

Democrat and Republican Senators on the Judiciary Committee.

Mr. President, at subcommittee markup, no less than eight amendments were offered, all of which were adopted. Furthermore, at the full committee markup, 13 amendments were offered and eight of them were adopted. So there has been a real bipartisan effort to resolve the problems.

A number of changes requested by my colleagues on the minority side were included in a comprehensive substitute amendment that was adopted at the markup.

All during this process, I have been open to other changes. In fact, I worked with Senator DODD to address his concerns that the legislation may have an adverse impact on the ability of ex-spouses and children to collect support payments. Along with Senators GRASSLEY and KYL, I introduced a comprehensive amendment that creates new legal protections for ex-spouses and children who are owed child support and all money payments.

This amendment not only ensures that S. 1301 will have no adverse effect on child support and alimony payments, but also creates significant new legal protections that strengthen the ability of ex-spouses and children to collect the payments that they are owed. So we have made every effort to accommodate everybody here.

Further, I want to respond to the suggestion that this legislation does not help real working families. Mr. President, this bill does exactly that. It is an important bill that will help millions of American families. In fact, abuses of the current bankruptcy system impose a \$400 tax per family.

Let me be clear. This is not \$400 per family that declares bankruptcy; this is a tax on every American family. This legislation is designed to remedy that.

Again, I am extremely disappointed that we have not been allowed to proceed with this important bill, and I hope we can invoke cloture on this.

UNANIMOUS CONSENT REQUEST— S. 10

Mr. HATCH. Mr. President, on behalf of the majority leader, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to Calendar No. 210, S. 10, the Violent and Repeat Juvenile Offender Act, and that it be considered under the following limitations:

The only amendments in order be a substitute amendment offered by Senators HATCH and SESSIONS, and the following listed amendments:

An amendment by Senator CAMPBELL on law enforcement concealed carry;

Senator LUGAR on jail drug treatment;

Senator HUTCHISON, SOS on prosecutions;

Senator SMITH of Oregon, juveniles with weapons at school;

Senator HATCH, relevant amendment; And, five relevant amendments offered by the minority leader or designee;

There be a managers' package of amendments to be cleared by both the majority and minority manager;

And, that each amendment be subject to relevant second degrees.

I finally ask unanimous consent following the disposition of any or all amendments the bill be read a third time, the Judiciary Committee be discharged from further consideration of H.R. 3, and the Senate proceed to its consideration; that all after the enacting clause be stricken, and the text of S. 10, as amended, be inserted in lieu thereof; the bill be read a third time, and the Senate proceed to a vote on passage of the bill. I further ask that following the vote, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

Mr. LIEBERMAN. Mr. President, reserving the right to object, I regret that on behalf of the minority leader we must object to the unanimous consent that was just propounded. On this side Members are working to try to find a way to make some progress on this matter and a number of matters related to criminal justice that also need attention. So I must, therefore, formally object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I understand my colleague is acting on behalf of the minority leader, as I am for the majority leader and the Senate Judiciary Committee. But I am disappointed that Members on the other side of the aisle do not wish to take up juvenile crime legislation under an agreement that provides the Senate chance of getting this done. We all know that time is short and the schedule crowded in the last weeks of a session, and in my view, the only way we can get this important bill done is to work in good faith to limit amendments.

I would like to remind my colleagues that this issue, and this legislation are not new. It has been over a year since the Judiciary Committee completed action on S. 10, the most comprehensive reform and reauthorization of the Juvenile Justice and Delinquency Prevention Act in that law's 25 year history. Since the Judiciary Committee completed action on S. 10, we have heard many suggestions on the key provisions of this bill. Many suggestions we received were helpful, and are incorporated in the substitute amendment. And I should note for my colleagues that the minority has had the text of this substitute for well over a month. The substitute is a good faith

effort to respond to the legitimate concerns of all members, and makes changes to improve and streamline the block grant, clarify the juvenile records provisions, and improve the anti-gang provisions while ensuring the protection of the rights of law abiding citizens.

All of us have been shocked over the past several months, as our nation has witnessed a series of atrocious crimes committed by juveniles. These incidents bring home to all of us the reality of juvenile crime. And the reality is that we can no longer sit silently by as children kill children, as teenagers commit truly heinous offenses, as our juvenile drug abuse rate continues to climb. FBI data confirms the national problem of rampant juvenile violent crime. In 1996, juveniles accounted for nearly one fifth—19 percent—of all criminal arrests in the United States. Persons under 18 committed 15 percent of all murders, 17 percent of all rapes, and 32.1 percent of all robberies.

