes law, I intend to hold hearings next year to determine if this definition is too expansive.

The problem of crime will not be completely solved if we can get beyond the political posturing and pass this bill. Instead, we will begin to make a realistic try. Crime is a problem with a solution. Do not think it is not. But do not think we are going to solve this one without doing a lot of things differently.

Crime used to be a problem for other people. You know, it was a big city problem. No, it was an inner-city problem. A problem we could ignore because it was not affecting us in a personal way.

Lately, however, crime has been getting very personal in Nebraska. When a woman is afraid to take a walk at night in Memorial Park in Omaha, crime is getting personal. When parents are afraid to send their child out on Halloween in Central City or out to play in Pierce, crime is getting personal. When North Omaha children sleep on the floor because of drive-by shootings, when South Omaha students talk about friends who have died of gun battles, then crime is getting personal.

Not only is crime becoming personal, its face is changing. A decade ago when the news carried the picture of a person accused or convicted of a violent crime, the image was of someone we did not know. It was a stranger's face. Cartoonists could, and did, draw the stereotypical unshaven, grisly looking character we all loved to fear.

Lately, the faces are becoming more familiar. Lately, they are looking more and more like our own children. Lately, we are not only afraid for our children, we are afraid of them.

That is why there was so much support for the punishment meted out by Singapore authorities, against an American teenager. Caning is tough medicine. In truth it is a method of torture.

It is just as true that American adults and their families are being tortured by teenage hoodlums, gangs, and thieves. We are too often being tortured by children who have become predators showing no regard for the property, privacy, of the rights of others.

This crime bill allows us to begin to take a different direction with crime. It says we have been too lenient with criminals of all ages. It says we have not enforced the discipline children need to distinguish right from wrong. It says that respect for others must be taught, and if it is not learned, disrespect will be punished.

I urge Senators to support the conference report and oppose the Gramm point of order. Nebraskans and all Americans need the changes provided in this legislation, and they need them now.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I will try to be very brief. First of all, I intend to vote for the point of order, and I look forward to voting on a number of amendments that are likely to come forth if, indeed, an agreement is recognized.

It is rather amusing that we should be criticized on this side of the aisle for attempting to improve the crime bill since that is exactly what happened on the House side in the process of reaching an accord. And that accord was reached as a consequence of a number of Republicans joining in a bipartisan effort to improve the crime bill.

I will add, Mr. President, that improvement came directly as a result of the reduction of some of the so-called pork programs that are in this legislation. Why should we not in this body have that same right? Clearly, we should.

I am going to dwell on something a little different from points made by some of my colleagues. This bill, as it stands now, adds $13 billion to our Federal deficit. I have not yet heard a satisfactory explanation as to how we are going to pay for that. It is simply added to the deficit, and I think the American public is beginning to wake up to the machinations of this bloated Government.

An individual, obviously, can add to his credit card, he can write a check, but he must pay. The Federal Government goes through a budget process, then when it needs it simply adds to the deficit. That addition, in this case, is some $13 billion.

What have we done in this bill? We started with a Senate crime bill that cost $22 billion. It went over to the House and was increased to $29 billion. It went to the conference and increased to $33 billion and was revised once more and was brought down to $30 billion. You would think that a compromise would suggest somewhere in the area between $22 billion and $29 billion. No, it was not. It was $33 billion, now down to $30 billion.

The conference report is one I cannot support, even considering the modifications made by the other body, and I object to the bill for a number of reasons. I think that there is not a tough enough position taken on crime. It has become a means for those who care more about the criminal than the victim. A bill that funds so-called "feel-good" social pork under the banner of "Let's get tough on crime."

You can see the pork in this, but one would ask, "Where's the beef?"

The bill that the President called the toughest, the smartest crime bill ever would have put as many as, it is estimated now, some 16,000 Federal inmates already tried and convicted back on the streets. I will tell you, people in my State do not support that. Not only that, they do not support this crime bill. Our calls have been running 95, 96, 97 to 1. I checked yesterday. We had about 130 calls condemning the crime bill, one in support of it.

If we are going to put these criminals back on the street, what do we really accomplish? It would have made it harder to convict child molesters and rapists. It dropped mandatory community notification of the whereabouts of recently released violent criminals. It dropped mandatory HIV testing of rape suspects. Fortunately, the other body was tough enough and smart enough, as I said earlier, to cut 3 billion dollars worth of pork and force some of these important provisions to be added back to the bill.

I think we need to be tough and smart in the Senate today. As I have said before, when the bill left the Senate it authorized $22 billion in Federal spending, fully offset—fully offset—by savings from Federal employee reductions.

Well, whether those Federal employee reductions would really ever occur is another question, but at least they identified the funding. When the House added the $7 billion in spending, the conference added another $6 billion, as I said, and the revised conference cut $3 billion.

We are still looking at a bill that is $8 billion—that is right, $8 billion, with a big "b"—more expensive than what the Senate passed. Now, $8 billion later, some Members on the other side of the aisle have said let us stop using the so-called technicalities to change the bill. They are referring to the fact that this bill violates the Budget Act and it takes 60 votes to waive the Budget Act.

Suddenly, it has become convenient for some Members to claim that the Congressional Budget Act, the only method we have to control the deficit—the only method to control the deficit—is somehow a mere technicality. I suggest, what a convenient argument.

Was it a technicality when many on that side of the aisle relied on a similar Budget Act violation to kill a bipartisan effort by 53 Senators to gain control of the deficit by creating a legislative line-item veto? Was it a technicality when they used a similar Budget Act violation to kill a bipartisan effort by a majority of Senators that would have prevented raising the defense budget to pay for social spending?

Mr. President, the American public should not be fooled about so-called technicalities. Raising a point of order under the Congressional Budget Act is the only tool we have to prevent—to prevent, Mr. President—unlimited deficit spending. As all of my colleagues should recognize, the crime bill that left the Senate did not increase that deficit. But the bill that has emerged from conference almost certainly increases the deficit and, I have said, by as much as some $13 billion.

So in the rush to get this crime bill to the President before Labor Day, I ask, have we forgotten the deficit and the debt? I remind my colleagues that just a month ago, the Office of Management and Budget released its midseason budget review. That report has not been discussed here to any extent, but it should, because that report contains some devastating news about the deficit, news that should keep us up perhaps all night around here as we address our responsibility for fiscal responsibility. It not only showed that the deficit is going back up next year, but that because of higher interest rates, the Government is going to spend an additional $125 billion—$125 billion on top of the $1.173 trillion we already pay—for interest—interest, Mr. President—over the next 5 years.

I was a banker in my former life. We lived on interest. It is like having a horse that eats while you sleep. It goes on and on and on. It is taking a bigger chunk out of our budget—14 percent. Canada—do you know what the Canadian budget interest costs are? Over 20 percent of their budget.

Let us reflect back in December 1980. What was the prime rate in the United States? It was 20.5 percent, December 1980, prime rate. Rates are going up today. If the 1980 rate was applied to the accumulated debt of this Nation today, we would be looking at nearly a third of our budget going to pay interest on the debt. So do not say it cannot

happen around here. Oftentimes, what goes around comes around.

Let me leave you with one more statistic, Mr. President. And we are talking about the pork in this bill and the $13 billion of deficit spending. Two years from now interest on our national debt will exceed all spending—all spending—on defense.

That is how far we flip-flopped. Interest does not provide one job. It does not provide any inventory. It does not provide any plant expansion. It simply has to be paid.

So, Mr. President, as we address the reforms on this side, I want to take all the pork out. I want prisons. I want capital punishment. I want what we need to take care of the criminal problem. I am not concerned about midnight basketball. If you want midnight basketball, I think it is appropriate that the States and cities address that. Should that really be a responsibility of the Federal Government? I think it is fine to have all the activities you want, but is it an obligation of the Federal Government? I do not think so. But I think building prisons is. I think having harsh penalties that criminals can understand in advance are, and habeas corpus, which is not in here, unfortunately.

Mr. KERRY. Will the Senator yield for a question?

Mr. MURKOWSKI. I would like to go ahead and finish because I am just about through, and then I would be happy to yield.

So I would ask the President if a mere $13 billion increase in the budget deficit is a technicality. I do not think so, and I do not think the American people believe it.

The simple fact is that this crime bill as it is structured now does not do the job. The bill in reality pays for some 20,000 new policemen nationwide. That is about one new officer for each police department in the Nation. And the problem with it is that the Government picks up the tab on the first 75 percent the first year, 50 percent the next year, the next year it is the other way around, the Federal Government picks up only 25 percent of the tab and in the fourth year that obligation falls on the local government entirely.

In my State of Alaska, every year we have, unfortunately, some 660 people out of 100,000 victimized by serious crime—car theft, larceny, rape, murder. This crime bill is too weak, in my opinion, to make a real difference, and in the opinion of the people in my State who are addressing these problems.

So who is going to benefit? Well, we know that a few politically connected big city mayors—15 of them—are going to benefit from discretionary grants handed out by the Attorney General. Over $5 billion was cut in the $13 billion Senate-passed prison construction bill—$5 billion cut. We need more prisons. The compromise report passed out of the other body actually cut an additional $800 million from the first conference report. My State of Alaska ranks first in the Nation in the cost of corrections and 12th in the Nation in incarceration rates. Prison construction is important to my State and was an important element of the bill the Senate passed. Now there is not even a guarantee that the $7.9 billion remaining will actually go for a sufficient number of prisons. And, of course, the administrative costs are going to come out of that.

Some of the new social programs in this bill sound good but not after it becomes clear that these programs really rob resources from really tough law enforcement programs while increasing—increasing—the deficit, Mr. President—we are not paying for it.

I want the Senate to vote up or down some of these unnecessary programs. The crime bill should not spend $50 million on social workers or a quarter of a billion on community development when the real need is someplace else.

I also want the Senate to vote up or down on important provisions the Senate already agreed to but were dropped along the way.

Nonpermanent aliens convicted of violent crimes should be deported. That was stripped out of the bill. We should insist on tougher Federal penalties for violent street gang crimes. Juveniles who commit Federal sexual offenses as well as other Federal violent crimes ought to be tried, in my opinion, as adults, and we should insist on enhanced mandatory minimum sentencing for selling drugs to minors or employing minors in the drug trade.

But when middle Americans see what they are really getting, that is, a weak crime bill at a price we cannot afford—and we cannot because we are adding to the deficit—they are going to be angry with Congress. They are angry now and rightfully so.

Finally, Mr. President, the conference report contains a ban on certain firearms, and as one who hunts, I am very familiar with these. Unfortunately, it is a ban based on the characterization—I repeat—the characterization of the firearm's appearance, not its functional capability. A ban that is clearly in conflict with the constitutional guarantee that the citizens of this country have the right to bear arms.

The constitutionality of this measure in the face of the second amendment has already been discussed at great length. I would like to see a vote. I want a vote on the right to bear arms with no limitations. We want to see our Members stand up and be counted on this as we should and not hide behind a charade.

Frankly, in my opinion, Mr. President, that is reason enough to oppose the conference report. But even in the absence of this provision, this is simply not a tough crime bill. This is a political bill, and we all know it. This is a bill designed to provide a little political cover for some 30-second TV ads. In my opinion, Mr. President, it is a travesty to ask the American people to pay some $30 billion for that. And that is an additional $13 billion added to the deficit. As a consequence, Mr. President, I urge my colleagues to reject the conference report.

I yield the floor. I would be happy to respond to my friend from Massachusetts.

Mr. KERRY. Mr. President, I thank my friend. I know the Senator from West Virginia has been waiting, and I do not want to disturb the order here. I will wait to respond to a number of issues raised by the Senator. But I really want to raise the most important issue here to dispose of the reality of where we are.

The Senator says that this is not funded and it increases the deficit. I ask the Senator whether or not he has read the conference report, specifically pages 319 through pages 321, in which it is very clearly set out as a matter of law that these reductions must take place; that the money can only be appropriated exclusively for this purpose to the levels set and that unless it is appropriated it cannot be spent.

Now, is the Senator aware of that?

Mr. MURKOWSKI. The Senator is aware of that. The bill does not cap expenditures each year. And I am sure——

Mr. KERRY. That does not in and of itself add to the deficit.

Mr. MURKOWSKI. If I may respond——

Mr. KERRY. That does not in and of itself add to the deficit, does it?

Mr. MURKOWSKI. On the contrary. I would like to have a chance to reply. It certainly does add to the deficit, because there is absolutely no spending cap certain years. And as a consequence, I wonder if the Senator from Massachusetts can identify where it is going to be paid for, specifically, how the $13 billion that is the spending caps and it is an additional amount, not offset specifically by the reduction in Federal employees and not controlled by caps, will be paid for. As far as I am concerned, Mr. President, the Senator and I can debate this in a year from now or 2 years from now and we will, I think, agree we have added $13 billion to the deficit.

Mr. KERRY. Let me ask the Senator, is the Senator from Alaska insinuating or accusing directly or stating that the distinguished chairman of the Appropriations Committee, the President pro tempore of the Senate, who just gave a long address on the Senate floor articulating how this is paid for under law, is he suggesting that that distinguished Senator has misled the entire Senate and the country?

Mr. MURKOWSKI. The Senator from Alaska would respond by specifically stating that there are no caps in certain years and as a consequence——

Mr. KERRY. That is not what I asked the Senator.

Mr. MURKOWSKI. Without the caps, in replying to the Senator from Massachusetts, there is no guarantee that there is adequate ability to offset that additional $13 billion that is just hanging out there.

Mr. KERRY. The Senator from West Virginia——

Mr. MURKOWSKI. We went from $22 billion to $30 billion and the caps were in place 5 years in the Senate bill.

Mr. KERRY. I would say to the distinguished Senator, Mr. President, that this talk about the caps is smoke screen, subterfuge, smoke and mirrors. It is the whole process here. The Senator from West Virginia, the chairman of the Appropriations Committee, has made clear to the Senate and the country that as a matter of law this is paid for by reductions of 252,000 employees. The Senator from Alaska and his friends come to the floor again and again, and they just want to say something and make it true even though it is not true.

I ask the Senator, is he saying the Senator from West Virginia has misled the country in his comments in the Chamber?

Mr. MURKOWSKI. I respond by simply stating the fact that we have an accumulated debt of $4.6 trillion. Now, did that occur by various members of the leadership or committee chairmen misleading us? I do not know how to explain to my friend from Massachusetts the reality, but we have accumulated $4.6 trillion worth of debt. Our deficit this year is $170 billion. How did that occur? It occurred through the good efforts of 100 Senators trying to be responsible. But we are irresponsible in the sense that we are dedicating some—well, it is roughly 14 percent of our budget—to interest on the debt. Now, how did that occur?

Mr. KERRY. Mr. President, I would be delighted——

Mr. MURKOWSKI. It occurred through efforts similar to this.

Mr. KERRY. I would be delighted to answer the question of the Senator from Alaska. When President Carter left office, the debt in this country was less than $1 trillion. When Presidents Reagan and Bush left office, indeed, the debt of this country was over $4 trillion. For the first time in the history of this country since Harry Truman was President of the United States we can now say that we have had the third consecutive year of deficit reduction.

It came about through a reduction bill that every single Republican said was going to bankrupt the country, would not provide new jobs, and was not going to be real deficit reduction.

I ask America. Who do you want to believe? Do you want to believe the people who told you the sky was going to fall in last year when we passed the budget, but nevertheless we have the deficit reduction? Do you want to believe the distinguished chairman of the Appropriations Committee who said this is funded? Or do you want to believe the Senator who just stands on the floor and says we have this debt?

How did it happen? It happened under the watch of President Reagan and President Bush, and I might add with the complicity of the Congress. But never once did they veto those appropriations bills.

So I do not think it is very hard to find the answer for how we got where we are. The question is how we are going to get out of here with this crime bill.

Mr. MURKOWSKI. If I could respond to my friend, I would state the fact and the reality is—he can agree or disagree—the Government is going to spend an additional $125 billion on top of the $1.173 trillion to pay for interest over the next 5 years. Is he suggesting that figure is inaccurate? Because it is not.

Mr. KERRY. No. I am not suggesting that.

Mr. MURKOWSKI. Or that figure occurred because of deficit spending? I would hope he would acknowledge that.

Mr. KERRY. Mr. President, here is the game. We are going around in circles. I asked a question. Is the Senator misleading? We still have not had an answer. I pointed out where in the law it is paid for, and he is talking about interest on the debt. I understand interest on the debt. I supported Gramm-Rudman-Hollings. I have been prepared to vote for balanced budget laws. Let us get it done. But this bill will not increase the deficit. To come out and tell Americans that is going to happen is just incorrect. It is the game that is being played here.

I will await my turn in line. I thank the distinguished Senator from West Virginia. I thank my colleague.

Mr. MURKOWSKI. If I could respond, I would simply challenge my good friend. The position of the Senator from Alaska—if I may respond—is that the first $22 billion was paid for when it left here. There is no way to identify specifically how it is paid for now.

So I simply do not accept the generalization of my good friend from Massachusetts who is claiming that somehow, through a magic reduction of Federal employees, which I think in our lifetime we have yet to see, it is going to suddenly occur and make up this difference.

I would suggest that reality dictates that is not going to be the case. We funded $22 billion. Now there is $13 billion that is not offset. It is out there. We are going to add it to the deficit. We are going to be paying interest on it.

I thank the President. I thank the Chair.

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

Mr. MURKOWSKI. Yes. I still would be happy to respond to any questions.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, before yielding the floor to the Senator from West Virginia, let me say to my friend that I hear his passionate disagreement. But he is not just disagreeing with me. He is disagreeing with what he says. He is disagreeing with what the distinguished President pro tempore of the Senate said.

More importantly, I think he is ignoring what is already happening. There are less Federal employees today than—I think this is correct—since the time of President Kennedy. That has happened during the course of the last year and a half under the performance review. It is happening.

Senators can come to the floor and wish away these realities. But the American people do not want wishes and partisanship, they want facts. And the fact is people are being reduced today. The fact is there is a trust fund. The fact is this money must be appropriated each year. And the U.S. Senate will have to stand here and be accountable for what it does today. If we say we are going to reduce that debt, we can be held accountable in the future. The question is do we want to be?

Mr. DOMENICI. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from West Virginia was to be recognized.

Mr. DOMENICI. Will the Senator from Massachusetts yield for a question?

The PRESIDING OFFICER. Will the Senator from West Virginia yield to the Senator from Massachusetts to yield for a question to the Senator from New Mexico?

Mr. KERRY. I am going to stay on the floor, I say, and I would be happy to have a colloquy.

Mr. DOMENICI. I will stay also and give my remarks. I do not have to ask a question. I thank the Senator for his generosity.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, yesterday every American was made a potential victim of a grave crime. The perpetrators made no effort to conceal their motive or their weapon. They looked at the possibility of enacting an historic, desperately needed anticrime bill, and believe it or not, their reaction was to pull the trigger.

Today, we can only hope this was a temporary moment of insanity.

There is no excuse, no plea, no alibi that could possibly justify a band of Senators ganging up to kill an

anticrime, antidrug, antiviolence piece of legislation that they heralded and voted for en masse—by a vote of 95 to 4—less than a year ago.

Nor is there anything subtle about this attack on the crime bill. Now that the stakes are human lives, we had better call it like we see it: Just a few too many Senators are thinking far too much about something called winning seats instead of defending streets.

Let us face it, this is a big election year. More Democrats are up than Republicans. Keep the crime bill from passing this Senate, keep the crime bill from the President's desk, and maybe you will score some points for Republicans.

But what about everyone else? Why worry about the people of our State who still will not be safe? Why think about our police officers who risk their lives every day for the rest of us, and who are begging the Senate to pass this bill? Why give a minute's thought to the criminals and the gangs still on the street, buying more Uzis, selling more drugs, mowing down innocent people?

Never in my wildest dreams did I think that pure politics could lead to this new, all-time low on an issue that is as fundamental as the safety and lives of the American people. How can anyone in the group of 95 Senators, who voted for the crime bill last November, explain this incredible retreat? Has political self-interest really come to this?

When I was listening to the debate last night, I heard at least one Senator ask why it matters if this crime bill sputters for a few days.

First of all, the Republican blockage against this crime bill puts the passage of a crime bill in grave jeopardy, period. The Senators blocking this crime bill have to decide right this minute whether they will let us protect Americans.

But let me point out the reason to get the hurdles out of the way. It is called human lives.

Again, just 10 months ago, on November 19, 95 Senators voted for the passage of this anticrime bill. And thanks to the heroic efforts of the Senator from Delaware, many of our colleagues in both Houses, and the President, we now have the final version, called the conference report, of a bill that is almost identical to the Senate version that those 94 Senators voted for.

In just 6 of those months, 1,829 violent crimes were committed in my State alone—1,829 violent crimes, between December 1993 and May 1994—36 murders, 183 rapes, 419 robberies, 1,191 assaults.

That is why every minute counts. That is why anyone blocking the passage of this crime bill cannot come up with a single excuse for putting politics over the safety of their constituents.

I say to the American people that we need your help. We need you to call your Senators who are forming the blockade against the crime bill to come out and vote for a bill to make you and your families and police officers and our streets more safe. Ask them a simple question. Will you vote to protect me and my family from the terror of crime? Will you do it today?

Every piece of this bill is urgently needed. It has got money to build more prisons for violent criminals. It will set up boot camps for people young enough who maybe can be kept from a lifetime of preying on others. It will slap longer sentences and tougher penalties on criminals that have no business being on our streets. It will put more police officers on those streets. And yes, this bill will give our communities, our schools, our States more funds and more tools to try to prevent crime and channel people into jobs, into classrooms, into places that may convince them that there is a better way.

This crime bill also retains the ban on a very specific list of 19 military-style assault weapons. This one provision, out of a comprehensive piece of legislation that deals with crime on many fronts, has generated the most conflict of all over this bill when it comes to its actual contents.

As the Senator of West Virginia, I understand the concerns about gun control. My State has a proud heritage of hunting and sporting. The vast majority of West Virginians are law-abiding, good people—and my obligation is to defend their rights to protect themselves and their liberties.

But I also feel a sacred obligation to deal with the changing world before us, with its new dangers that rage at our police officers and our people. This is the reason I have voted for this ban on 19 kinds of assault weapons. Because these guns are now, in today's world, the weapons of choice for some of the most dangerous criminals. We simply have to try and keep them from stamping out lives senselessly.

This bill does not say that a ban on military-style assault weapons will end crime. It will not even come close. But this part of the bill is just one of many, many steps we must take at every level, through government and as citizens, to defend ourselves from today's dangers.

West Virginians who worry about the possibility of more restrictions on guns will want to look at the part of this legislative package that actually protects more than 600 other kinds of guns in order to ensure our law-abiding citizens that these are guns that they can legally own and collect.

Police officers and sheriffs in West Virginia, and their fellow officers across this country, have asked us to include this ban on assault weapons. They fear for their lives as they try to defend ours. I think they deserve this response from all of us, as we pledge to give our communities and leaders the many tools—the funds, the punishment, the public commitment—in the rest of this bill to fight crime in every way we know how.

Mr. President, again, this is the crime bill that 95 Senators voted for last November. This is the crime bill that we're trying to enact today. It costs the same amount of money over 5 years that it cost last November, paid out of the same kind of trust fund that 94 Senators voted for last November. It includes virtually the same desperately needed measures to make our people and our police officers safer than it did last November. The only difference between last November and today is whether taking on crime or taking on Democrats is more important.

And the Senators coming up with dozens of reasons to hold up this bill know perfectly well that every single one of us had a chance to contribute to what's in this package and what isn't. This bill includes provisions and programs that resulted from countless hours of negotiation among virtually every Member of this body.

I am upset about this for a reason. My State needs this bill to pass, today, not tomorrow, not next week, not next month.

Most people do not think about West Virginia when they decry America's crime problems. Yes, the problems are much worse in other States and in the big cities. But we all know that crime has made its way to every town and neighborhood.

I have spent a lot of time recently talking about crime with the leaders and police officers and people of my State. In June, I held a statewide summit on crime to learn about the kinds of crime that are preying on our State and to talk about how together we can fight to stop it.

We in West Virginia are seeing our streets and our schools and our communities become less safe. We shudder along with the rest of America at the wave of killings and shootings that fill the evening news and our morning newspapers. We proudly still have the lowest crime rate in the country. But behind that one comforting statistic, West Virginia is experiencing drug trafficking, domestic crimes, gangs, and a startling increase in violent crime.

The people and law enforcement of West Virginia need this crime bill to pass today.

Listen to what Rufus Park, the mayor of Charles Town, WV wrote me:

> It is my strong conviction that the drug problem is much too great for us to solve on our own and with our limited resources, and that we must have assistance from the Federal level.

Listen to what Larry Starcher, a chief judge in Morgantown, wrote me:

> You have my support for the crime bill. While we may not agree with every facet of it, it is a needed piece of legislation—particularly more police officers.

I know that every single Senator has gotten these letters and phone calls from the people of their States who are on the front lines. We are hearing and reading the fears and the needs of law enforcement officials all over America. People who have every reason to expect that selfish politics shouldn't hold a candle up to public safety and to waging the fight against crime.

Those are the voices that we should respond to. Those are the people we should feel most responsible to. Mayors desperate for help to make their towns' streets safe again. Judges begging for the resources to make their courtrooms, once again, more than just revolving doors. Cops already overwhelmed by their jobs and asking for help. Teachers—and students—eager to make schools a refuge from the mean streets, not an extension. And everyday people tired of giving up their neighborhoods to thugs, and now watching a group of Senators throwing up roadblocks to a bill that may make a difference.

This crime bill will make a difference in West Virginia. Some of us worked hard to include grants for rural States like mine, so we finally get some help. There is $1.7 million in rural law enforcement funding in this bill for West Virginia. If we prove that we will keep violent offenders in jail, and we will, West Virginia can get $17 million for more prison space and boot camps. We are guaranteed $44 million to hire more police officers. Our courts and law enforcement officials can apply for grants to keep better track of crimes; beef up our courts; protect more women from the domestic violence that plagues our State; and help our communities with their different crime and drug problems.

At our summit on crime in June, West Virginians heard the tragic news that domestic violence continues to destroy lives and families around our State. This is another reason that passing this crime bill is so urgent. This package includes the Violence Against Women Act, a bipartisan proposal to help the victims of domestic violence. Here is another area where Senator BIDEN has extended steadfast leadership on behalf of Americans and the people of my State, and I am proud to note that I cosponsored his bill.

I have visited a West Virginia shelter for battered women and children, and talked to them about the trauma they have been through in their own homes. They need help and they have already waited far too long for that help. Passing this bill is the only way we can institute a series of steps, including $1.62 billion of real support, to protect and bring relief to these victims.

Since May of this year, two brutal murders occurred in West Virginia where one family member killed another. In one case, a small child watched as her mother was killed, and had to climb over the body to run for help.

How can anyone hear a story like this, knowing there's help for our communities to combat domestic violence, and stand in the way of passing this bill?

West Virginia can start winning the war on crime if and only if the Senate roadblock on this bill comes crashing down.

Mr. President, I am here to beg for sanity. The obstructionists are picking on the innocent. Nothing is worth denying the chance we have today to defend the safety of the American people.

If we are not allowed to pass this bill, things will only get worse. If a Senate blockade prevails, through a budget point of order, through threatening letters, through filibustering or cloture votes, the only winners—the only winners—will be the thieves, the gangs, the cold-blooded criminals that prey on the streets and schoolyards and backyards of every single State in the Union.

For all we talk about taking on crime, now we have a chance to really do it. We can put more police officers on the streets, and those police can be better trained and equipped. We can give judges the ability to keep truly dangerous people where they belong—behind bars—and serve their communities better. We can get to at-risk kids early and keep from them from becoming career criminals that just get carried along through the criminal justice system. We can protect women and kids from being victimized.

Americans deserve so much better. The people of my State deserve so much better. Around this country, citizens are struggling to protect themselves, their children, their fellow citizens. And here they watch a group of Senators protecting some kind of political edge or advantage that I don't even understand.

Mr. President, on behalf of the people I represent, I ask my colleagues to take down the roadblocks. Restore peace and sanity within these walls. Together, we joined as 95 Senators last November and promised help to our people against crime. Together, we must join again, right now, and keep that promise.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The majority leader is recognized.

Mr. MITCHELL. Madam President, I have had several discussions today with the distinguished Republican leader, the most recent one just a few moments ago, and following that discussion I am announcing there will be no rollcall votes today.

The distinguished Republican leader and I have had several discussions, the most recent one in which he presented to me a proposal for how best to proceed with this matter. That proposal was prepared as a result of a Republican Senators caucus held today.

I indicated to my colleagues that it would be necessary for me to convene a meeting of Democratic Senators tomorrow morning for that purpose, following which we will then be prepared to respond to the proposal.

So the debate will continue this evening for as long as the managers wish to do so, but there will be no rollcall votes, and we hope to have an announcement tomorrow morning with respect to the schedule.

I thank my colleagues for their courtesy.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Madam President, as the Senate prepares to take action on the conference report of the crime bill I add my voice to the chorus of those who will support final passage of the bill. It is clear that there is no issue more important in the minds of Rhode Islanders and Americans than the crime epidemic which currently plagues our country. The time for decisive, broad based, and meaningful Federal assistance is long overdue and I am pleased that the 6 years of work that went into forging this crime bill has produced a package which looks as if it will finally turn rhetoric into reality. And here very great and real credit must go to Mr. BIDEN, the Senator from Delaware. Our cities, towns, and neighborhoods will directly benefit from the increased law enforcement, relief from prison overcrowding, tightened and revamped sentencing, and prevention measures in this bill and they need this assistance immediately. If the Senate approves this conference report, I am confident that the President and the administration will act with due haste so that this much needed shot in the arm for our local crimefighting efforts will be administered as soon as possible.

Before I begin to speak to the broader aspects of the bill however, I feel that I must address some confusing and misleading information that has come out in debate today regarding the effect of the bill on a program in our capital city of Providence, RI.

On the floor and on news programs earlier today, it was said that according to the mayor of the Providence, RI, $3 million would go to a program which would have graffiti artists trained to be mural artists. I was not aware of this supposed actual example of what this bill is going to do in my home State, as it has been claimed, so I contacted the mayor's office and inquired as to what this was all about. The answer I received certainly cleared things up and I can tell the Senate unequivocally that this bill will not send $3 million to retrain graffiti violators into mural artists in Providence. Indeed, I ask unanimous consent that a letter I have received from the mayor of Providence, Buddy Cianci, on this subject be printed in the RECORD.

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

MAYOR OF PROVIDENCE,
*Providence, RI, August 24, 1994.*

Senator CLAIBORNE PELL,
*U.S. Senate*
*Washington DC.*

DEAR SENATOR PELL: I am honored that members of the United States Senate have brought Providence, Rhode Island into the national debate regarding the Crime bill. However, there have been some misunderstandings that I would like to clear up.

When the Crime Bill is passed, Providence will not be spending $3 million a year to convert graffiti writers into painters of public murals.

We expect that our entire LPA allocation would be $3 million over six years. Only a small portion of the $500,00 we would receive annually would go to the graffiti program.

You should know that people who live in urban neighborhoods strongly support our efforts to rid the city of graffiti vandalism. Last October, I created a special task force to address this problem. In less than a year, graffiti on more than 1,000 homes and other structures in Providence has been painted over. Meanwhile, about 60 graffiti-writers have been arrested and convicted. The courts assigned these youths to the public service of cleaning graffiti from buildings in their own neighborhoods. To date, about 200 buildings have been cleaned by convicted youths. We have also begun to involve convicted graffiti writers in the painting of public murals in their own neighborhoods.

With LPAA funds, we will develop a comprehensive series of programs to reach socially isolated urban youths, and redirect them towards socially and economically constructive behavior—for themselves and their neighborhoods. We must all remember that it is much cheaper to turn around a teenage boy today than incarcerate a convicted felon tomorrow.

I trust that you will convey to your colleagues the importance of the work we have begun in Providence.

Sincerely,

VINCENT A. CIANCI, Jr.,
*Mayor of Providence.*

Mr. PELL. Madam President, in brief, the letter states that Mayor Cianci had simply been speaking about the $3 million Providence is expected to receive under the Local Partnership Act title of this bill. He then stated that programs like the one already successfully in place in Providence which deals with graffiti violators in a constructive way would be an example of the kinds of prevention and intervention programs that could be allocated with some of these funds. It is absurd, irresponsible, and disingenuous to say that the entire $3 million would go to this one very small program and indeed the mayor firmly states that he has no intention of doing so.

The crime bill purposely, and I believe appropriately, has left the discretion for the use of such funds with the local jurisdictions that receive them for use as they see best. This is wise as I believe that the decisions on how best to deal with crime and develop crime prevention are almost invariably best left to local officials and citizens. In this case, I am confident that the able and articulate mayor of the city of Providence, Mayor Cianci, and his administration, who have incidentally done a fine job of running and managing Rhode Island's largest city, would use any funds received under this bill in an appropriate and fiscally prudent manner to combat crime. And again, should any Senator be concerned, I can tell you that he has told me that the entire $3 million he expects Providence to receive under the LPA will not be allocated to the graffiti program. Incidentally, this program is not a frivolous creation of this bill. It was established following the recommendations of a task force established by the mayor and it is one that is strongly supported by the residents of the city of Providence. I find it disheartening that some have seized on this program, distorted, and misrepresented its scope and the impact that the crime bill would have upon it and encourage my colleagues to stick to the facts in debating the merits of the crime bill.

Regarding the larger specifics of the crime bill, I note that much of the debate in recent days has centered on guns. Of particular concern to members of the National Rifle Association and those elected representatives who subscribe to their beliefs is the ban on certain assault weapons contained in the bill. I have long supported banning such weapons and am pleased that Congress has finally taken some affirmative action to curb the availability of these weapons whose primary and practically sole purpose is simply to kill people. Gun violence is out of control in this country and we must take measures to combat it. Should anyone doubt the prevalence of gun-related violence, I will include for the RECORD a chronology from the Providence Journal which is the latest in a monthly listing of incidents involving gun violence in the State of Rhode Island. The long and ever-growing list of incidents is numbing to read and further evidence that we must take steps to address the menace of guns in our daily lives. I am pleased that this crime bill takes the first steps toward doing so.

Regarding other provisions, I am pleased that this bill will provide for additional police officers throughout the country and that the concept of community policing, or the cop on the beat, is endorsed. I am also particularly pleased that the Violence Against Women Act is included in the bill and that we begin the effort to combat the all-too-common phenomenon of domestic violence in America. These and many other provisions make a serious and constructive effort to address crime at all levels.

I must also state however that this crime bill contains much that I do not particularly like. Most distressing to me is the drastic increase in the crimes for which the death penalty may be applied; an increase from the current 13 to 60. I do not believe in the death penalty and recall that the last time someone was put to death in Rhode Island, it was later shown that he was innocent of the crime of which he was convicted. Consequently, capital punishment has been outlawed in Rhode Island since 1852. I firmly believe that capital punishment does not serve as a deterrent and that in pursuing the death penalty the country is going down a path abandoned long ago because it is not only uncivilized but has also been shown to be ultimately ineffective and often administered in a discriminatory fashion.

Other issues which have troubled me in the debate over this bill include the endorsement of the three-strikes-and-you're-out provision in the bill and the heavy emphasis on incarceration and inflexible punishment rather than crime prevention. The non-sensical accusations that the prevention measures contained in this bill are merely social pork-barelling are truly irresponsible and shortsighted. As a society we must do more to address the root causes of crime and prevent it from happening in the first place rather than just locking people up and throwing away the key. Fortunately, numerous programs were preserved in the conference report and with them, we are headed down the path of truly dealing with crime in a constructive way.

In sum, while I may not like all that is in the bill, I support this bill because the good outweighs the bad. Inevitably when you are dealing with an issue as broad and as contentious as this, compromise is necessary in order to avoid paralysis and gridlock. I commend the President, the Judiciary Committee, and especially its chairman, Senator BIDEN, for their diligent and persistent efforts. Thanks to their dedication we finally have a bill which will truly take a historic step in our Nation's history in the fight against crime.

Madam President, I ask unanimous consent that materials detailing gun-related incidents in Rhode Island printed in the Providence Journal be printed in the RECORD.

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

[From the Providence Journal-Bulletin, Aug. 18, 1994]

1994: GUNS IN RHODE ISLAND

Throughout 1994, the Journal-Bulletin will publish a monthly listing of incidents involving guns. The list will be cumulative, allowing readers to see the total number of reported gun incidents for the year. Suicides and attempted suicides are included only if they occurred in a public venue and/or involved police.

Aug. 17: A man with a torn rubber glove over his face storms into a hair salon at 99 Lambert Lind Highway, Warwick, pulls a handgun from a paper bag, robs customers and employees and flees in a car later found abandoned at the Warwick Mall.

Aug. 16: Alphonzo Zeigler, 37, is shot in the back after allegedly beating his girlfriend in front of several witnesses. After the shooting is reported, about 3 a.m., Providence police find Zeigler, critically wounded, huddling in his driveway at 84 Hamilton St. The woman is hospitalized in serious condition. Police say witnesses told them Zeigler hit her several times with a board, but "when we asked them about the shooting, they all said they didn't know anything about that." No gun is found.

Aug. 15: An exchange of threats and insults between two carloads of young people ends in a fatal shooting at Gridley and Bismark Streets, Providence, at 4:30 a.m. Manuel Miranda, 18, of Pawtucket is shot to death and David Daluz, 19, also of Pawtucket, is wounded when they get out of their car. Police stop the other car minutes later and find that Jose Gonsales, 19, of Brockton, Mass., is also wounded. Alderico Mendes, 18, who gives addresses in Stoughton and Brockton, is charged with murder.

Aug. 14: At 2:30 a.m., according to East Providence police, Jon K. Andrews rings the doorbell at 67 Viola Ave., where his ex-wife is staying, and forces his way in by pointing a pistol at the head of the man who lives there. The resident pushes Andrews out and he leaves, but returns just as police arrive. After a chase, police arrest Andrews on Crescent View Avenue near the carousel. Andrews, 30, of 121 Earl Ave., is charged with drunk driving, assault with a dangerous weapon and three felony gun charges, including possessing a firearm after conviction of a violent crime. He has twice been convicted of domestic assault.

Aug. 11: Three masked men burst into a temporary employment agency at 920 Chalkstone Ave., Providence, about 4:45 a.m. and rob three people at gunpoint.

Aug. 11: Leonard Walker, 34, is shot in the groin by one of two would-be robbers, who approach him in a car as he walks on the Route 95 overpass near his home at Dexter Manor, 100 Broad St., Providence. He tells police he was shot when he refused to give them money.

Aug. 10: A .22-caliber handgun is among items reported stolen in a break at Century Plating International Inc., 472 Potters Ave., Providence.

Aug. 4: Ernest E. Chandler III, 18, and a 16-year-old are arrested in a drug raid at Chandler's apartment at 755 Atwells Ave., Providence. Along with marijuana and cocaine, police seize a loaded pistol.

Aug. 2: A resident of Pawtucket's Woodlawn neighborhood reports seeing four masked gunmen threaten another man behind 67 West Ave. and fire about 10 shots into the rear of the house about 10 p.m. Police say they are trying to identify and find the man who was threatened.

Aug. 2: Bernard H. Speaks holds his 5-month-old son hostage at gunpoint in his home at 43 Atlantic Ave., Providence, after a judge grants custody of the child to his estranged wife. Speaks, 52, a state prison guard for nearly 19 years, surrenders after more than two hours of negotiations.

Aug. 1: Jorge Ajaka, 35, of 271 Potters Ave., Providence, allegedly threatens his ex-girlfriend with a gun at her home, 347 Potters Ave. Police arrest him at his home and seize a shotgun and a handgun.

JULY

July 31: Curtis Lee, 20, is shot in the back as he walks away after breaking up a fight between two people at Weybosset and Clemence streets in Providence about 1:50 a.m.

July 29: Four people tell Providence police they were robbed at gunpoint outside 123 Ohio Ave. about 3:45 a.m. by four young men in a small gray car. Moments later police spot a car matching the description on Prairie Avenue, stop it after a short chase and arrest four 17-year-olds. Police find a .38-caliber revolver under a seat.

July 29: A man wakes in his bedroom at 25 Tappan St., Providence, shortly after midnight to find a masked man with a pistol on top of him, he later tells police. Another man stands nearby with a sawed-off shotgun. After a struggle the man with the pistol takes $600 from a night stand, goes downstairs and takes a purse from a woman sleeping on a couch and beer from the refrigerator. Both robbers leave by the front door.

July 29: Luis Tavarez of 25 Massie St., Providence, is hospitalized with an unspecified gunshot injury after a friend reports Tavarez apparently shot himself accidentally in a car outside his house about 5 a.m.

July 28: Kimberly M. Walsh, 23, of North Kingstown is found shot to death in the woods off Route 403, a pistol beside her body.

July 28: Danny Shepard, 17, and a friend are playing with a gun about 11:30 a.m. near Eddy and Nebraska streets, Providence, when the gun fires and a bullet grazes Shepard's head.

July 25: A masked gunman locks a clerk, two patrons and the owner in a cooler at the Coventry Wine and Liquor store, 600 Washington St., Coventry, about 9:20 p.m. and takes an undisclosed amount of money from the cash register.

July 22: Cranston police investigating an alleged drug dealer seize 23 weapons from his home at 251 Capuano Ave., including handguns, shotguns, rifles and crossbows. Four guns are loaded: an AK-47 assault rifle, two snub-nosed .38-caliber revolvers and a .45-caliber pistol with a laser gun sight. Anthony C. Simone Jr., 40, is charged with various drug and weapons offenses.

July 20: Someone reports shots fired at 39 Temple St., Providence, about 9 p.m. Police are met by a crowd of about 50 people they say "turned riotous." After a brawl, police arrest three adults and two juveniles for assault and disorderly conduct, and seize a .25-caliber pistol and a small amount of marijuana.

July 20: A 17-year-old boy is shot in the leg on Chad Brown Street, Providence.

July 20: A masked man enters the Better Bake Shop at 373 Smith St., Providence, at 8:30 a.m., points a gun at an employee and flees with an undisclosed amount of cash.

July 19: Hugo Herrarta and Jose Ruiz are robbed and assaulted by four men, one armed with a shotgun and another with a board, at 146 Burnett St., Providence, about midnight, they tell police. Ruiz is treated for a head cut.

July 19: Fernando Tavares, 23, is fatally shot at 4:30 p.m. as he sits in his car arguing with a man on a bicycle at Parkview Avenue and O'Connor Street, Providence. He manages to drive to a nearby store, where employees call police and rescue workers, but dies a few hours later. A warrant is issued charging a suspect with murder.

