

the U.S. Agency for International Development Program, the U.S. Information Agency, the Arms Control Disarmament Agency, and the other particular programs that they have in the Department of State is, I think, a salutary initiative on the chairman's part.

I have worked the budgets. Specifically, if they appointed me the Under Secretary of State in charge in Africa, I could look over and could designate the needs. At the present time, if I did, the AID Director would say, "Oh, no, this is where we are going to put it." And he has all the money.

We need a coordinated effort. We can save, really, millions with the particular initiative. I happen to know, as he knows, five Secretaries of State have recommended this. I intend to support the distinguished chairman of our Foreign Relations Committee. I state that as having been at the financial end of these endeavors on appropriations for over 25 years now.

Mr. HELMS addressed the Chair.

Mr. GREGG. I yield to the chairman as much time as he desires.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have enjoyed working with both of these Senators—a little longer with Senator HOLLINGS, because he and I have been around here longer. But the Senators from New Hampshire and South Carolina are remarkable Senators. And I appreciate your comments, Senator HOLLINGS. I thank Senator GREGG.

Mr. GREGG. Mr. President, at this point I suggest the absence of a quorum and ask the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GREGG. Mr. President, I yield 15 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Thank you, Mr. President.

Mr. President, I rise today to urge my colleagues to support passage of the Commerce, Justice, State appropriations bill as it has come from the Appropriations Committee so that we can get it to the President. As everyone is well aware, the President has signaled that he will veto this bill. We need to pass the bill and then begin the task of fixing any of the remaining problems contained in this legislation.

We are at a watershed moment in this Nation's history. We are deciding whether or not we will have a balanced budget or whether we will continue to plunge our Nation into debt and mortgage our children's futures. This bill represents one piece in the puzzle to achieving a balanced budget. While im-

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 receives a nearly 20-percent increase over fiscal year 1995. The violent crime reduction trust fund, 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 \$2.6 billion. This represents a 23.5-percent increase over fiscal year 1995 enacted levels. The conference agreement provides funds for 800 new Border Patrol agents and 160 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 \$84 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 doing it in the right way.

The bill also increases, by some 1,400 positions, personnel dedicated to apprehending, locating, and deporting illegal aliens.

The FBI receives over \$2.5 billion, a 9.8-percent increase over 1995 enacted levels. Additionally, construction funds are provided to renovate the FBI Command Center, to modernize the FBI Training Academy for use by Federal, State, and local law enforcement officers, and to begin construction on a new FBI laboratory.

Similarly, the U.S. attorneys offices receive an over 8.5-percent increase in funds compared to the 1995 enacted levels.

The DEA receives some \$806 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 with Senator BIDEN to get passed last year. As most of my colleagues are aware, I have long opposed programs I believed were mere 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.

These programs are vitally important. Prosecutors and police officers must become more sensitized to the problem of violence against women. Women who are abused by their spouses must have a place to stay and must have counseling available to repair their shattered lives. Resources need to be channeled to stem the tide of violence directed against women.

According to Justice Department data, nearly a half-million women were forcibly raped last year. Some studies estimate that the total number of rapes, including those not reported to authorities, may exceed 2 million.

Similarly, domestic violence strikes at the heart of the most important political unit in America—the family. The family should be a safe harbor for those tossed about by the storms of life, not a place of abuse or degradation.

The act is one small, albeit vital, step toward addressing the problem of family violence, and violence against women generally. A vote for this conference bill means a vote to combat violence against women.

The conference bill also contains legislation I 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 15-percent increase over the number filed the previous year. The vast majority of these suits are completely without merit. Indeed, roughly 94.7 percent of these suits are dismissed before the pretrial phase, and only a scant 3.1 percent have enough merit to reach trial. 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.

Contrary to the charges of some critics, however, this legislation will not prevent those claims from being raised. 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. And there are other mechanisms that will make them think twice before they file frivolous law 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.

As of January 1994, 24 corrections agencies reported having court-mandated prison population caps. Nearly every day we hear of vicious 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 caps are a part of the problem. While prison conditions that actually 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 \$618 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 strings 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 the Federal money will be used to increase available prison space, instead of permitting the funds to be used for a variety of so-called alternative sanctions, which would have left the States in the same dire need of prison space at the end of the grant program as they are now.

Finally, it includes meaningful incentives—not mandates—for the enactment of State truth-in-sentencing laws.

Prison crowding in many of our States has reached crisis proportions. The average prison system in the United States is operating at 112 percent, above its rated capacity. In 24 States, prisons are under court-ordered population caps. And, in 1993, an estimated 21,000 inmates in 18 States were released under so-called emergency re-

lease programs to relieve crowding—the "Corrections Yearbook," 1994. In other words, 21,000 criminals were returned to the streets not because they were no longer a threat to law-abiding citizens, but merely because there was not enough room to keep them in prison.

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.

I would like to briefly dispel 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 46 percent of their sentences—"BJS Selected Findings, Violent Offenders in State Prison: Sentences and Time Served, July 25, 1995." Moreover, in 1991, the Department of Justice reported that the average murderer was sentenced to 20.5 years, but served only 7.7 years; the average rapist was sentenced to 13.3 years, but served only 4.6 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 work. A recent report from the National Institute of Corrections stated that of the 29 States that considered truth-in-sentencing legislation in 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 laws providing for truth in sentencing only for second-time violent offenses.

Even more astonishing, States that do nothing to change their laws could end up with a chunk of the truth-in-sentencing grants by simply waiting for the funds to revert to the general grant fund, as the last year's bill provides. Keeping faith with the 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, yet do an admirable job of keeping violent criminals off the streets. My home State of Utah, for example, employs a release guideline system that allows the board of pardons to keep the worst criminals off the streets longer than would be possible in many determinate sentencing systems. This amendment accommodates successful indeterminate sentencing States.

Finally, I would like to address the law enforcement block grant proposal. While I do not fully support the language of the current proposal, I nevertheless believe we should pass the conference report and fix the problems 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, but I believe 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 to frontline local 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.