Our juvenile crime problem has taken a new and sinister direction. I can imagine few acts more heinous than some of the crimes recently committed by juveniles around the country. We seem now to be in a new era, in which juveniles are committing sophisticated adult crimes. This disturbing trend demonstrates the need to reform the juvenile justice system that is failing the victims of juvenile crime, failing too many of our young people, and ultimately, failing to protect the public.

The Senate has before it comprehensive youth violence legislation. S. 10, the Hatch-Sessions Violent and Repeat Juvenile Offender Act, was reported out of the Judiciary Committee last year on bipartisan vote, two to one vote. This legislation will fundamentally reform and redirect the role played by the federal government in addressing juvenile crime in our Nation.

S. 10 provides the framework to address the modest federal role in reforming a system that neither protects the public nor succeeds in preventing juvenile crime or rehabilitating the offenders. That is why, I believe, it has the support of law enforcement organizations such as the Fraternal Order of Police, the National Sheriffs Association, and the National Troopers Coalition, as well as the support of juvenile justice practitioners such as the Juvenile Judges Association, and victim's groups including the National Victims Center and the National Organization for Victims Assistance.

In short, S. 10 lays the groundwork for a new national approach to the problem of juvenile crime. This is not a federal approach. Indeed, much of S. 10, including the flexible block grant program, the reform of the mandates under the current JJDPA, and the reform of the federal juvenile code that applies to the handful of juvenile cases in federal court, all take their lead from successful reforms in the states.

But it is past time for the federal government to adjust its approach to juvenile crime, in order to give realistic and meaningful assistance to state and local reforms. We simply need to pass this bill.

S. 10 will accomplish this. The bill we wish to bring to the floor includes a \$450 million per year block grant states and local governments can use to initiate graduated sanctions, build much-needed juvenile corrections facilities, improve juvenile criminal records, and fund a wide variety of prevention programs. The bill provides \$100 million a year for state and local prosecutors and courts, for their juvenile crime dockets. The bill provides \$50 million per year for an innovative prevention program run by the private sector, to help keep our young people away from crime to start with. And the bill provides \$50 million per year for states to upgrade their juvenile criminal records, so that police, courts, and prosecutors all have vital information regarding the records of juvenile offenders.

And this bill beefs up federal laws against interstate gang crime, by including a modified version of the Hatch-Feinstein Federal Gang Violence Act. In recent years, criminal street gangs not only have increased in size and strength, but also have become more sophisticated. Gang activity has spread across the country at a startling rate and is placing more and more of our people in harm's way. Interstate and international criminal gang activity is becoming a national crisis, and it is time for the federal government to take a greater role in assisting state and local law enforcement efforts in addressing these criminal enterprises.

Mr. President, some of my colleagues may suggest that this bill inadequately funds prevention programs. This is demonstrably not the case. And they know it. We all recognize the value of programs that intervene in the lives of juveniles to prevent crime before it starts. They are important. The federal government already spends about \$4.1 billion a year on programs aimed at delinquent and at-risk youth. The Hatch-Sessions juvenile crime bill adds another \$2.145 billion over 5 years to these efforts. We are doing some great things through public-private partnerships with youth groups like the Boys and Girls Clubs, and we will continue to do this. What we need is to ensure that the prevention programs that we have are backed up by a juvenile justice system that takes crime seriously, and imposes real sanctions for juvenile crime.

Mr. President, it is time for the Senate to act, and I commend the Majority Leader for attempting to bring this bill up at this time. We should debate this bill, debate the amendments, and vote. We have tried for months to get a list of amendments from the minority. We have seen nothing. Accordingly, I believe we should try to limit—in the interests of our children and public safe-

ty—the partisan debate which too often infects criminal justice issues. We must not let petty politics stand in the way of fulfilling our commitment to the American people—this matter is too important to our nation.

Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to thank the distinguished Senator from Utah, the chairman of the Judiciary Committee for his outstanding leadership in juvenile justice and juvenile justice reform, as he mentioned, and the other issues that come before that committee. The distinguished chairman is a great constitutional lawyer and a great champion of law and order.

I came to this body less than 2 years ago. I was a prosecutor for over 15 years in my professional career. I have found myself with the opportunities and challenges of being the chairman of the Youth Violence Subcommittee. I made up my mind that we were not going to play politics, and that we were going to produce a bill that would have a practical impact and effect in a way that would reduce juvenile crime in America. That was the goal we set out to accomplish.

We developed some excellent ideas and have worked with the Democratic members of the committee continuously. The committee, on a 2 to 1 vote, with bipartisan support, has cleared this bill and brought it to the floor. I must say that I am extremely disappointed to learn today that there will be no limit on debate on this bill.