July 19: Harvey Monplaiser, 19, of 60 Penn St., Providence, is charged with illegal possession of a .38-caliber pistol and two 17-year-olds are charged with drug possession after residents complain that youths are selling drugs in the area. Police seize a second pistol from the basement of 60 Penn St.

July 18: Responding to a report of gunshots at 2:30 a.m., Newport police hear a man and a woman arguing inside 131 Sims St. Police find five bullets in a bedroom and a disassembled .32-caliber revolver under a mattress. Keith Antone, 29, of 223 Park Holm is charged with possession of a firearm without a permit and possession of a firearm after being convicted of a crime. The conviction was for domestic violence.

July 17: Two men approach Wesley Beckton, 29, and Sterling Washington, 38, as they work on a car on Potters Avenue, Providence. After a brief verbal exchange one of the men pulls a shotgun loaded with birdshot from behind his back and fires on Beckton and Washington, wounding both. They tell police they cannot identify the assailants.

July 14: As Providence police approach an unregistered car they stopped on Wadsworth Street, passenger Charles Abbott, 24, allegedly puts a loaded .38-caliber pistol under the seat. He is charged with possession of a pistol without a license.

July 17: Jesse Robbins, 23, allegedly hides a shotgun under a car seat as Providence police disperse a crowd on Cranston Street about 11 p.m. Robbins is charged with illegal possession of a firearm and possession of a stolen firearm.

July 13: Mirto Troian, 67, of Hillhurst Avenue, Providence, a former custodian for St. Bartholomew Parish, is found shot to death about 5:45 a.m. in front of the parish school on Laurel Hill Avenue. Police find a shotgun nearby and an apparent suicide note in Troian's pocket that says." Thanks St. Bart's for letting me breathe asbestos for 30 years." The current custodian says Troian, a widower, recently had a tumor diagnosed and was very depressed. The pastor says asbestos was cleaned up several years ago.

July 9: In an apparent dispute over a debt, two men in a car shoot at a parked car occupied by a woman and a man, on Ford Street, Providence, at 7:15 p.m. Bullets strike the car and a nearby house, Police later arrest Keith Ware, 28, and Jumanee Orry Jackson, 24, at 70 America St. and seize two handguns.

July 7: Two men with guns and a woman with a knife rob five people of more than $4,000 in an apartment at 11 Babcock St., Providence, being used as a clothing store.

July 3: Ronald Volpe, 39, is shot to death as he trims his hedges at 39 Whipple Court, North Providence. Neighbors tell police Volpe had been feuding with his next-door neighbor, James A. Gallagher, about those hedges for three years. Gallaher is charged with murder; police seize a shotgun and several other weapons from his home.

JUNE

June 27: Keith Singleton, 18, of 27 Goddard St., Providence, is arrested on a warrant charging him with assaulting a woman with a gun on Feb. 22.

June 26: Edgar Berreondo, 29, breaks into Ana Hernandez's apartment at 18 Joseph St., Providence, about 3 a.m. and guns down Hernandez and Elmer Flores, 24. He then kills himself. The day before, Berreondo attacked Hernandez when she refused to resume their relationship, and police advised her to get a restraining order immediately. She was so fearful that she asked her sister to take her two children, 11 and 5, for the night. By morning police have an arrest warrant, but it's too late. In a suicide note to his brother, Berreondo wrote: "I'm desperate. Ana was at fault."

June 24: Rolando Miles, 18, is shot down on Stanwood Street, Providence, and dies on the operating table a few hours later. Witnesses say Miles and another, unidentified man were arguing loudly in the middle of the street when the other man pulled a pistol from his waistband and shot Miles.

June 24: Jose DoSantos of 16 Barnes St., Pawtucket is arraigned on a domestic assault charge for allegedly punching his wife, Violanta DoSantos. Mrs. DoSantos told police her husband showed her a gun, accused her of seeing another man and said if he saw her with him he would shoot them both.

June 24: A passenger tosses a loaded pistol out of a car being followed by Providence police shortly after 2 a.m. Police stop the car on Orange Street and passenger Angel Melendez, 22, is charged with possession of a firearm.

June 22: A Providence woman tells police someone pointed a gun at her at Prairie Avenue and Oxford Street about 1 a.m. Police stop a car matching her description on Pavilion Avenue and seize a loaded handgun from under the seat. Da'ud Nural-Islam, 21 of 64 Camp St. is charged with possession of the gun without a license.

June 21: Gunfire erupts in Providence's Washington Park neighborhood about 8:25 p.m. as Edwin Rodriguez, 17, and Eugenia Vasquez, 18, exchange shots in a dispute over a car, according to police. Rodriguez, standing on his porch at 206 California Ave., is struck in the chest and critically wounded. A 15-year-old relative then shoots Vasquez in the face with a shotgun, later telling police he was trying to protect Rodriguez. Vasquez, of Worcester, Mass., is charged with assault with intent to murder and the 15-year-old is referred to Family Court.

June 21: A woman is raped at gunpoint by a masked man who cut through a screen to get into her apartment, on Tappan Street, Providence, about 1:20 a.m. He then ransacks the apartment and steals $39.

June 20: A woman is raped and two families robbed in a house on Norwich Avenue, Providence, after three men confront the woman's boyfriend outside their home about 9:30 p.m. and put a gun to his head, forcing him back inside. They tie up the woman and the couple's children, and rob them of $40. One man rapes the woman. The other two take the boyfriend upstairs to a neighbor's and force him to knock on the door. When the neighbor opens the door the intruders burst in, tie up that woman and her boyfriend, rob them of $790 and ransack the apartment.

June 20: Vincent Lantigua of 92 Lonsdale Ave. in Pawtucket's Woodlawn neighborhood, fires several shots at his upstairs neighbors, with whom he has been feuding for several weeks, according to police. (Neither neighbor is injured.) Lantigua, 30, is charged with two counts of assault with a dangerous weapon.

June 20: Albert Stokes, 27, is shot in the leg after two men with whom he had been arguing on Houston Street, Providence, return with a .32- or .38-caliber pistol.

June 19: David Scialo holds a gun to another man's head, punches him and threatens to kill him at about 12:30 a.m. near Canal Street and Park Row, according to Providence police. Police find a loaded .25-caliber handgun in Scialo's pocket. Scialo, 26, of Groton St., is charged with assault with a dangerous weapon, carrying a firearm while intoxicated and committing a crime of violence while armed.

June 16: Garrick Ashley of 29 Fairmount St., Providence, is charged with receiving stolen goods after police find him with a loaded handgun at 270 Pumgansett St.

June 15: Adrian Ashby of Providence is shot in the head by an unidentified assailant while a passenger in a car on June Street. He tells police he heard several gunshots. The driver and another passenger take him to the hospital and tell police they heard a single gunshot and didn't see anyone fire a gun. Police say they refused to cooperate further.

June 15: Two women are in a car in front of 29 Hart St., Providence, when two men approach, flash a gun and demand money. The women speed away, one later tells police.

June 12: Christopher Ross of Providence, is shot in the arm during a dispute at Elmwood and Potters Avenues about 10 p.m.

June 11: A 13-year-old boy is charged with possession of a handgun after Providence police find him on Taylor Street about 10:10 p.m., then find a loaded 9mm gun on his backpack.

June 11: Kolawole Azerz, 19, of Providence is shot in the thigh during a dispute at Cranston and Lester Streets about 5:30 p.m.

June 11: Providence police charge Julio Silva, 39, of 207 Camp St. with illegal possession of a firearm, a loaded .25-caliber pistol.

June 9: Arthur DeFusco, 42, of Bristol shoots a dog in the Crandall Road area of Tiverton while looking for his stolen truck, and is charged with a misdemeanor court of discharging a firearm without the permission of the land owner. DeFusco says the dog was chasing him, and he shot in self-defense. (The dog is treated and released to its owner.)

June 9: Four robbers confront Dennis Green of Warwick and two of his friends at the Temple to Music in Roger Williams Park about 6:30 p.m., and shoot Green, 30, in the forearm "simply because he didn't have enough money," according to police.

June 8: Newport police charge Steven F. Borges, 32, and Russell J. Ney, 37, with carrying a concealed weapon after they allegedly try to sell a handgun to patrons at the On Deck Circle bar on Broadway.

June 8: Adriano Diaz, 70, of 62 Stanwood St. fires a shotgun into the air about 3 a.m. He tells Providence police he had been arguing with some men, and when one smashed his car windows he fired a single shot. Police charge him with discharging a firearm within a compact area.

June 5: A male acquaintance threatens a Providence woman with a gun at her home, at 596 Public St., about 11 p.m., she later tells police.

June 4: A Providence woman tells police her boyfriend put a gun to her head and threatened to kill her about 9 p.m. He is not there when police arrive at her home, at 47 Lancashire St.; they seize a clip with six rounds of .32-caliber bullets.

MAY

May 31: An 11-year-old boy tells a counselor at the Camden Avenue Elementary School in Providence that two of his friends were having trouble with some boys in the neighborhood, pooled their money and bought a gun. By day's end police recover a loaded .32-caliber revolver from a 14-year-old.

May 25: A man accosts Vincent A. Paolino, 26, on Raymond Street, Providence, about 10 p.m., demanding money and a telephone. When Paolino refuses, the man pulls out a gun and fires several shots, wounding Paolino as he runs away.

May 25: A 17-year-old girl shoots herself at Exeter-West Greenwich Junior-Senior High School with her father's handgun about 5 p.m., in an apparent suicide attempt. She is hospitalized with a shoulder wound.

May 25: A .38-caliber gun is reported stolen overnight, along with money from the cash register, from Agaty's Store, 148 Sabin St. Pawtucket.

May 24: Two men fire shots down Kossuth and Putnam Streets about 9:30 p.m. while a woman sits on her front steps at 10 Kossuth St. with her two young children, she later tells police.

May 22: A woman tells police a woman she has been feuding with pointed a gun at her at her home, 50 Hamilton St., Providence.

May 18: Rodney M. Perry, 23, is shot and critically wounded outside 14 Louisa St., Providence, across the street from a Boys & Girls Club. Police find at least six shell casings in the street and slugs in nearby occupied houses on Oxford Street. Perry and Khalid Mason, who brought his wounded friend to the police station, decline to give details on what happened.

May 17: State police raid 592 Pippin Orchard Rd., Scituate, and charge Bill Parham, 30, of that address with possessing steroids with intent to deliver and possessing a gun while possessing a controlled substance with intent to deliver.

May 16: Warwick police charge Christopher Woods, 19, with assault with a dangerous weapon after four youngsters say he pointed a shotgun at them in front of his house at 127 Cavalcade Blvd. Woods tells police he was angry because someone in the neighborhood had kicked his car but says he held the unloaded gun by his side, and did not point it at the youngsters.

May 15: Jose Matos, 21, of 18 Derry St., Providence, is shot while riding in a friend's car about 2:10 a.m., he later tells police. The friend got into an argument with another motorist and a passenger in the other car fired at them, striking Matos in the arm.

May 13 and 14: Agents of the attorney general's narcotics strike force seize a pistol and a shotgun, along with drugs, cash and a car, and arrest seven people after investigating alleged drug dealing in and around the Veterans Memorial housing project in Woonsocket. (Seventeen more suspects are arrested on drug charges May 16.)

May 12: A handgun and 50 rounds of ammunition are reported stolen in a break at 57 Raymond St. Providence.

May 11: Two handguns and a watch are reported stolen in a break at 95 Corinth St., Providence.

May 10: Paul Gonsalves, 27, is shot in the leg at a playground on Oxford Street in Providence about 6:30 p.m. He tells police a man he was playing basketball with fouled him, they got into an argument and the other man went to the side of the court where someone handed him a pistol.

May 10: A 20-year-old Providence woman is abducted at gunpoint about 3 a.m. by a man who orders her into his car at the Valley Street and Atwells Avenue, she later tells police. She says he drove to the rear of the Journal-Bulletin's Regional Circulation Center at 55 Valley St. and ordered her from the car.

May 9: Steven Price, 22, who was shot in April after a fistfight, is arrested trying to settle the score, according to Providence police. After shots are reported outside the Living Room nightclub on Rathbone Street, police charge Price, of 268 Indiana Ave., with carrying a pistol without a license. They say he tossed a loaded pistol into a trash container behind the nightclub.

May 8: When a couple pull into their driveway at 166 Sixth St., Providence, a man points a gun at the wife and robs them of $100, they later tell police.

May 8: Providence police, responding to a report of a man with a gun on Chapin Avenue, charge Pedro Ramirez, 22, of 105 Chapin Ave. and Edgar Azurdia, 20, of 83 Ralph St., with possession of a gun without a license.

May 8: Vladimir Vasquez, 22, of 322 Veezie St. is charged with possession of a firearm

without a license and firing without a license and firing in a compact area after shots were fired at Carpenter and Courtland Streets, Providence.

May 8: Mary E. Stanford, 24, of 190 Gallup St. is charged with assault with a dangerous weapon and carrying a pistol without a license after allegedly threatening a woman with a gun during a fight at 10 Croyland Rd.

May 8: A charred body, later identified as that of Barry R. Kourmpates of Warwick, is found in Beavertail State Park in Jamestown. An autopsy shows he died of gunshot wounds. Kourmpates, 23, had been released from the Adult Correctional Institutions in March.

May 1: Albert Gonzales, 20, of Pawtucket is shot in the leg in a friend's apartment on Summit Street, Central Falls. Police issue an arrest warrant for the other man.

APRIL

April 29: A .25-caliber semiautomatic handgun and eight rounds of ammunition are reported stolen from an apartment at 160 Cottage St., Pawtucket.

April 29: Gerald Greene of 91 Parade St., Providence, is shot in the chest at Bridgham and Westminster streets. He says two men wearing hoods pulled up in a car, confronted him and, police say, "shot him for unknown reasons."

April 27: Two men come looking for Steven Price, 22, after a fistfight and find him at the Bucklin Street Playground in Providence. One opens fire, wounding Price and a 13-year-old boy who police say was "minding his own business, just playing baseball."

April 27: Adalberto Leal, who stalked Carol A. DiResto and threatened to kill her for months after she ended their relationship, walks into the Warwick hair salon where she works and guns down DiResto, 26, and owner Rocco Ruggiano Jr. He then apparently turns the sawed-off shotgun on himself; police find his body near DiResto's in the basement of the salon, at 1928 Warwick Ave. Four women, including DiResto, had obtained restraining orders against him in the past four years. He was sentenced to probation for violating one; police say they were unable to arrest him for violating the order obtained by DiResto because they couldn't find him.

April 26: Authorities arrest three people in connection with an alleged heroin ring, seizing drugs, money and two loaded semiautomatic handguns. Alejanditio Maldonado, 22, of 13 Yale Ave., Providence, is charged with two counts each of possessing a firearm during a crime of violence and possession of a firearm by an alien, as well as drug counts.

April 26: Jose M. Morales, 25, is shot in the chest after approaching two men tampering with his car, parked behind his apartment at 127 Silver Spring St., Providence.

April 25: Troy Auger, 19, of 69 Mowry St., and Todd Guertin, 17, of 168 Douglas Ave., Providence, tell police three men tried to get them to get out of their car on Mowry Street, then shot at them as they drove off. Guertin is treated for a shoulder wound, and Auguer is hospitalized with a neck wound.

April 23: Michael Harrop, 40, allegedly drives into his former girlfriend's yard at 56 Maple St., West Warwick, about 1:15 a.m. and fires a shot into the air from a 357-Magnum. Harrop, of 3 Schofield St., surrenders an hour later and is charged with several misdemeanors.

April 22: A handgun is seized, along with $17,000 and two vehicles, as police arrest eight suspects in an alleged Warwick-based sports-betting operation.

April 20: A Scituate police officer spots a car with no license plates on Route 116 and signals the driver to stop. After a chase, Rayner J. Vasquez, 18, of Providence is arrested on gun and other charges. Police say he was carrying an unlicensed, loaded .25-caliber pistol.

April 19: Two men approach an attendant at a car wash at 930 Main St., in the Woodlawn neighborhood of Pawtucket bind and rob him at gunpoint and strike him in the head with a pistol.

April 15: Bristol Patrolman Steven P. Calenda is indicted on two counts of assault with a dangerous weapon for allegedly pointing his service revolver at a dispatcher on two occasions in January.

April 14: Robert Volante, 27, of 40 Smart St., Providence, is arrested on several gun charges after police stop his car at Branch Avenue and Vandewater Street, in the North End.

April 12: A 16-year-old boy is charged with illegal possession of a gun found hidden in bedsheets at 151 Reynolds St., Providence. (Police were investigating a report that two youths had assaulted a woman and stolen her pocketbook; another boy found in the house was charged with the robbery.)

April 12: North Smithfield Patrolman Scott Gould is shot at in the Union Cemetery at 1:30 a.m. as he investigates a report that shots had been fired. Charles G. Ventry, 27, of Woonsocket is charged with assault with intent to murder, two counts of assault and carrying a pistol without a permit. Police seize two .38-caliber pistols and nearly 200 rounds of ammunition.

April 11: A teenager tells police a masked gunman and two other men burst into 316 Ohio Ave., Providence, and stole a watch, jewelry, three VCRs and other items.

April 10: Four people are injured and a fifth escapes with a scrape in two drive-by shootings in Providence, about 1 a.m. on Hanover Street and just after 2 a.m. at Hoyle Square. The victims are Hann Han, 24; Sophearak Huy, 21; Frank Franco and Robert Hernandez, 25, all treated for gunshot wounds, and Michael Fantasia, 24, who apparently is grazed by a bullet. Arrested on gun charges are Prathip Prum, 22; Vireak * * *.

April 8: After a car chase from Johnston into Providence ends in a collision, two Johnston police officers corner one of the three suspects behind 10 Whitehall St. He allegedly advances on the officers, threatening them with a knife. While backing up, officer John Sinotte slips, fires a shot and falls several feet off a deck. Ronald Curt, 27, of Providence is charged with assault with a dangerous weapon.

April 8: Roger Daniels, 20, of Newport is charged with selling a 357-Magnum pistol to an undercover agent.

April 7: A 17-year-old girl tells Providence police a man pointed a gun at her stomach in the Dunkin' Donuts on Allens Avenue and robbed her of $20.

April 6: Manny Fortuna is shot on Hamilton Avenue, Providence, by a man demanding money he says Fortuna owes him, witnesses tell police. After Fortuna falls to the ground, the man fires several more shots at point-blank range, then leaves in a car driven by another man. Hospitalized in stable condition, Fortuna, 24, of 56 Tell St., refuses to identify his assailant.

April 6: Two stocking-masked robbers hold up LAR Imports, at 92 Broad St., Cumberland, at gunpoint. Two customers with infants are in the store. The robbers flee in a stolen Jeep.

April 6: Three men rob the Dexter Credit Union, in Central Falls, at gunpoint and flee in a stolen van driven by a fourth man. Minutes later, the van arrives at the home of one of the suspects, 367 Woonasquatucket Ave., North Providence, where police and FBI agents are waiting. One suspect flees, brandishing a gun; another, still in the van, raises a gun above the dashboard. Officers fire at least 10 shots, wounding the three suspects in the van: Jamie Rose, 22, of 27 Robin St., Normand J. Verrill, 31, 30 Kelley St., and Christopher Thibodeau, 36, 217 Webster Ave., all of Providence. David M. Vial, 23, of the Woonasquatucket Avenue address, is arrested nearby a half-hour later.

April 3: Shortly after midnight, a state police SWAT team is sent to the home of a Foster man threatening to commit suicide. After 2½ hours, police, the man's family and a friend talk him out of it.

April 1: Ronald Coppola, 58, of Cranston and Peter Scarpellino, 28, of North Providence are gunned down at point-blank range at the Hockey Fans Social Club, 1362 Plainfield St., Cranston, in what police call an underworld dispute over respect. Police say Antonino Cucinotta, 52, of Johnston believed he had been slighted at the club, returned and shot both victims in the head.

MARCH

March 31: Patrons in Boot's Pub, 1757 Cranston St., Cranston, dive for cover when gunfire sprays through the window about 9:45 p.m. Nobody is hurt. Police find a stolen car on nearby Bolton Street, with spent shell casings in it.

March 29: Manuel Rodriguez, 27, is shot in the chest by one man while another holds him down on the busy sidewalk outside his apartment at 850 Broad St., Central Falls. Rodriguez is critically wounded; police issue an arrest warrant for a man he knows.

March 29: Two men abduct a 14-year-old girl at gunpoint from Broad Street near McDonald's, drive to an apartment in an area she doesn't recognize and rape her, her mother later tells police.

March 28: Diane Blais and Stephen Natalizia of Providence tell police they were sitting in her car at India Point about 10 p.m. when it was struck by another car. Three men got out, one hit Natalizia with a stick and another pulled out a gun and demanded money. The couple jumped back in their car and drive away.

March 27: gas station attendant David A. Rao, 52, fires two shots at a fleeing robber who put a gun to his ribs. The 8:30 p.m. incident, at the busy intersection of Newport and Beverage Hill Avenues in Pawtucket, sets off a controversy over whether Rao was justified in shooting. David E. Hall, 20, of 41 Lowell Ave. is charged with the robbery and, according to police, says the gun he used was a plastic toy.

March 27: Kenneth Butler, 19, tells Providence police he was talking on a telephone outside 343 Elmwood Ave. when two men wearing ski masks drove up and shot him in the finger.

March 27: Providence police seize a .38-caliber revolver from an apartment at 40 Marlboro St. frequented by runaway youngsters.

March 24: A report that someone had fired shots from a car on Laura Street, Providence, leads to the arrest of Peter Duval, 25, of Westport, Mass. Police stop his car on Broad Street and charge him with illegal possession of a gun and marijuana.

March 23: A man is shot in the abdomen outside his home at 69 Hendricks St. Central Falls, at 10:30 p.m. Police decline to identify him.

March 23: Sixteen-year-old Allen McCreedy of Providence is killed instantly when a rifle

being handled by his best friend discharges. The shooting, in the basement of the 14-year-old friend's grandparents' home at 100 Donelson St., is accidental; police say the boy didn't know the gun was loaded.

March 23: Fredrick Harris, 35, of 26 Lorraine St., Pawtucket, threatens to "blow away" his girl-friend and shoot another woman with a sawed-off shotgun, according to police. Harris, who is charged with assault, reportedly bought the gun a week earlier.

March 22: A driver making a potato-chip delivery at Elmwood Avenue and Wilson Street about 10 a.m. is robbed at gunpoint of $54, he tells police.

March 22: A resident of 571 Cranston St., Providence, tells police a man threatened him with a gun at his home about 4 p.m.

March 22: When officers arrive at 38 Royal St., Providence, to investigate a report of domestic assault, Eric S. Jones, 27, throws a loaded .380-caliber pistol out the window, according to police. He is charged with domestic assault and possession of a pistol without a license.

March 21: A man points a shotgun at a clerk at the Mutual Gas Station on Mendon Road, Cumberland, and demands money, but is scared off and runs away without any. On July 28, Richard Jacques, 24, of Lincoln is arrested and charged with attempted robbery.

March 21: A distraught man leads state police on a short chase * * * evading a roadblock, then * * * church parking lot for more than an hour, pointing a handgun at his head. Police eventually persuade him to give up the gun, and he is taken to a psychiatric hospital.

March 21: After a traffic confrontation on warren Avenue, East Providence, police arrest Lesonga D. Rankin, 29, for threatening the other driver and his girlfriend with a gun. They seized a loaded 9mm gun, five other guns and ammunition from Rankin's home at 170 Warren Ave. Rankin, a state Training School employee, is charged with assault with a dangerous weapon and possession of a firearm while intoxicated, and fired several days later.

March 21: Providence police seized a loaded .32-caliber handgun from Perry Snead, 23, a motorist they stopped on Pumgansett Street.

March 20: Providence police, responding about 2 a.m. to a report of shots fired at an Erastus Street address in Olneyville, find the ground and the house littered with spent shells of various calibers. They later learn a man was taken from there with a gunshot wound. Andrew Brown, 19, of 15 Peyton St. was hospitalized with what was described as a .40-caliber slug to the back of the head.

March 19: The ex-boyfriend of an 18-year-old Providence woman abducts her from her home at gunpoint and rapes her somewhere in the city, she later tells police.

March 19: Two residents of Benefit Street, Providence, report separate holdups at gunpoint in the neighborhood.

March 19: A woman from Methuen, Mass., tells Providence police a man threatened her with a gun, struck her with a baseball bat and stole $50 while she was walking on Allens Avenue late at night.

March 18: Anthony Morehead, 27, is charged with domestic assault after Patricia Morris, 30, of 20 Van Buren St., Providence, tells police he put a gun to her head and threatened to kill her if she broke up with him.

March 18: A pizza-delivery driver tells Providence police he was robbed at gunpoint on Puritan Street at Huntington Avenue when he stopped to ask for directions.

March 18: A Providence man tells police a gunman stole his jewelry, jacket and car when he stopped at a liquor store at Elma and Broad Streets about 8:30 p.m.

March 17: Jason E. Ferrell, 23, of Providence is treated in a hospital for a wound to his leg that he tells police he suffered when two men confronted him outside 59 Anthony Ave., Pawtucket.

March 16: A shotgun is among items reported stolen in a break at 84 Veazie St., Providence.

March 15: After a dispute in the New York System restaurant on Smith Street, Providence, a man fires five shots into a car. Donald Hannah of Providence and Mark Bergeron of North Providence are treated for injuries. Sean Lewis, 18, of 1715 Chalkstone Ave. is charged with two counts of attempted murder.

March 14: When Rafael Carvallo of Central Falls and his fiancee arrive at McDonald's at 1481 Broad St., Providence, they hear a disturbance and gunshots. Heading back to their car, he feels pain in his foot and realizes he's been shot.

March 14: Shots are fired inside the Charlesgate Apartments for the elderly in Providence during a dispute between the sons of two tenants. Nobody is hit by bullets, but Marilyn Siegel, 70, suffers critical head injuries of undetermined cause. Police arrest her sons Steven and Paul Siegel and seize a cache of guns and ammunition from Mrs. Siegel's apartment, where her sons had been staying.

March 14: A resident of 400 Smith St., Providence, tells police someone apparently fired a bullet through her window.

March 13: Summoned to 691 Mineral Spring Ave. about 3:45 a.m. for a reported shooting, Pawtucket police find John Buco unconscious and bleeding from a gunshot wound, a 357-Magnum on the floor beside him. The next day police say Buco, 33, of 116 Samuel Ave. shot himself accidentally, and he is arraigned in his hospital bed on weapons charges.

March 12: Jazell Robinson, 22, is shot in the back outside Club David on Westminster Street, Providence, by one of two men who ran toward the club brandishing guns. The assailants flee in cars.

March 12: Westerly police charge six people, including three juveniles, after a dispute erupts in gunfire outside a house on Winnapaug Road. (No one is injured.) Within minutes police seize two semiautomatic handguns with obliterated serial numbers from a Pennsylvania man; the next day, in a raid connected with the shooting, they seize a sawed-off shotgun, a machete and marijuana from a house at 7 Pond Rd.

March 11: When Joseph Burton of the Family Court's Bureau of Family Support tries to serve a subpoena on the owner of a business on DeSoto Street, Providence, the man pulls out a gun and chases Burton and a witness away, Burton later tells police.

March 11: An 81-year-old Pawtucket woman tells police that when she answered a knock at her back door a man with a ski mask pushed his way in and robbed her at gunpoint.

March 10: A 14-year-old boy tells Providence police someone fired a gun at him and his 11-year-old friend while they were walking through a cemetery on Douglas Avenue about 6:50 p.m.

March 9: As a Pawtucket man exits Route 95 at noon, a man he knows drives up beside him, points a handgun at him and drives off, he later tells police.

March 8: A Providence couple and their children are sitting in their apartment at 912 Atwells Ave., Providence, when a bullet whizzes up through the floor. Their downstairs neighbor, Celso E. Teixeira, tells police he was working on his AR-15 rifle when the weapon went off. Teixeira, 21, is charged with firing a weapon in a compact area.

March 8: Three men kick in the door of the Bayside Credit Union at 1144 Eddy St., Providence, and one points a gun at a clerk, demanding money.

March 8: Marie A. Gonder, 29 and mother of three, is shot to death in her home on Chaplin Street, Pawtucket. Police charge her husband, Robert O. Gonder, 48, with murder.

March 7: Providence dog officer Scott Scofield says someone fired five shots at him on Jenkins Street.

March 7: After a minor collision in the parking lot of the Living Room, a nightclub on Rathbone Street, the driver whose car was struck gets out and fires four shots from a 9mm handgun through the other's windshield. Jason Odom is hospitalized with wounds in the face and arm.

March 3: Joseph Harbough of 34 Hilarity St., Providence, tells police that two men with guns barged into his bedroom about 1 a.m., pistol-whipped him and robbed him.

March 1: Providence police seize a gun in a drug raid at 889–891 River Ave.

FEBRUARY

Feb. 28: Police break through a heavily barricaded door at 145 Oxford St., Providence, where they seize 94 bags of cocaine and a loaded pistol. Two 18-year-olds are charged.

Feb. 28: Hector Cabevuda tells Providence police that two men, one with a gun, robbed him as he made a call at a public telephone on Broad Street about 8:10 p.m. About 9:30, police stop two suspects on Prairie Avenue and seize a loaded handgun from one, a 17-year-old. He is arrested and referred to Family Court.

Feb. 25: Providence police and federal agents seize a handgun during a drug raid at 183 Eastwood Ave.

Feb. 24: Two men, one with a shotgun and the other with a handgun, enter Fidas Restaurant, 270 Valley St., Providence, about 1:30 a.m. and demand money.

Feb. 23: After a traffic dispute in Pawtucket's Fairlawn neighborhood, Randall S. Lisi, Jr., 19, allegedly places a gun against Vince Lombardi's head, then lifts it slightly and fires, missing Lombardi by inches Lombardi, 25 is struck on the head with a bag of beer bottles as he tries to flee. Lisi, of 280 Langdon St., Providence, and two companions are charged with assault.

Feb. 22: An Economy Cab driver is robbed on Manton Avenue about 1:40 a.m. by two men he picked up in Olneyville. He tells police they threatened him with a gun.

Feb. 19: Two boys, aged 13 and 14, are arrested after a confrontation with other youths in North Smithfield. Police say one of the boys had a knife, the other a gun.

Feb. 17: Alain Moise, 27, a doorman at First Impressions, a South Providence nightclub, is shot to death by a man police say had been thrown out a half-hour earlier. The gunman then fires into the crowd of about 50 customers, wounding Reginald Baptiste, and flees.

Feb. 16: Responding to a report of drug sales in a common hallway at 91 W. Clifford St., Providence police arrest Noel Osborne, 22, of 152 Tell St. at gunpoint as he accosts an occupant with a loaded handgun.

Feb. 16: Two men in ski masks, one with a handgun, rob the Woodlawn Credit Union on Main Street in Pawtucket. It is the fifth

armed robbery at an area credit union in three months.

Feb. 15–16: Federal agents and local police in Newport, Providence and Philadelphia arrest two dozen people, seizing drugs and more than 20 assault rifles, sawed-off shotguns and handguns. They say they have broken up a "major violent crime ring" and identify two suspects in a 1993 shooting death.

Feb. 15: Hassan Brown, 22, of 24 Trask St., Providence, is charged with firing a gun in his apartment. Police, investigating a report of shots fired, find Hassan and two friends in the apartment and a handgun and two shell casings on the floor.

Feb. 15: John Murray, owner of Michael Gerard Jewelers, Main Street, West Warwick, shoots and wounds a robber who put a gun to his head and threatened to kill him. Police charge the alleged robber, Danny L. Loaiza, 19, with five felony counts.

Feb. 10: A Providence woman reports that two masked males came through the back hallway of her home on Detroit Avenue, showed handguns and robbed her of cash and jewelry.

Feb. 9: A 17-year-old boy flags down police on Smith Hill and says two boys tried to rob him; one hit him in the head with a gun, leaving a two-inch gash. Police arrest two boys, ages 13 and 17, on Smith Street.

Feb. 9: A Providence man tells police a man who had been feuding with his brother drove by and fired two shots at them.

Feb. 8: Raymond L. Martin, 48, of 326 Plain St., Providence, is arrested after allegedly shooting at a neighbor, Valerie Robinson, during an argument. The shot missed Robinson, but grazed the skull of Rita Hopper, Robinson's niece.

Feb. 7: Johnston police say David Howe, 28, one of two arrested after a drug deal staged by undercover officers, is shot in the shoulder when Detective Melvin Steppo's drawn gun accidentally discharges during a struggle.

Feb. 3: Providence police officer Steven M. Shaw, 27, is shot to death at pointblank range by a robbery suspect inside 110 Benedict St., in the West End. Other police officers return fire and kill Corey Fields, 24, hiding in a closet.

Feb. 1: A tip leads Providence police to the bodies of an unidentified man, shot in the face, and a woman, shot several times in the torso, in adjacent houses on Burnside Street. The woman was later identified as Rosa Jimenez, 23.

JANUARY

Jan. 24: Anabol Garcia, 34, of Pawtucket is shot in the leg near 110 Benedict St. in Providence's West End.

Jan. 24: An argument between partners of an employment agency on Broadway in Providence erupts in gunfire when Hua Thack allegedly fires several handgun rounds into Huy Ly, leaving him in serious condition.

Jan. 24: A man with a nylon stocking over his face robs the Sunoco station at 1620 Post Rd., Warwick, at gunpoint.

Jan. 24: Several men wearing masks, one carrying a handgun, force their way into 109 Sumter St. in South Providence in the early morning, tie up the occupant and rob him.

Jan. 23: Two hooded men, one carrying a handgun, rob five people at 3:30 p.m. at Garcia Auto Sales on Pine Street, Pawtucket.

Jan. 22: Two men, one with a handgun, approach a Central Falls woman outside her house at midnight. Ordered back inside, the woman is raped, her husband pistol-whipped.

Jan. 21: After a six-hour standoff at 36 Winthrop St., West Warwick, the police SWAT team arrests Wayne J. Champlin, 39, who threatened to kill himself. Five weeks earlier, Champlin shot himself in the neck with a shotgun.

Jan. 20: A Pawtucket woman is robbed by three hooded men, two brandishing handguns, who invade her Prospect Heights apartment at night. Her young children and a niece scream, the phone rings and the men flee.

Jan. 18: Two youths,one with a silver gun, order a North Providence man out of his car outside 55 Hope St., Providence., they drive off with the car, picking up another boy and a girl. Police later arrest all four, and link two to the Warwick carjacking.

Jan. 18: At 2 p.m., two gunmen rob the Dexter Credit Union at 934 Dexter St., Central Falls.

Jan. 17: A Warwick woman's car is stolen from her by three youths at the Rhode Island Mall. One points a silver pistol at her.

Jan. 16: Christopher A. D'Angelo, 35, of 178 Old County Rd., Smithfield, is charged with assault for allegedly pistol-whipping a man police said he had picked up in Providence, thinking he was a woman.

Jan. 15: Three men approach a Charlestown man as he sits in the passenger seat of a car parked at 51 Pine St. in downtown Providence at 4:20 p.m. Once brandishes a handgun, they order him out and steal the car.

Jan. 14: A youth shoots and wounds a woman on a street in Chad Brown housing project in Providence.

Jan. 13: James B. McKinney, 36, of Providence allegedly points a gun at a desk clerk of the Comfort Inn in Pawtucket and demands money. He runs. Police chase him and exchange shots. No one is hit. He is later arrested.

Jan. 6: A robber, believed to be a woman, holds up the Quick Mart store at 164 Park Ave., Cranston, brandishing a semiautomatic handgun.

Jan. 6: A man with a gun robs the Fleet National Bank in downtown Providence about 9 a.m. He flees in a car. Police shoot several times. David Posman, 37, is later arrested in Seekonk, Mass.

Jan. 5: A 16-year-old student at Providence's Mount Pleasant High School points a handgun at the neck of another student in a school hallway and threatens to kill him.

Jan. 3: Three men, one brandishing a handgun, rob the Midland Farms convenience store, 136 Spring St., Pawtucket, about 10 a.m.

Jan. 2: Derrick Barnes, 24, of 25 Nicholas Brown Yard, Providence, is shot to death as he sits in a car on Camp Street in Providence's Mount Hope neighborhood. Adrian Hazard, 17, and Derick Hazard, 23, are charged with murder.

Jan. 1: Gail Brown of North Kingstown is shot in the hand at a New Year's Eve party in Warwick's Conimicut section. Police say she grabbed a handgun her husband, Joseph Brown, was pointing at someone else.

*A mounting toll*

| | |
|---|---|
| Killed by guns | [1] 34 |
| Wounded by guns | 55 |
| Reported rapes[2] | 5 |
| Reported robberies and attempted robberies[2] | 54 |

[1] Includes 15 suicides.
[2] Involving guns.

Sources: 1994 Journal-Bulletin reports, R.I. Medical Examiner's Office.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Madam President, I wanted to just make a record on what was presented earlier to the distinguished majority leader, Senator MITCHELL, on behalf of the Republican conference by the Republican leader.

I ask unanimous consent that the proposal be printed in the RECORD in full.

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

CRIME CONSENT AGREEMENT

I ask unanimous consent that the pending crime conference report be laid aside.

I further ask unanimous consent that the Senate now proceed to S. Con. Res. that would correct the enrollment of the conference report to accompany H.R. 3355, and that it be considered under the following agreement: (with all amendments listed limited to 1 hour, equally divided)

PROPOSED REPUBLICAN AMENDMENTS—AUGUST 24, 1994

Four amendments striking approximately $5 billion in "social spending" from the conference report (excluding funding under the Violence Against Women Act).

Tigthen prison language: elimination of reverter clause, thereby ensuring that funds remain allotted for truth-in-sentencing; elimination of "correctional plan" language that unnecessarily burdens state prison administrators; ensure that prison funding will go to build "brick-and-mortar" prison cells, not just prison "alternatives"; truth-in-sentencing for first-time violent offenders.

Simpson amendment expediting criminal alien deportation.

Gramm mandatory minimum penalties for gun crimes.

Mandatory minimum penalties for selling drugs to minors.

Mandatory minimum penalties for employing minors to sell drugs.

Drop mandatory minimum repeal. Substitute Senate-passed proposal with a requirement that federal prosecutors have a role in the decision to deviate from the mandatory minimum.

I further ask unanimous consent that following the disposition of the above mentioned amendments, if any amendments are agreed to, the conference report be placed back on the calendar and it not be in order in the Senate to consider that conference until the House has adopted the Senate concurrent resolution as amended, if amended.

I further ask unanimous consent that if all of the amendments mentioned above are defeated or tabled, then the Senate proceed to a vote on cloture on the conference report, at a time to be determined by the majority leader, after consultation with the Republican leader, with 2 hours equally divided between the two leaders prior to the cloture vote, and that if cloture is invoked, the Senate proceed to an immediate vote on adoption of the conference report.

Finally, I ask unanimous consent that if the House agrees to the Senate concurrent resolution as amended, then it be in order for the majority leader, after consultation with the Republican leader, proceed to the crime conference report, and there then be 2

hours for debate to be followed by a cloture vote on the conference report, and if cloture is invoked, the Senate proceed to adoption of the conference report, without an intervening action or debate.

Mr. DOLE. Madam President, let me just explain what the proposal was.

In effect, we would lay aside the conference report. We would call up a Senate concurrent resolution, which would accompany the conference report, and then it would be considered under an agreement of 10 amendments, an hour on each amendment, equally divided. Then, if any of the amendments are agreed to, the conference report goes back on the calendar, the concurrent resolution goes to the House, and then the House can either amend it or accept it or do whatever.

If all the amendments are tabled or defeated, then the Senate would proceed to vote on cloture on the conference report, at a time determined by the two leaders.

Then finally, if the House agrees to the concurrent resolution, as amended, after consultation with the Republican leader and the majority leader, the Senate proceed to the crime conference report, and there be 2 hours debate, to be followed by a cloture vote on the conference report. And if cloture is invoked, the Senate proceed to adopt the conference report without any intervening action or debate.

Let me say, just in very quick summary, what this agreement does and what it does not do. I have heard so many different stories, some related by CNN and others that I did not think were quite accurate. The New York Times subheadline was totally inaccurate.

We are taking all the pork out of this. Democrats say what we put in was pork; we said what you put in was pork. Let us just take it all out. As far as the American taxpayers are concerned, that will save them about $5 billion.

We leave in the money for domestic violence, because we have had hearings on that and I think we can justify the $1.62 billion or whatever it is for child abuse, spousal violence, and a lot of other programs in that $1.6 billion.

We also would leave in, I think, about $400 million for drug treatment in Federal and State prisons, because that is prevention. No question about it. Nearly every one of the other programs, which add up to about $5 billion in the House bill or the Senate bill, many without any hearings and many without any justification and many were in fact social programs, will be taken out.

The Local Partnership Act was taken out of the stimulus package, which was defeated last year, $1.8 billion. It had nothing to do with crime and was just stuck in the crime bill on the House side by liberals on the conference.

So that is the first point.

There were 10 amendments, 4 amendments dealing with spending; 4 amendments. And then there will be an amendment to eliminate the reverter clause, to be ensured funds remain allotted for truth in sentencing. Because we are concerned about this bill, many of us thought if you committed a violent crime—underscore violent—you would do your time, or 85 percent of your time. Now it has been changed. Oh, you get to commit the second violent crime before you serve your time, so you get a discount for the first violent crime.

We eliminate a lot of other things in the prison part that Senator HATCH may want to address. He is more of an expert on this than I am. We also try to ensure that the prison funding will go to build brick and mortar: Prison cells, not just prison alternatives.

Then, as I said, we have the truth-in-sentencing for first-time violent offenders. Then we had an amendment adopted in here, offered by the distinguished minority whip, Senator SIMPSON, on criminal aliens, deportation of criminal aliens. It was accepted: Unanimous consent. Nobody was opposed to it. It was dropped in conference. We would like to offer that amendment.

An amendment by the Senator from Texas [Mr. GRAMM] with reference to mandatory minimum penalties for gun crimes. He spoke to that. He can speak to that again. The Senator from Alaska is also interested in that and has been for some time.

Mandatory minimum penalties for selling drugs to minors—what is wrong with that? Is anybody here going to vote against that? We hope not. There ought to be a mandatory sentence for selling drugs to minors.

