perfect, this legislation nevertheless represents an honest effort to achieve a fiscally responsible Federal budget.

Of course, there are programs that I would like to receive more money. I am sure there is not a single person sitting in this Congress who would not want to spend more money on some particular program or issue. This bill, however, represents a compromise between our desires, and our true, fiscally responsible, law enforcement needs.

To my colleagues that voted for the balanced budget amendment, I would ask them to vote for this bill. To my colleagues who voted against the amendment, but believed we needed a balanced budget and could achieve such a budget, I tell them now is their hour. Now is the time. This is an opportunity for them to prove that they can exercise the discipline and restraint needed to achieve a balanced budget.

Even with the cuts necessary to achieve a balanced budget, I would note that the Department of Justice this year receives a nearly 20-percent increase over fiscal year 1995. The violent crime reduction trust funds, moreover, will be increased by some $1.6 billion. While the conference bill does not provide federal law enforcement with as much money as I might otherwise want it to, it nevertheless represents an enormous commitment to fund core federal law enforcement programs.

For example, the conference report provides the Immigration and Naturalization Service with nearly $2.5 billion. This represents a 25.5-percent increase over fiscal year 1995 enacted levels. The conference agreement provides funds for 800 new Border Patrol agents and 180 new support personnel.

If you look at this chart, the Department of Justice budget authority between 1990 and 1996, you can see that it is going up dramatically from around $16 billion up to almost $16 billion. It has almost doubled in the last 6 years.

So we are spending an awful lot of money, and I think do not it the right way.

The bill also increases, by some 1,100 positions, personnel dedicated to apprehending, locating, and deporting illegal aliens. The FBI receives over $2.2 billion, a 9.5-percent increase over 1995 enacted levels. Additionally, construction funds are provided to the FBI, the Drug Enforcement Administration, and to begin construction on a new FBI laboratory.

Similarly, the U.S. attorneys offices receive an over 8-percent increase in funds compared to the 1995 enacted levels.

The DEA receives some $500 million, a 6.4-percent increase over last year. This provides DEA with funds to improve its infrastructure and to better support investigative efforts. In addition to these law enforcement expenditures, the bill also fully funds the Violence Against Women Act, legislation that I worked on as a member of the BIDEN to get passed last year. As most of my colleagues are aware, I have long opposed programs I feel wanted we spend pork projects. In fact, I led the battle against last year's crime bill because I felt that it had ballooned in terms of unjustified costs. The Violence Against Women Act, however, is an important program that deserves to be fully funded. The act provides funds for rape prevention education, battered women shelters; the investigation and prosecution of domestic violence and child abuse in rural areas; treatment and counseling programs for victims; and grants for developing community domestic violence and child abuse education programs.

The conference bill also contains legislation that introduced with the distinguished majority leader to reform frivolous prison litigation. This landmark legislation will help bring relief to a civil justice system overburdened by frivolous prisoner lawsuits. In 1994, over 30,000 lawsuits were filed by inmates in Federal courts, a staggering 40-percent increase from the previous year. Many of these suits are dismissed before the pretrial phase, and only a scant 3.1 percent of those that are filed result in a judgment. In my home State of Utah, 297 inmate suits were filed in Federal courts during 1994, which accounted for 22 percent of all Federal civil cases filed in Utah last year. The crushing burden of these frivolous suits is not only costly, but makes it difficult for courts to consider meritorious claims.

Indeed, I do not want to prevent inmates from raising legitimate claims. While the vast majority of these claims are specious, there are cases in which prisoners' basic civil rights are denied...
Women Act, legislation with Senator Inouye. The law makes it a crime for a parent to terminate a pregnancy without a child's consent. The law will also help to restore balance to prison conditions litigation and will ensure that Federal court orders are limited to remedying actual violations of prisoners' rights, not letting prisoners out of jail. It is time to lock the revolving prison door and to put the key safely out of reach of overzealous Federal courts.

As of January 1994, 24 correctional agencies reported having court-mandated prison population caps. Nearly every day we hear of violent crimes committed by individuals who should have been locked up. Not all of these tragedies are the result of court-ordered population caps, of course, but such cases are a part of the problem. When we have children who would violently violate the Constitution should not be allowed to persist. I believe that the courts have gone too far in micro-managing our Nation's prisons.

This bill also contains important changes to the Prison Grant Program. The conference bill provides nearly $68 million in grants to States to enable them to engage in the emergency buildup of prison space and to encourage the States to adopt tough truth-in-sentencing laws. In contrast, the President requested only some $500 million for prison grants.

The conference bill makes four key changes to the prison grants provisions included in the 1994 crime bill:

First, it authorizes significantly more resources to assist the States in implementing a much-needed emergency buildup in prison and jail space. Second, it removes onerous and unnecessary Federal stringents that were attached to the 1994 grant program, and that would have eaten up a significant portion of the grant money provided.