Mandatory minimum penalties for employing minors to sell drugs—just as reprehensible. There ought to be mandatory penalties. Again, these amendments passed overwhelmingly, with a big margin, and for some reason some were rejected in the conference.

Then we dropped the mandatory minimum repeal and substituted a Senate-passed proposal with the requirement that Federal prosecutors have a role in the decision to deviate from the mandatory minimum because that is something that had been suggested, I guess by the U.S. Attorneys Association. I will yield to Senator HATCH to clarify anything I might have messed up.

Mr. HATCH. These are President Clinton's own prosecutors that we are satisfying here.

Mr. DOLE. It was their request?

Mr. HATCH. That is right.

Mr. DOLE. The thing you did not find in there was any amendments on guns. So there is no guns and no pork. It is pretty clear cut.

We want to join all those who want a crime bill—want a crime bill. Not a spending bill but a crime bill. It is still $25 billion, still $3 billion more than it was when it left the House—even though you added one more year. Still, it is a very massive effort. Recall that Senate bill passed by a vote of 94 to 4. Only four Senators, I think two on each side of the aisle, voted against that bill.

So there is no question about where people stand on this legislation. It is a question where they stand after it was loaded up and became a spending bill; it became a social welfare bill instead of a crime bill. I hope if the majority leader will be able to accept what we think is a reasonable proposal—I must say we have had about 3½ hours of conference. I understand the majority leader has a conference tomorrow morning at 9:30. But we believe this is a fair proposal.

Some are objecting and saying this has to go back to the House. The concurrent resolution, if there are any amendments adopted, have to go back to the House. That is true. So what? It goes back to the House. They act on it. If they accept it then we pass the conference report in the Senate. That can be done in a matter of days. That is my understanding. I would have to check with the Parliamentarian on the House side. Most of these matters can be cleared by Democrats and Republicans in the House and would not take a great deal of time.

So, just to keep the record straight, make it clear, we are cutting out all spending—call it whatever you want. The Senator from Delaware said is it pork or is it chicken or is it fish? Whatever it is, it is out except for domestic violence and drug prevention, Federal and State prisons. We believe it is a step in the right direction.

Keep in mind there are already 260-some programs, Federal programs now. It is not that we are taking the last little program away. We spend about $25 billion already on many of these programs——

Mr. HATCH. On job training alone.

Mr. DOLE. On job training alone; and there are another hundred programs dealing with many other areas. So just so the RECORD will reflect what we did propose to the distinguished majority leader, I hope I have explained it correctly. But it is a $5 billion reduction in spending: $5 billion. It is a lot of money. We are prepared to surrender any amendments—I think on this side it is about $600 million added. But so what? Take it out. Go back and have some hearings, see if you can justify it. If that is the case, maybe it will belong on a bill next year.

I have nothing further to say.

Mr. HATCH. Will the Senator yield for a few questions, just for clarification purposes?

Mr. DOLE. Yes.

Mr. HATCH. What happens if the majority leader rejects this offer?

Mr. DOLE. If the majority leader rejects this, as I have told the majority

leader, then we would make a point of order against the conference report. It is subject to point of order under, I think, section 306 of the Budget Act. Then there would be a motion to waive, and if it is waived there would be debate on the conference report. Then it will be voted upon after a cloture vote. If it is not waived, then the bill is open to amendment; the conference report disappears.

Mr. HATCH. Could I ask another question? For 2 days I have seen people on this floor savaging Republicans because they seem to think this is all a gun fight. They seem to think this is all over assault weapons.

When the Republican leader says assault weapons are out, what he means is that, if I am interpreting the Senator correctly, is that we are not even considering the assault weapon ban as in the bill? It is in the bill?

Mr. DOLE. That is correct.

Mr. HATCH. That means nobody is going to raise an issue about it?

Mr. DOLE. I think in the list of amendments we had yesterday, which were only proposed Republican amendments, somebody singled out amendment 11 or 12 which says "strike gun ban."

Mr. HATCH. That is right.

Mr. DOLE. That is no longer in here.

Mr. HATCH. So there would not be a motion to strike the gun ban.

Mr. KERRY. Will the Senator yield for a question?

Mr. DOLE. There would not be a motion to strike it.

Mr. HATCH. So the guns would not be an issue? It is a nonissue?

Mr. DOLE. I think it is a nonissue. Some have tried to make it such, because—for reasons best known to them, but it is not an issue now. It is not in here.

Mr. HATCH. Exactly what I have been saying for 2 days while we have been getting savaged by the other side. There is only one reason they have done that and that is because it is the only issue they have left.

Mr. DOLE. There are a number of issues. I must say—somebody said why do you want to have a cloture vote? I will tell you, if we do not knock out some of the spending, there are a lot of people who will not vote for cloture. If we cannot take out the $5 billion, why should you vote for cloture? You may not adopt some of the enforcement provisions. If we cannot, why should we vote for cloture? Maybe some will say I cannot vote for cloture with a gun ban, but that is going to be just part of the mix. There will be a whole number of reasons why some may or may not vote for cloture, and a vote for cloture means we shut off debate. We are prepared to move as quickly as we can and if we do not have the votes, if we make the point of order and do not have the votes, then we will debate the motion to waive.

Mr. HATCH. Just one last question, Mr. Leader, and that is this. Is it not true that the Simpson amendment expediting criminal alien deportation—in other words when an alien is convicted and sentenced the judge can issue a deportation order right on the spot, so the minute that alien serves his or her term they are gone? They are out of our country and out of our hair and not able to commit any crimes in our land; that the mandatory minimum penalties for gun crimes, that the mandatory minimum penalties for selling drugs to minors, that the mandatory minimum penalties for employing minors to sell drugs, and that the tougher mandatory minimum sentencing statutes, were all in the Senate crime bill and all passed overwhelmingly?

Mr. DOLE. As far as I recall. I would have to doublecheck but we did have the votes down there. I think each passed by rather substantial votes in every case. Maybe one was 58 to 42, I think on the minimum sentence for use of guns.

Mr. HATCH. Quite substantially they passed.

Mr. DOLE. Substantially.

Mr. HATCH. And they were in the original Senate bill?

Mr. DOLE. Right.

Mr. HATCH. So the conference report is considerably different from the original Senate bill?

Mr. DOLE. Right.

Mr. HATCH. And it lacks all this stuff on crime provisions that we all passed here and had motions to instruct to keep in, in conference?

Mr. DOLE. Let me just conclude by saying that the majority leader made a proposal which we looked at, and it, in effect, said sometime later next month we will bring up a bill and you can offer all these amendments on that bill. Then we will send that to the House.

The House might take it up or might not take it up. If they took it up there is no assurance it would pass. Now I understand there may be a further proposal: In addition we will guarantee the House will take it up. What does that guarantee? We do not have any leverage. The only leverage we have now is the conference report, and I have to believe if the shoe were on the other foot and we were trying to say just send it over to the House, we will get them to take it up, they would not buy that.

Mr. HATCH. That is right.

Mr. DOLE. We would not buy that.

So I hope—we have tried to make it clean, tried to make it simple: No guns, no pork, 10 amendments. We are ready to go. If we cannot get that agreement let us have the point of order, win or lose. Let us have the point of order. Let us let the American people know, win or lose, that there is a fundamental difference in philosophy around here and that some people think the way you solve the crime problem is spending billions of dollars you do not need to spend, and others of us feel there are other ways to deal with crime and that is with tough mandatory penalties.

If you sell drugs to minors it ought to be mandatory. If you engage minors to sell drugs it ought to be mandatory. We are ready to vote on those amendments. I think it would be hard to resist, and I think there would be a lot of bipartisanship in not only the debate but in the vote.

Mr. HATCH. If I can ask one last question, one of the arguments is that we are asking the House to vote on this again.

But it seems to me that is precisely what they are asking us to do; is it not?

Mr. DOLE. True, they want us to let the conference report go —the Democrats. They say, let the conference report go, let the President sign the bill, and then we will send the bill over.

Mr. HATCH. Is it not true that the House cut a deal with the President, Leon Panetta, and the House leadership over there, and all we are asking is some of these provisions that we fought hard for on the floor and I fought hard for and Senator BIDEN fought hard for that all of us passed with pretty substantial votes, be given consideration by the House and put back in?

Mr. DOLE. Let me also include, after the list of the proposed amendments which I delivered to the majority leader and also a copy of the agreement—it has already been included in the RECORD—let me also add an editorial from the Wichita Eagle which says the best thing to do with the crime bill is not to pass it because of the spending—because of the spending. And I do believe the American people, despite the spin put on by the other side, are beginning to understand there is a lot of spending in this bill—a lot of spending in this bill.

The Wichita Eagle is not known to be a conservative newspaper in my State, but they have taken a look at it and they decided there is too much spending. We have not justified it.

Madam President, I ask unanimous consent to print that editorial in the RECORD.

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

[From the Wichita Eagle, Aug. 24, 1994]

DIE, CRIME BILL—CRIME-FIGHTING IS A LOCAL RESPONSIBILITY

The most appealing aspect of the $30.2-billion crime bill passed by the House Sunday is that the money to pay for it would come from a 270,000-job reduction in the federal government. The money to pay for all the anti-crime programs created in the bill wouldn't go onto the $4 trillion-and-growing national debt.

A better course for the House, though, would have been to adopt a resolution acknowledging that, yes, Americans are worried about crime and exhorting state and

local officials to do something about it—while at the same time eliminating the 270,000 jobs. The savings could have been applied to deficit-reduction. The national debt is a greater threat to Americans' security than crime could ever be.

Besides, there's little reason to expect that the programs in the crime bill will make one whit of difference in the crime rate: not the federal death penalty for 50 new crimes, not the extra 100,000 police officers, not generous new subsidies for prison-building by the states, not the ban on certain kinds of semi-automatic assault rifles, not the three-strikes-you're-out provision for federal crimes, not even the crime-prevention programs that survived congressional cost-cutters' knives.

The real hope for reducing the crime rate lies in neighborhood action against the social forces that turn children to crime. Government has a role in attacking those forces, but the impetus has to come from citizens themselves.

If extra public money is needed to create local or state anti-crime programs, it should be raised from local or state tax bases. Creating such programs at the federal level is less effective, because Washington can't possibly hope to envision and write programs that work equally well in Boston, Spokane, Wash., and Wichita.

The matter now rests before the Senate, where Republicans object to it because of its cost. Good. This thing may collapse yet. If it does, the American people will be just as safe as they are now.

Mr. DOLE. So we will await the conference tomorrow, and I assume at that time there will be another meeting between this Senator and the distinguished majority leader.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Madam President, I thank my colleague for his comments. I regret that I was not present during all of his remarks and, therefore, am not able to respond to all of them.

I would like to make a few comments on the proposal that has been made and reiterate what I told the distinguished Republican leader, that we will have a conference of our colleagues tomorrow and review the proposal and respond and make what I hope will be an appropriate and acceptable response.

I would like to offer a couple of observations about it, though, particularly as it relates to some of the central concerns on our side.

The Senate recently voted on banning assault weapons, and the vote was 56 to ban assault weapons, 43 not to ban them. It was a decisive vote. It seems clear to all concerned that if the Senate were to vote again on an effort to strike out of the crime bill the assault weapons ban, that effort would fail.

In the House, the vote on the assault weapons ban was much closer, 216–214 with three Members absent and not voting.

Under the existing circumstance, the House does not have the opportunity to amend the crime bill to strike out the assault weapons ban. The Senate does. But the likelihood of striking out the assault weapons ban in the Senate is very small, but it is somewhat greater in the House.

The proposal that the distinguished Republican leader has given us does not include an effort to strike out the assault weapons ban in the Senate where it would almost certainly fail, but it would create a new opportunity to do so in the House where that opportunity does not now exist and where the chances for succeeding in striking out the assault weapons ban would be much higher; in effect, exchanging an existing right in the Senate which has almost no chance of approval for the creation of a new right in the House which does not now exist and where the chances for succeeding are somewhat higher.

So I understand and respect that if someone wants to strike out the assault weapons ban from the crime bill, this proposal makes sense. It is a very carefully thought out proposal in that regard because it gives up the right in the body where the right now exists but where it cannot succeed and creates a new right in the body where the right does not now exist and where it could succeed.

That is one of the factors that we will have to take into account in evaluating the proposal.

Second, under the proposal, no action could occur on the crime bill—none whatsoever—if one or more of the proposed amendments were adopted. If they were adopted as part of the resolution, it would then go to the House of Representatives where it would presumably be fully amendable, and not only could an amendment be offered to strike out the assault weapons ban, but any other amendments could be offered, and no one knows what the result of that would be.

The proposal is not clear on what would occur at that point if the House adopted a concurrent resolution different from that which had previously been approved in the Senate. At least I do not understand what would occur, and we hope to get that clarified.

Now, finally, the proposal is that we vote on a list of 10 amendments which are presented as necessary to correct what is wrong in the crime bill, and yet even if all 10 were adopted to correct what is wrong in the crime bill, a filibuster would still occur and we would have to file cloture and get 60 votes to defeat the filibuster. Well, the question is, if these amendments will correct what is wrong in the crime bill, then why would we need to get 60 votes at the end? Have I misread—

Mr. STEVENS. Will the leader yield?

Mr. MITCHELL. Have I misread the proposal in that regard?

The PRESIDING OFFICER. Does the majority leader yield?

Mr. MITCHELL. Yes.

Mr. STEVENS. That proposed agreement indicates that a cloture vote would take place for certain at a time to be agreed upon, as I understand it. There could be no filibuster. You control that, Mr. Leader.

Mr. MITCHELL. Well, Mr. President, the purpose of a filibuster is to force a 60-vote requirement in a situation which otherwise would only require 51 votes.

Mr. STEVENS. Will the Senator yield further?

Mr. MITCHELL. Certainly.

Mr. STEVENS. That is guns. That is guns. We want a chance to see who is violating the second amendment, but we are willing to do it whenever you are ready.

Mr. MITCHELL. I thank the Senator because I think he has made my point very effectively.

Mr. BROWN. Will the distinguished majority leader yield for a question on guns?

Mr. MITCHELL. Certainly.

Mr. BROWN. Madam President, I respectfully suggest to you, as one on this side of the aisle who voted for the ban on assault weapons, that there is no filibuster here. To suggest that there is a filibuster is a disservice to the Members on this side and to the proposal that was sent to the majority leader.

The fact is this proposal does not guarantee the House of Representatives will get to vote—even one vote—on assault weapons. I know the distinguished leader is aware that amendments that come to the floor in the House are governed through the Rules Committee. It is obviously a much stricter set of rules than we have in the Senate, but to suggest that the Speaker's Rules Committee would permit a vote on assault weapons is something I do not believe would happen.

Second, I would point out that for one who has fought this battle through on this side of the aisle, I think it is very significant that the proposal that has been brought to you is a measure which does not involve a specific amendment to delete the gun ban and, more specifically, clearly does not mandate a vote in the House.

Third, I think it puts the legislation in a form where the ban that has been passed in this Chamber and in the House Chamber will become part of the law, no matter what we do in the form of amendments.

Last, as one who thinks that a ban ought to take place, I believe that allowing the votes in the Senate and a ratification in the House on the questions of pork and the questions of being soft on crime will be the best way to put this bill into the shape it must be in to become law.

To the contrary, it is my belief that by refusing this proposal, that by refusing further votes on important crime control amendments, it will do more harm toward eventually passing a ban on assault weapons than any other course of action we might take.

I thank the distinguished leader for yielding that time.

Mr. MITCHELL. I thank the Senator. If I could just respond briefly to the last comment, I have proposed that the Senate debate and vote on those provisions. Of course, it already has. Every provision there has been debated and voted on in the House, Senate, and I think in the conference, although I was not a member of the conference. And I proposed that. I am agreeable to that. In fact, I will agree to do that whenever the distinguished Republican leader would like, that we bring them up and vote on them.

My concern is that the crime bill not be held hostage to those provisions. That is the only area where we disagree. My concern is that if we do it in the manner suggested, the crime bill will never become law, whereas if the concern is that we take up and debate and vote on these provisions I am agreeable to that. I am agreeable to doing that right away. And then that debate and those votes would occur. The problem is—and this is an appropriate concern the distinguished Republican leader has expressed—there is no guarantee what will happen in the House. But that same argument applies to the concurrent resolution. We have no guarantee what will happen in the House.

Mr. BROWN. I appreciate that. I might simply add one comment on that. For Republicans to have that concern about a House dominated by the Democratic Party is one thing. For the Democratic leader to have that concern about the House actions, which is dominated by his own party and by a Rules Committee that, the last I counted, was 2 to 1, plus 1 Democrat, strikes me as a wholly different concern.

Mr. MITCHELL. Well, I understand and appreciate that. And I have offered as majority leader allowing for a process in the Senate like the Rules Committee.

Would the distinguished Republican leader like me to yield?

Mr. DOLE. Yes. I have been advised that under the House germaneness rule, the gun amendment would not be in order under the rules over there. I will double check it. As I understand the germaneness rule in the House, you could not offer a gun amendment. So that argument goes out the window. And I must say that if I were in the majority leader's position, I would probably say, well, why do we not just bring up a separate bill and you would have all these amendments; you can do it tonight and maybe—and we will even get the House to consider it. We will even go as far as saying they will consider it.

We have already made one of those arrangements on the Brady bill. I do not say the majority leader acts in bad faith. In fact, I guess I would bring up the Brady bill sometime soon. And I even talked to the Speaker.

But I really believe that what we are talking about can be accomplished very quickly, in a matter of days the President could sign the conference report. And we think this can be done. We have already cleared it on the Republican side in the House. The minority party has no objections, said they would not stand in the way of this being cleared even while they may not be in session. Now, they may have to move from pro forma to another type session. That can be done. But there would be no—not every House Member would come back, and according to Mr. GINGRICH there would be no objection to clearing what we propose if in fact some of the amendments were adopted in the Senate concurrent resolution.

So we are not talking about a big delay or taking up a lot of time. But just to say that we will bring up a separate bill and you put your amendments on there and we go ahead and sign the conference report and maybe the House will even agree to consider it, in my view, I do not really believe that is something that we could sell on this side of the aisle.

Mr. MITCHELL. Madam President, if I might just respond on the question of the Brady bill, right here on page 2 of the calendar is the unanimous-consent agreement on the Brady bill that was entered into on November 24, 1993. And that provision provides that any time the Republican leader wants I will bring up the Brady bill amendments. The decision not to bring up those amendments was the decision made by our distinguished colleague, the Republican leader.

The House has not got anything to do with this because unless and until the Senator advises me that he wants this brought up—and I am prepared to do so whenever he asks to do it—there is nothing for the House to do because we have not acted upon it.

So I do not believe that is in any way analogous. If the Republican leader wants me to bring up those amendments, I will do so, and I have told him that, any time he wants. We made that agreement and that commitment. So that is a different situation from the one which we are now describing.

Mr. DOLE. Will the Senator yield?

Mr. MITCHELL. Yes, I will certainly yield.

The PRESIDING OFFICER. Does the Republican leader wish to be recognized?

Mr. MITCHELL. I have the floor, but I will yield to the distinguished Republican leader.

Mr. DOLE. It also occurs to me the House could have done the very same thing that we are proposing. They could have sent us a House concurrent resolution, whatever, and asked us to do something. I mean they had the same right except they went back into sort of a loose rules or conference committee and added some more amendments to the conference committee as they were agreed to by the bipartisan group there.

So this is not anything that is unique, it has never been done before. It is done, maybe not frequently, but there is certainly a lot of precedent for it.

I have not given up yet on the Brady bill. We are still going to have several weeks here, and I am trying to think what I wish to put on it but no good thoughts have come to mind.

Mr. MITCHELL. Well, I just await my friend and colleague.

Mr. GRAMM. Will the distinguished majority leader yield for just one moment?

Mr. MITCHELL. For a question or statement?

Let me finish my statement. Then I will yield the floor.

Mr. GRAMM. It is a question but a little statement building up to it, so the Senator understands the question.

Mr. MITCHELL. If I could finish my own statement, then I will yield the floor. Then the Senator can say anything he wants. I think that is fair to all concerned. Everybody has a chance to do it.

I want to just address the subject of spending which has been much discussed here and was just mentioned by the distinguished Republican leader.

The first point to be made is that the bill which passed the Senate by a vote of 95 to 4 and which I believe was supported by all but two Republican Senators and two Democratic Senators covered 5 fiscal years—from 1994 through 1998, inclusive. The conference report, that is, the measure now before the Senate, covers 6 fiscal years, 1995 through the year 2000. So everyone should understand that it is for a different period of time and a longer period of time. The first bill, 1994 through 1998, the second bill 1995 through the year 2000. In the years which are common to both bills, that is, the 4 fiscal years 1995 through 1998, the amounts of money to be laid out in each year are less in the bill now before the Senate than the bill that was voted by the Senate by a vote of 95 to 4. The spending is actually less in each year.

Mr. HATCH. Will the Senator yield?

Mr. MITCHELL. Let me finish my statement if I might.

The increase is a result of the two extra years that were added, 1999 and 2000 after dropping off the first year, and since the first year was only part of a fiscal year the amounts were very small. That is the first point.

That is to say, the amounts in the years common to the Senate bill that passed 95 to 4 last fall and the bill now before the Senate are less each year in the bill now before the Senate than they were in the bill that passed.

Now, the second point to be made is that the Republican crime bill here in

the Senate was for $28.24 billion over 5 years. The Democrats' proposal is $30.2 billion over 6 years.

Now, this document has been put out by our Republican colleagues. This is the Republican alternative crime bill conference report dated June 30, 1994. And I will read the first two sentences.

The Republican proposal is a deficit neutral $28.24 billion 5-year plan.

Mr. HATCH. Will the Senator yield on that point? That is important because that is at that point.

The PRESIDING OFFICER. Does the majority leader yield?

Mr. MITCHELL. If I could just finish reading the sentence.

Mr. HATCH. All right.

The PRESIDING OFFICER. The majority leader does not yield.

Mr. MITCHELL. Let me read the two sentences, if I might, and then I will yield for the question.

Again I am reading. This is from the Republican description of the two bills. It is the Republican alternative crime bill. I am advised by my colleague that this was released by the Senator from Utah at a press conference. So the document says, if I could just read the first two sentences:

The Republican proposal is a deficit neutral $28.24 billion 5-year plan. The Democrat anticipated proposal is a $30.2 billion 6-year plan (full funding takes until the year 2000) which proposes $13 billion in deficit spending.

On the level of spending, the level——

Mr. HATCH. I think at this point——

Mr. MITCHELL. Of $28 billion over 5 years is more money per year than $30 billion over 6 years, which, I think we do not agree on much, but I think we can agree on that.

Mr. HATCH. If the Senator will yield——

The PRESIDING OFFICER. The majority leader does not yield.

Mr. HATCH. I am entitled to ask a question.

The PRESIDING OFFICER. The majority leader has the floor. He does not yield.

Mr. HATCH. He said he would yield for a question.

Mr. MITCHELL. I yield for a question.

Mr. HATCH. Let Senators at least ask questions. You can refuse to answer them.

Mr. MITCHELL. I just said I will yield for a question.

Mr. HATCH. We agree that is what that bill was, 90 percent of it was for law enforcement. It was filed pursuant to a $33 billion conference report. It is a considerably different bill from this one, and it would do something against crime far better, far tougher than the current conference report. Plus it is deficit neutral. The distinguished majority leader admitted that this $30 billion conference report today has a $13 billion deficit.

Mr. MITCHELL. Madam President, just a moment——

Mr. HATCH. That is just what you said.

Mr. MITCHELL. I read from a quotation of your document. That is not a position of mine.

Mr. HATCH. I do not know anyone who disputes it.

Mr. BIDEN. I do. If the Senator will yield for a question, if you wish to find someone who will dispute, it is I.

Mr. HATCH. Is yours deficit neutral—$30 billion?

Mr. BIDEN. Yes.

Mr. MITCHELL addressed the Chair.

Mr. HATCH. Show me how, when, and why.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. I do not think that actually was a question. But I have no objection to the Senator making it.

I would like to finish my statement, and let other Senators have the floor. I think everybody will have a chance to speak. I do not want to try to monopolize the debate. I merely want to make one further point about the point of order.

The point of order has nothing to do with the amount of money in the bill. So while a lot of the discussion has intermingled the two and created among many people the impression that the point of order is being made because of the amount of spending in the bill, it should be clear that there is no such relationship. There is no relationship whatsoever.

The point of order is based upon the fact that the crime bill includes a provision which reduces the spending caps now in place on discretionary spending by the Federal Government so as to ensure that the money goes to the crime bill and is not spent for other purposes. It is not the amount of money that triggers the point of order. It is the existence of a provision which reduces the caps, a measure which is within the jurisdiction of the Budget Committee but which was not reported by the Budget Committee. The point of order seeks to strike down the crime bill because this provision is in it.

The point I want to make is that the provision which is being attacked by the point of order was approved knowingly by the full Senate on several occasions. And many of the Senators now proposing and saying they are going to vote for the point of order praised this provision when it was first proposed, lavishly praised it. And, in fact, there was a kind of competition for credit as to whose idea it was in the first place.

So no Member of the Senate and no member of the public should be confused on that point.

Mr. BIDEN. Will the Senator yield for a question?

Mr. MITCHELL. Yes. If I could just finish the sentence——

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. The point of order relates to the existence of that provision, and that provision was in the bill which passed the Senate the first time. The Senate was fully aware of it. I acknowledge that not raising it on the bill does not preclude anyone from raising it now. The point of order remains in existence to be exercised as Senators choose. But the point is that it was praised as a means for dealing with this issue. And I believe that it is significant in this debate as we debate and prepare to vote, if we do, on the point of order, which does, of course, require 60 votes to overcome.

Mr. BIDEN. Will the Senator yield for a question?

Mr. MITCHELL. Madam President, I am going to yield the floor and let anybody else who wishes to seek the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the manager of the bill, the Senator from Delaware.

Mr. BIDEN. Madam President, I promise my colleagues I will be only 30 seconds. I ask the majority leader, since I do not know all of the details—I am not sure what the counterproposal of the Republican Party has been here—but is it not true that if, in fact, we accept at this moment every single thing the Republican compromise offered, we would still be in violation of the Budget Act?

Mr. MITCHELL. Yes.

Mr. BIDEN. Thank you.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair will recognize the Senator from New Mexico.

Mr. DOMENICI. I thank the Chair.

I know that the distinguished majority leader has to leave the floor. But, hopefully, he will be here long enough so that I can at least say, as one who was for the trust fund and urged Members not to support a point of order, I feel that the American people should know that we have changed things substantially since I was for it. Let me tell you how.

First of all, there is nobody that can deny that being for a bill and saying "do not waive the point of order" does not commit a Senator to that position under any circumstances. You can change anything, and because he was for waiving it once does not mean that he ought to be for waiving it all the time.

So I might tell you two things that are very different and that the public ought to know are very different.

No. 1, there is $3 billion more in so-called pork. That is enough to say, "OK, I do not support this approach anymore." I want to use the point of order to deny a bill that I used to be for and, therefore, I was for denying the point of order, but now is different by $3 billion.

Second, it is now 6 years, 2 additional years. So that we will not confuse 5

versus 6, there are 2 brand new years of trust fund in it. I might say to the majority leader I have checked this as carefully as I can. I submit that the $13 billion provided in those 2 years are considerably different than the money that was in the trust fund in the 4 years.

In fact, I can tell the people of this country that I have no doubt that $13 billion will add to the deficit. And if anybody wants to go through this with a fine-tooth comb, I will convince you that we are left with the total attitude to set the budgets in 1999 and 2000. How do we know we are saving this $6 billion when we have not set that budget yet? When we voted for it the first time, the budget for America had a dollar number on it for each of those 4 years.

You knew precisely that you were not adding to the deficit, because you lowered the amount allowed to be spent by $22 billion. Now there is $13 billion in new spending, and I am prepared to say that will add to the deficit. I believe it. I have no confidence that the Congress will literally reduce the deficit sufficiently to account for that. I think they will increase the budget sufficiently to add that in.

So, in summary, this is a totally different trust fund. It is not paid for. Nobody can say to the American people that the second 2 years are budgetarily neutral. I do not believe it. And everybody says the Senator from New Mexico knew so much about this that he talked us all into the trust fund. I have heard five Democrats say it. "Well, Senator DOMENICI, the budget expert, said let us do this."

I am telling you that if I was an expert then, I am an expert now. I do not think I was then, nor am I now. But I can tell you right now that the $13 billion, which is almost half the total bill, is going to cause deficit spending, because there is no way you can guarantee the American public that that trust fund comes out of a reduced budget rather than an increased budget.

Frankly, that is how I see it. And that does not mean that I was for something once and I changed my mind. Of course, I have the right to change my mind because it is a different bill in the ways I have described, and I think it is clearly understandable.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The majority leader is recognized.

Mr. MITCHELL. Mr. President, I want to make one point, and I accept the Senator's statement. I said in my statement that obviously not offering a point of order to the bill does not mean that one is bound not to offer it to the conference report. I expressly acknowledged that in my comments.

I make the following point: First, it should be clear that these amounts may be appropriated. That is what it says in the measure. These are amounts that may be appropriated from the trust fund. So just as no one can guarantee what the Senator warned against, so he cannot guarantee that will add to the deficit.

Second, with respect to the caps, the caps are only in existence for 4 of the first 6 years. So since there is no mechanism, since there is no cap in existence, there is no mechanism for imposing or altering the caps in the fifth or sixth years.

Mr. DOMENICI. The Senator is correct. In fact, I say to him that one of the reasons I was for the trust fund was because it only went for the 4 years for which we had caps. That absolutely assured us of the savings. If you went 1 year beyond it, I would have been against the trust fund because we would not be assured of the savings.

Let me make one last point. My good friend, the majority leader, said if you look at the 4 years, there is less spending in 4 years, and there is more spending in the next 2—as if spending is not spending. The truth of the matter is that there is more spending on prevention, or pork, in this bill by $3 billion. There is $3 billion more—not in the first 4 years, but in the 6 years.

Mr. MITCHELL. Mr. President, I will just conclude by saying that my understanding is that the trust fund language in the crime bill specifies that the $13 billion in reductions to fill the trust fund in the years 1998 to the year 2000 will be made from comparable amounts for budgetary purposes. That is to say, none of us now knows how many discretionary dollars the Federal Government will have to spend in those 2 years. But whatever the total is, it will be reduced by $6.5 billion in each of those 2 years.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KERRY] is recognized.

Mr. KERRY. Mr. President, I think it was very interesting, as we listened to the proposal of the distinguished minority leader, that among the 13 amendments listed—and he read through each of the amendments—none of them pertained to the question of this point of order.

Here we are for several days struggling over a point of order. We have had Senators rise on the floor and talk about the spending and the deficit the point of order is supposed to address. Yet, strangely enough, not one of the proposed Republican amendments to the crime bill pertains to the caps, establishes some sense of savings, or touches on the budget issue in any way. It is not discussed.

What the Senator from Alaska said in a moment of candor on the floor of the Senate in answer to the majority leader was, "That is the guns," and that, in effect, negated what the minority leader himself had said, "This is not about guns." This whole situation is about guns. Because, as the distinguished majority leader pointed out, no one can guarantee, once we amend this bill in any fashion, what the House will do. There is a greater likelihood the House will produce an amendment to strip the gun ban from the bill, and in effect, that is why opponents of the gun ban have raised this point of order. They know that they can use this technical point to initiate an amendment process that will let their forces in the house kill the weapons ban.

So for the American people who are listening now and trying to figure out what this is all about, what is really happening here, a little bit of history may help.

In recent history, in a whole bunch of speeches on the Senate floor, Republicans have talked about how this is not a tough crime bill and how they want to take this bill back and make it tough. Yesterday, when I was on a television show with the Senator from Texas, he blurted out and said, "Everybody in America knows the Democrats are not tough on crime. Republicans have always been tough on crime and, by gosh, we want to get a tough crime bill."

What this is all about is not just guns, but the perception that our friends on the other side of the aisle are fighting for, and that is a perception that they want to try to sell the American people that they are somehow bigger, better, braver, tougher, more willing to incarcerate, more willing to fry, than are Democrats. That is the fight. This is a squabble. This is a squabble that is even in disregard to the political process that we normally undergo around here.

When you pass a bill in the Senate and you pass a bill in the House and it goes to the conference committee, we both appoint conferees and we are represented in the negotiations.

We had people there, and they had people there. Senators were there, Congressmen were there, and they sat down and reached an agreement. It went to the House, and the House passed it. It even went to the House in an extraordinary open negotiation session, which the distinguished chairman and manager of this effort attended, along with Senate Republicans. An agreement was reached, and it went to the floor. Now it comes back to us and it is not amendable under the normal rules of the Senate.

But our friends on the other side are taking advantage of a technicality in order to try, if they can, to open up the gun issue. And if somehow they cannot succeed in that, their game is to try to sell the American people on the notion that they are bigger, better, tougher,

stronger, and braver on the subject of crime.

In the meantime, Mr. President, the law sits here unpassed. In the meantime, none of the 100,000 police this bill promises are on their way to the streets of this country.

In the meantime, prosecutors and others in the system are struggling.

Let us put this in its proper perspective, if we may.

Back in the 1960's, the crime rate began to rise. By 1964, crime was an issue in the Presidential elections. So in 1968, enough support had grown up in the country that Congress was able to pass a program called the LEAA, the Law Enforcement Assistance Administration. That program allocated about $7.5 billion over 12 years, expiring in 1980, right at the time when President Reagan came to office.

This program called LEAA, I will tell you as a former prosecutor, is all that stood between those trying to make the system work and implosion.

In 1974, I came into a district attorney's office that had 12,000 backlogged cases. We had people come into the courthouse, and they would say: "This is my sixth visit to the courthouse. The police are never here. The witness cannot be found. You cannot get justice in the system. It does not work."

So we provided some resources, resources that we were able to fund thanks to the LEAA. Resources, Mr. President. Resources that the other side of the aisle leaps to call pork. Whatever they do not like, whenever they want to somehow appeal to the lowest common denominator, they just call a program pork. They find the word that the American people hate that they can quickly attach to something, giving it a pejorative, make it pork. Even if it is a good program, even when it is a program they have sponsored themselves, or voted for, or even fought to put into the bill, they nevertheless turn around and just call it pork today because it serves a political goal of trying to say they are bigger, braver, tougher, stronger on crime. That is what this fight is about, and it is embarrassing.

Now, I will say to you, Mr. President, back in those days when we got that LEAA, the LEAA made all the difference in the world. If you did not have a clerk in a courtroom you could not get documents up from the clerk's office. If you did not have a stenographer, you could not have a court record. If you did not have a police officer to go talk to someone, you did not have a case.

Thanks to the LEAA we were able all across the country—backwoods district attorney offices, major attorney general offices—we were able to enter the modern century in an effort to make a criminal justice system work. I emphasize the word "system."

Now, Mr. President, it is the LEAA that shows why our friends on the other side of the aisle are particularly sensitive about what is going on here today. Because when President Reagan came to Washington in 1980 they killed the LEAA. They killed it, and Republicans ended Federal assistance to the States for crime. Please remember that. A Republican initiative ended the then I think some $1 billion that the Federal Government was giving to the local communities to help solve the problem of crime, and you can measure beginning in 1980—Mr. President, I challenge anybody here to go do it—how police departments in most of the communities in this country began to shrink. The number of cops began to go down.

Back in the late 1960's and the 1970's, we had 3.5 police officers for every violent crime in America. Today we have 4.6 violent crimes for every police officer, and I will say to you, Mr. President that this trend began, was established, and accelerated during the 12 years that a Republican was in the White House.

Now, what did we have for crime bills during all of those Republican years? Don't think that the answer to this question doesn't impact on what is happening here today. During the 12 years from 1980 until 1992 when a Republican sat in the White House, never once did the Republicans propose a crime bill that provided money for building State prisons. We have not had such initiative until 1994, today. Never did they make a commitment to put more cops on the beat. We have not had that until today. They never had a comprehensive bill that covered both deterrence and prevention, an approach to affect both ends of the pipeline—where crime starts and where it ends—until today.

They always approached crime bills in a little piecemeal fashion where they would address one aspect of crime, put a few cops out; the next year they would deal with a couple of laws; the next year maybe there would be a little bit of assistance for this or that.

For 12 years, when there was a Republican in the White House, there was practically nothing that happened in terms of crime. The 1982 bill provided for a $16.5 million expenditure over 3 years. That was the crime bill of 1982, when the Republicans controlled the Senate and they had Ronald Reagan in the White House, that was the best they could do. Some $16.5 million—these people who are here today to try to tell you they are bigger, braver, tougher, and better on crime—when they had the Senate control and the White House, the best they could do to fight crime was to allocate $16.5 million over 3 years. And the ultimate irony is that they didn't even pass that. President Reagan vetoed their little bill. Why? Because it created a centralized drug office at the Cabinet level, which Reagan thought was an overreaction. And what did they do next? Here we go. They didn't even touch on the drug issue for 4 years, and they didn't do anything but.

The 1984 crime bill costs were just nominal. They barely put any money into the effort. In fact, all they did was change a few laws. That was about it—no prison, no police, no prevention.

In 1986, we had a bill—I was here in the Senate at that point and took part in an effort to try to create a drug response, and the bill was purely an anti-drug measure. The bill spent $1.7 billion, but didn't do anything for cops, prisons, or prevention. There was nothing in the bill to help the system.

In 1988, the bill was the small sum of $2.7 billion which again went into the unsuccessful war on drugs, and then in 1990 the bill provided about $1.4 billion over 5 years. It had about $300 million for young offenders. It had some alternatives to incarceration. And the rest—most of it—was for drugs.

In 1991—this is very important—in 1991 we had a bill that would have allocated $3.6 billion for prisons and law enforcement, but interestingly enough, not unlike today, the Republicans filibustered that bill. Why did they filibuster that bill that would have produced the most resources in congressional history toward the fighting of crime? They killed it because they objected to the Brady bill, which had to do with reasonable gun control.

So because of their opposition to guns, and their filibuster, they killed the crime bill of 1991, that would have had some money in it for alternative prisons, for substance abuse, and so forth. So they put guns ahead of any of the other priorities of the system.

So, in summary, Mr. President, there is no way to compare the bill we have with us today to any bill that was introduced during the Republican administrations. Today's bill is dramatically more comprehensive, overwhelmingly tougher, and represents a marked advance in this country's approach to crime.

And the reason that our colleagues are so sensitive to what has happened in the last months is that a Democratic President and Congress are finally responding for the first time in 30 years with a major comprehensive bill to try to deal with crime.

Many Senators on this side of the aisle objected, I might add, to major portions of what went into the bill, but they understood we had to compromise. We had people who objected to the amount of money for prisons. We had people who objected to certain mandatory sentences. We had people who objected to the idea of putting more cops on the street. We had Senators who objected to the expansion of the death penalty. We had different concepts of objection.

But all of us overcame our objections because of this notion of compromise.

In order to pass a bill, in order to do something about crime, we were all going to have to give up something.

Now we come back at the last hour and those who were part of the compromise are moving away from the compromise just to get their way. And to get their way, no matter how reckless it is, they will label whatever they want as pork in the hope that the American people will pick up the cry and somehow support what they are doing.

Mr. President, I think people ought to just stop and look at this bill. It is fascinating to me that this bill that they say is not tough is supported by every major law enforcement organization in the country. The National District Attorneys Association wants this bill. They do not think it is weak, as our Republican colleagues seem to. Every single local police entity wants this bill. The National Association of Attorneys General wants this bill. All of our Nation's police organizations want the bill. Let me read some of the organizations' names.

The Fraternal Order of Police wants this bill. The National Association of Police Organizations wants this bill. The International Brotherhood of Police Officers wants this bill. The National Sheriffs Association wants this bill. The International Union of Police Associations wants this bill. The National Organization of Black Law Enforcement Executives, the National Troopers Coalition, the Police Foundation, the Federal Law Enforcement Officers Association.

Ask the National Conference of Republican Mayors if they want this bill, and they will tell you resoundingly that they want this bill.

How is it that a bill that is wanted by every single one of the front line people in the fight for crime is somehow being second-guessed at this point by many people who have never been on the frontline of law enforcement in their lives?

Ask the major cities' chiefs, the National League of Cities, the National Association of Counties. And there are many, many other entities representing the interests of this country in law enforcement who want this bill.

Mr. President, I keep hearing people say, "Well, wait a minute. We want tough stuff. We just don't want the pork. And you folks let this bill go over to the conference and there they took things out."

Mr. President, I just suggest we put that to the test for a moment.

I ask people to measure what was taken out in the conference versus what was put in and then say this is not a tough bill. Yes, the conferees took out a few of the D'Amato-Gramm gun provisions which federalized crimes that do not need to be federalized because they are already a crime at the State level. These crimes already get prosecuted. They do not represent a problem the Federal Government needs to address.

Several criminal youth gang offenses were struck out. They were very minor provisions. There were a few provisions taken out on public corruption. The Senate had two "three strikes and you're out" provisions. They strengthened one. Those who say the conferees took it out are wrong. The conferees really strengthened it. The conference came back with a three-strikes-and-you're-out provision.

And, yes, some mandatory minimums for drug crimes were taken out.

I heard the distinguished minority leader saying, "Who could be opposed to a mandatory sentence for somebody selling drugs to a minor?"

Well, what happens if it is the minor's best friend who is also a minor who sells the drugs? Or what happens if it is somebody who is 20 years old, a college friend who has never been in trouble, who happened to be at a party, and who sold some drugs to another minor? Are we going to put that person in jail for 10 years? I mean, that is the problem; if we are going to reduce all of this to simplistic sloganeering, we create enormous injustices in the process.

We have people today in jail under mandatory sentencing provisions for drug use who have been there for 4 years or 5 years, who are so barely culpable it is sad, who are taking up a cell that should instead house a rapist, an assaulter, a burglar, an armed robber, or a murderer who is not in jail because there are not enough cells. Jails all across America are so full that judges are given a list on a weekly basis and are told to let people out in order to make room for the next group of people coming in.

Part of the reason for this overcrowding is that we have a lot of people in prison for first-time, nonviolent minimal offenses. But they get swept under this broad-brush concept.

Mr. President, that is what was taken out of the bill. So when they say, "This bill changed; this bill was weakened; this bill was plumped up with pork," let us test this, too.

What really happened in conference?

Well, $1.3 billion more was added for law enforcement in the conference; $1.3 billion more than the Senate bill that all but two Republicans voted for previously.

And $3.2 billion more was put in the bill for prisons—$3.2 billion more than the bill that all but two of the Republicans voted for previously.

This is what was put in the conference. This is a bill that was supposedly weakened. The conferees injected $4.5 billion more for prisons and law enforcement. The bill also got a $1.8 billion increase for the incarceration of illegal aliens. It got a $1 billion increase for the Byrne grants, which everybody supports. It got $1.2 billion for increase funding for the Border Patrol. It got $307 million in increased funding for Treasury Department enforcement. It got $50 million in increased funding for the DEA; $10 million in increased funding for DNA testing; and $24 million in increased funding for police recruitment.

Mr. President, that is a tougher bill. That is an addition of billions of dollars in order to make this bill even tougher on crime. That was part of the compromise.

And now our friends on the other side want to renege on the compromise and go back on it in order to gain the political advantage of trying to claim that they are somehow tougher on this bill.

And what I have told you is just financial. Let me show what this bill does in penalties.

With this bill, we add 60 new death penalties. That is the largest expansion of the Federal death penalty in the history of the U.S. Congress. And there are people on the other side of the aisle who are opposed to the death penalty, who nevertheless voted for this bill, despite opposition because they understand we need these cops, we need these prisons, and we need this money.

It also adds over 70 new penalties or penalty increases. It has the three-strikes-and-you're-out penalty; mandatory life for defendants convicted of three serious felonies. That is tougher, Mr. President.

The conference authorized adult prosecution of 13-year-olds for serious, violent crimes, which I happen to think raises some enormous problems in the criminal justice system. But people like myself swallowed hard. That is a lot tougher—some would say draconian. But it is in there and it is going to be part of this law if our friends would let the Senate vote on the bill.

The conference added a tougher new penalty to crack down on gangs, and adds up to 10 years for a Federal drug and violent crime committed by a gang member. That is a lot tougher than it was before.

It enhanced the penalty for all crimes where a defendant uses a child or encourages a child to commit a crime. That is a lot tougher than it was before.

And that is only the beginning, Mr. President.

The bill increases the penalties for drive-by shootings, for using a semiautomatic gun during a Federal drug crime or violent crime, for stealing guns and explosives, for interstate gun trafficking, for aggravated sexual abuse, for sex offenses and assaults against children.

It increases penalties on every single one of those.

It increases the penalty for using kids to sell drugs in a drug-free zone. It increases the penalties on use of drug dealing near a public housing project.

It increases penalties on drug dealing near schools and playgrounds. It increases penalties on drug trafficking when you are in prison. It increases penalties on drug smuggling into prison.

And yet we keep hearing our friends come to the floor and say how this bill weakens, how it is not tough on crime.

Mr. President, there is not a criminologist in America worth his or her salt who would not say that this is the toughest crime bill and most comprehensive crime bill ever put forward in the U.S. Congress. But our friends are here to spend several days getting the message out to America—the phony message—that somehow one party is tougher on crime than the other party.

Mr. President, this really is not a party issue. There is not a Democrat or Republican policy on crime. There really is not. I do not think there is a Senator who is soft on crime. I would not waste my time trying to argue that there is a Senator soft on crime. There are different attitudes about what works. There are different sets of priorities about how to deal with crime. And it is precisely those different sets of priorities that brought us to the point of compromise, where some of those people who hated the death penalty, some of those people who hated all of this prison money got some of the money to put into prevention because they think it is smart to reduce the level of crime in ways that are known to work.

Now, some of our friends do not want to do that. Well, some of our friends on this side do not want to spend the money the conference introduced. The point is we are supposed to act like adults in the Senate and come to agreement, and that means compromise.

And that is exactly what took place in the course of the conference and what has brought us here. Our friends know, under the normal procedures, were it not for this technicality that they will assert—maybe—they would not have the ability to propose amendments. They would not be allowed to. They would have to vote to either kill this bill or vote to pass it. And do you know what? It would pass. It would pass, if there were really a vote. And Republicans would vote for it, pork and all. Everyone in the Senate knows it, and everyone in the country ought to know that.

I would like Americans who are listening to this debate to stop for a moment and analyze what the Republicans are calling pork. Call an office, read about it, think about it. Because what we have is a situation where programs that have long been accepted as working and preventing crime are suddenly being labeled "pork."

We have innovative programs that make a difference in the lives of kids that they are being called pork. And if we reduce this debate to a debate where people are allowed to just label something and walk away and everybody in the country believes it because somebody threw out the label, then we are really depriving ourselves of options for the future.

I ask my colleagues, who has walked into a Boys Club and Girls Club—I wonder who has done that recently—and seen and measured what is happening in that Boys Club or Girls Club? And who has considered what is happening to the children in these clubs versus the ones who are not able to get in because there is not enough room?

I was in Brockton, MA, recently. Only 10 percent of the kids in Brockton have access to a Boys Club and Girls Club. So what happens to the other 90 percent who do not get the choice of some shop or woodworking or dance or basketball or any of the other options? What happens to them? They wander around the street. They fall in with a bad lot of people. Everybody knows the pressures parents are under in America today. Everybody knows how many people are growing up in single-parent families or without parents altogether. Everybody understands the culture of violence on television that is used as a babysitter in countless homes in America.

So what happens to these kids who do not get the other options? Here we have a whole host of programs that make a difference in their lives. I have heard about countless programs in recent months talking with these kids. I have heard from them firsthand the difference it has made to be with a group of peers, all of whom have had a moment of trouble, some of whom are on drugs, some of whom have had five brushes with the court and who are at that brink of either going over the end or making it, pulling back. Those kids will tell you of the value of the programs that force them to accept some discipline, that give them some peer reinforcement, that give them a sense of self-esteem and value and perhaps a sense that something out there might work for them in the future. That is what these programs are. And they are being called pork.

There are examples of success in programs that show why this is valuable. It may be boring to some, but we better understand the difference between pork and programs that save kids' lives and rebuild communities. That is what this debate is about.

A 1992 evaluation by Columbia University and the American Health Foundation found that public housing projects with Boys Clubs and Girls Clubs had 13 percent fewer juvenile crimes, 22 percent less drug activity, and 25 percent less crack presence.

Do you know what that means to the crime system of this country? A 25 percent reduction in people on crack? Mr. President, 13 percent fewer visits to the juvenile courts? You know what? These programs save money. If those kids are not going into the court system and they are not going into diversion programs, you do not need as many police. You do not need as many prisons, ultimately. You begin to build your society from the bottom up, where people have a stake in the community, not a sense of alienation and cynicism and loss.

Look at Community Schools in Houston, TX. This program tries to keep their at-risk kids in school instead of simply putting them out on the street. Professionals set up shops in the schools. This is what our friends come to the floor and call welfare programs, because welfare is a pejorative in American politics. Label it welfare. Put the word liberal in there and, by God, you have a real socko slogan going for you. Call it liberal welfare and everybody can hate it, even if it is a good program. That is what we have come to. That is all it takes.

Here is a program called Police Athletic Team in Birmingham, AL. The Birmingham Police Department sponsors softball, basketball, baseball, and golf teams for kids. Imagine that, a police department sponsoring sports programs for kids. We have had people come to the floor and derisively dismiss midnight basketball and arts programs. We are not going to spend money to do these things, we say.

Yet in program after program in America, where we have spent money on this sort of thing, you see kids with 80 percent success rate of not going back into the court system; 60 percent success rate going into employment. They learn something about themselves.

How is it we can all achieve this lofty position of U.S. Senator and mouth the platitudes we mouth, about family, about values, community, and then strip away from people the very ability to build family and values and community? How do we do that and go back and look at people with a straight face?

I am not telling you every single dollar in here will produce a return, but you cannot tell me every single dollar spent on a prison is absolutely going to yield a return. We have seen case after case of people coming out of prison after 15 years, 10 years, whatever, and they will tell you if they had had an opportunity to go straight, they never would have gone into prison in the first place, if somebody had just reached out to them, if somebody had just cared, if somebody had made a difference in their lives.

It is so easy just to come in, in this current mood we are in in America, and call it goo-gooism or do-goodism or whatever. But it works. Why have the Boy Scouts of America and Girl Scouts and Cub Scouts and Brownies worked for years? Why do church entities

work? Why do people take their kids to Sunday school or to study the Koran or the Torah or whatever? They do it because there are values transmitted in that process. Because kids learn something.

But so many of the kids in America today are not learning anything except how to hate each other. They are learning how to do violence. They are learning how to not even communicate or be able to talk.

The other day I was in Lynn, MA with about 15 kids at risk. They are in one of these employment programs that have been labeled "pork." And I talked with every one of those kids. I might say, in the years since the 1970's when I was a prosecutor, I have never seen kids as negative, as alienated, as angry, and as incapable of articulating anything as these kids that I met with. I asked them, "What do you do after you get out of this program? What time do you get out?"

"2, 2:30."

"Where do you go?"

"We hang." That was the answer. "We hang."

All you have to do is talk to kids today and find out what hanging means, in terms of some of these communities, and you know what is happening where these programs do not exist.

That is our fault, not theirs. That is our fault, not theirs, because we are unwilling to make the investments that provide them with some alternatives. And I will tell you something, you are not going to rebuild family in America for people who do not have a family, who have no sense of what a family is or means. Where does it come from? Are they just going to walk out on the street and one day, lo and behold, they understand what family means and what relationships mean?

It does not happen that way, does it? We are creating a whole lot of antisocial people, sociopaths—whatever you want to call them—because they do not know how to communicate with each other, let alone with their parents or their family, if they have one. And many of them do not have one.

So I am sick and tired of hearing people come to the floor of the Senate and just throw this credible, big smear tactic on programs, call them pork and "that's it, folks." I am not going to defend every dollar in this bill. There is not anybody who can defend every dollar in any bill in the Senate or in the Congress. But there is a compromise process here, Mr. President. People accept things that they do not like in the larger interests of this country. That is why we had people vote for this bill who hated certain aspects of it, and that is why, I might add, our friends in the conference committee swallowed and took what they had to take because they knew they would not get a bill to the floor of the House otherwise, and they knew they ultimately would not get a crime bill.

I tell you, this is a moment of truth for the United States of America. This is gridlock, and we look silly, we look sick to the American people. They are sitting back there in the last days of vacation, getting kids ready to go back to school and they are wondering, "What is going on down there in Washington? These guys are squabbling about some point of order. We have people being killed in drive-by shootings and they have been fighting for 6 years on this crime bill. People are spending money all over the place trying to influence elections and the concerns of the American people are forgotten and trampled on in the process."

It is a disgrace, and everybody in this country knows that. We can posture and we can pontificate and we can beat our chests, but the American people understand what is really going on.

This bill is a tough bill. This is the first bill I have seen in the 10 years I have been here that comprehensively tries to deal with crime. I say again and again and again to my colleagues, with all due respect, this is a downpayment. And if you do not pay for some of these programs you want to call pork today, you will pay for these programs in the future when you build the next round of prisons and ask for the next group of cops to go out in the street because you have mayhem and chaos that is the end product of the antisocial behavior that we are breeding in this country.

That is the road we are on, Mr. President. That is the road we are on. And I do not care how much we pontificate, this bill has more money and stronger provisions for law enforcement than we have ever seen.

I ask people who listen to this debate and people who write about this debate and people who want to think about this debate, look at the facts. Make your judgment about what is reality here. As Senator MITCHELL pointed out, what came back from the conference is less expensive than the Republicans proposed in their bill, if you factor in the extra year this bill would cover. So, indeed, it is a bigger package, but not because it costs more, because it covers more time.

And finally, do not forget that the money in this bill is subject to appropriation. That means we control it. If we do not want to spend it, it will not be spent in those outyears. So my friends are protected. They are truly protected. And I guarantee, when all is said and done, if somehow the Republicans win and force a change and something is somehow passed, I guarantee you it will not make a difference except negatively in the ability of this country to try to fight crime.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have enjoyed the remarks of the distinguished Senator from Massachusetts. As usual, he is very eloquent, and I have to say that he is knowledgeable about much of the bill. But there is a difference in philosophy between these two sides.

When he talks about, we have to help Boy Scouts and Girl Scouts, I think that is true. But the Federal Government does not have any role there as far as I am concerned. They have been getting along fine for almost a century now without help from the Federal Government and all the strings that come from it. That is true of midnight basketball on a voluntary point-of-light program by President Bush. It has been working well all over the country, voluntarily, without Federal strings or Federal money, for that matter.

I do not want to take any more time, because the distinguished Senator from Iowa has been waiting for 2 hours to speak. But let me just make this one last point.

I believe in some of these prevention programs, too, that the distinguished Senator has been talking about. They are all over the Federal Government. There are some 266 of them already funded by the taxpayers. I just want to make this point.

The General Accounting Office recently reported that there are already 7 Federal departments sponsoring 266 of these prevention programs which currently—now these are the ones that currently serve just delinquent at-risk youth. There are many hundreds of other programs for others who are not delinquent at-risk youth. So I am only talking about 266 of them that the taxpayers are called upon to pay for. Of these 266 programs, 31 are run by the Department of Education, 92 are run by the Department of Health and Human Services and 117 are run by the Justice Department. And we are currently funding them, many of the programs the distinguished Senator from Massachusetts, my friend, has mentioned.

The GAO found that there already exists, "a massive Federal effort on behalf of troubled youth."

I support that, by the way, which spends over $3 billion a year. The GAO went on to report that, quote again from the GAO, the General Accounting Office—which, by the way, has not been controlled by Republicans for a long time and I question has ever been controlled by Republicans. The GAO says this:

> Taken together, the scope and number of multiagency programs show that the Government is responsive to the needs of these young people.

Let me read that again:

> Taken together, the scope and number of multiagency 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.

That is the GAO report, a Federal agency, Juvenile Delinquency Development Statements of August 1992 and, if anything, we are spending more money today on these programs than we spent then, because this has been updated recently.

I cannot say that I disagree with my good friend from Massachusetts who, I know, knows a lot about these areas, and I commend him for it. We fought side by side on some of the same provisions in this bill. But do not tell me we have to spend another $5 billion on top of what is already being done which the GAO says is more than adequate.

I guess you can spend $100 billion and you would probably be better off in this country, if you had it to spend. There comes a point when we have to say, when it is adequate, why do we not use this money for real anticrime activity, which is what the bill that the majority leader seemed to be criticizing and maybe my friend was—I hope not—the Republican response when the bill was up to $33 billion, it was 90 percent law-enforcement oriented.

I will be glad to spend more money on law enforcement orientation. As a matter of fact, I will just be honest with you, I would give $15 million to Lamar University if I could save that $5 billion. I would have done that over in the House.

One last point. Yes, I was over in the House this last weekend, and I worked very hard to try and help my colleagues over there on various points, but I certainly was not rubber stamping or approving what they did. I was just there to be of help, to be their friend and be there if they needed me. They asked me to come, and I was happy to be there, and I want to say I commend them for what they did.

Others feel differently on the Republican side. They feel like they should have taken a harder stance, whatever. But these were young people over there who literally were negotiating for the first time with the White House and the leadership of the House of Representatives, the Democratic leadership, I say.

I was in essence a U.N. peace observer, really. And I have had people all day on this floor trying to say I approved everything they did. The heck I did. As a matter of fact, the whole battle here is to try to restore to this crime bill those provisions that all of us overwhelmingly voted for here, to try to stop the House from stiffing the Senate on the tough anticrime provisions and to not stiff us anymore with their boondoggle provisions.

We have more than made a case that this bill is filled with matters that we really do not even have much of an idea as to what they are going to do other than just throw money out there to do good with it. Golly, I think it is time for our taxpayers to quit having to do that, quit having to pay for stuff like that.

Let me tell you something. Back to my original point. I really believe the Boy and Girl Scouts of America have done a great job without Federal help, and I think they will continue to do so. And if we would do a lot more without Federal help, this country would be a lot better and a lot better off.

The problem is we have people here in this body and the other body who think nothing can be done right without Federal dollars. I have to tell you, I think more is done wrong with Federal dollars than is done right.

Now, maybe I am out of step. Maybe I just represent a point of view in this country that really is a minority, and people just do not want to listen to it anymore. But I do not believe it. I do not believe that for 1 minute. I know what the people out there think. I think they are sick and tired of us in the interest of doing good—and there is good intention here; I am not finding any fault here—but in the interest of trying to do good with their money, continuing to spend us into bankruptcy.

I think people are sick of it. Even liberal people out there are calling me; they are sick of it. One of the leading mayors of California called me yesterday and said we do not want the crime bill. The obligations that come from it far outweigh the benefits to us here in California. When you really look at the facts and you look at the fine print, it is not worth it to us.

I think we can straighten it out with the amendments that we would like to get adopted, and I personally believe most all of us, if not all of us, will vote for them.

How can you not vote for an amendment to do mandatory sentences for people who sell drugs to kids? Or people who employ minors in the sale of drugs? Or people who use them? I could go on and on.

I know the distinguished Senator from Iowa has been waiting for 2 hours, and I yield the floor. I hope he can get the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. KERRY. Mr. President, if I could ask my friend from Iowa just for a quick response to the Senator. I know he has the floor and I would simply ask——

The PRESIDING OFFICER. Does the Senator yield?

Mr. GRASSLEY. If the Senator can do it in less than 2 minutes, the answer is yes.

Mr. KERRY. I will do it in less than 2 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I appreciate this colloquy, and I thank the Senator from Iowa.

When the Senator uses this concept—and this is part of what is, frankly, either misleading or distorting in this process—he quotes an outdated report, No. 1. He talks about $4.2 billion that was spread out over the years 1988, 1989 and 1990. But most importantly, many of the programs listed are completely unrelated to delinquency prevention. Some of the projects are listed twice.

Only $460 million went for programs targeted to delinquent, at-risk youth. And $2.9 billion of the $4.2 billion he talks about went to job training and vocational programs, not even targeted to delinquent, at-risk youths. Nearly $300 million went into drug-free schools which was all children, again not targeted. So I can run through this.

I ask unanimous consent to put the entire breakdown of this program in the RECORD.

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

SUMMARY—"266 PREVENTION PROGRAMS" MISLEADING

Programs totaled only $4.2 billion—over three fiscal years.

Many of the programs listed are completely unrelated to delinquency prevention.

Some of the projects are listed twice.

Only $460 million went for programs that targeted delinquent and at-risk youth.

$2.9 of the $4.2 billion went for job training and vocational programs. It was not targeted at delinquents or at-risk youths.

Nearly $300 million went into drug-free schools, which is for drug education for all children—also not targeted.

123 of the programs received $500,000 or less.

53 of the programs received $100,000 or less.

Many of the listed programs, including DARE, have enjoyed wide, bipartisan support.

BREAKDOWN OF "266 PREVENTION PROGRAMS"

PROGRAM TYPE

Total programs aimed at delinquency: 194

108 of 194 programs: research projects or small-scale demonstration programs

47 programs: training and technical assistance

Just 39 programs: on-going service programs targeted at juvenile delinquents and at-risk youth.

PROGRAM FUNDING LEVELS

53 of 194 programs funded at less than $100,000.

123 of 194 programs funded at less than $500,000.

Nearly two-thirds of total $760 million is in four programs, one of which is drug-free schools.

RESPONSES TO REPUBLICANS ON "266 PREVENTION PROGRAMS"

For months now, Senators on the other side of the aisle have been saying that we don't need to do any more to steer our children away from gangs and drugs, that we don't need to provide them with safe havens from the streets, that we are already doing enough.

For months, they have been saying there are already 266 Federal programs aimed at juvenile delinquency, and that the prevention programs in what is now the crime bill conference report are more of the same,

more of what they call "social spending boondoggles."

But let us take a closer look at the 266 programs that my Republican colleagues keep criticizing, over and over, and see what they are talking about, see where they have gone wrong.

According to the GAO report, the outdated report where the Republicans are getting their information, the Federal Government was spending about $4.2 billion on programs for delinquent and at-risk youths.

The first point is, this $4.2 billion was not the funding for just one year. It includes funding for programs and grants that were awarded in 1988, 1989 and 1990. There are even a few thrown in there from 1985 and 1987. So it's not as if each year the Federal Government was spending $4.2 billion.

But let us go ahead and look at that $4.2 billion anyway, that $4.2 that was spent mostly over the course of three years.

$2.1 billion—fully half of the total amount—goes to the Job Training Partnership Act. Now I'm sure I do not have to remind anybody that the JTPA is a program that was championed by both Senator Kennedy and by the former Vice President, Dan Quayle.

Another $850 million paid for vocational education programs. That makes a total of $2.9 billion on job training and vocational programs.

So we actually had a far smaller amount—just $760 million—that was targeted specifically at preventing violence and drug abuse among our young people.

Of that $760 million, nearly two-thirds went into just four programs.

$300 million went to the drug-free schools and communities program. As my colleagues know, I have long fought to increase these funds devoted to anti-drug education and prevention in our schools—the dollars are only sufficient to provide comprehensive anti-drug lessons to about one-half of all America's schoolchildren.

Three other programs took up big chunks of that $760 million, leaving just $278 million to support 190 different delinquency programs.

So the vast majority of all of these programs the Republicans have been criticizing are mostly tiny projects or separate grants.

123 of the programs were funded at $500,000 or less.

And 53 of those cost $100,000 or less.

So only a total of 71 programs, including the big four, were funded at more than a half million dollars. That's nationwide.

108 of those 194 programs are actually research projects, studies of what works and doesn't work, and demonstrations, small-scale tests that each cover no more than a handful of sites across the entire country. These aren't really even separate "programs"—they're really separate, individual "grants."

47 of the grants the Republicans are criticizing are training and technical assistance grants, also small-scale projects that don't involve direct services to kids.

That leaves 39 of the 194 delinquency prevention grants and programs that were ongoing programs that delivered services to at-risk youths or to those caught up in the juvenile justice system.

Just 39 programs—out of the entire 266 the Republicans refer to—actually were full-scale efforts to deliver services to at-risk kids. And most of these are done on a local, limited basis as well.

So the impression given when we hear that there are more than 260 Federal prevention programs is that we have sufficient programs operating everywhere they are needed—in all of the cities and towns across the country—and serving every child we can help. In other words, that the Government is already doing as much as it can, and as much as it should, to stop kids from turning to gangs, crime, and drugs.

But as we've just seen, many of the programs on the list are—or were—limited to one city or a handful of locations, for a limited period of time, or were research projects and technical assistance grants. Others were targeted at special populations, such as Indian tribes and native Hawaiians.

Even the Weed and Seed Program, which is not on this list of 266 because it came about after the list was compiled, is thought of as a nationwide program but it actually operates in just 21 cities. This joint prosecution-prevention program was started by President Bush and Attorney General Barr. I support it. It would make the 267th program on the list. Does that mean the Republicans are now against Weed and Seed too?

Let me also point out that this "266 programs" figure is still more misleading because it includes programs that really have nothing whatsoever to do with providing at-risk kids a safe haven, or an alternative to crime and drugs. They may be worthwhile programs—or not. That is not the debate here. The point is that some of the 266 are not programs for at-risk or delinquent children at all.

Some examples:

The Law School Clinical Experience Program, which, as the name of it suggests, helps law schools fund clinical programs for their law students.

Cognitive analysis of drunk driving teenagers, a research project that was conducted in the late 1980's.

Massachusetts 1987 Safe Roads Act/Traffic Safety Program, another research project that is finished.

So these programs and projects, and others, were included in this count, but they really don't belong.

Also, in the list the Republicans are using, some of the programs are listed twice. The "Gang Community Reclamation Project" in Los Angeles is listed under both the Department of Health and Human Services and the Justice Department; the "Cities in Schools" program is listed under both HHS and Labor.

So when you boil it all down, there was less than $760 million—the more accurate figure is about $565 million—that was targeted at services for delinquents and at-risk youths. When you look at the figures, I think it becomes painfully obvious that we are not doing nearly enough.

And let us also look at the specifics of these few programs and grants that are supported with these few dollars. We keep hearing that they are "social spending boondoggles." Well, let's take a closer look.

$1 million supported the Drug Abuse Resistance Education (DARE) regional training centers, to train State and local law enforcement officers to become DARE instructors in schools. I thought DARE enjoyed wide, bipartisan support. Is that no longer the case?

$1.6 million was allotted to juvenile boot camp programs at three demonstration sites.

About $250,000 went into a comprehensive program of drug testing for juveniles who are arrested.

$100,000 paid for an attempt to raise the voices of victims and witnesses in the juvenile justice system, to get them more involved in and informed about the court process.

Now every one of those programs has consistently received, or would receive, bipartisan support in the Congress.

So the Republicans want to beat up on this bill for "wasting" more money on social programs. Well I think the facts speak for themselves.

We have kids committing crimes we couldn't even imagine just a few decades ago, and unless we pass this bill, we will continue to provide these at-risk children with precious little help and precious little hope of staying out of serious trouble.

Mr. KERRY. But the truth is the GAO report says we are taking it seriously, but it does not say we are doing enough. It does not say we are doing enough. And when only 10 percent of kids in a community are getting the boys and girls clubs, we have all the evidence we need that we are not doing enough. It is very simple.

Now, I never said we should be giving assistance to the Boy Scouts of America. I used them as an example of the kind of fabric building we need to engage in. You can go all over this country and find effort after effort that is desperately in need of this kind of assistance.

So, yes, there is a difference, Mr. President. I guarantee my friends on the other side of aisle—guarantee it, guarantee it—if you do not spend this money now, you will spend it more expensively for substance abuse, drug abuse, alcohol, human abuse, violence against women, and you will pick it up in your hospitals, and in your prisons, and in your insurance policies, and in your communities.

So it is that simple.

I thank my friend from Iowa.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. If I could, without losing my right to the floor, I would like to do a favor to the Senator from Georgia. He asked me if I would give him time to make a statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa yields to the Senator from Georgia.

Mr. NUNN. I thank my friend from Iowa. I know he has been waiting here a long, long time.

Mr. President, as we continue to debate this bill, crime and the violence which surrounds it continues to threaten Americans all across our Nation. We are, again, confronted with calls for effective and immediate solutions to a crime problem that has gone far beyond anything that most Americans would have imagined just 20 years ago.

For example, the subculture of crime and violence has now reached far beyond hardened, streetwise criminals. It now routinely attracts growing numbers of America's youth, our children. The news stories have become shockingly commonplace: youngsters murdering youngsters over sneakers or a leather jacket; indiscriminate

killings in our schools; youth gangs protecting territory and seeking respect by unbridled violence and murder; and teenagers who dream only of the power of a bullet and who are utterly blind to the sanctity of human life.

Last year, 2,680 children under the age of 18 were arrested for murder; 4,882 children were arrested for forcible rape; 38,192 children were arrested for robbery; and 58,383 children were arrested for aggravated assault. It is little wonder that, in the minds of many, many Americans, crime is the single most important issue facing our Nation.

Those statistics depict the gravity of only one aspect of the overall problem: to wit, juvenile crime. I raise it to emphasize not only the overwhelmingly serious nature of the crime threat but also the urgency that surrounds our efforts to mobilize a strong and effective anticrime effort.

In that context, we have before us, again, and after much debate and much revision, a comprehensive package of anticrime legislation. I recognize and appreciate the many long hours that went into the very difficult negotiations on this legislation and I commend Senator BIDEN and my other colleagues who have been deeply involved in that process.

By all accounts, those negotiations have produced a revised conference report that is, by necessity, a compromise. The bill is, by no means, perfect and will not immediately cure the crime problem. It has, in my view, strong points as well as weak ones.

Some of this bill's weaknesses result from the process that has generated this bill, as well as the many anticrime and antidrug bills that we have considered before. It has become fairly predictable that every 2 years Congress will be debating a crime bill of some sort—it is a safe guess that, in another 2 years as the next election looms on the horizon, we will be doing this all over again. In an election-year rush to enact tough anticrime measures, I am concerned that Congress may be creating quick fixes that may sound good but, too often raise unrealistic expectations in the public's mind.

I recognize that this bill does provide our law enforcement and crime prevention systems with much needed financial resources, which is a positive step. It also has some worthwhile and valuable substantive provisions. However, I think we need to recognize that many of the real substantive changes in Federal law which law enforcement truly needed have already been accomplished in past anticrime and antidrug bills. I am concerned that we have reached the point where we are simply piling on new Federal offenses and doubling and, in this bill, even tripling, penalties to without any reasonable expectation that this will have a significant impact on the crime problem. I am concerned that this bill provides for a large expansion of Federal criminal jurisdiction and, in many cases, unnecessarily duplicates existing efforts and programs. I have voted for some of these expansions myself, but I think it is time for a thoughtful reconsideration of where we are going with the expansion of Federal jurisdiction.

For example, will the 60 plus new Federal death penalty provisions be utilized to any significant degree when many of those offenses are already covered under existing States statutes? Is it possible that by creating Federal jurisdiction in areas traditionally left to the States, we may be opening the door for more confusion, miscommunication and turf battles among law enforcement agencies? Finally, does doubling or tripling an already heavy penalty have a significant deterrent impact on a potential offender?

In short, I think it is time for the Congress, the executive branch, and our citizens to take a serious look at what really works in the anticrime effort. We owe it to the American public to be honest about what impact they can realistically expect from this crime bill and future crime bills.

In my view, however, this bill's pluses outweigh the minuses—the resources it authorizes will be a big help to our overburdened and underfunded crime fighters. On balance, I believe that it will help strengthen anticrime efforts without impermissibly treading on the legitimate rights of our law-abiding citizens. As such, I intend to vote in favor of the revised crime conference report.

Let me just point out some of the provisions of this bill, which speak to nearly every aspect of the war against crime:

Provides $10.8 billion in needed resources to State and local law enforcement, including:

The sum of $8.8 billion for community policing; $245 million for rural anticrime efforts; $130 million for technical automation grants to law enforcement; $200 million for courts, prosecutors, and public defenders; and $1 billion for programs of intensive judicial supervision of nonviolent offenders with substance abuse problems.

Provides $2.6 billion to Federal law enforcement, including:

The sum of $245 million for the FBI; $150 million for the DEA; $50 million for the U.S. attorneys; $550 million for the Treasury Department; $199 million for the Justice Department; and $200 million for the Federal courts.

Provides $9.7 billion for prison systems, including:

The sum of $7.9 billion for State prisons and incarceration alternatives such as boot camps, 50 percent of which is reserved for violent offender incarceration; $1.8 billion to reimburse States and localities for the cost of incarcerating undocumented criminal aliens; and prohibits the awarding of Federal Pell grants to State or Federal prisoners.

Provides $6.1 billion for crime prevention, including:

An interagency Ounce of Prevention Council to administer $90 million in grants for summer and after school recreation and education; mentoring and tutoring by adult role models; employability and job placement programs; and prevention and treatment for substance and child abuse as well as adolescent pregnancies; $626 million for the model intensive grant program for comprehensive prevention programs in 15 high crime areas; $1.6 billion to combat and prevent violence against women, including training for police, prosecutors and judges; increased victim's services; battered women shelters; rape education and community prevention programs; a national family violence hotline; and increased security in public places; $1.6 billion to local governments for anticrime efforts relating to drug treatment, education and jobs; and provides funding for substance abuse treatment programs in State and Federal prisons.

Enacts provisions designed to help prevent the use of firearms in violent crimes, including:

For a period of 10 years, outlaws the manufacture, possession, and transfer of 19 specified semiautomatic assault type weapons or a replica thereof unless they were owned prior to enactment of this law; for a period of 10 years, outlaws large capacity—over 10 rounds—ammunition feeding devices unless they were owned prior to enactment of this law; provides that during this 10-year period, the Attorney General will study and report on the effects, if any, of this ban on reducing violent and drug trafficking crime; prohibits gun sales to persons subject to family violence restraining orders; and prohibits the sale or the transfer of handguns or handgun ammunition to a minor.

Expands the applicability of the Federal death penalty to over 60 Federal offenses, including:

Large-scale drug trafficking committed as part of a continuing criminal enterprise, even where no death occurred; carjacking, where death results, in cases where the car which was object of the carjacking had been transported, shipped or received in interstate commerce and the carjacker was in possession of a firearm; alien smuggling, where death results; espionage and treason; murder for hire, if the scheme involves travel in interstate commerce or the use of the mails or other facilities of interstate commerce; terrorism, which involves the killing of a U.S. national while such national is outside of the United States; drive-by shootings, where death results, if the shooting is done in furtherance of, or to escape detection of, a major drug offense; sexual

abuse, where death results, if the abuse is committed in a special maritime or territorial jurisdiction of the United States, or in a Federal prison; retaliatory murder of witnesses and informants with respect to Federal offenses; murder of Federal grand or petit jurors or Federal court officials in order to obstruct justice; and violating a person's federally protected rights based on race, religion, or national origin, where death results.

Increases or creates new penalties for numerous Federal criminal offenses, for example:

Mandatory life imprisonment upon the third conviction for violent crime or major drug offenses; increases, by up to 10 years, penalties for certain drug or violent offenses if committed by a repeat offender who is involved in a criminal street gang; requires persons convicted of sexually violent offenses to register a current address with the appropriate law enforcement agency and allows for the release of that information where necessary to protect the public; increases or creates Federal penalties for such crimes as drive-by shooting; use of semi-automatic weapons in violent or drug crimes; aggravated sexual abuse; drunk driving where a child is present; interstate gun and drug trafficking; theft of firearms or explosives from interstate shipments; smuggling aliens; and use of children to distribute drugs near schools and playgrounds; authorizes adult treatment of juveniles—age 13 and older—charged with murder, attempted murder, aggravated assault, armed robbery, rape and a variety of other crimes if the juvenile possessed a firearm during the offense; and enhances penalties for telemarketing frauds targeting senior citizens, expands Federal credit card offenses, and creates a new Federal offense of insurance fraud.

In sum, Mr. President, there are many good points to the anticrime package now before us. While I believe we all agree that crime is a very real and very grave threat to Americans, I think we also all recognize that there are many honest disagreements on how to best address that critical problem. The package before us is, in my view, a good-faith effort to reconcile those differences where possible and make a positive contribution to our efforts against crime. On balance, I believe that the provisions of this bill will add many needed tools and resources to those of our citizens who are fighting crime on the front lines, whether in law enforcement efforts, in our prison systems, or in crime prevention programs.

As far as my State of Georgia is concerned, the bill will provide, among other things, an estimated $225 million over the next 6 years for community policing; approximately $102 million for prison grants, including military-style boot camps; $2.9 million for drug and crime enforcement in Georgia's rural areas; and $36 million in direct grants to local governments for education, drug treatment and jobs programs.

Mr. President, I would like to raise an important point relating to funding this bill. I have been very concerned to hear both the President and many of my colleagues, proponents and opponents alike, of the crime bill say this legislation will be fully funded from a trust fund generated by savings made through Federal civilian personnel reductions, including reductions to Department of Defense personnel. Federal civilian employment is to be cut by 250,000 people between 1993 and 1999. DOD has already submitted budget plans to cut 138,000 civilian personnel in this timeframe. But savings from these multiyear personnel reductions in DOD were needed to comply with the administration's overall spending targets for defense through fiscal year 1999. DOD has, in effect, already utilized these savings to meet the declining defense number set forth in the administration budget. I do not know whether this is the case with other departments, but it could be.

I have been concerned, then, that the crime bill appears to count on savings from DOD personnel reduction that have already been taken to meet the Bottom-Up Review budget targets. If that is the case, the crime bill clearly could lead to additional cuts in the Defense budget below the levels the President has advocated this year as necessary to support the Bottom-Up Review. In the alternative, it could mean cutting nondefense discretionary accounts to offset the defense savings not available due to double counting.

Mr. President, I wrote to the President on August 23 to ask him to clarify the situation. Chief of Staff Leon Panetta responded in a letter to me today. To summarize Leon Panetta's response, he has indicated that he does not intend that the outyears DOD budgets be reduced in order to fund the crime bill's trust fund, and he does not intend to require additional cuts in DOD civilian manpower in order to generate funds for that trust fund. Mr. Panetta states:

First, let me assure you that enactment of the crime bill will not require a reduction in the requested funding levels for the Department of Defense contained in the President's budget for FY 95-99. Consequently, the Department will not be assigned a lower budget target as a result of enactment of this bill. Furthermore, there are no plans to assign funding responsibility to the Department of Defense for any of the new programs, projects or activities established by the crime bill, or for existing anti-crime activities now assigned to other Departments.

The crime bill would require the Secretary of the Treasury to make specified annual transfers into the new trust fund. The budget the President submitted to the Congress in February included FY 95-99 funding for the activities in the crime bill at budget levels consistent with those in the bill. Thus, the President's budget has already set aside the resources to cover the activities in the crime bill.

The Administration has not changed its estimate of civilian personnel reductions in the Department of Defense. The Department could propose additional personnel reductions to offset higher priority requirements that might develop.

Mr. NUNN. Mr. President, I ask unanimous consent to print these letters in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 2)

I am grateful to the Chief of Staff on behalf of the President for his reassurance to all of us who are already concerned about the adequacy of the planned funding levels for national defense.

Mr. President, I intend to vote in favor of the revised crime conference report.

However, I think it should be clear to everyone that, for all its good intentions, this bill will not trigger an end to the crime problem in this country. Make no mistake about it—neither this bill nor any other legislative solution is going to erase the very fundamental problems that lie at the root of America's crime epidemic. Laws cannot reverse the disintegration of family and values that this country is witnessing; laws cannot dictate culture and lifestyle; laws cannot control or shape influence of violent television; and, finally, laws cannot create loving and supportive parents and role models for America's children. Those are tasks which must be undertaken by the American people, in our homes, in our schools, in our churches, and in our communities. While I am hopeful that this bill will help in the war against crime, we need to all realize that it is not, by any means, a substitute for a kind of individual and community effort that is needed to truly impact this Nation's crime problem.

Mr. President, to summarize Leon Panetta's response, he has indicated that he does not intend that the outlays, the outyear DOD budget outlays be reduced in order to fund the crime bill's trust fund. He does not intend and the administration does not intend to require additional cuts to DOD civilian manpower in order to generate funds for the trust fund. I will not go into all of his letter because my friend has already been kind enough with the time. I am going to put the complete letter in the RECORD.

Mr. President, I still believe that this whole area of setting up a trust fund needs to be approached very carefully, particularly if there is any possibility of double accounting, but at least this letter makes it clear that the Department of Defense is not going to be hit harder by the administration in terms

of this crime bill being taken out of defense.

Mr. President, I thank my colleague for yielding.

EXHIBIT 1

THE WHITE HOUSE,
*Washington, DC, August 24, 1994.*

Hon. SAM NUNN,
*Chairman, Committee on Armed Services*
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This is in response to your letter and our conversation on Tuesday concerning the crime bill and its relationship to the budget of the Department of Defense.

First, let me assure you that enactment of the crime bill will not require a reduction in the requested funding levels for the Department of Defense contained in the President's budget for FY 95–99. Consequently, the Department will not be assigned a lower budget target as a result of enactment of this bill. Furthermore, there are no plans to assign funding responsibility to the Department of Defense for any of the new programs, projects or activities established by the crime bill, or for existing anti-crime activities now assigned to other Departments.

The crime bill would require the Secretary of the Treasury to make specified annual transfers into the new trust fund. The budget the President submitted to the Congress in February included FY 95–99 funding for the activities in the crime bill at budget levels consistent with those in the bill. Thus, the President's budget has already set aside the resources to cover the activities in the crime bill.

The Administration has not changed its estimate of civilian personnel reductions in the Department of Defense. The Department could propose additional personnel reductions to offset higher priority requirements that might develop.

I appreciate this opportunity to clarify these issues.

Sincerely,

LEON E. PANETTA,
*Chief of Staff.*

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U.S. SENATE,
*Washington, DC, August 23, 1994.*

The PRESIDENT OF THE UNITED STATES,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: As we discussed this morning on the telephone, I hope to be able to support the conference report on the crime bill both on procedural and substantive votes. However, I remain concerned about its financing, and its relationship to and impact on defense spending. I am seeking your clarification on this issue and the answers to a number of important questions.

As I understand it, the crime bill is to be funded from a trust fund with savings generated by civilian personnel reductions, including reductions to Department of Defense personnel. Federal civilian employment is to be cut by 250,000 people between 1993 and 1999. DoD has already submitted budget plans to cut 138,000 civilian personnel in this time frame. But savings from these multi-year personnel reductions in DoD were needed to comply with your Administration's overall spending targets for defense through FY 1999. DoD has, in effect, already utilized these savings to meet the declining defense number set forth in the Administration budget. I do not know whether this is the case with other departments, but it could be.

I am concerned, then, that the crime bill appears to count on savings from DoD personnel reductions that have already been taken to meet the Bottom Up Review budget targets. If that is the case, the crime bill clearly could lead to additional cuts in the Defense budget below the levels you advocated this year as necessary to support the Bottom Up Review. In the alternative, it could mean cutting non-defense discretionary accounts to offset the defense savings not available due to "double counting". In order to explain to my colleagues in the Senate the relationship of funding for the crime bill to the defense budget, I need to receive answers to the following questions as soon as possible:

Will enactment of the crime bill lower the funding available to the Department of Defense below the level contained in the Fiscal Year 1995–99 President's budget for budget function 050?

Will the Department of Defense be assigned any lower budget target, or be assigned a funding "bogie", in order to make funds available for the crime bill?

Will DoD be assigned funding responsibilities for any of the new programs, projects or activities established by the crime bill? In other words, will DoD be asked to finance or to undertake any of these anti-crime activities without a corresponding increase to the total DoD budget?

Will DoD be assigned funding responsibilities for any ongoing anti-crime activities of other departments or agencies of the executive branch so that those funds might be freed up to fund the new activities authorized by the crime bill?

If the crime bill is supposed to be financed solely by savings through separation of civilian personnel, how will those funds be generated if the personnel cuts duplicate the savings assumed by DoD in the bottom Up Review?

Does the Administration assume further savings from further reductions to DoD civilian personnel beyond those already planned? If so, what reductions are assumed, in which fiscal years are they assumed to occur, and what is the cumulative savings assumed through FY 1999?

Will DoD be precluded from using savings from additional civilian personnel cuts, if any, to offset shortfalls in other areas such as inflation?

Since I am getting questions from my colleagues, I would appreciate your answers to these questions prior to the time the Senate starts voting on the crime bill. I would appreciate an opportunity to discuss them with you if that would be helpful.

Sincerely,

SAM NUNN.

Mr. CAMPBELL. Mr. President, I rise today in support of the conference report on the crime bill, a bill that will assure that criminals will pay their debt to society, by serving out most of their sentences; a bill that will put more police officers on the streets; a bill that will attack the crime problem on more than one flank.