Third, it ensures that Federal money will be used to increase available prison space, instead of permitting the funds to be used to avoid a variety of so-called alternative sanctions, which would have left the States in the same dilemma as they faced before the 1994 grant program as they are now.

Finally, it includes meaningful incentives for the States to adopt truth-in-sentencing laws.

Prison crowding in many of our States has reached crisis proportions. The average prison system in the United States can accommodate only 11% of its population, and the increase in population has led to a situation where there are more than twice as many prisoners as there are beds. In 24 States, prisons are under court-ordered population caps, and in 14 States, more than 21,000 inmates in 18 States were released under so-called emergency relief programs to relieve crowding.

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Contrary to the charges of some critics, however, this legislation will not prevent dangerous criminals from being released. The legislation will, however, go far in preventing inmates from abusing the Federal judicial system. They will have to pay something to file these charges, and that stops a lot of the frivolous cases right there. There are other mechanisms that will make them think twice before they file frivolous legal suits.

This legislation will also help restore balance to prison conditions litigation and will ensure that Federal court orders are limited to remedying actual violations of prisoners' rights, not letting prisoners out of jail. It is time to lock the revolving prison door and to put the key safely out of reach of overzealous Federal courts.

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The Federal Government, of course, cannot solve this crisis for the States. But it can and should provide meaningful emergency assistance.

This bill also provides meaningful incentives for States to enact truth-in-sentencing laws. At least 50 percent of the funds under this program are reserved for States that practice truth in sentencing. It is appropriate for the Federal Government to encourage the States, through the provision of extra funds, to adopt truth-in-sentencing laws that honestly tell citizens—and warn criminals—what the penalty is for breaking the law. This does not mean that the Federal Government should dictate any particular sentencing system or sentence length. But it does mean that those States with criminal justice systems that mean what they say should be rewarded.

Moreover, every State woman displayed a misconception about this truth-in-sentencing provision. Some of my colleagues are concerned that this provision will mandate that States adopt long sentences that they cannot afford to impose. This is simply not the case. The issue is not sentences of any particular length, rather, it is truth in sentencing.

Recent data from the Bureau of Justice Statistics demonstrate that as of 1991, State prison inmates serving sentences for violent offenses expected to serve less than half of their sentences.

The data also show that the inmates' expectations were accurate—violent prisoners released in 1994 served an average of only 65 percent of their sentences—"BJS Selected Findings, Violent Offenders in State Prison: Sentences and Time Served, July 25, 1994." Moreover, in 1991, the Department of Justice reported that the average murderer was sentenced to 26.5 years, but served only 7.7 years; the average rapist was sentenced to 13.3 years, but served only 4.8 years; and the average robber was sentenced to 9.9 years, but served only 3.3 years. This is outrageous.

Continued public confidence in our criminal justice system requires that sentences mean what they say. A 20-year sentence should not mean release in 7 years, once a person has committed a murder and been convicted of it. This legislation will provide the States with grant incentives to ensure that violent criminals serve the sentences imposed.

Furthermore, Federal incentives are also the key. The recent report from the National Institute of Corrections stated that of the 29 States that considered legislation to institute truth-in-sentencing laws during the 1995 legislative session, 60 percent reported that Federal incentives were a significant factor, and 20 percent reported that these incentives were the main or only factor.

Thus, even under last year's weaker truth-in-sentencing provisions, progress is being made. However, this bill is necessary to protect those gains and ensure that they continue. Under last year's bill, States may qualify for truth-in-sentencing funds by enacting legislation providing for truth in sentencing laws only for second-time violent offenses.

Even more astonishing, States that do not go far enough in truth-in-sentencing provisions. It is rare for States that have made legitimate strides in their area requires that we eliminate these potentially unfair loopholes.

It is also vital, however, that we provide allowances for differences among state correctional policies and not penalize States that practice indeterminate sentencing. The law corrects this problem after the President returns it to us. This proposal improves, at least in certain respects, the administration's so-called COPS Program. I understand that the President prefers the COPS Program. I understand that a block grant program better supports the local communities law enforcement needs.

To begin with, this program moves us away from the Washington-knows-best philosophy. The proposal returns responsibility for law enforcement officials. If, for example, a community believes community-oriented policing works best in its jurisdiction, it can hire police officers and structure a community policing program. If, however, the community needs bullet proof vests or communications equipment, it can buy that equipment with these funds.

A serious problem with the so-called COPS Program is that the award is entirely discretionary. It lacks a solid formula and instead depends upon the good graces of Washington bureaucrats to distribute the money.

The conference report, however, establishes a formula to distribute the money on a fair, consistent basis. Communities will no longer have to wonder whether or not they are going to receive a grant.