I have a unique perspective, from being on every side of the law, so to speak, as a youngster headed for trouble, as a sheriff's deputy and prison counselor, and now as a legislator.

I realize it is important to get violent offenders off the street. I have never believed that we can solve the crime problem simply by locking everybody up. We cannot allow ourselves to ignore the other side of the equation. When you know that it costs an average of $30,000 to keep an offender in prison, it is common sense to direct at least some resources into keeping our young people out of trouble and out of jail.

My colleagues on the other side of the aisle keep using the word "pork" and the phrase "social welfare" when attacking this crime bill. Mr. President, let us not forget that our young people, in particular, need to have alternatives to drugs and gangs. We need employment and job training programs, after-school activities and the like. I agree with President Clinton that if we teach kids to say "no" to drugs, that we also must have some programs and activities that they can say "yes" to.

I have followed a number of such programs in the State of Colorado, and all across the country and would like to highlight today their successes.

Some examples are the Kids, Cops and Cameras Program, a partnership between the Denver Police Department and the Denver Housing Authority that put cameras in the hands of 100 7 to 13 year olds so they could record their views of the world. Citizen resource officer Steve Rickard, who started the program says, and I quote:

> We're trying to give kids a positive image of the police. They see police as arresting people all of the time and sometimes look at us as enemies.

According to Melanie Maes, education coordinator, Denver Housing Authority:

> Most are good kids. They just need a little push. They have had such a hard life and the more good they see in life, the more it will keep them going.

Mr. President, does that sound like a pork barrel or social welfare program? No, it is an alternative that works to instill trust between kids and cops.

Look no further than these headlines:

Rocky Mountain News, August 3, 1994, "Denver Arrests Fewer Kids, Credit Goes to Police Impact Teams." Federally funded weed and seed storefronts and programs launched by communities that include jobs and recreation, giving teens alternatives to hanging out and getting into trouble.

Rocky Mountain News, August 9, 1994, "Interns hope to work on, Summer Crime-Fighting Programs seek Federal Funds to Extend for a Year". Those funds went to hire young interns to help run programs aimed at fighting violence, assisting crime victims, keeping kids off the streets and helping neighborhoods.

Colorado Springs Gazette Telegraph, July 25, 1994, "Carson Soldiers Give Kids a Chance With Project Ivy Program" they have been teaching children how to combat the temptations of inner-city life.

Greeley Tribune, March 2 1994, "Grant Funds, Teen Parenting Programs." Joyce Jennings, Program Director of the Colorado Children's Trust Fund said: "Parenting is probably the hardest job you can ever have in your life, but we don't train people for it. If we want to have a good future for families we need to put money into it."

Mr. President, I do not condone teen pregnancy, but, we cannot ignore that it exists. I think we must assist those who become parents at an early age, and hopefully they will teach the future generations not to perpetuate the cycle of teen parenthood.

Mr. President, I believe prevention and education programs like these belong in the crime bill and will save us money in the long run. Like all bills that come before Congress, the crime bill is a compromise and no one gets everything he or she wants. It is not wise for people to say that they are interested in fighting crime and then pick apart the bill that would do just that.

It is time that a balance is struck between "lock 'em up" and helping those who sincerely want to avoid the pitfalls of a life of crime to do so.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we had about 41 minutes of time that the junior Senator from Massachusetts used to present a case, and we had about 10 minutes of exchange between that distinguished Senator and the other distinguished Senator, the Republican manager of the bill, Mr. HATCH.

I suppose, for the most part, I do not agree with much of what the Senator from Massachusetts said, but I am going to take exception to but one point that he made. It was his statement about the fact that at the very last hour—those are his words—Republicans, or people opposed to the conference report come up with amendments and points of order to make.

Let us reflect upon doing something in this body or this Congress at the very last hour.

That is an institutional problem we have because it seems like things get done when you get toward recess time or adjournment time.

But the fact of the matter is we passed a bill last November by a very wide margin, 95 to 4. The House passed a bill this spring. It was months before we went to conference. The conference started the third week in June. We met 1 day in that conference. Then the conference did not meet again until the last week in July. So there were 4 or 5 weeks between the time the House passed the bill and the conference met, and we met 1 day just to make opening statements, not to do any arguing. Then it was 4 or 5 weeks in adjournment while, quite frankly, the Democratic Party was trying to figure out among themselves and between themselves and the White House what to do on certain controversial aspects of this bill. Then the conference did meet. Once we started to meet, there were very intense hours of meeting and long hours of meeting.

But if any of the colleagues on the other side want to speak about Republicans coming forth at the last minute with some objection to the conference report and want to offer amendments and points of order, there is a great deal in the way this process works that makes it very difficult not to do things at the last minute, when there is a lot of time wasted, just simply wasted, good time wasted, getting from point A to point B. That is on top of the fact that you know during the months of February, March and April we do not meet in session here very often on Mondays and Fridays. There is just a lot of wasted time in this body. Is it any wonder then that we do not get around to doing things until the last minute?

There could be a large amount of institutional changes made in the way this Congress works. Run it in a more businesslike manner. Then things would not have to be done at the last minute as they are so often done.

I did not come to the floor just to take exception to a small part of what my colleague and friend from Massachusetts said. I came here because I want to make some comments on where we are and why we are where we are, and some advice for the President.

Mr. President, the lesson learned from the recent House vote on the crime bill is exactly what the President called it. And I do not find any fault with what the President said. I only repeat the President because I think the President is right.

I think, if he were consistent in his approach to legislating and cooperating with Republicans and cooperating with the Congress, we would get more done and get more done very much more quickly.

He stated the principle that "bipartisan consensus produces the best legislation." Those were essentially the President's own words.

I wish my colleagues of that original conference committee had the advantages of the President's wisdom when we met in that original conference I already referred to, the last week in July and the first week in August. I would say these things especially to the conferees on the House side and especially to the Democrat Members of the House conference. Had they sought a bipartisan consensus at that time, we could have had a very solid bill. And we could have saved our President an unnecessary and embarrassing defeat that he had when the first conference committee report came up there in the House.

We now find ourselves where we should have been a month ago. I know my colleagues on the House side made their contribution to a better crime bill last week. My Republican colleagues on this side of the Capitol seek to do that now, and that is why we have made an offer to the distinguished majority leader.

The House of Representatives improved the bill between the first conference, when it was defeated on the floor of the House on a procedural matter, and the bill that finally passed the House. It was somewhat improved. But in the light of day following those long night negotiations, we on this side of the Capitol see that their efforts have not gone far enough. It appears that last weekend's negotiations were conducted as a bullfight rather than as a pork fight. My colleagues know that in the bullfight, after the bull is killed, a skillful matador is awarded the bull's tail and the bull's ears. Last week's negotiations cut off the tail and the ears. But that is all. The pork remains.

The crime conference report before us is not paid for. All the money that would be expended in fiscal years 1999 and 2000 would be deficit spending. The Senate bill, unlike the conference report, was paid for. It was a tougher bill, and it had a lot less pork and a lot less wasteful social spending.

The same point of order laid against the earlier bill as against this bill. But this bill is different. It is not as tough on the criminal elements of society. It is still laden with that pork, and, most importantly, it is not paid for. And that is the difference between raising a point of order now and not raising a point of order last November when this bill passed the Senate 95 to 4.

I appreciate the efforts of the House Republicans who responded to some of the very serious problems in that original conference report, and that was one of the reasons that I did not sign the conference report. This time Democrats in the House and the administration at least had to attempt to truly engage in a bipartisan approach.

We have heard that the conference report is not more expensive than the Senate bill because the spending is spread out over a longer period of time on a smaller annualized basis. This is a very strange argument. If the bill provided for $1 trillion to be paid over the next 100 years, would that not be a much more expensive bill? Would it be a cheaper bill if it spent $10 billion in 1 year? Well, of course. The Senate bill had a $22 billion price tag when it passed here and it was paid for. This bill is $30 billion with a deficit increase of $13 billion, and the distinguished ranking Republican member of the Budget Committee has spoken more forcefully about that this very evening than any of the rest of us can.

The number of years that the bill would be in effect is relevant only in that the budget caps were not extended to pay for those additional years. No matter how long you stretch it out, this bill is still a budget buster.

I commend my Republican colleagues in the House for improving the bill in various respects, including the retroactivity in mandatory minimum sentencing, on the HIV testing matter, and on the evidence of prior crimes in sexual assault and child molestation

cases, and of course, some cuts in the prevention programs.

While this is a better conference report than before, it is still not worthy of support because the fact that it is not paid for is of highest consideration. And that fact should be a very high consideration. The YES Program was eliminated, and $900 million in prevention programs were cut across the board. And funding for a certain project in the House chairman's district was eliminated. That last one is strictly pork. Nonetheless, the conference report still lists almost $7 billion in social programs, and that does not include money that, while labeled as community-based prosecutors, or prisons, for instance, still is very much social pork barrel spending.

Except for the YES Program, the same objectionable programs remain, just at a slightly reduced figure. The local partnership act vaguely authorizes $1.6 billion for education, supposedly to prevent crime; also for substance abuse programs, supposedly to prevent crime; and a jobs program, supposedly to prevent crime. This is pouring money into a bottomless bucket, as these are the same failed programs.

These programs masquerading as anticrime initiatives are really a way to let the Departments of Labor and Education and HHS, and even some others, ride on the coattails of a crime bill.

When Vice President GORE's own Reinventing Government Program reports criticize the Federal Government's existing job programs as duplicative, as uncoordinated, and as overlapping, we should not want to create more of these programs. The Vice President should not want to create more of these programs because they detract from his very worthwhile efforts on reinventing Government, getting more bang for the taxpayers' dollars, improving coordination of programs, and eliminating some programs, plus eliminating a lot of Government employees. These efforts in this bill are compounding the problems for the Vice President and his whole effort toward reinventing Government. It makes no sense to me to create more tried and failed social programs and then force our grandchildren to pay for them.

The conference report also contains $243 million for a family and community endeavor school grant program. How does this program spend the American people's tax dollars on preventing crime? Well, it does it through social activities, arts and crafts, and dance programs. The money is supposed to be used to train and coordinate social workers and guidance counselors. But, Mr. President, it seems to me that the most effective way to prevent crime—apart from incarcerating the most dangerous repeat criminals who terrorize our streets and neighborhoods—is to instill basic values and a sense of right and wrong. But about the only thing the money in this program cannot be used for is religious instruction. To put it another way, the money can be spent to give children condoms, but not to teach them the Ten Commandments.

The bill is still not tough enough on crime and tough enough on people who commit those crimes. Although 50 percent of the prison money is said to be conditioned on truth in sentencing, that really is not the case, because of the reverter clause. And one of the amendments we Republicans hope to offer is to eliminate that reverter clause and, consequently, make the truth in sentencing program a real tough program. Under this conference report, the prison money for enacting truth in sentencing would still be made available whether or not States get tough and reduce parole.

This means that States will not have as strong an incentive as they should have to enact tough sentencing. Criminals on parole commit a disproportionate number of offenses. This bill will not help to solve that problem the way that the Senate bill did, that same bill that passed 95–4 last year. But, in fact, the money is conditioned on its use for social programs for prisoners, such as drug diversion and job skills. Moreover, the prison money is allocated in part on the basis of the Attorney General's discretion, which means that spending the money will be made on a determination of where will it do the most good for Democratic candidates prior to election.

When the police grants were doled out recently—and that is under another bill—40 percent went to a handful of States that are rich in electoral votes. I am sure that my State of Iowa will not receive its fair share of this money.

The conference report still fails to enact tough measures that were in the Senate bill. The mandatory minimums for using a gun in the commission of a crime were eliminated, as were mandatory minimums for using minors in drug crimes, or selling drugs to those minors.

The conference report even rejected the ability to deport aliens who commit crimes once they have served their sentences. Think about that. First of all, an illegal alien comes to this country. He is here illegally. He commits a crime. Our taxpayers pay to put him in our prisons to keep the dangerous person off the streets. He serves his time. And the conferees who gutted the Senate bill do not even want to make it easy to deport that person out of this country.

The conferees think that it is necessary to have another hearing in this process for this alien, delaying and possibly thwarting the ability of our Government to deport aliens who commit crimes.

I have named a few areas in which I would support efforts to change the bill on the floor. Let me mention another. The conferees showed that they favor the rights of prisoners over the rights of all other litigants, and they did this by accepting only a very small part of my amendment, which was meant to cut down on the number of prisoner lawsuits that can be filed.

These lawsuits are the least meritorious of any civil cases in the Federal courts, and they make up a large portion of the civil docket. Instead of judges being made to devote as much time as they should to important criminal cases, civil rights, important environmental issues, and all the other issues Federal judges must decide, they spend too much time on prisoner lawsuits over—do not laugh at this because this is a real case—denying prisoners chunky peanut butter. The prisoner argued that this denial was violating his constitutional rights against cruel and unusual punishment.

Any tough crime bill—if the word "tough" means anything—will allow our Federal prosecutors and our courts to spend more time on putting prisoners behind bars and less time on deciding whether prisoners have a constitutional right to attend prison chapel in the nude.

(Mr. CONRAD assumed the chair.)

Mr. GRASSLEY. Mr. President, these are real cases.

While citizens are afraid to leave their homes, our Federal courts are wasting their time on cases like these. Changing the rules governing these suits should be the subject of any floor amendment.

Mr. President, we should be very careful before deciding that the deficit should be increased. The House negotiators made improvement, I must admit, but billions remain in this bill for pork-barrel social spending. Even the programs in this bill that are worthwhile bear a very heavy burden of showing that Federal tax dollars should be spent on them.

Not every good program should be a Federal program. Many of the programs in this bill are far from good. The conference report is still not tough enough. There is still room for improvement.

I have indicated some of the areas that we need to improve, and I remind my colleagues that had we a chance in the normal legislative process to make our views heard we would not be on the floor now having to suggest these needed changes. Basically, the House conferees in that first conference, left the Republicans out, went behind closed doors and gutted the strong anticrime provisions in the bill that passed the Senate last November, 95 to 4, and they also added more money for social pork-barrel spending.

What the American people are seeing from the other side, I think, is politics

at its craftiest. Machiavelli 400 or 500 years ago could have learned much from the Democrats maneuvering on this crime bill.

It is the stuff from which cynicism about our Government grows. There is a great deal of cynicism at the grassroots, and this process, and particularly the maneuverings of the majority party, does not enhance the situation and respect for this process. The Democrats seem to have a patent on holier-than-thou politics. During the last 24 hours on this floor, we have heard wailing about how badly this bill is needed, how America wants this bill, how a minority, meaning the Republicans, is thwarting the will of the majority.

Now, Mr. President, all these arguments are missing the point. The fact that Republicans are here on this floor trying to improve this bill is a problem of the Democrats own making. It is a result of a strategy that they have used to ignore Republicans in conference. They deal with Republicans only after they get in trouble, like last week. The Democrats decided to sit down and deal with Republicans but only at the last moment.

Now, why should the other side consult with Republicans? After all, the other side, the Democrats, control the Government. They control both the White House and both Houses of Congress, this body 56 to 44.

Well, there are two reasons. The first is that they cannot even get a consensus on major bills for this Nation from within their own party. That is because solutions coming from the White House and the Democratic leadership in Congress are antiquated approaches to solving America's problems. They are hangovers from the 1960's. They are still trying to pass Great Society solutions to the 1990's America. And this crime bill is a perfect example.

Now that antiquated approach to solve our country's problems is why they have to pursue a single vote or a one-vote strategy. Great Society solutions no longer elicit consensus from the America people because after three decades of trial and error we have had too many errors. So the Democrats use their muscle as a majority party to squeak these dinosaurs through the Congress by a single vote or maybe as few as two votes.

Mr. President, Americans need to know this. That is why we are where we are on this crime bill. We are not stopping something that America wants and needs. We are trying to stop a hangover from the Great Society era. What we are trying to do is to stop a dinosaur. It is a bit less of a dinosaur than it was last week, and that is thanks to 42 Republicans in the House, but it is still quacking like a dinosaur. It is loaded with pork and it is loaded with social spending.

We tried that approach. Mr. President, we have tried that approach for three decades. And guess what? It did not work. America is still up to its keister in social spending, and it is up to its keister in good intentions. But do you know what? Crime is still getting worse. These approaches just do not work.

Well, we have gone through this before. We got the same thing in the tax-ridden budgets that the majority party and the White House put together over the last 2 years, the same old tax and spend, another hangover from the Great Society.

Republicans said cut spending first, and we were echoing what the vast majority of Americans were saying. Instead, what did the Democrats cry? They cried "foul." And they cried "gridlock." And they forced tax and spending programs right down the public's throats. They tried the same approach on this crime bill, and it blew up in their faces 2 weeks ago in the House.

They stripped the conference report of tough law enforcement measures and replaced them with more pork and more of those Great Society programs.

It went down in flames in the House. And what did it take, Mr. President? It took 42 Republicans over there on the other side of the Hill to rescue our President from a very embarrassing defeat.

It went down in flames because 58 moderate Democrats thought it was a lousy bill and 42 Republicans worked to improve that bill so it could pass.

And, of course, Republicans are trying to do the very same thing on a health care bill, but they cannot even come close on that bill. The Democrats cannot come close on putting a bill together even on a one-vote strategy. They want to pass a major overhaul of the health care system by one vote just before an election. It is another Great Society solution. Let the Federal Government take over our health care system, but 65 percent of the American people are now pleading with us to hold off until next year. Why? Because they are fearful that we are going to mess up the health care system that Americans already have.

On that issue, my colleague from West Virginia, Senator ROCKEFELLER, has told our entire country that we will get health care reform regardless of what the American people want.

Are we going to force health care reform down the throats of the American people?

So back to this issue. Are we going to force this dinosaur of a crime bill down the throats of the American people?

There is a second reason why the other side, meaning the majority party, the Democrat party, ought to consult with Republicans once in a while on this bill, as well as other major bills. The answer came just last week from the President himself. After moderate Republicans provided him the margin of victory for this crime conference report, he said—

> This is the way Washington ought to work, and I hope it will work this way in the future.

A quotation from President Clinton and one that I agree with.

The President said this crime bill is now better because of a contribution by House Republicans. The President said bipartisan legislation is the best legislation. I will bet the American people will buy that one. This was just last week.

Now in this body, the President and his party are going right back to a bullying strategy. They are telling Republicans to get out of the way, get out of the process. We are being told we got all the help that we needed last week from some moderate Republicans in the House. They are telling us, "Thank you very much."

Mr. President, this is the very same strategy that blew up in their faces 2 weeks ago in the other body the first time that this crime bill was defeated on a procedural motion. And do you know what, Mr. President? It can blow up in their faces again, unless there is a good faith effort to compromise and add more anticrime provisions to this bill and to reduce or get out the pork barrel spending.

That bill in the other body failed because it was not tough enough on crime to satisfy the American people. It has been somewhat improved on the House side, but it still does not meet the public's expectations. If you do not believe me, I ask my colleagues to listen to their constituents who are calling in telling us what we ought to do on this bill.

Mr. President, a bipartisan contribution by Senators on this side of the aisle could help make this a very solid bill that would meet our public's expectations. Right now, it is still a Great Society bill. It is not an anticrime bill, it is an antiquated bill.

What is wrong with working toward consensus, instead of having it bullied through with holier than thou platitudes and admonitions?

There are two issues at stake here. One is the process issue, the other is a substance issue. On the process issue, I would say, ironically, this strategy by the majority party is itself causing gridlock. By the Democrats failing to seek consensus, by failing to allow Republicans to participate to improve this legislation, they have put us where we are today. We are protecting our constitutional rights.

I think the other side only has themselves to blame. And, of course, who is going to suffer? It is our public.

What we are seeing here—that is, what is behind all of the rhetoric coming from the other side—would make Machiavelli green with envy.

The President calls for bipartisan consensus, not as a principle or a practical matter. Rather, he calls for a bipartisan consensus when it suits the

President's needs. Right now, as far as us Senate Republicans are concerned, it must not suit his needs. So we are seeing a classic bait and switch maneuver. First, they will try the bullying tactic. They will say the crime bill is under assault. They will round up the usual arguments. Then, if that does not work, we will let the bill go down and we will blame it on the Republicans. That is what the other side is threatening.

But, Mr. President, does anyone believe that the President, faced with no bill versus a better bill, would not choose a better bill? He will choose the better bill.

This is basically the same choice the President faced last week. And what did the President do last week? He chose a better bill. And where did he get that better bill? He got it with the contribution of House Republicans.

I say we should call the other side's bluff. We should take our case to the American people. If the President is truly sincere about preaching for bipartisanship—and this is something that we Republicans seek—then we can do what it takes right now to pass an effective bill that meets the country's needs; not after the election, but do it right now.

But there is also out there a substance issue. The issue is how we can best fight crime. The Republicans lean heavily toward tough law enforcement. That is what the American people want. They want to fight crime with toughness.

The Democrats lean heavily toward crime prevention—keep the criminals occupied; keep the criminal element diverted and somehow the criminal element will commit less crime. History shows otherwise, that tough measures dealing with criminals are more effective.

Nonetheless, in my view, and in the view of many of my Republican colleagues, there are merits to their approach. But the question is how much?

When this bill left the Senate, there was a proper balance between crime fighting and crime prevention. Through consensus that balance was struck in this body in the first instance, or the bill would not have been approved by this body 95 to 4. But the balanced bill that passed this body 94 to 5 was stripped in conference when liberal Democrats ignored Republicans and they ended up using again the bullying strategy. They cut the toughness from the bill and they beefed up—or rather, should I say, porked up—the prevention.

Now, I have to admit that part of that balance was restored last week with the help of Republicans. So I think what my colleagues on this side want is to have the same opportunity that Republicans had on the other side of the Hill to restore a bit more balance between toughness and prevention, to improve this bill and to give America an effective crime bill.

Had we not been ignored in conference—remember this—had we not been ignored in conference, we would not be here today having to improve this crime bill in the Senate all over again.

The public wants Congress to address the major problems facing the country with a bipartisan consensus—major issues like the Federal budget deficit, like welfare reform, like the downsizing of the Government. We are finding that out also on the issue of health care reform. And if we let ourselves listen, we will find it out on this crime bill. The bullying tactics of the majority run counter to what the public wants from its Congress. You do not reach consensus by bullying the minority.

Does this seem to be a very complicated formula? Well, it is not. But for some reason the Democrats just do not get it.

It is too bad that this debate has been marked by questions of political motives from the other side. Should we not keep this issue out of the gutter? Have they no shame? It seems the upcoming election is getting in the way of a reasonable consensus, and in the way of mutual respect.

When former President Bush finally got the message that the people were disappointed in him, he responded with the now-famous line, "Message: I care." In my view, with the results of a number of major elections over the last 2 years and with the recent polling on party preferences, the Democrats need to be developing a similar message. And it would likely have to be something like this. "Message: I get it."

Mr. President, my colleagues on the other side need to start listening to the American people and to stop listening to those of their leaders who want to ram antiquated programs down the throats of the American public. I have just one simple message to the majority of this body: Stop squealing and start dealing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we have been listening for the last 2 days to debate on this bill and clearly people feel very strongly on both sides. One issue is that we are trying to delay this bill or kill this bill because we would like to amend it.

I do not understand this argument because I have seen the process. I saw that the House took the bill up, they debated it, they amended it, they went through the rules processes, and they basically changed the bill from the conference committee report. Now it comes to the Senate and we are talking about changing this bill through amendment and we are being accused of being obstructionist.

Let us look at the bill and see if it is reasonable we should change the bill. The bill left the Senate with some very important features. First and foremost, the bill was paid for—$22 billion, allocated mostly for crime fighting. It was very strong in that area and it was paid for. It went to the House and it turned into a $27 billion bill—not totally paid for. It went to conference and turned into a $33 billion bill.

So we have now a bill that was passed by the Senate by an overwhelming vote, that has been increased by $11 billion. It is not the same bill. It is not even a resolving of the difference between the two Houses. That is what the conference committee is supposed to do, resolve the differences between the Houses. But we have a $22-billion bill that starts, it becomes $27 in the House, $33 in conference, and in fact billions were put in the conference committee report that did not pass either House.

That is not resolving the differences between the two Houses in a conference committee. That is creating a new bill which now, for some reason, it seems that we are supposed to say is unamendable, that we should have no more say in a totally different bill.

Mr. President, $1.62 billion was added in the conference committee report that had actually been turned down by this Senate last year. I do not think we are outside of our prerogatives—and even, indeed, our responsibilities—to say this is not the bill that we passed. It is not even close. It is not a resolving of the differences between the two Houses. And, in fact, it is not really a crime bill anymore.

But we would like to try to make it into a crime bill. We would like to bring it back, try to bring it closer to at least the differences between the two Houses—but closer to the Senate bill. I thought the Senate bill was a pretty good bill. I thought the good outweighed the bad. It did not have some of the things I would like to see in it. I think Congress could make its greatest contribution if we would take up habeas corpus reform, if we would deal with the exclusionary rule, and give our law enforcement officers the tools they need to convict criminals and put them behind bars.

That was not in the Senate bill. But if we have a chance to make this bill stronger in the future, I would like to see us do what the Congress can really do to make a difference in crime. Because we all know that the front line for fighting crime is our local governments. We know that—State and local governments. But I think the Federal Government can give help there, and I would like to be constructive in that regard.

But what we have before us is a bill filled with social spending. In fact, it is over $5 billion in new spending on social programs—30 new social welfare

programs in addition to the more than 600 of those programs that are already on the books.

Since 1965, welfare spending increased in real terms by 800 percent, while the number of major felonies is roughly three times the rate it was in the 1960's. So we have increased our social spending and it really has not made a dent. In fact it has not even helped bring down the crime rate. The crime rate continues to soar.

So I would like to talk about the proposed Republican amendments, if the agreement that our Republican leader has offered to the distinguished majority leader comes about. I would like to talk about the amendments because I think they are a step in the right direction. I do not really think they are enough. There are some things I would like to have seen in there, including second amendment rights—but that is not here. But we do have some very constructive amendments.

One of the things that has bothered me the most about the conference committee report is prison funding. We kept hearing about the prison funding, the $7.9 billion in prison funding, when in fact almost all of that funding could be for other than real prisons. It could be in boot camps or drug detention centers or halfway houses—good programs, but they are not prisons.

Under the amendments we would offer tomorrow, we would go back to the concept of the original Senate bill. It would be more for prisons, but it would be real prisons. It would be for building prisons as the people of America would have a right to expect when we say prison building. And at least 50 percent, approximately $3.9 billion, would have truth-in-sentencing requirements to use the prisons. The requirement that 85 percent of a sentence is served.

Right now, you can serve 10 months on a 10-year sentence, or 20 months on a 10-year sentence, and get out. That is not keeping criminals behind bars. What kind of punishment is that? What does that do to let people know they have to pay a price if they commit a crime?

So, over 50 percent of the prison funding would rely on truth-in-sentencing for the use of those prisons. I think that is a major step in the right direction. The other 50 percent at least would be for prison building. So that would be a major step, if the Republican amendments are offered tomorrow.

Senator SIMPSON had an amendment that was accepted overwhelmingly in the Senate, to expedite criminal alien deportations. Right now, after a criminal alien serves a sentence, they have to go through a pretty arduous process—it is another layer—to be deported. This would give the judge the right to immediately say, upon service of the sentence, that criminal alien would be deported, out of our country. It expedites the deportation out of our country. That would be brought back and put into the bill—or at least offered as an amendment.

And mandatory minimum sentences, that was another area where I thought we had some real teeth in the bill: Mandatory minimum sentences for gun crimes, people who commit crimes with a firearm; mandatory minimum sentences for selling drugs to children; mandatory minimum sentences for people who employ minors to sell drugs. That is one of the things that makes it so difficult, is these drug kingpins get kids to sell drugs to kids, and this would give mandatory minimum sentences to those kingpins.

And it would give mandatory minimum sentences for first-time offenders, if they are violent offenders.

All of that would be replaced if we are able to offer the amendments and if the amendments are adopted.

So I think, Mr. President, that we can make some constructive changes in this bill, and I think we have the right to do that as Members of the U.S. Senate when you see a bill that comes back that is not a sincere resolution of the differences between the two Houses.

In fact, I think we would be irresponsible not to try to make this a crime bill rather than a social bill or a social program bill. Some of the areas of this bill are good programs. There are arts and crafts, dancing lessons—they are good projects, I am sure, but they are not crime prevention. They are not going to help us build prisons. They are not going to put police on the streets.

In fact, I wish we could beef up the police on the streets and give more help to our local governments in that area. I do not think it is really fair to say that this bill puts 100,000 police on the streets, because 75 to 80 percent of the funding has to be done at the local level, and the mayors that I have talked to, many of them say, "We can't afford that, so we're not even going to try. We need police officers, but we don't have the 75 percent." So they are not going to make the applications.

I do support the police on the street, I support the prison building, and I would like to make this a crime bill if we possibly can.

So I hope that the majority side allows us to try to make this a better bill, because I think we can make a contribution and, most of all, Mr. President, I think we can keep faith with the American people if we can turn this into the crime bill at least in part—at least I think it will let the American people know that we have tried to do a little better.

So I hope we can do better. I hope we can propose our amendments. I hope they can be accepted. And I hope we can at least try to get criminals behind bars where they belong, and I hope we can have truth in sentencing. I hope we can get criminal aliens out of our country.

I hope that we can spend the money on fighting crime, and most of all, Mr. President, I hope we can pay for it. I hope that we can look the American people in the eye and say, "This is not going to go against the deficit," because when it all comes down to it, we do have a responsibility to the hard-working taxpayers of this country to say that we are not going to add $13 billion to the deficit in a bill that we are calling a crime bill which, in fact, has many social programs that might not meet the priority test and, in fact, many of them have not met the priority test of this body already. They have been stuck into a bill because it is called a crime bill, and that is just not enough to really meet and pass the smell test.

I think the American people understand what is going on here. I think they are educated, and I think they would like for us to put some honesty and integrity back into this system.

So I urge my colleagues to work with us to try to make this a better bill and at least to pay for it so that we will not add to the deficit.

Thank you, Mr. President. I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I have not made a statement on the crime bill on the floor and will not tonight. But somehow or another, I just have had a hard time accepting that we do not want to have a well-rounded crime bill as it relates to communities.

The distinguished Senator from Texas said the communities are going to pay 80 percent of police officers. I do not believe that is quite right. I am going to look it up. I think it is 50–50. We always have the locals and the States pick up some of it. It is not all free.

So I do not believe the locals pick up 80 percent of police officers on the beat, but I will check that and be sure I am accurate. But we talk about building more prisons, 125,000 more cells to put violent criminals in. I think that is a pretty good bill. I believe we are going to reach the 100,000 new police officers on the street. That is important. But I somehow want something in this bill to prevent kids from getting into trouble and prevent us from having to build additional prisons in the years to come.

So I hope that every community has a society. Some like the arts, some like art museums. We have nature museums. We have nature walks. We have jogging tracks. We have Little League baseball parks. We have—I forget now what league they call it, but small boys and girls playing football. We have parks for them, and try to have a rounded community that fits all aspects of the individuals that are in the community.

I do not look at all this as pork. That is a good name. I grew up on the farm. I understand oink, oink.

So we will get into that a little later. I agree that you can get up here and say all these things are not good and you can have slogans, graffiti artists become artists.

## MORNING BUSINESS

Mr. FORD. Mr. President, I now ask unanimous consent that there be a period for morning business, with Senators allowed to speak therein for 5 minutes.

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

## TRIBUTE TO NOBEL LAUREATE TONI MORRISON—AN AFRICAN-AMERICAN CROWN JEWEL

Ms. MOSELEY-BRAUN. Mr. President, there are often footnotes to history that are overlooked by those who chronicle benchmarks of achievement. These are moments to be celebrated and I take this occasion to share in a joyful tribute which the extraordinary poet Maya Angelou hosts for America on September 3, 1994. Dr. Angelou will accomplish what we as a nation have failed to do—and that is to embellish for posterity, the life's work and accomplishments of the newest Nobel Prize winner in Literature, novelist Toni Morrison.

Ms. Morrison is the first American woman to win this single honor in 55 years, the third American over a period of more than two decades, and the only African-American ever. As an element of this historical backdrop, it is noted that the Nobel Committee of the Swedish Academy has selected only two other African-American Laureates since the inception of this momentous ceremony—Dr. Martin Luther King, Jr., and U.N. Ambassador Ralph Bunche—who both were awarded the Nobel Peace Prize.

Of the numerous tributes which followed the announcement of this year's prize for literature, the most animated have been those of her peers. In the words of contemporary novelist Alice Walker:

No one writes more beautifully than Toni Morrison. She has consistently explored issues of true complexity and terror and love in the lives of African Americans.

Indeed the Nobel Committee's announcement stated that "Ms. Morrison gives life to an essential aspect of American reality" in novels "characterized by visionary force and poetic import."

Calling her "a literary artist of the first rank" the Academy's statement went further to say that "She delves into the language itself, a language she wants to liberate from the fetters of race. And she addresses us with the luster of poetry."

A Princeton University professor, Morrison is the author of "Song of Solomon" winner of the National Book Critics Award, the Pulitzer Award winning "Beloved" published in 1987, the critically acclaimed 1992 work entitled "Jazz," along with other lyrically narrated novels on African-American life. The 1993-94 Nobel Laureate in Literature was born Chloe Anthony Wofford in Lorriane, OH, shortly after the onset of the Great Depression—the second of four children of sharecroppers and the granddaugther of an Alabama slave. Reared in a low-income, integrated neighborhood, Morrison drew from this experience and the nurturing of her parents and inherited a gifted legacy and sense of history which permeates her works. Ms. Morrison, not surprisingly, learned to read at an early age and was the only child in her class to enter first grade with that skill. She would later earn a bachelor's degree in English from Howard University in Washington, DC, and a master's degree in English from Cornell University.

Her academic career would span both historically black colleges and universities including Texas Southern University in Houston, and Howard University as well a New York State University campuses at Albany and Purchase, NY. Ms. Morrison would also distinguish herself in the publishing field through her work as an editor at Random House in Syracuse, NY and as a prolific essayist and playwright.

Toni Morrison, through her creative genius and vision has shown us how our culture teaches us and how our past can influence our future. She gives us the promise of good things to those who are true to their cultural ancestry. Through this tribute, which I offer here in the Senate and on behalf of the Congressional Black Caucus, we express our gratitude for her commitment to literary excellence and inspiration. For Mr. President, in ways that few others have, Toni Morrison gives us inspiration to prevail in times where there is only the beauty and integrity of our language, our spirit, and our history to sustain us.

## 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-3240. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a certification relative to the Board for International Broadcasting for fiscal year 1994; to the Committee on Appropriations.

EC-3241. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing and Urban Affairs.

EC-3242. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3243. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report of the annual energy review for calendar year 1993; to the Committee on Energy and Natural Resources.

EC-3244. A communication from the Acting Inspector General, Department of the Interior, the report entitled "Accounting for Fiscal Year 1992 Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Water Resources Division, U.S. Geological Survey"; to the Committee on Environment and Public Works.

EC-3245. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "High Cost Hospice Care"; to the Committee on Finance.

EC-3246. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the Office of People's Counsel Agency Fund Deposits and Expenditures for Fiscal Years 1992 and 1993"; to the Committee on Governmental Affairs.

EC-3247. A communication from the Assistant Secretary of Education (Office of Post-Secondary Education), transmitting, pursuant to law, the report of final regulations—Ronald E. McNair Postbaccalaureate Achievement Program; to the Committee on Labor and Human Resources.

EC-3248. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on effective care methods for responding to the needs of abandoned infants and young children; to the Committee on Labor and Human Resources.

EC-3249. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the program operations of the Office of Workers' Compensation Programs for fiscal year 1993; to the Committee on Labor and Human Resources.

EC-3250. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the Helen Keller National Center for Individuals Who Are Deaf-Blind for the calendar year 1993; to the Committee on Labor and Human Resources.

EC-3251. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing and Urban Affairs.

EC-3252. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to Brazil; to the Committee on Banking, Housing and Urban Affairs.

EC-3253. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to India; to the Committee on Banking, Housing and Urban Affairs.

EC-3254. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting,

pursuant to law, a report with respect to a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing and Urban Affairs.

EC–3255. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing and Urban Affairs.

EC–3256. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing and Urban Affairs.

EC–3257. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to Thailand; to the Committee on Banking, Housing and Urban Affairs.

EC–3258. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to the Republic of Venezuela; to the Committee on Banking, Housing and Urban Affairs.

EC–3259. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–3260. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports and testimony for July 1994; to the Committee on Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, with an amendment and an amendment to the title:

H.R. 3664. A bill to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility (Rept. No. 103–359).

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

H.R. 4647. A bill to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge (Rept. No. 103–360).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 2417. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974 to limit consideration of nonemergency matters in emergency legislation; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. BAUCUS:

S. 2418. A bill to improve the management of floodplains, to protect and restore the environment in floodplains, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PELL (for himself, Mr. MOYNIHAN, Mr. STEVENS, and Mr. HATFIELD):

S. 2419. A bill entitled the "Library of Congress Financial Reform Act of 1994"; to the Committee on Rules and Administration.

By Mr. INOUYE:

S. 2420. A bill to amend the Organic Act of Guam to provide for restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment and death during the occupation of Guam during World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. ROBB):

S.J. Res. 218. A joint resolution designating January 16, 1995, as "Religious Freedom Day"; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. PRYOR, Mr. COCHRAN, Mr. DASCHLE, Mr. JOHNSTON, Mr. BREAUX, Mr. BUMPERS, and Mr. GRAMM):

S.J. Res. 219. A joint resolution to commend the United States rice industry, and for other purposes; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN:

S. 2417. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974 to limit consideration of nonemergency matters in emergency legislation; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee will have 30 days to report or be discharged.

EMERGENCY SPENDING CONTROL ACT OF 1994

• Mr. McCAIN. Mr. President, I introduce legislation, recently approved by the House of Representatives, which would establish procedures to ensure that emergency appropriations bills are not loaded with nonemergency items.

Over the years, Congress has inserted funding for extraneous nonemergency items into bills which must pass to protect public health and safety and provide aid to victims of natural disasters. Because such emergency funding bills are not subject to discretionary spending budget caps, they make an attractive vehicle for members seeking to tack on extraneous items.

This cynical practice takes advantage of dire circumstances and is an abuse of the Federal budget process. The bill would put an end to it, by establishing a new Budget Act point of order against any emergency funding bill which contains nonemergency items. Moreover, it establishes that the amount of any nonemergency spending in an emergency bill will be counted against the relevant budget caps so that such spending does not add to the deficit.

Mr. President, this is a good government piece of legislation. Again, the House passed an identical bill by an overwhelming margin. The Senate should act expeditiously to do the same.•

By Mr. BAUCUS:

S. 2418. A bill to improve the management of floodplains, to protect and restore the environment in floodplains, and for other purposes; to the Committee on Environment and Public Works.

FLOODPLAIN MANAGEMENT, ENVIRONMENTAL RESTORATION, AND RECREATION ACT OF 1994

• Mr. BAUCUS. Mr. President, I introduce a bill which will make some important changes in the way we in the United States deal with floods. It will, in fact, reform our whole approach to the issue. These reforms are based on the recommendations of General Galloway of the U.S. Army Corps of Engineers and his task force, which recently conducted a comprehensive study of the causes of last year's devastating Midwestern flood. The bill also requires the Corps of Engineers to pay more attention to their recreational and environmental responsibilities.

EFFECTS OF FLOOD DISASTERS

Since the 19th century, we have relied on the concept of flood control. Naively, or arrogantly, we assumed we could prevent natural disasters like floods completely. We have now learned to our cost that we cannot.

A little less than a year ago, the flaws in the flood control policy caught up with us. The waters on the Mississippi and Missouri Rivers rose to their highest levels in more than 100 years. In some towns, they were higher than that. They topped records that only science and archeology can determine.

It was the biggest flood in 500 years. It caused over $12 billion in damage to homes, farms, and communities. The Federal Government spent over $6 billion on relief.

And as President Clinton said last month, in a natural disaster "the biggest tragedy is always the human tragedy." Last year's flood killed at least 38 people. This year we lost 30 more in Georgia, Florida, and Alabama. The cost goes beyond deaths—to people made homeless, to families made dependent on handouts, to incomes crippled, to communities broken.

GOVERNMENT POLICY CONTRIBUTES TO FLOOD DAMAGE

There is another dimension to these tragedies. Few of us like to talk about it. Few of us even want to admit that it exists. And this dimension is the contribution of Government policies to flood disasters.

A flood bigger than any in recorded history may be simply a freak of nature. But it may also be a sign of a basically mistaken approach, which makes floods rare but much more devastating than they would otherwise be. General Galloway's task force found that the latter is the case.

In the past, Government incentive policies encouraged people to move to flood plains. And Government building policies made floods rare but large. What were the ingredients?

First, levees. Flood plain land is good agricultural land. At one time, it was too dangerous to farm. But levees, many of them built as public works projects during the Great Depression, made farming in flood plains too tempting to resist.

Second, destruction of wetlands. For many years, we thought of wetlands as worthless swamp. We enacted no laws to protect them. In fact, we tried to drain them. Well, we have found that swamps are anything but worthless. In fact, wetlands are natural sponges. In a natural state, they are the reason we had no disasters like last year's Missouri flood in over 500 years.

Third, easily available flood insurance. You can get insurance on only 5 days notice. So most people figure they can put off buying it until the flood waters start rising. But buying flood insurance is not the first thing you think of when they begin to prepare for floods. So most people never have it when they need it. That means that taxpayers rather than insurance must foot the bill for relief after a flood.

Finally, Government actions may have made flood losses worse in some areas. Structures built by the Government along river banks fuel the pace of the water flows.

WE CANNOT AFFORD A REPEAT

The human and financial tolls of these flood policies are too great. The suffering of the flood victims in the Midwest and in Georgia and Florida shows that the time has come for reform.

Floods are natural disasters caused by forces beyond our control. But if we reform our flood practices, we can reduce the cost in lives and property when floods occur. This does not mean doing away with all levees and other structural solutions. But it does mean that levees should not be an automatic choice for protecting against floods.

Therefore, before people begin building again on the flood plain; before communities raise matching funds for levees; before we throw ourselves back into the policies of the last century; we must develop a new strategy. One that will take our economy, and our natural resources, into the next century.

LEARNING FROM THE PAST

We need to learn from these disasters so that when the next flood occurs, fewer people get hurt. What the Environment and Public Works Committee learned from the report of General Galloway's task force and from two hearings recently held on this subject is that in the future, we need to manage floods, not try to control them.

The time for action is now—when we have the opportunity to prevent future disasters. Congress still has time to incorporate some of the recommendations of the flood task force into current law, and we have an obligation to move quickly.

These reforms will force no farmer to leave the flood plain. But they will help those who do want to move. And I think farmers in these areas should think over their choices carefully.

President Clinton said the flood in Georgia should not make more good farmers leave their land. I disagree. Recurring floods are a good reason for anybody to consider moving to higher ground. And we ought to do all we can to relocate farmers who want to move, and offer incentives for farmers in flood prone areas to relocate.

And while this debate will go on for some time, we may need to make tough choices about letting people stay in areas where no amount of flood protection is sufficient or economically feasible.

But I believe that we can strike the right balance. This bill will put new technology and new ideas to work. It will find new means to leverage private investments. And most important of all, it will change the current worn-out ways of doing business. Altogether, this bill will bring the management of this country's floodplains out of the 19th and into the 21st century.

RECREATION AND ENVIRONMENT AND THE CORPS

A second set of important reforms is contained in this bill. The fact is that all the flood control structures the Corps of Engineers builds take a tremendous toll on the ecosystems they are in. And what little authority the corps has to make its current projects more environmentally sensitive, the Corps does not use. This bill addresses both those problems.

Moreover, the corps is now the largest provider of water based recreation in the Nation. But it does not live up to its responsibilities in this area. That is not news to citizens in my home State of Montana, where local residents face unsafe conditions at corps reservoirs. This bill will force the corps to give recreation its due. It will also give the Corps of Engineers the tools to get the job done.

Mr. President, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

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

S. 2418

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Floodplain Management, Environmental Restoration, and Recreation Act of 1994".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—FLOODPLAIN MANAGEMENT

Sec. 101. Water Resources Council.
Sec. 102. Upper Mississippi River system flood management.
Sec. 103. Lower Mississippi River system flood management.
Sec. 104. Missouri River Basin Association.
Sec. 105. Studies.
Sec. 106. River basin management plans.
Sec. 107. Determination of flood control benefits.
Sec. 108. Use of funds for nonstructural measures.
Sec. 109. Levee maintenance and repair program.
Sec. 110. Missouri River floodway project.
Sec. 111. Buy-out funding.
Sec. 112. Watershed approach to flood loss reduction.

TITLE II—ENVIRONMENTAL PROTECTION AND RECREATION

Sec. 201. Findings.
Sec. 202. Project modifications for improvement of the environment.
Sec. 203. Aquatic ecosystem restoration.
Sec. 204. Revision of Principles and Guidelines.
Sec. 205. Small recreation and environmental projects.
Sec. 206. Cost share for recreation projects.
Sec. 207. Local cost-share credit for in-kind contributions for environmental and recreation projects.
Sec. 208. Rebuilding recreational facilities after reservoir drawdowns.

**SEC. 2. DEFINITION OF SECRETARY.**

As used in this Act, the term "Secretary" means the Secretary of the Army.

**TITLE I—FLOODPLAIN MANAGEMENT**

**SEC. 101. WATER RESOURCES COUNCIL.**

(a) MEMBERSHIP AND PURPOSES.—Section 101 of the Water Resources Planning Act (42 U.S.C. 1962a) is amended—

(1) in the first sentence, by striking "and the Chairman of the Federal Power Commission" and inserting "the Secretary of Energy, and the Director of the Federal Emergency Management Agency";

(2) in the second sentence, by inserting "(or designees of the heads)" after "agencies"; and

(3) in the third sentence, by striking "designated by the President." and inserting "the Chairman of the Council on Environmental Quality established by section 202 of the National Environmental Policy Act of 1969 (42 U.S.C. 4342). The Chairman of the Council shall report directly to the President.".

(b) DUTIES.—Section 102 of such Act (42 U.S.C. 1962a-1) is amended—

(1) by striking "(a)" and inserting "(1)";

(2) in paragraph (1) (as so redesignated), by striking "and" at the end;

(3) by striking "(b)" and inserting "(2)";

(4) in paragraph (2) (as so redesignated), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

"(3) serve as the primary center for assistance concerning the coordination and resolution of interstate and interagency water resources management issues;

"(4)(A) seek to align Federal floodplain management with other broad national goals; and

"(B) serve as an innovative planning and technology clearinghouse for floodplain management;

"(5) not later than March 1, 1996, prepare and submit to Congress a report evaluating the efforts of the Secretary of the Army to change the policies and practices of the Army Corps of Engineers concerning the use of structural solutions to water resources management problems; and

"(6) oversee the activities of—

"(A) the Upper Mississippi River Flood Management Coordinating Committee established under section 102(b) of the Floodplain Management, Environmental Restoration, and Recreation Act of 1994;

"(B) the Lower Mississippi River Flood Management Coordinating Committee established under section 103(c) of the Floodplain Management, Environmental Restoration, and Recreation Act of 1994; and

"(C) the Missouri River Flood Management Coordinating Committee established under section 104(c) of the Floodplain Management, Environmental Restoration, and Recreation Act of 1994.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 401 of such Act (42 U.S.C. 1962d) is amended to read as follows:

**"SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to the Water Resources Council to carry out title I and this title $1,000,000 for each fiscal year.".

(d) CONFORMING AMENDMENT.—Section 13(e) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5912(e)) is amended by striking "section 102(a) of the Water Resources Planning Act (42 U.S.C. 1962a-1(a))" and inserting "section 102(1) of the Water Resources Planning Act (42 U.S.C. 1962a-1(1))".

**SEC. 102. UPPER MISSISSIPPI RIVER SYSTEM FLOOD MANAGEMENT.**

(a) DEFINITION OF UPPER MISSISSIPPI RIVER SYSTEM.—Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following new paragraph:

"(1) the terms 'Upper Mississippi River system' and 'system' mean the Mississippi River and the tributaries of the river north of and adjacent to Cairo, Illinois, except for the Missouri River and the tributaries of the river;"; and

(2) in subsection (e), by striking paragraph (2) and inserting the following new paragraph:

"(2) REPORT.—Not later than 2 years after the date of enactment of the Floodplain Management, Environmental Restoration, and Recreation Act of 1994, the Secretary and the Secretary of the Interior, in cooperation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, and with the approval of the Upper Mississippi River Basin Association, shall prepare and submit to Congress a report that assesses the environmental sustainability of the Upper Mississippi River system, evaluates the programs referred to in paragraph (1), and recommends additional or alternative actions to enhance and protect the long-term ecological integrity of the basin of the Upper Mississippi River system. The report shall use information obtained through the long-term resource monitoring program referred to in paragraph (1)(B) and shall address both watershed and floodplain actions.".

(b) FLOOD MANAGEMENT COORDINATING COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall establish a committee to be known as the "Upper Mississippi River Flood Management Coordinating Committee" to review and recommend approval or disapproval of the river basin management plan developed under section 106(a).

(2) MEMBERSHIP.—The Committee shall consist of the Secretary, the Secretary of the Interior, the Secretary of Agriculture, and the Governors of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

(3) OVERSIGHT.—The Committee shall report to the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(4) COMPENSATION.—A member of the Committee who is an officer or employee of the Federal Government shall serve without additional compensation. A member of the Committee who is a Governor shall not receive any compensation from the Federal Government for the service of the member on the Committee.

**SEC. 103. LOWER MISSISSIPPI RIVER SYSTEM FLOOD MANAGEMENT.**

(a) DEFINITIONS.— As used in this section:

(1) LOWER MISSISSIPPI RIVER SYSTEM.—The terms "Lower Mississippi River system" and "system" mean the Mississippi River and the tributaries of the river south of, and adjacent to, Cairo, Illinois, except for the Ohio River and the tributaries of the river.

(2) MISSISSIPPI RIVER COMMISSION.—The term "Mississippi River Commission" means the commission established by the Act of June 28, 1879 (21 Stat. 37, chapter 43; 33 U.S.C. 641).

(b) PROGRAM AUTHORITY.—The Secretary, in consultation with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Transportation, shall carry out, with respect to the system and consistent with the river basin management plan developed under section 106(b)—

(1) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat restoration and enhancement; and

(2) a long-term resource monitoring program.

(c) FLOOD MANAGEMENT COORDINATING COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall establish a subcommittee of the Mississippi River Commission to be known as the "Lower Mississippi River Flood Management Coordinating Committee" to review and recommend approval or disapproval of projects developed under the programs established under subsection (b) and the river basin management plan developed under section 106(b).

(2) MEMBERSHIP.—The Committee shall consist of the Secretary, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Transportation, and the Governors of the States of Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

(3) OVERSIGHT.—The Committee shall report to the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.) and coordinate activities with the Mississippi River Commission.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) FLOOD MANAGEMENT PROGRAM.—There are authorized to be appropriated to the Department of the Army to carry out subsection (b)(1) $13,000,000 for each of the first 5 fiscal years beginning after the date of completion of the river basin management plan under section 106(b).

(2) LONG-TERM RESOURCE MONITORING PROGRAM.—There are authorized to be appropriated to the Department of the Army to carry out subsection (b)(2) $5,000,000 for each of the first 5 fiscal years beginning after the date of completion of the river basin management plan under section 106(b).

**SEC. 104. MISSOURI RIVER BASIN ASSOCIATION.**

(a) DEFINITIONS.— As used in this section:

(1) MISSOURI RIVER BASIN ASSOCIATION.—The term "Missouri River Basin Association" means an association of representatives of the States of Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, and South Dakota formed for the purposes of cooperative effort and united assistance in the comprehensive planning for the use, protection, growth, and development of the Missouri River system.

(2) MISSOURI RIVER SYSTEM.—The terms "Missouri River system" and "system" mean the Missouri River and the tributaries of the river.

(b) PROGRAM AUTHORITY.—The Secretary, in consultation with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Transportation, shall carry out, with respect to the system and consistent with the river basin management plan developed under section 106(c)—

(1) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat restoration and enhancement;

(2) a long-term resource monitoring program; and

(3) a program for the planning and construction of recreation projects.

(c) FLOOD MANAGEMENT COORDINATING COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall establish a subcommittee of the Missouri River Basin Association to be known as the "Missouri River Flood Management Coordinating Committee" to review and recommend approval or disapproval of projects developed under the programs established under subsection (b) and the river basin management plan developed under section 106(c).

(2) MEMBERSHIP.—The Committee shall consist of the Secretary, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Transportation, and the Governors of the States of Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, and South Dakota.

(3) OVERSIGHT.—The Committee shall report to the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) FLOOD MANAGEMENT PROGRAM.—There are authorized to be appropriated to the Department of the Army to carry out subsection (b)(1) $13,000,000 for each of the first 5 fiscal years beginning after the date of completion of the river basin management plan under section 106(c).

(2) LONG-TERM RESOURCE MONITORING PROGRAM.—There are authorized to be appropriated to the Department of the Army to carry out subsection (b)(2) $5,000,000 for each of the first 5 fiscal years beginning after the date of completion of the river basin management plan under section 106(c).

(3) RECREATION PROJECT CONSTRUCTION PROGRAM.—There are authorized to be appropriated to the Department of the Army to carry out subsection (b)(3) $2,000,000 for each of the first 5 fiscal years beginning after the date of completion of the river basin management plan under section 106(c).

**SEC. 105. STUDIES.**

(a) IN GENERAL.—

(1) UPPER MISSISSIPPI RIVER BASIN LEVEES.—In carrying out the study authorized under title I of the Energy and Water Development Appropriations Act, 1994 (Public Law 103-126), concerning the adequacy of flood control measures on the upper Mississippi River and the tributaries of the river, the Secretary of the Army shall survey the levees (other than a levee that is constructed to less than a 10-year flood protection level and that protects the land of 5 or fewer landowners) in existence on the date of completion of the study. The survey shall be a general assessment of—

(A) the physical condition of each levee;

(B) the estimated economic benefit of the levee to the area protected by the levee;

(C) the estimated environmental impact of the levee; and

(D) the estimated cost of bringing the levee into compliance with the standards of the Army Corps of Engineers where the compliance is necessary.

(2) HYDROLOGY OF UPPER MISSISSIPPI RIVER BASIN.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct a study of the hydrology of the Upper Mississippi River basin to determine the systemic effects of structural flood control measures in existence on the date of completion of the study, including the measures assessed under the study described in paragraph (1).

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army $10,000,000 to carry out this paragraph.

(3) LOCAL DRAINAGE SYSTEMS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Housing and Urban Development, the Secretary shall conduct a study to determine how local drainage systems may be designed and retrofitted to preserve aquatic habitat, limit potential increases in flood discharges, and meet the needs of the areas served by the systems.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army $1,000,000 to carry out this paragraph.

(4) FLOODPRONE AREAS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in coordination with the Director of the Federal Emergency Management Agency, the Secretary shall conduct a study of the entire Mississippi River and Missouri River basins to determine the most frequently flooded areas with the greatest loss of human life and property.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army $1,000,000 to carry out this paragraph.

(b) PROHIBITION ON DELEGATION.—Each study required under subsection (a) shall be carried out under the personal direction of the Secretary. The conduct and supervision of the studies may not be delegated below the position of the Deputy Assistant Secretary of the Army having responsibility for civil works.

**SEC. 106. RIVER BASIN MANAGEMENT PLANS.**

(a) UPPER MISSISSIPPI RIVER BASIN.—

(1) IN GENERAL.—To ensure the coordinated development and enhancement of the Upper Mississippi River system, the Secretary, not later than 2 years after the date of enactment of this Act, shall develop, in consultation with the Upper Mississippi River Basin Association and the Upper Mississippi River Flood Management Coordinating Committee established under section 102(b), a comprehensive river basin management plan that addresses the long-term ecological, economic, and flood control needs of the basin of the Upper Mississippi River system.

(2) CONTENTS OF PLAN.—The plan shall provide for the integration of the flood-control facilities in existence on the date of enactment of this Act in the basin of the Upper Mississippi River system into an efficiently functioning flood damage reduction system, including structural and nonstructural measures, that is compatible with the functioning and restoration of the floodplain ecosystem.

(3) PUBLIC PARTICIPATION.—In order to provide for the full participation of affected persons and persons interested in floodplain management, the plan shall be developed—

(A) in consultation with the Governors of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, or designees of the Governors;

(B) in consultation with non-Federal interests; and

(C) in a manner that is consistent with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies after the revision of the Principles and Guidelines pursuant to section 204(a).

(4) DEFINITIONS.—As used in this subsection:

(A) NONSTRUCTURAL MEASURE.—The term "nonstructural measure" means—

(i) the floodproofing of a structure;

(ii) a flood warning system;

(iii) floodplain regulation and management;

(iv) the acquisition of floodplain land for recreational, fish and wildlife, riparian restoration, wetlands restoration, and other public purposes;

(v) relocation; and

(vi) any other measure not involving a structure that is designed to or has the effect of changing the natural flow of a river that floods.

(B) UPPER MISSISSIPPI RIVER BASIN ASSOCIATION.—The term "Upper Mississippi River Basin Association" has the meaning provided in section 1103(b)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 652(b)(4)).

(C) UPPER MISSISSIPPI RIVER SYSTEM.—The term "Upper Mississippi River system" has the meaning provided in section 1103(b)(1) of such Act (33 U.S.C. 652(b)(1)).

(b) LOWER MISSISSIPPI RIVER BASIN.—

(1) IN GENERAL.—To ensure the coordinated development and enhancement of the Lower Mississippi River system (as defined in section 103(a)(1)), the Secretary, not later than 2 years after the date of enactment of this Act, in consultation with the Upper Mississippi River Flood Management Coordinating Committee established under section 102(b) and the Mississippi River Commission established by the Act of June 28, 1879 (21 Stat. 37, chapter 43; 33 U.S.C. 641), shall develop a comprehensive river basin management plan that addresses the long-term ecological, economic, and flood control needs of the basin of the Lower Mississippi River system.

(2) PUBLIC PARTICIPATION.—In order to provide for the full participation of affected persons and persons interested in floodplain management, the plan shall be developed—

(A) in consultation with the Governors of the States of Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee; and

(B) in a manner that is consistent with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies after the revision of the Principles and Guidelines pursuant to section 204(a).

(c) MISSOURI RIVER BASIN.—

(1) IN GENERAL.—To ensure the coordinated development and enhancement of the Missouri River system (as defined in section 104(a)(2)), the Secretary, not later than 2 years after the date of enactment of this Act, in consultation with the Missouri River Basin Association (as defined in section 104(a)(1)) and the Missouri River Flood Management Coordinating Committee established under section 104(c), shall develop a comprehensive river basin management plan that addresses the long-term ecological, economic, and flood control needs of the basin of the Missouri River system.

(2) PUBLIC PARTICIPATION.—In order to provide for the full participation of affected persons and persons interested in floodplain management, the plan shall be developed—

(A) in consultation with the Governors of the States of Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, and South Dakota; and

(B) in a manner that is consistent with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies after the revision of the Principles and Guidelines pursuant to section 204(a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section.

**SEC. 107. DETERMINATION OF FLOOD CONTROL BENEFITS.**

Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended—

(1) in the second sentence of subsection (a), by striking "Such feasibility report" and inserting "Subject to subsection (e), the feasibility report";

(2) in the second sentence of subsection (b), by striking "Such reconnaissance study" and inserting "Subject to subsection (e), the reconnaissance study"; and

(3) by adding at the end the following new subsection:

"(e) DETERMINATION OF FLOOD CONTROL BENEFITS.—In preparing a feasibility report under subsection (a), or a reconnaissance study under subsection (b), for a water resources project, the flood control benefits determined for the project shall not include the benefits derived from any use of the 100-year floodplain that involves, after the date of initiation of the reconnaissance study for the project—

"(1) the construction of a new structure;

"(2) a substantial improvement to a structure; or

"(3) any other change in an activity in the area of the floodplain in which the project is located that significantly increases the commercial or resale value of property in the floodplain subject to damage from flooding.".

**SEC. 108. USE OF FUNDS FOR NONSTRUCTURAL MEASURES.**

Section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(a)), is amended

by adding at the end the following new paragraph:

"(3) NONSTRUCTURAL MEASURES.—

"(A) USE OF FUNDS.—The Secretary may use funds from the emergency fund authorized under paragraph (1) to replace with a nonstructural measure any flood control measure damaged or destroyed by flood.

"(B) OTHER FUNDS.—The Secretary shall consult with the heads of other agencies and other persons in an effort to combine funds from the emergency fund authorized under paragraph (1) with funds available from other Federal programs, and with funds from State, local, and private sources, for the purpose of using nonstructural measures to reduce damage in the event of future flooding.

"(C) MITIGATION PLANS.—At the request of a non-Federal interest with jurisdiction over an area that has been subject to repeat flooding, as identified by the Director of the Federal Emergency Management Agency or as determined pursuant to the study required under section 105(a)(4) of the Floodplain Management, Environmental Restoration, and Recreation Act of 1994, the Secretary may use funds from the emergency fund authorized under paragraph (1) to develop a mitigation plan for the area that provides for carrying out 1 or more nonstructural measures to reduce damage in the event of future flooding.

"(D) FUNDING FOR NONSTRUCTURAL MEASURES.—

"(i) MINIMUM FUNDING LEVEL.—Except as provided in clause (ii), not less than 15 percent of all funds expended for each fiscal year by the Secretary for the purpose of flood control (including funds from the emergency fund authorized under paragraph (1) and funds allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s)) shall be used for the study, design, construction, and implementation of nonstructural measures.

"(ii) WAIVER.—With respect to a fiscal year, the Secretary may apply to the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.) for a waiver from the minimum funding level established under clause (i). The Water Resources Council may grant the waiver—

"(I) if the Secretary demonstrates, to the satisfaction of the Council, that there are an insufficient number of appropriate nonstructural measures on which to expend the full amount of the funds; and

"(II) only to the extent that the minimum funding level cannot be met because of the insufficiency.

"(E) COST SHARE FOR NONSTRUCTURAL MEASURES.—The Federal share of the cost of an activity relating to a nonstructural measure carried out under this paragraph shall be 75 percent. The non-Federal interests with respect to such a measure shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the measure, but shall not be required to contribute any amount in cash during the construction or implementation of the measure.".

**SEC. 109. LEVEE MAINTENANCE AND REPAIR PROGRAM.**

Section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(a)) (as amended by section 108), is further amended by adding at the end the following new paragraphs:

"(4) LEVEE MAINTENANCE AND REPAIR PROGRAM.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall coordinate and carry out repair and rehabilitation of a levee, after the levee is damaged by a flood or other natural disaster, if the State or local interest with respect to the levee—

"(i) participates in the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) with respect to the levee;

"(ii) carries out routine operation and maintenance and upkeep of the levee;

"(iii) in the case of a levee that provides 100-year flood protection, requires all properties protected by the levee to comply with the national flood insurance program;

"(iv) in the case of a levee that provides less than 100-year flood protection, requires insurance on all structures and crops protected by the levee;

"(v) with respect to the repair and rehabilitation, meets the cost-sharing requirements for flood control projects specified in section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), except that the minimum non-Federal share shall be 20 percent;

"(vi) provides for appropriate environmental enhancements to the land protected by the levee, in coordination with appropriate Federal and State agencies;

"(vii) does not raise the height of the levee immediately preceding or during a flood without the prior agreement of the State and the Army Corps of Engineers; and

"(viii) in the case of a levee not previously subject to the engineering standards of the Army Corps of Engineers (as of the day before the date of the damage), brings the levee into compliance with the standards.

"(B) INELIGIBLE LEVEES.—A levee shall not be eligible for Federal assistance under subparagraph (A) if the Secretary determines that the levee—

"(i) is in a hydrologically inappropriate location, as determined pursuant to the study required under section 105(a)(2) of the Floodplain Management, Environmental Restoration, and Recreation Act of 1994;

"(ii) is inconsistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies after the revision of the Principles and Guidelines pursuant to section 204(a) of such Act; or

"(iii) should be replaced with 1 or more nonstructural measures.

"(C) LEVEE OWNERS MANUAL.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall prepare a manual describing the maintenance and upkeep responsibilities that the Army Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this paragraph, including responsibilities relating to compliance with the Principles and Guidelines referred to in subparagraph (B)(ii). The Secretary shall provide a copy of the manual to each non-Federal interest that receives Federal assistance under this paragraph.

"(ii) PROHIBITION ON DELEGATION.—The preparation of the manual shall be carried out under the personal direction of the Secretary and may not be delegated below the position of the Assistant Secretary of the Army having responsibility for civil works.

"(iii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this subparagraph.

"(5) LOCAL COST-SHARE CREDIT FOR IN-KIND CONTRIBUTIONS.—

"(A) IN GENERAL.—In meeting the cost-sharing requirements of an activity assisted by the Secretary under paragraph (3) or (4), the non-Federal interest may—

"(i) accept from any source contributions of funds, materials, services, and other items of value, and in-kind contributions, for the purpose of providing a portion of the non-Federal share of the cost of the activity; and

"(ii) provide a noncash contribution described in clause (i) for that purpose.

"(B) DETERMINATION OF VALUE.—A noncash contribution described in subparagraph (A) may be credited towards the non-Federal share of the cost of the activity if the contribution has a positive impact on the activity. The value of the contribution shall be determined in advance of the crediting of the contribution by mutual agreement of the Army Corps of Engineers and the non-Federal interest. If the Army Corps of Engineers denies credit for a contribution, the denial may be appealed to the Secretary.

"(6) DEFINITIONS.—As used in this subsection:

"(A) MAINTENANCE AND UPKEEP.—The term 'maintenance and upkeep' means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

"(B) NONSTRUCTURAL MEASURE.—The term 'nonstructural measure' means—

"(i) the floodproofing of a structure;

"(ii) a flood warning system;

"(iii) floodplain regulation and management;

"(iv) the acquisition of floodplain land for recreational, fish and wildlife, riparian restoration, wetlands restoration, or other public purposes;

"(v) relocation; and

"(vi) any other measure not involving a structure that is designed to or has the effect of changing the natural flow of a river that floods.

"(C) REPAIR AND REHABILITATION.—The term 'repair and rehabilitation'—

"(i) except as provided in clause (ii), means the rebuilding or repair of a levee or other flood control structure, after the structure has been damaged by a flood, to the level of protection provided by the structure before the flood; and

"(ii) does not include—

"(I) any improvement to the structure; or

"(II) rebuilding or repair described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.

"(D) SECRETARY.—The term 'Secretary' means the Secretary of the Army.".

**SEC. 110. MISSOURI RIVER FLOODWAY PROJECT.**

(a) IN GENERAL.—For the purpose of improving the riparian habitat and reducing flood losses along the Missouri River, the Secretary shall pay the Federal share of purchasing, from willing sellers, land along the Missouri River between Sioux City, Iowa, and St. Louis, Missouri. In determining the land to be purchased, the Secretary may use data collected by the Scientific Assessment and Strategy Team for the Interagency Floodplain Management Review Committee, and shall consult with the Secretary of the Interior and the Secretary of Agriculture.

(b) COST-SHARING.—The Federal share of the cost of purchasing a parcel of land under this section shall be not more than 80 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 1995 through 2004.

**SEC. 111. BUY-OUT FUNDING.**

(a) IN GENERAL.—In each fiscal year, the Secretary shall purchase land or easements and relocate willing sellers in floodprone areas, or areas protected by flood control structures that repeatedly fail, as determined pursuant to the study required under section 105(a)(4).

(b) COOPERATION WITH OTHER AGENCIES.—To the maximum extent practicable, the Secretary shall—

(1) combine funds made available under this section with funds of other Federal agencies available for the same purpose; and

(2) cooperate with other Federal agencies to identify areas that, if purchased, would be available to achieve multiple Federal purposes, including a reduction in flood damages, a decrease in the repair and rehabilitation required of flood control structures, and environmental enhancement.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for each fiscal year, to remain available until expended.

**SEC. 112. WATERSHED APPROACH TO FLOOD LOSS REDUCTION.**

Section 2 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936 (33 U.S.C. 701b), is amended by adding at the end the following new sentence: "The Secretary of the Army shall collaborate with Federal, State, and local agencies during the planning, design, and construction phases of all flood control projects for the purpose of adopting a watershed-wide approach to the reduction of flood losses.".

## TITLE II—ENVIRONMENTAL PROTECTION AND RECREATION

**SEC. 201. FINDINGS.**

Congress finds that—

(1) the rivers and reservoirs of the United States are principal sources of water-based recreation for the citizens of the United States;

(2) the water resources described in paragraph (1) provide habitat to numerous species of animals and plant life;

(3) the water resources comprise important ecosystems whose delicate balance is critical to sustaining and preserving the environment and natural resources of the United States;

(4) the provision of recreation and the environmental protection of water resources are proper activities for the Federal Government in cooperation with States, political subdivisions of States, and local governments; and

(5) providing recreational opportunities and protecting the environment are missions of the Army Corps of Engineers of at least equal import to the provision of flood control protection and navigational opportunities along the inland and shoreline waters and harbors and ports of the United States.

**SEC. 202. PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONMENT.**

(a) PAYMENT OF NON-FEDERAL SHARE THROUGH IN-KIND CONTRIBUTIONS.—Section 1135(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(b)) is amended by inserting before the last sentence the following new sentence: "Not more than 80 percent of the non-Federal share may be in kind, fairly evaluated, including a facility, supply, or service that is necessary to carry out the modification.".

(b) MANDATORY REVIEW OF CONSTRUCTED PROJECTS.—

(1) IN GENERAL.—The Secretary shall annually conduct a review of not fewer than 5 flood control projects, and not fewer than 5 navigation or other projects, constructed or assisted by the Secretary—

(A) in accordance with subsection (a) of section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)); and

(B) to determine the need for environmental restoration projects in river systems impacted by the construction or operation of the flood control, navigation, or other projects for the purpose described in such subsection.

(2) GEOGRAPHIC REPRESENTATION.—With respect to each annual review, the projects reviewed shall be geographically representative of all flood control, navigation, and other projects, constructed or assisted by the Secretary.

(3) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act and every 2 years thereafter, the Secretary shall transmit to Congress a report on the results of the review conducted under paragraph (1), including recommendations resulting from the review.

**SEC. 203. AQUATIC ECOSYSTEM RESTORATION.**

(a) PROGRAM.—The Secretary may pay the Federal share of the cost of carrying out projects, and project components, the primary purpose of which is the restoration of an aquatic ecosystem or a portion of an aquatic ecosystem.

(b) COST-SHARING.—

(1) IN GENERAL.—The Federal share of a project or component described in subsection (a) shall be 75 percent. Any portion of the non-Federal share of the cost of such a project or component (including any portion of a feasibility plan) may be in kind, fairly evaluated, including a facility, supply, or service that is necessary to carry out the project. A non-Federal interest shall not be required to provide all land or interests in land (including any right-of-way) with respect to the project.

(2) PROJECTS OF CRITICAL NATIONAL INTEREST.—

(A) IN GENERAL.—The Federal share of a project or component described in subsection (a) that is of critical national interest shall be 100 percent.

(B) TYPES OF PROJECTS.—A project described in subsection (a) shall be considered to be of critical national interest if—

(i) the purpose of the project is to provide national benefits by protecting and restoring the structure, function, and hydrologic regime of an aquatic ecosystem; and

(ii) the project is located on Federal land or is approved by the Director of the United States Fish and Wildlife Service, the Director of the National Marine Fisheries Service, or the Director of the National Park Service.

(c) RECONNAISSANCE STUDIES.—

(1) IN GENERAL.—Upon the request of, and in coordination with, potential non-Federal interests and the Administrator of the Environmental Protection Agency, the Director of the United States Fish and Wildlife Service, the Director of the National Marine Fisheries Service, or the Director of the National Park Service, the Chief of Engineers of the Army Corps of Engineers may carry out reconnaissance studies for aquatic restoration projects of critical national interest described in subsection (b)(2).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) $15,000,000 for each fiscal year.

(d) PROJECT RECOMMENDATIONS.—Congress may not appropriate funds for an aquatic ecosystem restoration project under this section unless the project receives a favorable recommendation from the Chief of Engineers of the Army Corps of Engineers and the Secretary of the Interior under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

(e) FUNDS FROM OTHER AGENCIES.—

(1) IN GENERAL.—In the case of an aquatic ecosystem restoration project assisted under this section, the Secretary shall coordinate with the heads of other Federal agencies to determine whether conservation funds available to the agencies can and should be used to contribute to the project. The Secretary shall include funds so used as part of the design of the project if the project is approved by the contributing agency.

(2) COST-SHARING.—Funds used for a project under paragraph (1) shall not be subject to the cost-sharing requirements of this section but shall be subject to any cost-sharing requirements applicable to the funds under other laws.

(f) RESPONSIBILITY FOR LAND.—In the case of an aquatic ecosystem restoration project assisted under this section, land or an interest in land may be held or acquired by any person or instrumentality of government, including any Federal instrumentality, considered by the Army Corps of Engineers to be capable of fulfilling the responsibilities of holding and maintaining the land or interest in a manner necessary for successful completion and operation of the project.

(g) APPLICABILITY.—If aquatic ecosystem restoration is only 1 purpose of a project, the provisions of this section concerning cost-sharing, consultation, and approval shall apply to each project component justified in whole or in part by the contribution of the component to aquatic ecosystem restoration.

(h) ENVIRONMENTAL IMPACTS ON AQUATIC SYSTEMS.—

(1) CONSIDERATION OF FISH AND WILDLIFE BENEFITS.—For the purpose of a water resources project carried out or assisted by the Secretary, fish and wildlife benefits shall not be considered segregable benefits but shall be considered part of aquatic ecosystem preservation or restoration benefits.

(2) ENVIRONMENTAL EVALUATIONS.—An environmental evaluation of a water resources project carried out or assisted by the Secretary that affects the physical structure or hydrology of a river, lake, estuary, wetland, or any other component of an aquatic system, shall be based on the impact of the project on all functions of the aquatic system, including the impact on each aquatic organism and terrestrial organism that uses the aquatic system, on water quality, and on downstream and upstream hydrology. In carrying out any such evaluation, the Secretary shall consider the risk that the biological impact of an adverse alteration of the natural hydrology and physical structure of an aquatic system will be different and greater than the impact that can be predicted using scientific knowledge as of the date of the evaluation.

(3) MITIGATION.—In the case of a water resources project that has an adverse effect on the natural hydrology or physical structure of an aquatic system, the focus of mitigation of the effect shall be on efforts to restore the hydrology or structure of the natural system to replicate the acreage and functions lost or negatively impacted by the project.

(4) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Chief of Engineers of the Army Corps of Engineers, in consultation with the Director of the United States Fish and Wildlife Service, the Director of the National Marine Fisheries Service, and the Administrator of the Environmental Protection Agency, shall issue

technical guidance for the implementation of this subsection.

**SEC. 204. REVISION OF PRINCIPLES AND GUIDELINES.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Principles and Guidelines Advisory Council established under subsection (c), shall revise the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.), to—

(1) establish economic and environmental benefits as co-equal objectives of water resources planning, for the purpose of reviewing projects constructed by the Secretary;

(2) encourage the enhancement of the economic development of the United States; and

(3) encourage the restoration and improvement of the quality of the environment through the management, conservation, preservation, creation, restoration, and improvement of natural and cultural resources and ecological systems.

(b) REVISION OF PLANNING MANUALS.—The Secretary shall use the Principles and Guidelines as revised pursuant to subsection (a) to revise all planning manuals used by the Secretary for the operation and construction of water resources projects as soon as practicable, but not later than 18 months after the date of enactment of this Act.

(c) PRINCIPLES AND GUIDELINES ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the "Principles and Guidelines Advisory Council" (referred to in this subsection as the "Council"), consisting of the Secretary, the Secretary of the Interior, the Secretary of Agriculture, and 3 members of the public with expertise in water resources planning.

(2) DUTY.—The Council shall advise the Secretary in carrying out subsections (a) and (b).

(3) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), each of the 3 members of the public of the Council shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including traveltime, during which the member is engaged in the actual performance of the duties of the Council.

(B) FEDERAL OFFICERS AND EMPLOYEES.—A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation.

(4) TRAVEL EXPENSES.—While away from the home or regular place of business of the member in the performance of duties of the Council, each member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code.

(5) TERMINATION.—The Council shall terminate on the date that is 18 months after the date of enactment of this Act, unless the Council is temporarily extended by the Secretary after consultation with the appropriate committees of Congress.

**SEC. 205. SMALL RECREATION AND ENVIRONMENTAL PROJECTS.**

(a) IN GENERAL.—In each fiscal year, the Secretary shall provide for the construction of small projects that—

(1) are for recreation and environmental restoration and related purposes;

(2) are not specifically authorized by Congress; and

(3) the Secretary determines are advisable.

(b) AMOUNT FOR EACH PROJECT.—The amount provided for a project under subsection (a) shall be sufficient to complete Federal participation in the project, except that not more than $5,000,000 shall be provided for a project at a single location.

(c) EXTENT OF PROJECTS.—With respect to a project carried out under subsection (a), the Secretary may not commit to any additional improvements, after the completion of the project, to ensure the successful operation of the project.

(d) SURVEYS AND REPORTS.—The Secretary shall not be required to prepare a survey or report prior to carrying out a project under this section.

(e) ALLOTMENT OF AMOUNTS.—From any amounts made available before, on, or after the date of enactment of this Act for general construction projects of the Department of the Army, the Secretary may allot to carry out this section $40,000,000 for each fiscal year, to remain available until expended.

**SEC. 206. COST SHARE FOR RECREATION PROJECTS.**

Section 103(c)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)(4)) is amended—

(1) by striking "50" each place it appears and inserting "75"; and

(2) by inserting before the semicolon at the end the following: ", and in determining the non-Federal share under this paragraph, the Secretary shall include the fair market value of any land, easement, right-of-way, dredged material disposal area, or relocation provided by the non-Federal interest".

**SEC. 207. LOCAL COST-SHARE CREDIT FOR IN-KIND CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.**

Section 203 of the Water Resources Development Act of 1992 (33 U.S.C. 2325) is amended by adding at the end the following new subsection:

"(c) LOCAL COST-SHARE CREDIT FOR IN-KIND CONTRIBUTIONS.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), a non-Federal interest that carries out a project described in subsection (a) may—

"(A) accept from any source contributions of funds, materials, services, and other items of value, and in-kind contributions, for the purpose of providing a portion of the non-Federal share of the cost of the project; and

"(B) provide a noncash contribution described in subparagraph (A) for that purpose.

"(2) DETERMINATION OF VALUE.—A noncash contribution described in paragraph (1) may be credited towards the non-Federal share of the cost of the project if the contribution has a positive impact on the uses of the project. The value of the contribution shall be determined in advance of the crediting of the contribution by the mutual agreement of the Army Corps of Engineers and the non-Federal interest. If the Army Corps of Engineers denies credit for a contribution, the denial may be appealed to the Secretary.

"(3) MINIMUM CASH CONTRIBUTION.—Subject to section 105(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)), the non-Federal interest shall pay not less than 5 percent of the non-Federal share in cash.".

**SEC. 208. REBUILDING RECREATIONAL FACILITIES AFTER RESERVOIR DRAWDOWNS.**

If a recreational facility at a water resources project carried out or assisted by the Secretary becomes unusable or unsafe for more than 90 consecutive days because of a release of water or reservoir drawdown for any purpose, the Secretary may, at full Federal cost, restore the facility, or build a new recreational facility of a comparable level of development at the lower reservoir level. The Secretary shall seek contribution for the Federal cost from any agency that directs or requests the release or drawdown, including the Department of the Interior and the Department of Energy.

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SECTION-BY-SECTION SUMMARY OF THE FLOODPLAIN MANAGEMENT, ENVIRONMENTAL RESTORATION AND RECREATION ACT OF 1994

TITLE I—FLOODPLAIN MANAGEMENT

Section 101 resuscitates the Water Resources Council to coordinate and ensure the consistency of national programs for flood control and flood emergency assistance. The Council will be chaired by the Chairperson of the Council on Environmental Quality. This action was specifically recommended in the Galloway Report.

Section 102 creates a Flood Management Program for the Upper Mississippi region similar to the environmental management program established in Section 1103 of the 1986 WRDA. The Galloway Report recommended that the Corps coordinate with the States on a regional basis to plan for flood mitigation.

Section 103 creates a Flood Management Program for the Lower Mississippi River system. It also requires the Corps of Engineers to devise a system plan for flood management in the Lower Mississippi region, and requires that this be done as part of the Environmental Management Program. The Galloway Report recommended that the Corps conduct regional flood management and planning and consult with the States and encourage them to plan as well.

Section 104 creates a Missouri River Basin Association for the purposes of achieving regional planning and coordination for all the competing uses and interests along the Missouri River. It also creates a Flood Management Program for the Missouri River system. It requires the Corps of Engineers to devise a system plan for flood management in the Missouri River region, and requires that this be done as part of the Environmental Management Program. The Galloway Report recommended that the Corps conduct regional flood management and planning and consult with the States and encourage them to plan as well. Currently, no regional planning body exists for the Missouri River system. This is not intended to impact the Master Manual Review process currently ongoing in the Corps of Engineers Missouri River Division.

Section 105 directs the Secretary of the Army to conduct, under his personal supervision, four studies—(1) a survey of levies in the Upper Mississippi region; (2) a hydrological study of the Upper Mississippi River region to determine how the levies affect each other and river flows; (3) a study of how local drainage systems impact floods; and (4) a study of which areas are the most floodprone in Mississippi and Missouri River regions. These studies were recommended in the Galloway Report.

Section 106 requires the Corps, using the information gathered in the studies required by Section 105 and other information they have available, create comprehensive river basin management plans that address the long term ecological, economic, and flood control needs of each of the Upper Mississippi, Lower Mississippi, and Missouri river basins.

Section 107 prohibits the Corps of Engineers from counting the economic benefit of future development in the 100 year floodplain in order to justify building further flood control projects. The Galloway Report recommends that Government incentives for additional development in the floodplain be eliminated.

Section 108 authorizes the Corps of Engineers to use its levee repair funds for building non-structural measures to replace structural ones after a flood, and requires that 15% of the monies the Corps spends on flood control (excluding specific flood control projects) each year be used to construct and implement non-structural measures. If the Corps of Engineers cannot meet the 15% amount, then the Secretary can apply to the Water Resources Council for a waiver. The Galloway Report recommends that the Corps of Engineers increasingly use non-structural measures to prevent flood losses.

Section 109 sets the criteria for eligibility for the Corps of Engineers' levee repair program. Among these criteria are that local sponsors pay for 25% of the cost of the repair, that the land and improvements protected by the levee be covered by insurance, and that the local sponsor maintain the levee up to Corps standards. In order to assist local governments wanting to participate in the program, in-kind contributions will be permitted to count toward the non-federal share, and the Corps is required to develop an "Owner's Manual" to give guidance to local governments on proper maintenance and operation of levees. The Galloway Report specifically recommends these criteria for the levee repair program.

Section 110 directs the Secretary to create a Missouri River Floodway by purchasing land from willing sellers to create wetlands and rebuild riparian habitat on the Missouri so that water will be held where it falls rather than being flushed downstream and into the Mississippi, thereby exacerbating flooding. $8 million dollars is authorized annually for 10 years for this purpose, and 20% of the cost must be paid by non-Federal interests. The Galloway Report supports the practice of wetlands creation in order to minimize flooding.

Section 111 authorizes the Corps of Engineers to spend up to $25 million to buy out willing sellers in flood prone areas in any region of the country. The Galloway Report recommended more money for buyouts from willing sellers.

Section 112 requires that the Secretary, in planning, designing, and constructing flood control projects, shall work with States to adopt a watershed approach in reducing flood losses. The Galloway Report recommends that States get involved in watershed flood planning.

TITLE II—ENVIRONMENTAL PROTECTION AND RECREATION

Section 201 states that environmental protection and recreation are missions of the Corps of Engineers that are as important as other missions that the Corps performs, such as navigation and flood control.

Section 202 requires that the Secretary of the Army identify every year five project modifications which are environmental restoration projects in river systems impacted by the construction and operation of water resources and navigation projects (Section 1135 projects), and report to Congress on those projects. In addition, it permits in-kind contributions to count toward the local cost share of environmental restoration projects.

Section 203 makes restoration of aquatic ecosystems a mission of the Corps of Engineers. The local cost share for these projects will be 50/50. But for projects of critical national interest, the Federal share of the cost will be 75%. $15 million is authorized for this purpose, and the Secretary of the Army is directed to seek funds for these projects from other agencies.

Section 204 requires that the Secretary of the Army to revise the "Principles and Guidelines" to establish environmental and economic benefits as co-equal objectives for water resources projects considered by the Corps of Engineers. It also creates an advisory council to advise the Secretary on this subject.

Section 205 gives the Secretary authority to construct small recreation projects without specific authorization from Congress. It permits the Corps to use up to $40 million of appropriated but unobligated general construction funds to build these projects. This mirrors a similar authority for the Corps to construct small flood control projects.

Section 206 changes the local cost share requirement for recreation and environmental projects from 50% to 25%.

Section 207 permits non-federal sponsors of projects to count in-kind contributions, such as labor and materials, toward the local cost share requirement for a project. Currently, the Corps can accept in-kind contributions, but they cannot count as the local contribution to a project. Non-federal sponsors must nevertheless must pay 5% of the cost in cash.

Section 208 gives the Secretary authority to rebuild recreation facilities that are made unserviceable due to reservoir drawdowns and releases made for any purpose. The Secretary must seek monies from other agencies, such as the Fish and Wildlife Service, to help defray some of these costs.•

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By Mr. PELL (for himself, Mr. MOYNIHAN, Mr. STEVENS, and Mr. HATFIELD):

S. 2419. A bill entitled the "Library of Congress Financial Reform Act of 1994"; to the Committee on Rules and Administration.

LIBRARY OF CONGRESS FINANCIAL REFORM ACT

• Mr. PELL. Mr. President, I rise today in my capacity as the vice chairman of the Joint Committee on the Library of Congress to introduce the Library of Congress Financial Reform Act of 1994. Joining me as cosponsors are fellow Senate members of the Joint Committee, Senator MOYNIHAN, Senator STEVENS, and Senator HATFIELD. This legislation, which we introduce at the request of the Librarian of Congress, primarily assists the Library to continue to make needed improvements in its financial management and administration.

This bill replaces and fundamentally revises S. 345, the Library of Congress Fund Act, which I introduced also at the request of the Librarian in the first session of the 103d Congress. Certain aspects of that bill proved to be controversial, most notably the authority to establish electronic access to the content of the collections as a priced service. This new bill does not ask for such authority. The Library has worked closely with the various library and information communities to assure that this legislation meets their concerns.

One of the main purposes of the bill is to make the Library fully responsive to the recommendations of the General Accounting Office which found significant problems in the Library's financial management and accounting procedures, during the course of a 1991 audit conducted at the request of the Librarian.

Title I establishes a Library of Congress Revolving Fund which will service the various Library programs that are currently supported by fee service gift funds and the reimbursable programs operated by the Federal Research Division and the Federal Library and Information Center Committee [FLICC] under the authority of the Economy Act. The GAO audit found that the Library lacked sufficient statutory authority for its revolving fund activity, and this title corrects that problem.

Title II updates and clarifies the language of 2 United States Code 150, written 1902, which focused on the distribution of surplus catalog cards as the primary means of selling cataloging data. Today, the principal cataloging products sold by the Library are electronic tapes and discs, although conventional catalog cards can be obtained by libraries which have not converted to electronic cataloging. The Library of Congress develops these products to catalog and access its own collections, and once having done so, shares them at little cost with other libraries across the country. This title would authorize the Library to recover costs of distributing these products, and in doing so the Library estimates that it can leverage the $3.3 million which is appropriated for development of the products into revenues of $7.5 million. This title also allows excess receipts from 1 year's sales to remain available in succeeding years to assure a more stable financial base for operation. The amount of receipts available to the Library in each fiscal year will continue to be controlled through the annual appropriations process.

Title III is a revised version of another bill I introduced in this Congress, S. 1665, the Retention of Proceeds Act. It allows the Library to retain, for its own use, income received from two sources: First, sales of surplus materials, and second, restitution for lost, stolen, or destroyed material from the collections. The title also allows the Library to sell surplus materials under very limited circumstances.

Title IV amends the Library's Trust Fund Board Act to permit the Librarian, with the Trust Fund Board's knowledge and approval, to invest gift funds in the same manner as the Board now invests. The bill raises the cap on the amount of funds that the Board may invest from $10 million to $30 million.

Title V amends the law that terminated the Copyright Royalty Tribunal

and transferred those functions to the Copyright Arbitration Royalty Panels administered by the Copyright Office and the Library of Congress. The proposed changes are technical in nature and are intended to correct oversights in the law.

Mr. President, I am advised that the Librarian of Congress and his staff have done a systematic job of purifying previous financial reform legislation which had become mired in controversy. The bill we are offering today meets the basic requirements for new authority which the Library needs, while avoiding the problems which plagued the prior efforts. It deserves prompt consideration.•

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By Mr. INOUYE:

S. 2420. A bill to amend the Organic Act of Guam to provide for restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam during World War II, and for other purposes; to the Committee on the Judiciary.

GUAM WAR RESTITUTION ACT

• Mr. INOUYE. Mr. President, July 21, 1994 marked the 50th anniversary of the liberation of Guam from Japanese occupation in 1944. As part of Japan's assault against the Pacific, Guam was bombed and invaded by Japanese forces within 3 days of the infamous attack on Pearl Harbor. At that time, Guam was administered by the United States Navy under the authority of a Presidential Executive Order. It was also populated by then American nationals. For the first time since the War of 1912, a foreign power invaded U.S. soil. For nearly 3 years, the people of Guam endured wartime atrocities and suffering.

In 1952, when the United States signed a peace treaty with Japan, formally ending World War II, it waived the rights of American nationals, including those of Guamanians, to present claims against Japan. As a result of this action, American nationals were forced to seek relief form the Congress of the Untied States.

Today, I introduce the Guam War Restitution Act, which would amend the Organic Act of Guam and provide restitution to those who suffered atrocities during the occupation of Guam in World War II. An identical bill, H.R. 4741, was introduced in the House of Representatives by Representative ROBERT UNDERWOOD.

The Guam War Restitution Act would establish a Guam restitution claims fund which would provide specific damage awards to those individuals who are survivors of the war, and to the heirs of those who died during the war. The specific damage awards would be as follows: First, $20,000 for the category of death; second, $7,000 for the category of personal injury; and third, $5,000 for the categories of forced labor, forced march, or internment.

This act would also establish a Guam restitution trust fund to provide restitution to the heirs of those individuals who sustained injuries during the war but died after the war. Eligible heirs would receive restitution in the form of postsecondary scholarships, first-time home ownership loans, and grants for other suitable purposes. In addition, the trust fund could provide research and public educational activities to honor and memorialize the wartime events of Guam.

The United States Congress previously recognized its moral obligation to the people of Guam and provided reparations relief by enacting the Guam Meritorious Claims Act on November 15, 1945 (Public Law 79–224). Unfortunately, the Claims Act was seriously limited and flawed and did not adequately compensate Guam after World War II.

The Claims Act primarily covered compensation for property damage and limited compensation for death or personal injury. Claims for forced labor, forced march, and internment were never compensated because the Claims Act excluded these from awardable injuries. The enactment of the Claims Act was intended to make Guam whole. The Claims Act, however, failed to specify postwar values as a basis for computing awards, and settled on prewar values which did not reflect the true postwar replacement costs. Also, all property damage claims in excess of $5,000, as well as all death and injury claims required congressional review and approval. This action caused many eligible claimants to settle for less in order to receive timely compensation. The Claims Act also imposed a 1-year time limit to file claims, which was insufficient as massive disruptions still existed following Guam's liberation. In addition, English was then a second language to a great many Guamanians. While a large number spoke English, less could read it. This is particularly important especially since the Land and War Claims Commission required written statements and often communicated with claimants in writing.

The reparations program was also inadequate because it became secondary to overall reconstruction and the building of permanent military bases. In this regard, the Congress enacted the Guam Land Transfer Act and the Guam Rehabilitation Act (Public Laws 79–225 and 79–583) as a means of rehabilitating Guam. The Guam Land Transfer Act provided the means of exchanging excess Federal land for resettlement purposes, and the Guam Rehabilitation Act appropriated $6 million to construct permanent facilities for the civil populace of the island for their economic rehabilitation.

Approximately $8.1 million was paid to 4,356 recipients under the Guam Meritorious Claims Act. Of this amount, $4.3 million was paid to 1,243 individuals for death, injury, and property damage in excess of $5,000, and $3.8 million to 3,113 recipients for property damage below $5,000.

On June 3, 1947, former Secretary of the Interior Harold Ickes testified before the House Committee on Public Lands relative to the Organic Act, and strongly criticized the Department of the Navy for their inefficient and even brutal handling of the rehabilitation and compensation and war damage tasks. Secretary Ickes termed the procedures as shameful results.

In addition, a committee known as the Hopkins Committee, was established by former Secretary of the Navy James Forrestal in 1947 to assess the Navy's administration of Guam and American Samoa. An analysis of the Navy's administration of the reparation and rehabilitation programs was provided to Secretary Forrestal in a March 25, 1947 letter from the Hopkins Committee. The letter indicated that the Department's confusing policy decisions greatly contributed to the programs' deficiencies and called upon the Congress to pass legislation to correct its mistakes and provide reparations to the people of Guam.

In 1948, the U.S. Congress enacted the War Claims Act of 1948—Public Law 80–896—which provided reparation relief to American prisoners of war, internees, religious organizations and employees of defense contractors. The residents of Guam were deemed ineligible to receive reparation under this act because they were American nationals and not American citizens. In 1950, the United States Congress enacted the Guam Organic Act (81–630), granting Guamanians-American citizenship and a measure of self-government.

The Congress, in 1962, amended the War Claims Act to provide for claimants who were nationals at the time of the war and who became citizens. Again, the residents of Guam were specifically excluded. The Congress believed that the residents of Guam were provided for under the Guam Meritorious Claims Act. At that time, there was no one to defend Guam, as they had no representation in Congress. The Congress also enacted the Micronesian Claims Act for the Trust Territory of the Pacific Islands, but again excluded Guam in the settlement.

In 1988, the Guam War Reparation Commission documented 3,365 unresolved claims. There are potentially 5,000 additional unresolved claims. In 1946, the United States provided over $390 million in reparations to the Philippines, and over $10 million to the Micronesian Islands in 1971 for atrocities inflicted by Japan. In addition, the United States provided over $2 billion in postwar aid to Japan from 1946 to 1951. Further, the United States Government liquidated over $84 million in Japanese assets in the United States during the war for the express purpose

of compensating claims of its citizens and nationals. the United States did not invoke its authority to seize more assets from Japan under article 14 of the Treaty of Peace, as other Allied Powers had done. The United States, however, did close the door on the claims of the people of Guam.

The issue of reparations for Guam is not a new one for the people of Guam and for the United States Congress. It has been consistently raised by the Guamanian Government through local enactments of legislative bills and resolutions, and discussed with congressional leaders over the years.

The Guam War Restitution Act cannot fully compensate or erase the atrocities inflicted upon Guam and its people during the occupation by the Japanese military. However, passage of this act would recognize our Government's moral obligation to Guam, and bring justice to the people of Guam for the atrocities and suffering they endured during World War II. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of bill be inserted in the RECORD.

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

S. 2420

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Guam War Restitution Act".

**SEC. 2. AMENDMENT TO THE ORGANIC ACT OF GUAM.**

The Organic Act of Guam (48 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

**"SEC. 36. RECOGNITION OF DEMONSTRATED LOYALTY OF THE PEOPLE OF GUAM TO THE UNITED STATES, AND THE SUFFERING AND DEPRIVATION ARISING THEREFROM, DURING WORLD WAR II.**

"(a) APPLICATION OF SECTION.—This section applies to any Guamanian who would otherwise be eligible to file a claim under the first section of the Act of November 15, 1945 (59 Stat. 582, chapter 483), but failed to meet the 1-year time limitation for filing of death or personal injury claims specified in the first section of such Act, or who suffered other compensable injuries if such Guamanian, an heir to such Guamanian, or next of kin of such Guamanian, meets the criteria for eligibility and other criteria set forth in this section and otherwise meets the requirements for filing a claim under this section, including meeting an applicable deadline for filing the claim.

"(b) DEFINITIONS.—For the purposes of this section:

"(1) AWARD.—The term 'award' means the amount of compensation payable for a claim made by an eligible claimant pursuant to subsection (d)(1).

"(2) BENEFIT.—The term 'benefit' means the amount of compensation payable for a claim made by an eligible claimant pursuant to subsection (d)(2).

"(3) BOARD.—The term 'Board' means the Guam Restitution Trust Fund Board of Directors established under subsection (h).

"(4) CLAIMS FUND.—The term 'Claims Fund' means the Guam Restitution Claims Fund established under subsection (f)(1).

"(5) COMPENSABLE INJURY.—The term 'compensable injury' means one of the following three categories of injury incurred during, or as a result of, World War II:

"(A) Death.

"(B) Personal injury.

"(C) Forced labor, forced march, or internment.

"(6) ELIGIBLE CLAIMANT.—The term 'eligible claimant' means an individual who meets the requirements of paragraph (1) or (2) of subsection (d).

"(7) GUAMANIAN.—The term 'Guamanian' means any individual who—

"(A) resided in Guam during the period beginning December 8, 1941, and ending September 2, 1945; and

"(B) was a United States citizen or United States national during the period specified in subparagraph (A).

"(8) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(9) TRUST FUND.—The term 'Trust Fund' means the Guam Restitution Trust Fund established under subsection (g)(1).

"(c) GENERAL AUTHORITY OF SECRETARY AND BOARD; REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary may receive, examine, and render final decisions concerning claims for awards submitted pursuant to subsection (d)(1) and claims for benefits submitted pursuant to subsection (d)(2) in accordance with this section. The Secretary may certify and disburse payments from funds made available to the Secretary from the Claims Fund, and the Board may certify and disburse payments from funds made available to the Board from the Trust Fund, in accordance with this section.

"(2) REQUIRED INFORMATION FOR INCLUSION IN CLAIMS FOR AWARDS AND BENEFITS.—A claim for an award or benefit under this section shall be made under an oath administered by an appropriate official (as determined by the Secretary). Such claim shall include the following information:

"(A) The name and age of the claimant.

"(B) The village in which the claimant resided at the time the compensable injury occurred.

"(C) The approximate date on which compensable injury was incurred.

"(D) A brief description of the compensable injury that is the subject of the claim.

"(E) The circumstances that resulted in the compensable injury.

"(F) In the case of an award based on death as the compensable injury, or the case of a claim for a benefit, proof of the relationship of the claimant to the deceased.

"(3) TIME LIMITATION FOR REVIEWING AND CERTIFYING CLAIMS.—Upon receipt of a claim submitted pursuant to this subsection, the Secretary shall examine the claim to determine if the claim conforms with the requirements of paragraph (2), and certify the claim if such claim conforms with such requirements, as expeditiously as practicable, but not later than 18 months after the date of enactment of this section.

"(d) ELIGIBILITY.—

"(1) ELIGIBILITY FOR AWARDS.—To be eligible for an award under this section, the claimant shall meet the following criteria:

"(A) The claimant is a living Guamanian who personally received the compensable injury, except that in a claim for death, a claimant may be the heir or next of kin of the decedent Guamanian.

"(B) The claimant files a claim with the Secretary for a compensable injury that meets the requirements of subsection (c)(2).

"(C) The claimant, at the time of submission of the claim—

"(i) furnishes proof of the compensable injury; or

"(ii) produces affidavits by two witnesses to the compensable injury.

"(D) The claimant files a claim under this section by not later than 1 year after the date of enactment of this section.

"(2) ELIGIBILITY FOR BENEFITS.—To be eligible for a benefit under this section, the claimant shall meet the following criteria:

"(A) The claimant is a living Guamanian who is an heir or next of kin of the decedent Guamanian who personally received the compensable injury and who died after September 2, 1945.

"(B) The claimant files a claim with the Secretary or the Board for a compensable injury that meets the requirements of subsection (c)(2).

"(C) The claimant, at the time of submission of the claim—

"(i) furnishes proof of the compensable injury; or

"(ii) produces affidavits by two witnesses to the compensable injury.

"(D)(i) Except as provided in clause (ii), the claimant files a claim under this section not later than 1 year after the date of enactment of this section.

"(ii) Any individual who proves consanguinity with a claimant and who meets the criteria specified in subparagraphs (A) through (C) may become eligible for a prorated share of benefits accruing to such claim by filing, in accordance with such procedures as the Board may prescribe, a claim with the Board for such prorated share.

"(3) LIMITATION ON ELIGIBILITY FOR AWARDS AND BENEFITS.—A claimant for an award or a benefit under this section may only be eligible for an award arising out of one category of compensable injuries specified in subparagraph (A), (B), or (C) of subsection (b)(5).

"(e) PAYMENTS.—

"(1) CERTIFICATION.—The Secretary shall certify each award for which a payment is made under this section. The Board shall certify each benefit for which a payment is made under this section.

"(2) AWARDS.—Except as provided in paragraph (7), upon the certification of an award under paragraph (1), the Secretary shall pay an award from funds made available to the Secretary from the Claims Fund in the applicable amount specified in subparagraph (A), (B), or (C) of paragraph (3) to the eligible claimant who submitted the claim for the award pursuant to subsection (d)(1).

"(3) AWARD AMOUNTS.—The awards paid under this subsection shall be in the following amounts:

"(A) $20,000 for a death.

"(B) $7,000 for a personal injury.

"(C) $5,000 for forced labor, forced march, or internment.

"(4) BENEFITS.—Except as provided in subsection (d)(2)(D) and paragraph (7), upon the certification of a benefit under paragraph (1), the Board shall pay to the eligible claimant who submitted a claim to receive a benefit under subsection (d)(2) a payment from funds made available to the Board from the Trust Fund in an amount equal to the full amount of the benefit in the applicable amount specified in subparagraph (A) or (B) of paragraph (5).

"(5) BENEFIT AMOUNTS.—The benefits paid under this subsection shall be in the following amounts:

"(A) $7,000 for the category of personal injury.

"(B) $5,000 for the category of forced labor, forced march, or internment.

"(6) REFUSAL TO ACCEPT PAYMENT.—If a claimant refuses to accept a payment under this section, no payment may be made under this section to such claimant after the date on which the claimant refuses the payment, and the amount of the claim shall not be withdrawn from the Claim Fund or the Trust Fund.

"(7) PRORATED PAYMENTS RELATED TO CLAIMS FOR THE SAME DEATH.—Payment of the award or benefit relating to death shall be prorated among the heirs or next of kin who are claimants for the same death, as provided in the probate laws of the territory of Guam.

"(8) ORDER OF PAYMENTS.—The Secretary shall, to the extent practicable, make payments under this section to eligible claimants in descending order on the basis of the age of the claimants.

"(f) GUAM RESTITUTION CLAIMS FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Guam Restitution Claims Fund. The Claims Fund shall consist of such amounts as are deposited in the Fund pursuant to appropriations authorized under subsection (m). The Secretary of the Treasury, with the concurrence of the Secretary of the Interior, shall administer the Claims Fund. Amounts in the Claims Fund shall only be available to the Secretary of the Interior for disbursement pursuant to this section.

"(2) UNOBLIGATED FUNDS.—If the Secretary of the Interior determines that all eligible claimants have been paid under this section, the Secretary of the Treasury shall transfer any unobligated funds remaining in the Claims Fund to the Trust Fund on the date that is 60 days after the Secretary of the Interior submits to Congress the final report required under subsection (j)(3).

"(3) ADMINISTRATIVE COSTS.—No administrative cost incurred by the Secretary in carrying out this section shall be paid from the Claims Fund or set off against, or otherwise deducted from, any payment made under this section to any eligible claimant.

"(g) GUAM RESTITUTION TRUST FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Guam Restitution Trust Fund. The Trust Fund shall consist of such amounts as are deposited in the Fund pursuant to appropriations authorized under subsection (m) and any interest earned on investment of amounts in the Trust Fund under paragraph (2). The Trust Fund shall be administered by the Secretary of the Treasury.

"(2) INVESTMENTS.—The Secretary of the Treasury shall invest amounts in the Trust Fund in accordance with section 9702 of title 31, United States Code.

"(3) USES.—Amounts in the Trust Fund shall be available only for disbursement by the Board in accordance with subsection (h).

"(h) GUAM RESTITUTION TRUST FUND BOARD OF DIRECTORS.—

"(1) ESTABLISHMENT.—There is established the Guam Restitution Trust Fund Board of Directors. The Board shall be responsible for making disbursements from funds made available by the Secretary of the Treasury to the Board from the Trust Fund in the manner provided in this subsection.

"(2) USES.—The Board may make disbursements from funds made available to the Board from the Trust Fund only for the following purposes:

"(A) To sponsor research and public educational activities in such manner as to ensure that—

"(i) the events surrounding the wartime experiences and losses of the Guamanian people will be remembered; and

"(ii) the causes and circumstances of this and similar events may be illuminated and understood.

"(B) To disburse available funds as benefits to eligible claimants through a revolving fund for such purposes as postsecondary scholarships, first-time home ownership loans, and any other purpose that the Board may determine to be suitable.

"(C) To cover the cost of reasonable administrative expenses of the Board, including expenses incurred under paragraphs (3)(C), (4), and (5).

"(3) MEMBERSHIP.—(A) The Board shall be appointed by the Secretary from nominations submitted by the Governor of Guam. The Board shall be composed of nine members who are not officers or employees of the Federal Government.

"(B)(i) Except as provided in subparagraphs (B) and (C), members of the Board shall be appointed to serve for a term of 3 years.

"(ii) Of the members initially appointed to the Board—

"(I) five members shall be appointed to serve for a term of 3 years, and

"(II) four members shall be appointed to serve for a term of 2 years,

as designated by the Secretary at the time of appointment.

"(iii)(I) Any member of the Board appointed to fill a vacancy occurring before the expiration of the term for which a member was originally appointed shall be appointed to serve for the remainder of such term.

"(II) A member may serve after the expiration of the term of such member until such time as a successor takes office.

"(III) No member may serve for more than two consecutive terms.

"(C) Each member of the Board shall serve without pay, except that each member of the Board shall be entitled to receive reimbursement for travel, subsistence, and other necessary expenses incurred by the member in carrying out the functions of the Board, in the same manner as a person employed intermittently in the United States Government is allowed expenses under section 5703 of title 5, United States Code.

"(D) Five members of the Board shall constitute a quorum, but a lesser number may hold hearings.

"(E) A Chairperson of the Board shall be elected from among the members of the Board.

"(4) STAFF.—(A) The Board shall appoint a Director.

"(B) The Board may appoint and fix the pay of such additional staff as the Board may require.

"(C) The Director and the additional staff of the Board—

"(i) may be appointed—

"(I) without regard to section 5311(b) of title 5, United States Code; and

"(II) without regard to the provisions of such title governing appointments in the competitive service; and

"(ii) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, except that the compensation of any employee of the Board may not exceed a rate equivalent to the minimum rate of basic pay payable for GS–15 of the General Schedule under section 5332(a) of such title.

"(5) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

"(6) GIFTS AND DONATIONS.—The Board may accept, use, and dispose of gifts or donations of services or property for purposes authorized under paragraph (2).

"(7) ANNUAL REPORT.—Not later than 1 year after the initial meeting of the Board and annually thereafter, the Board shall transmit to the President and to Congress a report describing the activities of the Board.

"(i) NOTICE.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall give public notice in the territory of Guam and such other places as the Secretary considers appropriate concerning the period during which claims may be filed under this section. The Secretary shall ensure that the provisions of this section are widely published in the territory of Guam and such other locations as the Secretary considers appropriate.

"(2) NOTICE AND ASSISTANCE.—To the maximum extent practicable, the Secretary shall provide prompt notification to all individuals who may become eligible to make a claim for an award or benefit under this section and to assist such individuals in the preparation and filing of claims made under this section.

"(j) REPORTS.—

"(1) NECESSARY COMPENSATION.—Not later than 18 months after the date of enactment of this section, the Secretary shall submit a report to Congress and the Governor of Guam that contains a recommendation concerning the amount of compensation necessary to fully carry out this section. The report shall include—

"(A) a list of all claims, categorized by compensable injury, which were approved under this section; and

"(B) a list of all claims, categorized by compensable injury, which were denied under this section, and a brief explanation for the reason for the denials.

"(2) ANNUAL REPORT.—Not later than January 15 of the first full fiscal year ending after submittal of the report provided in paragraph (1), and annually thereafter, the Secretary shall submit a report to Congress that contains the following:

"(A) The activities conducted by the Secretary under this section.

"(B) The status of the Claims Fund and Trust Fund.

"(C) Any request for an appropriation that the Secretary determines to be necessary in order to make disbursement from the Claims Fund and Trust Fund.

"(3) FINAL AWARD REPORT.—At such time as the Secretary determines that all awards have been paid to eligible claimants, the Secretary shall submit a report to Congress and to the Governor of Guam certifying—

"(A) the total amount of compensation paid as awards under this section, by category of compensable injury; and

"(B) the final status of the Claims Fund and the amount of any unobligated funds remaining in the Claims Fund to be transferred to the Trust Fund pursuant to subsection (f)(2).

"(k) LIMITATION.—

"(1) LIMITATION ON REMUNERATION FOR SERVICES.—Notwithstanding any other provision of law—

"(A) any remuneration provided to any person on account of services rendered on behalf of any eligible claimant, or any association of eligible claimants, in connection with any claim made under this section may not exceed 5 percent of the amount of the claim; and

"(B) any agreement between any person and an eligible claimant or an association of

eligible claimants to provide remuneration in an amount that exceeds the amount specified in this paragraph shall be unlawful and void. Any agreement to the contrary shall be unlawful and void.

"(2) Whoever, in the United States or elsewhere in an area under the jurisdiction of the Federal Government, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be guilty of a misdemeanor and upon conviction, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 12 months, or both.

"(l) DISCLAIMER.—Nothing contained in this section shall constitute an obligation of the United States to pay any claim arising out of war. The compensation provided in this section is ex gratia in nature intended solely as a means of recognizing the demonstrated loyalty of the people of Guam to the United States, and the suffering and deprivation arising therefrom, during World War II.

"(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Amounts appropriated pursuant to this section are authorized to remain available until expended.".●

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By Mr. WARNER (for himself and Mr. ROBB):

S.J. Res. 218. A joint resolution designating January 16, 1995, as "Religious Freedom Day"; to the Committee on the Judiciary.

RELIGIOUS FREEDOM DAY

● Mr. WARNER, Mr. President, I introduce along with Senator ROBB a joint resolution which would designate January 16, 1995, as "Religious Freedom Day."

The birth of this joint resolution goes back to January 16, 1786—the day the Virginia General Assembly adopted "An Act Establishing Religious Freedom for Virginia" written by Thomas Jefferson. This statute was the first to institute the separation of church and state and to secure for all citizens the freedom of worship. The Virginia statute for religious freedom inspired the first amendment and is regarded by scholars, lawyers and religious leaders as one of the most influential documents ever created.

On January 16, 1992, the Virginia General Assembly passed a resolution commemorating the Virginia statute for religious freedom as the precursor for the Bill of Rights. A proclamation was then signed by Governor Wilder and Virginia became the first State to establish a day for the appreciation of religious freedom.

The purpose of this joint resolution is to extend to all the States this opportunity to commemorate our religious freedoms. Therefore, I invite my colleagues to join Senator ROBB and myself in designating January 16, 1995, as "Religious Freedom Day."

I will close my remarks by submitting a letter written by A.E. Dick Howard, a professor at the University of Virginia School of Law, who so eloquently addresses the significance of the Virginia statute for religious freedom. I ask unanimous consent that this letter be printed in the RECORD.

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

SCHOOL OF LAW,
UNIVERSITY OF VIRGINIA,
*Charlottesville, VA, December 20, 1991.*

Ms. CAROL NEGUS,
*President, Council for America's First Freedom, Richmond, VA.*

DEAR MS. NEGUS: The Virginia Statute for Religious Freedom is a document whose historical significance transcends the place and time which gave its birth.

One who delves into the circumstances surrounding the Statute's drafting and enactment will better understand the origins and meaning of religious freedom in America. In 1776, the Virginia Statute was enacted, a more complete statement of religious liberty and thereby come into being.

This history of the Virginia Statute is intertwined with that of the First Amendment to the United States Constitution. The Supreme Court of the United States, in interpreting the First Amendment, has often made reference to the Virginia Statute. That enactment remains a seminal document for any inquiry into the application of the First Amendment's religion clauses even two centuries later.

The Statute's significance is not confined to concerns about church and state or religion in the conventional sense. I can think of no document which more eloquently states Thomas Jefferson's concern for liberating the human mind from any manner of bondage. A splendid emanation of enlightenment thinking at his best, the Statute proclaims that at the heart of our conception of freedom lies freedom to believe what one will.

In an age when many countries are putting a totalitarian past behind them and are laying the foundations for constitutional democracy, the Virginia Statute points the way to aspirations which, if acted upon, would help mute the passions of national and ethnic rivalry. In my own work in Central and Eastern Europe, I have used the Statute as an example of an approach to religious freedom that would be worthy of emulation by constitutional draftsmen in the fledgling democracies.

The Virginia Statute is a document for the ages. I applaud the plans to commemorate its meaning and to undertake public education in its teachings.

Sincerely,

A.E. DICK HOWARD.●

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## ADDITIONAL COSPONSORS

S. 2287

At the request of Mr. HATCH, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 2287, a bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax on arrows.

S. 2297

At the request of Mr. METZENBAUM, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2297, a bill to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes.

S. 2347

At the request of Mr. SASSER, the name of the Senator from Minnesota [Mr. DURENBERGER] 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.

S. 2378

At the request of Mr. HELMS, his name was added as a cosponsor of S. 2378, a bill to prohibit United States assistance to countries that prohibit or restrict the transport or delivery of United States humanitarian assistance.

S. 2391

At the request of Mr. SIMON, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2391, a bill to repeal the prohibitions against political recommendations relating to Federal employment, and for other purposes.

SENATE JOINT RESOLUTION 158

At the request of Mr. WOFFORD, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Joint Resolution 158, a joint resolution to designate both the month of August 1994 and the month of August 1995 as "National Slovak American Heritage Month."

SENATE JOINT RESOLUTION 169

At the request of Mr. WARNER, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Texas [Mrs. HUTCHISON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Michigan [Mr. LEVIN], the Senator from Oklahoma [Mr. BOREN], the Senator from Michigan [Mr. RIEGLE], the Senator from Indiana [Mr. COATS], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 169, a joint resolution to designate July 27 of each year as "National Korean War Veterans Armistice Day."

SENATE JOINT RESOLUTION 208

At the request of Mr. WOFFORD, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Louisiana [Mr. BREAUX], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 208, a joint resolution designating the week of November 6, 1994, through November 12, 1994, "National Health Information Management Week."

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing on the nomination of Henry J. Cauthen, of South Carolina, to be a member of the Board of Directors of the Corporation for Public Broadcasting on Wednesday, August 24, 1994, beginning at 10 a.m. in room SR-253 of the Russell Senate Office Building.

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

## ADDITIONAL STATEMENTS

### CRIMINAL SENTENCING

• Mr. SIMON. Mr. President, I want to bring to my colleagues attention a special report published today in the Washington Times, entitled "Mandatory Drug Sentences Lead to Inequities."

The article highlights the counterproductive policies of our current sentencing practices.

The report cites research published by the Cato Institute, which shows how mandatory prison terms, force violent criminals into the streets and keep low-level drug offenders in jail. And it notes how a broad array of experts—including Edwin Meese, Lee Brown, and pro-gun groups—have recognized the ineffectiveness and injustice of these penalties for drug offenders.

This report demonstrates what I have been saying for years: Before we jump on the bandwagon to spend billions and billions on more prisons, we should reexamine the way we are using our prison resources today. If we did, we would find that we are using too much prison space for nonviolent offenders and not enough for violent ones. As the Washington Times notes, our prison space tripled over the past 15 years. But the number of violent offenders incarcerated remained about the same or lower.

The fact is that we would have enough prison space today if we used our resources more wisely. Unfortunately, even small efforts to bring a little sanity to our sentencing practices run up against political grandstanding. Take, for example, the mandatory minimum safety valve that I sponsored in the Senate, which would allow judges just a little bit of discretion in sentencing low-level, nonviolent offenders, many of whom are serving 5, 10, or 20 years in prison under existing mandatory sentences.

This small effort to restore a sense of proportionality to our criminal justice system has provoked critics to claim that the safety valve would result in the immediate release of 10,000 or more inmates from prison. In fact, as the Washington Times observes, the number would be closer to 1,600. The Bureau of Prisons puts the number even lower, projecting that only 100 to 400 inmates would be immediately released from jail.

It is easy to throw money at our crime problem by building more prisons. The better approach—but the harder approach politically—is to use our existing resources more intelligently. That approach is more effective, more efficient, and more just.

I ask that the full text of the Washington Times article appear in the RECORD at the appropriate place.

The article follows:

[From the Washington Times, Aug. 24, 1994]

MANDATORY DRUG SENTENCES LEAD TO INEQUITIES

(By Nancy E. Roman)

New research suggests that mandatory minimum prison terms, coupled with tough new sentencing guidelines, force violent criminals onto the streets and keep low-level drug offenders in jail.

Take Nicole Richardson.

The 17-year-old high school senior fell in love with Jeff Thompson, a drug dealer who sold cocaine and "ecstasy," a combination of synthetic mescaline and an amphetamine, which produces short-term euphoria.

Shortly after the two started dating, he began selling LSD.

When the federal drug enforcement agents caught one of his suppliers, he informed on Jeff as part of a deal to get a reduced sentence. Undercover agents then telephoned Thompson's home, where Richardson answered and told the agents where to find Thompson to pay him for drugs.

In 1992, when Richardson was in college, she was arrested and charged with conspiracy to distribute and possess LSD with the intent to distribute. Now 20, she is serving a mandatory minimum 10-year sentence in federal prison. Thompson went to prison for five years.

"In all of my experience with guidelines, this case presents to me the top example of a miscarriage of justice," said U.S. District Judge Alex T. Howard Jr. of Alabama, appointed by President Reagan in 1986.

Or take Johnny Patillo, 27.

One day a neighbor offered to pay Patillo $500 to take a package to a Federal Express office in Los Angeles and send it to Dallas.

Patillo, manager at a cable television company, agreed to send the package to Dallas even though he knew it contained illegal drugs. He did not know which type or the amount of drugs in the package.

Patillo was arrested and charged with possession with intent to distribute crack cocaine. He was sentenced to a minimum of 10 years in federal prison, based on the weight of crack cocaine in the package—681 grams.

Judge J. Spencer Letts, a Reagan-appointed federal judge in California, said the case made him face his most difficult dicision—"between my judicial oath of office, which requires me to uphold the law as I understand it, and my conscience, which requires me to avoid intentional injustice."

He said if the package had contained another amount and type of drug, Patillo may have been sentenced only to probation.

"Under this sledgehammer approach, it can make no difference whether [the] defendant actually owned the drugs with which he was caught," Judge Letts said. "Or whether, at a time when he had an immediate need for cash, he was slickered into taking the risk of being caught with someone else's drugs."

JUSTICE BY THE GRAM

In 1986, Congress enacted tough laws that require drug offenders to serve non-negotiable minimum sentences based on weight and type of drugs.

Under these laws, someone dealing in 50 grams of crack cocaine—less than 4 ounces—gets a mandatory minimum sentence of 10 years. If there is a prior conviction of any felony drug offense, a dealer gets a mandatory minimum sentence of 20 years. Under these mandatory minimums, judges are not allowed to even recommend a sentence less than the assigned minimum. Parole boards may not let those convicted out.

By contrast, under federal sentencing guidelines, kidnappers get between four and five years in prison. Those who commit voluntary manslaughter go to prison for between 4¾ years and six years. Assault with intent to commit murder gets from 5½ years to eight years and one month.

Under mandatory minimums, record numbers of drug offenders are being locked up. (In 1992, states sentenced to prison 102,000 drug offenders and 95,300 violent offenders.) But statistics show drug use and dealing is holding fast.

Meanwhile, violent crime is on the rise and many judges, law enforcement officials and policymakers are beginning to conclude that prison space would be better used to incarcerate violent criminals than to lock up the likes of Richardson and Patillo.

"The public doesn't see any redeeming value in drugs per se, but an increasingly large percentage of the population is coming to the conclusion that the drug war is a greater threat to them than drug possession by someone in their neighborhood," said David B. Kopel, research director of Independence Institute, a think tank in Golden, Colo., that advocates a free market and limited government.

Mr. Kopel, a former New York prosecutor, has published a 62-page report called "Prison Blues: How America's Foolish Sentencing Policies Endanger Public Safety," in which he argues that federal prisons devote too many resources to drug offenders, at the expense of incarcerating violent criminals.

He said that although his research was based on the federal system, its conclusions apply to state prisons, too, where most of the violent criminals are incarcerated.

"If a society is so intent on sending first-time drug vendors to prison that first-time muggers often do not go to prison, should it be surprising that burglary and mugging increase?" he asks.

Oddly disparate groups are coming to the same conclusion. Reagan- and Bush-appointed judges have opposed mandatory minimum sentences for drug crimes, as has the American Civil Liberties Union. Lee Brown, the Clinton-appointed director of the Office of National Drug Control Policy, opposes mandatory minimum sentences. So does Edwin Meese III, who served as attorney general under President Reagan. Many pro-gun groups oppose mandatory minimums.

"I don't see the point of cluttering up the prisons with a lot of these drug offenders when a lot of them aren't violent criminals anyway," said Larry Pratt, executive director of Gun Owners of America. "If they are not in there for an act of violence, I personally don't believe they should be in jail. Why should I be paying for them?"

RETHINKING THE WAR

Mr. Pratt says just 10 years ago, he was fully behind the "war on drugs."

"It's not a pretty idea to have people destroying themselves with drugs," he said. "But I've come to the conclusion that to the extent that it affects me, there are ways to deal with a guy blowing his brains out with pot."

Not necessary so with a rapist, or an armed robber or a murderer, he said.

In his report, published by the Cato Institute in May, Mr. Kopel tells the story of Kenneth McDuff.

In the early 1980s, McDuff murdered two teen-age boys, raped a girl and snapped her neck with a broomstick. During his trial, law enforcement officers testified that McDuff would kill again if given the chance.

"In 1989, the war on drugs gave McDuff the opportunity," Mr. Kopel narrates.

Although Texas had doubled its prison capacity in the 1980s, it also quadrupled its incarceration of drug offenders. To cope with the increased number of prisoners, the state parole board made it easier to qualify for parole and let McDuff out in 1989.

"Three days later, the naked, strangled body of his first new victim was found," Mr. Kopel says.

McDuff was arrested a year later. He was charged with three murders and investigated for six more.

"Mandatory drug minimums have led to reduced punishment for violent crime," Mr. Kopel says matter-of-factly.

FOCUS ON TIME EQUITY

Mr. Kopel draws on the work of Morgan Reynolds, an economist at Texas A&M University who studied average sentences in Texas. He found that the average time served by violent offenders in Texas dropped from 28 months in 1985 to 24 months in 1991.

His research also showed that the average murderer could expect to serve less than two years in prison; the average rapist, about 23 days.

Patrick Langan, senior statistician with the U.S. Bureau of Justice Statistics, said those figures are artificially low because they include murderers who are never caught and thus get no sentences at all.

When those cases are eliminated, the average time served for murder is more like four years.

Nonetheless, he said, it is clear that politicians and law enforcement have devoted more resources to fighting drug crime. From 1986 to 1990, police increased the number of arrests for drug trafficking by 75 percent. During that same time, they doubled the arrests for trafficking in cocaine and heroin.

In 1987, 36 of every 100 drug convicts went to prison. In 1990, 49 percent were incarcerated.

According to the U.S. Bureau of Justice Statistics, the sentences for robbery, rape, kidnapping and property crimes fell between 1980 and 1990, while the prison sentences for drug offenses nearly doubled.

Mr. Langan said looking at time served in a common set of states between 1988 and 1992, the average time served for robbery was 40 months. It is now 37. Average time served for assault dropped from 24 months to 22 months. Time served for violent offenses in the aggregate dropped from 38 to 36 months. At the same time, time served for drug offenses climbed from 15 months to 16 months. Time served for kidnapping climbed from 40 to 45 months.

While prison space tripled over the past 15 years, the number of violent offenders incarcerated is about the same or lower.

"The people of the United States have paid a tremendous amount of money for this tripling of prison capacity over the past 15 years," Mr. Kopel said. "They are entitled to better than a system that incarcerates about the same number of violent criminals. It ought to be incarcerating three times as many [violent] criminals."

DEGREES OF CRIMINALITY

He said if you envision a prison as a crowded room, you can imagine that as more people get pushed into the front door, some must be let out of the back door.

Because mandatory minimum sentences prevent parole boards from releasing drug offenders before their sentences are served, they are sometimes forced to release an armed robber or rapist instead.

"Take away their discretion to let out a drug offender and they may have to let out the nonrepentant rapist with a 10-to-20-year indeterminate sentence," he said.

Ralph Adam Fine, a judge for the Wisconsin Court of Appeals in Milwaukee, cautions against making policy based on anecdote. "One can always find anecdotal evidence that will shock and horrify," he said, adding that incarceration is the only effective way to deter crime, including drug dealing.

"If society wants to legalize the stuff, then we'll have lots of room in the prisons," said the author of "Escape of the Guilty." "Absent that, I think we've got to build more."

He said locking up drug dealers and users prevents crime because dealers often commit other crimes like robberies and burglaries.

"You get this creep who isn't dealing drugs for the moment," he said. "He's not watching the 'McNeil/Lehrer Report,' he's out there burglarizing."

He said tales of low-level offenders locked away for unusually long prison terms sometimes sound worse than they are. For example, many of those listed as "marijuana only" offenders were actually caught using or dealing in more serious drugs and negotiated a lesser offense.

"However, that said, this hysteria that has been whipped up has led to what I consider to be a lack of proportionality in sentencing," he said. "A civilized society does not send someone to prison for 30 years for marijuana dealing and send murderers and rapists to prison for five years."

DRUG HYSTERIA

So how did this happen?

It was the summer of 1986 and the country was obsessed with a new drug called crack cocaine—said to produce a high more intense and addictive than powder cocaine for less than half its cost.

Late in June, Len Bias, the University of Maryland basketball star, died of a drug overdose, and the obsession became a frenzy. Drugs seemed to be an indiscriminate destroyer.

"Everyone was in shock at the death of Len Bias," said Eric Sterling, president of the Criminal Justice Foundation. "This drug was hyped as the great new devil drug of our times."

Against the backdrop of Mr. Bias' death and the crack hysteria, House Speaker Thomas P. "Tip" O'Neill returned to Washington after a district work period and announced that Congress would put together an omnibus-anti-drug bill, recalls Mr. Sterling, who was then majority counsel to the House Judiciary Committee.

"He was looking to the elections and recalling that the Democrats had been beaten up the month before for being soft on crime," he said.

Mr. Sterling said committee staff cobbled the anti-drug package together out of existing bills (such as one that allowed the Drug Enforcement Administration to go after designer drugs) and a handful of new ideas. One of them was mandatory minimum sentences, aimed at sending a message that society would not tolerate drugs—especially crack.

"I drafted the mandatory minimum sentences; they came out of my word processor," Mr. Sterling said, "And I know how quickly they were written and that they were not well thought out."

For example, penalties are assigned based on the weight of the drug and drug carriers. So the sugar cubes carrying LSD get weighed along with the drug itself.

Mr. Sterling said the biggest problem with the mandatory minimum laws is they snag "conspirators"—girlfriends, family members, anyone who might know about drug deals—and hold them responsible for the full weight of the drug involved in the crime.

The only exceptions to mandatory minimums are for those who exchange information about another's involvement for a lesser sentence.

Julie Stewart, president of Families Against Mandatory Minimums (FAMM), said that's why so many low-level offenders clog the prisons.

"The kingpins do the least amount of time," she said. "The only way to circumvent the minimums is to inform, and the person who is the most culpable has the most information to exchange."

Ms. Stewart founded FAMM in 1991 after her brother, Jeff Stewart, was sent to federal prison for five years for growing 375 marijuana plants with two friends.

The plants were 2 inches tall when he was arrested, and Ms. Stewart said he and his friends had hoped to end up with about 4 pounds each of marijuana.

But two men who were renting Stewart's house told a neighbor about the marijuana. The neighbor reported them to the police. When police arrested the tenants, they told of Stewart's enterprise to avoid prison. Despite prior felony convictions, they got probation because they gave up information leading to another's arrest.

Now Stewart, a former construction worker, is serving his fourth year in prison.

"Prisoners cost $20,000 a year. My brother is costing the taxpayer $100,000. It's nuts," she said. "I'm not against punishing these people, but the sentences should be realistic."

TAKING A SECOND LOOK

Rep. E. Clay Shaw Jr., Florida Republican, who fought for mandatory minimums as a member of the Judiciary Committee in 1986, said it may be time to reconsider them.

"We were doing the right thing at the time," said Mr. Shaw, who represents a South Florida district that stretches 91 miles from West Palm Beach to Miami. "We were drowning in the drug problems we were having.

"In passing those laws, we were attacking what we felt like was a problem in the system. There was too much plea-bargaining going on," he said. "That doesn't mean that we can't go back and look at what we've done—particularly if we are releasing violent people.

"In politics as everything else, people have to take a look at what they did, and if they think they made a mistake, correct it," said Mr. Shaw, who served on the Select Committee on Narcotics Abuse and Control before it was abolished this year. He said the hope was that stringent sentences would deter drug use and dealing. Now he suggests that Congress take a look and see whether it has.

Mr. Brown, the drug-control director and former undercover narcotics cop in New York City, said he doesn't think so.

"The intent was noble, but the results are not," he said. Although casual use of drugs—defined as once a month or less—is down slightly, hard-core use is on the rise, he said.

Mr. Brown sees two problems with mandatory minimum sentences:

The racial disparity that results from harsh sentences for crack cocaine. Although 64 percent of cocaine is consumed by whites, as opposed to 26 percent by blacks, he said more blacks go to federal prison for cocaine offenses.

Too many people go to prison for minor possession of drugs, while more serious violent offenders are let out.

But, Mr. Brown said, politically it is unlikely that members of Congress, who want to appear tough on crime and drugs, will vote to reduce sentences for drug dealers.

"I can't see that," he said.

To illustrate in last week's bloody battle for a crime bill, Republicans targeted a provision that would allow judges out from under mandatory minimums when sentencing first-time offenders. Under the original bill, the provision was retroactive.

Critics said the provision would turn 10,000 drug criminals onto the streets. In fact, because the provision allows judicial review of sentences, the number would be closer to 1,600 according to Mr. Sterling. Part of the deal struck to bring Republicans on board the compromise crime package that passed the House on Sunday was to strip from the bill retroactive review for first offenders sentenced under mandatory minimums.

Mr. Kopel said the actual numbers are not that important, because any prison beds not taken by dope dealers would be free for violent criminals.

"Right now we have a system where a third of the people coming in are drug offenders, as opposed to 7 percent in previous years," Mr. Kopel said. "Would we be safer if the percentage of drug offenders went down and the percent of violent offenders went up?"•

## NEW HORIZONS FOR AFFORDABLE HOUSING

• Mr. D'AMATO. Mr. President, the general decline in credit availability for multifamily housing since the Tax Reform Act of 1986 has fallen with special force on the low- and moderate-income sector. Longstanding obstacles to financing apartment buildings have been exacerbated by a number of factors, including a decline of traditional thrift industry lenders, tightening credit and bank capital adequacy standards, and, most importantly, the deep real estate recession, which has yet to be fully and uniformly reversed throughout the country.

The structure of most low- and moderate-income housing markets makes the provision of credit a daunting challenge in even the best of circumstances. Most transactions are small, and many borrowers are unsophisticated with weak or unsubstantiated financial statements. New construction or rehabilitation financing for these transactions would be complex enough, but it is made more so, in many instances, by the necessity for governmental assistance programs to bridge the gap between housing cost affordability. This assistance can take many forms: tax credits, local tax abatements and exemptions, rental subsidies, zoning variances, et cetera. Many transactions, furthermore, will include not one, but several public enhancements. Typically, each has its own requirements and restrictions, and separate government agencies are responsible for their administration.

The private-sector credit system must interact with this complicated market, while, at the same time, evaluating all the usual market considerations. Construction lenders must account for interest rate risks for their take-out financing, lest upward fluctuations in long-term rates during construction make the project unaffordable at the time of completion. Permanent lenders must be sensitive to adverse social or economic conditions which may have a disproportionate effect on low- and moderate-income tenancy. This population is often particularly vulnerable during times of economic downturn.

Given these difficulties, much of this market is underserved. Moreover, with the consolidation of the banking industry, knowledge of local markets has weakened, making it more difficult to accommodate these unique community credit needs. Yet the need for this type of financing is clear. According to the "State of the Nation's Housing," and other reports, the supply and condition of rental housing is inadequate, particularly in our inner cities.

In response, over the past decade and more, a number of specialized lending organizations have been established nationally to deal with the decline of credit resources in our low- and moderate-income communities. These organizations have various forms; they are bank community development companies, loan consortia, local housing agencies, community development loan funds, et cetera. Their emergence has established for this neglect market a credit infrastructure that, while not perfect, has promise for serving much greater needs.

The best of these organizations have adopted various strategies to deal with the structural problems in their respective marketplaces. In New York City, for example, the Community Preservation Corp. [CPC], a not-for-profit corporation organized by 50 commercial banks, savings institutions, and insurance companies, has worked with government to create a one-stop shop for small property owners to receive their private financing and public support for certain types of rehabilitation projects. Here, arrangements with local government are worked out in advance for the approvals necessary to carry the projects through to completion.

The result has been broad participation in programs destined to preserve affordable housing at very low costs. CPC, since being founded in 1974, has lent over $1 billion of public and private funds for the building and renovation of over 35,000 housing units—with virtually no losses. CPC's efforts have been key to rebuilding large areas of New York City. Washington Heights-Inwood in northern Manhattan, a community the size of Richmond, VA, was reinvigorated over an 8-year period as CPC financed more than 7,500 units of renovated housing—more than 10 percent of the housing stock. In Harlem, 3,800 units are either under construction or have been completed, and in the South Bronx, 6,100 units have been financed.

Recently, CPC sponsored a tour of these neighborhoods for the staff of the New York congressional delegation to see how this cooperative approach to low-cost, multifamily development can work. It is important to note that the rehabilitation projects are accomplished without altering the ethnic or economic mix of a given neighborhood. In other words, this is neighborhood revitalization, not gentrification. As these inner-city housing units are renovated, retail and other economic development follows.

The Congress took an important step in furthering this type of private-public partnership through final passage of the Riegle Community Development Banking and Financial Institutions Act of 1994. Not only on the community development side, but also as it relates to incentives for business loan securitization, this legislation should spur greater interest in the type of lending activity which CPC and other specialized multifamily lenders pursue.

The common problem that all of these specialized lenders face is access to long-term credit markets. Banks and thrift institutions are reluctant to hold in portfolio multifamily loans due to high capital requirements and mismatches with their shorter term liabilities. It follows that the continued success and future growth of these types of companies will be dependent, in large part, on their ability to securitize their loan production and sell the resulting securities in the secondary market. This brings the recourse aspect of the Federal banking agencies' risk-based capital rules into play.

Section 350 of the Riegle Community Development and Regulatory Improvement Act, recently approved by Congress, directs the bank and thrift regulatory agencies to review current risk-based capital requirements with respect to assets sold with recourse and, consistent with safety and soundness, promulgate regulations that better reflect the exposure of an insured depository institution to credit risk from transfers of assets with recourse. This section goes on to state that unless necessary for purposes of safety and soundness, the new regulations should not require an amount of risk-based

capital for these assets that exceeds the maximum amount of recourse for which such institution is contractually liable under the recourse agreement. Logic dictates that similar risk-based capital treatment should be given to the acquisition of a subordinated interest in a loan or pool of loans by an insured depository institution, to the extent that such subordinated interest represents the same risk to the institution.

As with other problems requiring vast amounts of private sector financing to complement scarce public resources, the rebuilding of the Nation's inner-city neighborhoods will depend on the ability to deliver capital to the point of its most efficient use. Insofar as affordable housing is concerned, that point is centered on those who can cost-effectively build and renovate housing for low- and moderate-income families. I congratulate CPC for its substantial accomplishments over the last 20 years, and its plans for even greater future achievements.●

## TRIBUTE TO NATIONAL KIDS VOTING DAY—SEPTEMBER 28, 1994

● Mr. DECONCINI. Mr. President, I rise today to recognize Kids Voting USA and National Kids Voting Day, September 28, 1994.

This program serves to reignite the spirit of democracy in this country by introducing students to the experience of voting on election day at official polling sites across the country as they are accompanied by their parents or guardians.

National Kids Voting Day is significant in that it marks a time when all States can recognize the value of participatory democracy and the right, privilege, and responsibility to vote, since the peoples of so many nations, including our own, have fought and died for the right to this powerful act of liberty. National Kids Voting Day is significant in that it celebrates a program that engages diverse factions, encourages involvement with education in the home and enlightens through activity each community in which it is conducted. National Kids Voting Day is significant in that it acknowledges and acts on the importance of educating our youth about the tenets of a free society of which the responsibility to vote is inherent.

I ask that my colleagues join me in recognizing this valuable program and Nationals Kids Voting Day.●

## HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise, as has been my practice each week in this session of the 103d Congress, to announce to the Senate that during the last week, 23 people were killed in New York City by gunshot, bringing this year's total to 644.

The tragedy of gun violence in America continues unabated. Statistics which would once have shocked us have become commonplace. Americans have become desensitized to the killings that go on every day on our streets and in our homes.

Nonetheless, nothing is more disturbing than to read reports such as the one by New York Newsday on Tuesday, August 16. According to the report: "Christine Baez, 5 months, was accidentally shot in the head by her father in their Bushwick apartment." Mr. President, in all likelihood, Christine's father purchased his gun to protect himself and his daughter. How tragic and ironic it is that this very gun took the life of his infant daughter.

According to the October 7, 1993, issue of the New England Journal of Medicine, keeping a firearm in the home increases the likelihood that a death will result by nearly three times. Whether used accidentally or as a means to settle an altercation, the mere presence of firearms in the home puts in jeopardy the lives of thousands of others like Christine Baez.

Mr. President, the problem of accidental deaths and suicides resulting from the use of firearms is indeed severe. But more pressing, however, is the problem of intentional homicides. By the year's end, New York City alone will witness the death of well over 1,000 victims of intentional gun violence. Today, as the Senate resumes consideration of the crime bill conference report, we have a rare opportunity to do something about this senseless violence.

The crime bill before the Senate will keep dangerous assault weapons out of the hands of criminals. It will keep firearms out of the hands of juveniles, who today account for a startling percentage of those committing violent crimes. Finally, the bill contains a provision by the Senator from New York that will ban a new class of armor-piercing cop-killer bullets.

I intend to vote for the crime bill—if only for those important gun and ammunition control measures—and I hope my colleagues will do likewise.●

## THE BRAVERY OF WALTER ARP

● Mr. BURNS. Mr. President, we recently celebrated the 50th anniversary of the landing at Normandy, and I heard a lot of stories of bravery by the soldiers there.

Not too long ago, I received a letter from an individual in Ohio who had recalled another act of bravery. Coleman J. Magrish, of Cincinnati, OH, related an account of the courage of Walter Arp. Walter, who is in his eighties now, lives in Ronan, MT.

To call attention to Walter's actions, I would like to enter Colonel Magrish's letter into the RECORD.

SGT. WALTER H. ARP—HEROIC ACTION ON OR ABOUT JUNE 10, 1945, NEAR CHERBOURG, FRANCE

Sgt. Arp rescued a badly wounded American soldier who had stepped on a land mine. He did this by crossing over a barged wire fence into a mined area in order to carry a wounded soldier to safety. Although Sgt. Arp had survived 8 months of combat while in service with the 14th Armored Division, and was in transit to the continental United States, he selflessly conducted the rescue.

Sgt. Arp and I were at a troop staging area called Camp Lucky Strike, near the port of Cherbourg, awaiting shipment back home. To relieve the boredom, we were walking along the coastal road outside of Camp Lucky Strike. To our left were obviously fortified areas extending from the coastal road down to the beaches and the sea. Walter and I saw a well-worn path to a concrete gun emplacement that, based on our combat experience, looked safe. We went down the path toward the sea so we could get a better view of the fortified landing beach.

While we were there, a group of new Infantry replacements arrived to look around. (Even though the war was over, replacements were still being shipped to Europe.) Walter and I returned to the coast road. Suddenly, we both heard the obvious thump of what had to be an exploding land mine. We ran back over the path to the gun emplacement and saw one wounded replacement soldier coming out of the mined area.

He said that his companions were badly wounded and could not move. They were not visible from our vantage point. I was able to commandeer a U.S. Army truck that was passing and go back to the camp for assistance with mine detectors and medics. I sounded the alarm and a large rescue force was mobilized. On returning to the scene, I saw the second replacement on the ground badly wounded where he was being attended by a medic. The third member of their group was fatally wounded.

I found Walter, and while questioning him about what had happened, noted that the back of his fatigue jacket was soaked with blood. I asked him what happened to him. He nonchalantly said that the second man had only been able to make it to about 50 feet from the safe area, so Walter walked into the mine field and picked the man up, piggyback fashion, and brought him out of the fortified mine field.

This was a remarkable and heroic achievement in itself and even more so when you realize that Sgt. Arp was about 38 years old (this was considered old for combat units) at the time and was going home to see his son, who had been born while we were overseas. He also had enough discharge points for release from the Army upon arrival in the United States. In spite of all these factors he risked his life (after surviving all those months of combat) to save the replacement's life.

Since the area was a transient facility, there were no means to report his heroic deed. * * * I was the only one who knew what happened, but in the confusion of being trained for the invasion of Japan, my subsequent discharge, and starting college, his heroic act was forgotten. * * * It seems like the 50th anniversary of D-Day is an appropriate time to honor Walter H. Arp.

C.J. MAGRISH, COL. USAF (RET.)

I agree. I salute Walter Arp and I salute his bravery, for his selfless actions five decades ago deserve recognition.●

## SUPPORT OF THE U.S. COURT OF APPEALS DECISION REGARDING THE 1990 CENSUS

• Mr. DECONCINI. Mr. President, on August 8, 1994, the U.S. Court of Appeals reversed a Federal district court decision and affirmed that millions of people were uncounted during the 1990 census. The ramifications of this decision are enormous.

Despite knowing that the 1990 census was off by 5 million, then-Secretary of Commerce Robert Mosbacher chose to use the inaccurate 1990 population figure as the official Federal census population. He chose to use the 19990 figure regardless of the fact that millions of U.S. citizens, many of whom are African-Americans, Hispanics, and Native Americans, were not counted in the official population of the United States. It would be naive to believe that the decision of the Secretary of Commerce was not motivated by political considerations.

The primary issue at hand, however, is not one of partisan politics, but rather it is of fairness—fairness to the millions of people disenfranchised by their lack of representation in the official population count. Millions of Americans are being denied the full extent and benefits of representation. In Arizona alone, over 125,000 U.S. citizens have been denied the true representation to which they are entitled.

In truth, the basic formulas utilized for calculating valuable Federal aid and congressional representation are based on inaccurate data. Valuable Federal programs, from social services to infrastructure development have been inaccurately distributed across the United States because of this decision. This must be rectified.

We must take the appropriate steps to ensure that these U.S. citizens are given the representation that they are entitled under our Nation's Constitution. It is incumbent on the President of the United States to use the most accurate census numbers available.

Therefore, I strongly urge President Clinton to not appeal the U.S. Court of Appeals decision and thereby give the millions of citizens omitted from the 1990 census figures the voice they deserve.•

## THE OFF THE STREETS CLUB IN CHICAGO

• Mr. SIMON. Mr. President, I would like to enter into the RECORD three statements from Illinoisans involved with the Off the Street Club in Chicago. The Off the Street Club is Chicago's oldest boy's and girls club, serving the Garfield Park neighborhood since 1900. It is an entirely privately funded community center providing after-school activities for over 3,000 young people a year. The statements of young people like Ricky Rogers and Tamika Boyles, as well as the statement of the club's Assistant Director Arnett Morris express better than I ever could the impact this club has had on the children and community of Garfield Park.

The Off the Street Club is an example of what every community, but especially disadvantaged communities, across the Nation needs. A place for young people to gather and participate in supervised activities. A place for them to build their self-esteem and learn to be part of a supportive community. Too many young people have nowhere to go to escape the violence and trouble on the streets of their neighborhoods. In Garfield Park, youngsters have the Off the Street Club.

I applaud all the staff who grew up at the Off the Street Club and now work there, all the private donors who make the club possible, and especially the young people who take advantage of what the club offers, and then return as adults to give back to their community. I ask that the statements of Ricky Rogers, Tamika Boyles, and Arnett Morris be entered into the RECORD at this point.

The statements follow:

### STATEMENT OF RICKY ROGERS

Thanks Ralph.

Hello ladies and gentleman, I have lived on the West Side all my life. We moved off Jackson because it was so bad—shooting, drugs and killing, and my mother thought that any place would have to be better, but we moved just 7 blocks away and it was terrible—a war zone. Even my sister was jumped on and beat-up not long after we moved there.

The first time I went to the store next to the house, there was a crowd of guys who threw up gang signs, selling drugs and threatening. I never went to the store again. I leave for school early in the morning and after school I just go right to Off The Street Club. Then at night I have to get a ride home. It's not that I am scared or a coward, it's just that there are too many gangbangers and they don't care about anything.

Too many people get shot all the time. I'm not complaining—I guess that's just the way it is and I have to live with it. But I came today, not to complain, but to let you know what Off The Street Club means to us.

It's the only place we have to go. It's the only place I feel safe. It means a place where there are still rules, and right and wrong mean something.

Maybe Off The Street Club means I have a future, that Ricky Rogers has a place to grow up. Without always being afraid, or bowing down or selling out. Well, I'm never going to sell out. I've got Off The Street Club, and my head is high. So are my hopes.

Thanks for caring about me.

### STATEMENT OF TAMIKA BOYLES

Thank you, Ralph.

Good afternoon to you, ladies and gentlemen. I'm very excited to be here and to be a part of this celebration of the best boys and girls club—underline girls club—that you'll ever find.

I'm not going to talk today about all of the club programs—and I'm in most of them—from the Busy Bee Girls Club with our mentor, Mrs. Moon, or the great acting classes at the Piven Theatre, the Teen Leadership Work Program with Miss Holmes, or the Time To Read Tutoring Program that I've been in for 4 years.

If I started telling all about the great club programs, we would have to stay here and order dinner. What I want to talk about is hard to put into words, but, I and the girls I talk to, think it is as important as anything to us. What I mean is: How girls are treated at Off The Street Club compared to most places we go.

Almost any other place else we go, even at school, we are not treated with respect. The boys say things and try to act in ways that are disgusting and you just get so tired of it all the time. But then you go to Off The Street Club and it's—well—it's just a different world—a whole new way of living together with respect. The boys are not allowed to hang all over you at Off The Street Club and they have to talk with respect too.

But, I want to emphasize something important: At the club, the girls must earn the respect. How we act and dress and talk is a big part of personal responsibility for us. Respect is a two way street at Off The Street Club. I hope I'm not too forward in talking about these things, but it's important to me to have a place where I can feel good about myself, and Ralph said you would understand what I meant.

So, that's what I wanted to tell you today and to thank you if you have any part whatsoever in helping the club because, well, girls my age are often called "Young Lady." But I think, to be a young lady, you need a place to be treated like a lady while you're growing into one. That's what Off The Street Club is giving me. Thank you for listening to me. I love you all, thank you.

### STATEMENT OF ARNETT MORRIS

FACING OUR TOMORROWS

I look to Chicago's future—our future—with many strong emotions: deep concern yet unshakable hope, uncertainty eclipsed by bold enthusiasm, troubling fears overshadowed by absolute faith—intense faith in the collective power and will of the many people of our city, from every community, who together form the one great dynamic community we proudly call home, our Chicago.

If America is the hope for the world, and I strongly believe it still is, then Chicago is the hope for America. For, if the American dream is to continue to work, it must do so here in the heartland, in this city that surely reflects all the diversity, urban concerns and promise that empowers the American dream.

At the heart of my vision for effecting positive change in Chicago's communities is a revitalization of the elements that made our land and its cities great in the first place. While we search for answers near and far we must tap the greatest resource, the power we all have within.

Along with solutions in fields as diverse as economics, government and environmental concerns, the vision for Chicago's tomorrows must, at its heart, include strong infusions of true brotherhood, a rededication to the work ethic, the understanding that our children must come first and that, ultimately, we must work together in the certain knowledge that what President Kennedy reminded us of is more timely than ever, "* * * on this earth, God's work must truly be our own."

I will continue to do my best to live out my commitment to Chicago's future by continuing to serve the very needy but very

wonderful children of one of its most troubled neighborhoods, always attempting to keep alive in each child the hope for the future that is, and must always be, the birthright of every citizen of the great city of Chicago.

Those ideals come together for me in one sacred place on Karlov Avenue where the essence of the American struggle for a better life meets the inspirational American tradition of charitable giving. The Off The Street Club is at once my cause, my salvation and my privilege.

Through it, with it, I face tomorrow confidently enhancing Chicago's future, as my mentor has taught me, one child at a time.•

## FEDERAL ACQUISITION STREAMLINING ACT OF 1994

• Mr. BINGAMAN. Mr. President, last night the Senate approved the conference report on S. 1587, the Federal Acquisition Streamlining Act of 1994. In doing so, it took a historic step toward making the Government work more efficiently and effectively.

Last night we concluded a long process begun in 1991 and 1992 with a comprehensive review of Federal acquisition law directed in section 800 of the national defense authorization for fiscal year 1991. The review panel, which came to be known as the section 800 panel, reviewed over 600 statutes and recommended repeal or amendment of nearly 300. In short, they found a jungle of conflicting, obsolete, and ineffective laws which stifled the Federal acquisition process and wasted the taxpayers' funds in huge amounts.

Their 1992 report was the catalyst for all that followed, both here in the Congress and in the executive branch. I want to commend at the end of this process the fine work which Rear Adm. William Vincent and his colleagues in Government and industry did at its beginning, and I ask unanimous consent that their names appear at the end of my statement.

Mr. President, the section 800 panel laid the foundation, but this bill would not now almost be law without the Vice President's leadership in the National Performance Review. Procurement reform is an idea whose time came years ago, but it took strong leadership at the top to move from idea to reality.

In that spirit, this act empowers the Defense Secretary and the Director of the Office of Federal Procurement Policy, to implement many new, streamlined acquisition procedures. Secretary Perry and Dr. Kelman have spoken passionately about their intention to make the system work more effectively, once legislation enabled them to do so. Mr. President, that time is now.

This legislation reorients the Federal procurement bureaucracy toward the commercial marketplace and makes it easier to buy commercial products and services, cheaper and quicker. For too long, we have had to endure a system that operated with excess layers of unmotivated bureaucracy and overabundant specifications which developed special, government-unique items.

The act raises the threshold for use of new streamlined procedures from $25,000 to $100,000. For acquisitions below that contract value, this bill will clear away burdensome certification and paperwork requirements, while reserving first contracting opportunity for small businesses. Procurements under $100,000 comprise 96 percent of all Federal contracting actions, so the potential for savings is dramatic. The goal is to make those small, low-risk projects as economical and simple as possible for Government to offer and business, particularly small business, to win.

Perhaps the most innovative process improvement in this act is the development of the Federal Acquisition Network, FACNET. The Government is moving into the information age at a breathtaking rate. This bill provides for the implementation of electronic bidding, contracting, negotiation, payment, and other actions now done by hand. The electronic bulletin board will replace the actual bulletin board in place now at many Federal contracting facilities.

After this system is up and running, any small business with a computer and modem will be able to participate in the process, regardless of location or size. This is an especially important feature in a rural State like New Mexico where many small businesses want to contract with the Government, but are too distant to justify the trip to the contracting agency.

Over the past 2 years, the Members of this body and their staffs have worked tirelessly to implement the recommendations of the section 800 panel and the National Performance Review, consider relevant suggestions from small and large businesses, professional associations, citizens groups, and interested individuals.

Last October, Senators GLENN, NUNN, LEVIN, BUMPERS, LIEBERMAN, ROTH, COHEN, and I introduced S. 1587 after months of bipartisan tricommittee staff work. This year, we had the benefit of testimony in three joint Armed Services and Governmental Affairs hearings from all those groups. That testimony was excellent and instrumental in improving on the section 800 panel's recommendations. Additionally, we have held numerous meetings with interested private and government groups.

I commend the leadership of the Government Affairs, Armed Services, and Small Business Committees for their thorough, persistent, and bipartisan dedication to the concept of reform. Senators GLENN and ROTH on the Governmental Affairs Committee have long recognized the need for thoroughgoing reform. Senators NUNN and THURMOND on our Armed Services Committee have worked tirelessly to reform the system in the interest of maintaining a strong defense. Senators BUMPERS and PRESSLER saw reform as an opportunity to provide small firms greater access to the Federal acquisition system.

The leadership from the chairmen and ranking members of the three committees was crucial in insuring that this complex bill was developed, introduced, and moved through the process to last night's approval of the conference report.

At the subcommittee level, where many of the concepts in this bill were developed, I want to acknowledge the leadership of Senators LEVIN and COHEN on the Governmental Affairs Subcommittee on Oversight of Government Management, and Senators COATS and SMITH, who served with me on the Armed Services Subcommittee of jurisdiction over the past 4 years. Senator COATS played a crucial role in 1991 in helping persuade the Pentagon to pursue section 800 mandate and Senator SMITH has pushed throughout the past 2 years for the most comprehensive reform possible.

As with most of our legislation, the heavy lifting is often left to the staff. Senators NUNN, THURMOND, SMITH, and I had the support of some of the best in Congress in Andy Effron and Jon Etherton. Many times, when the drafting process bogged down over some arcane point of acquisition law or congressional process, Andy and Jon cleared away the obstacles with clear reasoning that kept the process moving. Senators BUMPERS and PRESSLER and the entire Small Business Committee benefited from the experience and unique perspective of Bill Montalto, who ably represented the small business community.

In the Government Affairs Committee, Tom Sisti, John Brosnan, and Mark Forman were steadfast in the reform effort. Day after day, they acted as the focal point to interpret, rewrite, and analyze the impact of the voluminous administration, business, and congressional reform proposals we received right up until the conference report was filed. Theirs was a monumental effort, which resulted in many long nights and weekends, but was critical to the success we now enjoy on this bill. Their contribution cannot be overpraised.

Senator LEVIN was served by one of the best minds on the staff, Peter Levine. No one knows this bill better than Peter. Numerous times, when progress seemed elusive, Peter provided clear and incisive solutions to very complex language drafting and interpretation questions.

On my staff, Ed McGaffigan and Mike Hammon were particularly helpful in dealing with important procurement policy in the Defense Department,

commercial product acquisition, and the acquisition work force.

Finally, I join Senator NUNN in praising the work of the Senate and House legislative counsels, Gregg Scott and Sherry Chriss, who handled this legislation while simultaneously producing the National Defense Authorization Act for fiscal year 1995. They have worked tirelessly for weeks on end and I hope they both know how much we appreciate their service.

In conclusion, Mr. President, as I said before, this is but the first step. We have crafted comprehensive reform legislation that must be carefully and energetically implemented by the administration. We have sent the message that the emphasis should be on less—less restrictive directives, less use of unnecessary contract language, and less bureaucracy. There must be a cultural change in the acquisition work force away from procedures which are designed to shield contracting personnel from criticism and discourage initiative. The new directives must encourage use of judgement and reward those who do so. That will indeed be procurement reform on a grand scale. That will be reinventing government. The need is real—the time is now.

The list of panel members follows:

PANEL MEMBERS

Pete Bryan, Director, Contract Policy & Administration, Office of the Secretary of Defense.

Allan Burman, Administrator for Federal Procurement Policy.

Anthony Gamboa, Deputy General Counsel, Department of the Army.

Jack Harding, Vice President, Contracts, Raytheon Corporation.

LeRoy Haugh, Vice President, Procurement & Finance, Aerospace Industries Association.

Thomas J. Madden, Partner, Venable, Baetjer, Howard and Civiletti.

Ralph Nash, Jr., Professor of Law, George Washington University.

F. Whitten Peters, Partner, Williams and Connolly.

Gary Quigley, Deputy General Counsel, Defense Logistics Agency.

Major General John D. Slinkard, USAF, Deputy Chief of Staff for Contracting, Headquarters, Air Force Materiel Command.

Rear Admiral W. L. Vincent, USN, Commandant, Defense Systems Management College.

Robert D. Wallick, Partner, Steptoe & Johnson.

Harvey Wilcox, Deputy General Counsel, Department of the Navy.

TASK FORCE

Executive Secretary: Donald M. Freedman (DSMC).

Task Force Directors: C. Kenneth Allard, LTC(P), USA (DSMC), Thomas J. Dolan, Jr. (ONR), Susan P. McNeill, Col, USAF.

Task Force Members: JoAnne L. Barreca (DLA), Benjamin B.C. Capshaw, LCDR, USNR (DSMC), James Cohen, Lt Col, USAF, Stuart A. Hazlett (SAF-AQC), Barry Kline (AMC), C. Jean Kopala, Maj, USAF (DSMC).

William E. Mounts (Contract Counsel), Karen O'Brien, CPT, USA (DSMC), Michael J. Renner, Lt Col, USAF, Michael Rose, Lt Col, USAFR, Diane M. Sidebottom (DLA).

James Wayne Skinner (NAVSUP), Jack L. Soesbe, MAJ, USA (DSMC), Theresa M. Squillacote (DSMC), Jerry Stahl (AMC), Donald J. Suda (DLA), Bruce N. Warner (DSMC).

Administrative Staff: Wilma J. Frey (DSMC), Laura J. Neal (DSMC), Linda L. Snellings (DSMC), Megan A. Weaver (DSMC).•

## SIMPLER STUDENT LOANS

• Mr. SIMON. Mr. President, any new program is likely to encounter some glitches. This is just as true in the Education Department as in the Commerce Department, and it is true in the private sector as well as the public sector. But problems can be minimized through good planning, and by working closely with clients. I am pleased that the Education Department, in putting together the new Direct Student Loan Program at 104 schools this year, has worked with financial aid administrators so that the initial phases of the program have been impressive by anyone's standards.

An inquiry of the participating Illinois schools by Chicago Tribune reporter Frank James found that "the initial results are encouraging." Other reports I have heard have been equally positive.

President Clinton should be commended for his perseverance in seeking these reforms in last year's budget bill, and he should be proud of the student aid team that Education Secretary Richard Riley has put together at the Department. Students, taxpayers, and schools all are benefiting from the changes.

Mr. President, I ask that the Tribune article from July 31, 1994, and an interview with David Longanecker from the Rolling Stone magazine of August 25, 1994, appear in the RECORD following my remarks.

The material follows:

STUDENT LOANS GET SIMPLER—NEW SYSTEM REDUCES PAPER, MIDDLEMEN

(By Frank James)

Student loans rank right up there with term papers and final exams on the list of college ordeals and anxieties.

There's the application process that seems to generate as much paperwork as a short hospital stay. Then the sometimes excruciating wait for the check.

Finally, there's the stress over whether the education that the loan is buying will bring a job that can repay the debt.

But a reform of federal student loan procedures is underway that would change all of this. Four Illinois schools are among 104 nationally helping to introduce the new direct student loan program this summer.

The streamlined approach involves applications made directly to the federal government, which disburses the money directly to students. If the program works, the U.S. Department of Education, which is overseeing the changes, hopes all eligible schools will adopt the new system within five years.

Winners in the process would be students, who receive loans quicker without the bewildering array of forms, and taxpayers, according to direct-lending advocates, including Sen. Paul Simon (D-Ill.), the program's main congressional sponsor.

Losers will be the middlemen—the banks and loan-guarantee agencies—that required all the paperwork and, through their service fees, kept costs of the traditional student loan program unnecessarily high. Understandably, banks and loan-guarantee agencies have emerged as the major opponents of direct lending.

The University of Illinois at Champaign-Urbana, Bradley University in Peoria, Fox College in southwest suburban Oak Lawn and DeVry Institute of Technology in west suburban Addison were the Illinois schools chosen to be in the first wave of this student-loan reform. The initial results are encouraging.

David Pardieck, financial aid director at Bradley, says he's two months ahead of schedule in parceling out federal loan money to students.

Likewise, Craig Munier, a financial assistance official at the U. of I., says his office will disburse federal loan money next month to students in record time—72 hours after receiving their signed promissory notes.

"I've been in financial aid for 20 years, and in that time I've become pretty cynical about the Department of Education and government in general." Pardieck said. "But this time they've pulled it off—at least the first year."

Simon said the new program "benefits everyone except for bankers, the guarantee agencies and the secondary market like Sallie Mae." Sallie Mae is the nickname of the Student Loan Marketing Association, which acquires and resells student loans.

The new program is designed to take advantage of modern efficiencies brought about by computer modems.

In applying for a loan, a student fills out a standardized form and presents it to the college loan office. The office then electronically transmits the form to a private processing company working for the government.

Usually within a few days, the school is electronically notified about whether the loan has been authorized. If so, the school sends a promissory note to the student. The student's loan account, kept by the college, then is credited once the signed note is returned.

By contrast, the current byzantine process requires the student to contact a bank or other financial institution and complete financial-aid forms. Once the loan is approved, it goes to a guarantee agency, which essentially ensures that the bank will get all its money back if the student defaults.

The bank and the guarantor charge fees. They also often spend hours on the phone or days in correspondence with each other or college financial-aid offices to clear up confusion caused by the involvement of so many participants.

Finally, a check appears that the student must then sign over to the school.

So much paper is generated that many critics compare the current system to the health-care industry.

"It's a wonder we have any trees left in the country with all the paperwork," said Sarah Myers, of suburban Baltimore, whose son William attends Bradley in Peoria.

Myers and her husband already have put a daughter through college. They said the old system required them to set aside an entire day during Christmas vacation to fill out the numerous forms. Completing the single new form for a loan for their son took less than an hour.

Bradley is a private university with 6,000 students, 60 percent of whom received federal loans, Pardieck said. he has converted 3,500 of those students to the new program.

Only one family has phoned the school to express concern about the change, Pardieck said. And that was because the student's father missed the convenience of having the monthly payments deducted from his paycheck by his credit union.

The lack of complaints "really says something," Pardieck said.

Besides accelerating the loan process, the new program also addresses repayment with an eye toward cutting the 17 percent default rate.

With direct loans, repayment is pegged to income as well as whether a student's education has paid off.

If a graduate has a low income, then payments can be reduced. And if, after 25 years, there's no indication that the person benefited from his or her schooling,then the government forgives the loan.

"Education is a good investment, and for almost everybody it pays off," said David Longanecker, assistant secretary for post-secondary education at the Department of Education. "But [when] it doesn't, this is the ultimate guarantee. We used to guarantee loans to banks. Now we're guaranteeing them to students."

CLINTON'S CREDIT: THE 72-HOUR STUDENT LOAN

During the '92 campaign, Bill Clinton vowed to "scrap the existing student-loan program" and replace it with one that would allow borrowers to repay loans as a percentage of their income. Of course, he vowed to do a lot of things. But on July 1, the Department of Education begin issuing direct student loans to be repaid on the basis of "income contingency."

In the first year, only 5 percent—about $1 billion—of the total government-backed loan pool will be in direct loans. The remainder will still be handled by banks and other private lenders. But next year the share of direct loans is scheduled to jump to 40 percent and soon after make up the majority of new student lending.

We talked with David Longanecker, the Department of Education's assistant secretary for post-secondary education, about the changes in financing a college education. For further details, call (880) 433-3243.

What is a direct student loan?

A loan that's made directly from the federal government to students through the schools. The capital comes from the federal government. That's quite a bit different from the old loan program, where we essentially paid private banks to provide the capital.

The reason we changed is real straightforward. The old way cost too much, it was impossible for us to manage, and we had all of the responsibility but virtually none of the authority. The authority was controlled by those banks and by some things we called guarantee agencies, which we also paid. We were paying a lot of middlemen. They were doing a nice—a decent job in some respects, but we were paying an awful lot for that.

And they didn't want to provide the repayment terms we believed students needed when they came out of school. We wanted a program where students paid back not based on how much they borrowed but on how much their income allowed them to pay back. So we developed what we call an income-contingent loan-repayment program.

If they get out of school and don't get a great job for a while, that's OK; they won't have to pay so much on their loans. If they take a public-service job or for some reason their investment in themselves doesn't pay off substantially, we'll take the hit as the federal government—and intentionally so. If they go into public law instead of corporate law and as a result give us something back in a different way, then they won't have to pay back as much eventually.

We're also allowing students who took out old student loans who want to convert those into direct loans so that they can participate in income contingency or some of the other features to do that.

Do banks have any role in direct lending?

No, unless they compete as a contractor for the service. We don't actually do this job of servicing these loans ourselves. We've contracted for that service. In the past, banks got paid the same amount whether they provided good or poor service. Now our contracts are based on quality of service. Some people have said we moved away from a privatization model. In fact, we think we moved closer to one. We're now contracting for service on the basis of price and quality; that's what the private market is best at.

If the loan is going directly to the school, does that mean the student doesn't have to mess around getting it before classes begin?

That's correct. We still recommend they apply for financial aid as early as possible so that they get the full array of potential financial assistance. But a student can go to a school now and apply, and that application will be processed by our central processor, determining eligibility for Pell Grants, for student loans, and that will all essentially be available in their account within 72 hours.

You can process this in 72 hours?

Yes. There's a single application form we created so that students can now file for all federal student financial assistance with one form. There used to be an array of forms that a student had to fill out.

Students fill out that new form. They can do that electronically at their school, they can do it on a computer—it's transmitted electronically to us—or they can do it on paper. Either way we will process it as soon as we receive it. Within 72 hours the school will have the eligibility of that student for the various federal programs.

The program began July 1. How's it working?

Everybody is extremely pleased with it at this point. You know, this is a pretty phenomenal feat. This program was passed last August. We selected the institutions for the first phase in November. We selected our contractor in December and since then have been working with institutions to develop the software packages and all. By May 15 we were in a beta testing phase and by June 15 were processing applications.

Was there any model for this program? Or is this something that was hatched fresh?

We'd like to claim it as our genius, but the idea of income contingency has been around for about 25 years.

Does the IRS have a role in collecting?

It may. At the present time it doesn't, except that they give us income information when a student selects income contingency, so they provide us the most recent information on that person each year so that we know what their income is.

The IRS provides that to you?

The IRS provides that. That's their current role. In the future they may actually become a partner in the collection of these loans. If their collection system can provide us with accountability and students with the customer service they deserve, that might be a very viable way for us to go. But we're still investigating.

If direct loans are such a great idea, what took so long?

One reason is that there was so much money being made. The banks, the secondary markets and the others, these folks provided service, no doubt, but they did so in an extremely profitable way. This was the second most profitable component of most banks' portfolios.

They were making risk-free loans, essentially.

Yeah. Their yield was assured, and it was higher than almost anything else in their portfolio. Because they were making that kind of money and there was such an array of actors out there, it was almost politically impossible to change.

What happened that make it possible?

Three things. One is that we had increasing evidence in General Accounting Office reports that the program simply wasn't working, that it was costing too much money and couldn't be managed effectively because of the array of actors. Two, we had the president running on an initiative that couldn't be incorporated effectively into the existing program. Income contingency really required a new design.

And then—I almost hate to say this—almost by accident this program was incorporated into the Omnibus Budget Reconciliation Act last year. It had fiscal impacts, and it was put into a budget bill as a cost saver, because it was going to save about $4 billion.

Once it was in that bill, if people wanted to change it, they had to come up with a requisite amount of savings somewhere else. Nobody could do that. We were in a much stronger political position than if we'd had a separate bill. Those forces I'm talking about now had to attack the entire Omnibus Budget Reconciliation Act, and that really created a dilemma for them.—Francis Wilkinson●

## ORDER FOR STAR PRINT—SENATE RESOLUTION 250 AND S. 2409

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senate Resolution 250 and S. 2409 be star printed to reflect the following changes which I now send to the desk.

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

## ORDERS FOR TOMORROW

Mr. FORD. 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 10:30 a.m., Thursday, August 25; that following the prayer, the Journal of proceedings be deemed approved to date, and that the time for the two leaders reserved for their use later in the day; that immediately thereafter, the Senate resume consideration of the conference report to accompany H.R. 3355.

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

## RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. FORD. Mr. President, if there be no further business to come before the

Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:59 p.m., recessed until Thursday, August 25, 1994, at 10:30 a.m.

# 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 Thursday, August 25, 1994, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

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