The majority leader, Senator LOTT, has a lot of important pieces of legislation, and I have asked him to keep this bill alive, to keep it up on the agenda so that we can have a vote on it. We want to vote on it. But we cannot spend all of our time on this legislation, but we do not have cooperation from the other side. We had 8 weeks of debate on this legislation in committee, and I consider it to be the most significant juvenile crime legislation maybe ever, certainly in the last 20 years.

As with most meaningful pieces of legislation, there have been some disagreements, so we worked hard, as Senator HATCH said, time and time again to make this bill more palatable to Democratic Senators. We modified it in several important areas. These modifications are in the bill and would be part of the consent agreement if we could get it today.

So I am deeply disappointed that the minority party has rejected the unanimous consent proposal and in effect has jeopardized once again our ability to pass a strong, effective juvenile justice bill which would strengthen the juvenile system and actually reduce juvenile crime. We worked in good faith with the minority and the changes we made were designed to further accommodate them. The changes were pain-

ful and frustrating to me, and I hated to include them, but I did so in the hope that we could gain the kind of bipartisan support that would ultimately lead to passage of the things that most of us who have studied this legislation believe are critical. I am disappointed that we have not achieved that end.

There are several important things I want to mention that are in the bill. There is a \$2.5 billion block grant program to strengthen the State juvenile justice system. The money goes directly to the States. And 75 percent of the money has to go to the counties where the juvenile courts are, where the juvenile judges are overwhelmed, where they have no juvenile halfway houses, detention centers; they do not have money for drug testing. We need to strengthen that activity so that that juvenile judge, when a young person comes before him or her charged with a crime, the judge has the resources and the capacity to intervene effectively in that child's life. And if the judge intervenes effectively, they can perhaps change that child's direction, which is oftentimes on the road to destruction—put them on the right path, help get them off drugs by drug testing, place them back into school, get mental health treatment if that is called for, and obtain the family counseling that is so often necessary.

According to a New York Times front page article on juvenile justice, the Chicago court system spends 5 minutes per case. How can a judge work with that kind of caseload and workload? How can a judge work with insufficient probation officers, insufficient detention space for the serious offender, insufficient halfway houses, or with boot camps for those who deserve it? How can they effectively turn the tide? They cannot. And that is what is wrong. But I have a sense that all over America cities and counties are coming together, demanding that we do something about juvenile crime.

We have spent a tremendous amount of money on adult crime. We have tripled and quadrupled our bed spaces in adult prisons. We have spent very little on juvenile crime, when that has been the No. 1 crime growth area in the country. This bill will encourage more spending to correct that situation. For the first time, it will set up a record-keeping system that would maintain the secrecy of juvenile records from the general public but would make these records available to law enforcement officers. Right now they are not, amazing as it sounds. To get records on a child, law enforcement officers have to go out to each and every juvenile facility in the country. They cannot get them from a national crime information center.

Drug testing is a critical event in effectively diagnosing a young person's problems. What we require is that youngsters who are arrested for crimes be drug tested upon their arrest. We found that testing by giving the States money. Then the judge can know

whether this child's criminality is being driven by a drug problem or not. And if it is, they can require drug treatment.

It is an absolute tragedy that we are not able to pass this bill today. Judge Eric Holder, Washington, DC, who wants drug testing of everyone, said it is absolutely essential for a judge to know whether the kids and adults coming before the court have a drug problem.

Mr. President, this bill is a professionally crafted bill. It remains, in my opinion, an effective, solid, progressive step of historic proportions to assist our State and local communities to effectively deal with the growing problem of juvenile crime in America. Based on my experience of over 15 years, I know that passing this legislation is the right thing to do. We must continue to work to get a vote on this bill. I will continue to listen to any suggestions for change. Senator HATCH has continued to keep the doors open for discussion so that we can proceed with this bill.

Frankly, I believe something is happening here, and I am just going to say it. The bankruptcy bill came out of the Judiciary Committee 16 to 2. It is an absolutely excellent bankruptcy bill. It is not radical in any way and has tremendous bipartisan support, however, we come down here today and the Democratic minority members oppose even bringing it up for consideration. The juvenile justice bill comes out of committee with a 2 to 1 vote and the minority objects, a filibuster, and refuses to agree to a rational compromise on debate.

It appears to me that the members of the other party are obstructing legislation. For some reason, they do not want good legislation to pass. We ought to be working on these bills. If there is a legitimate difficulty, let's deal with it. I am willing to do so. But it is time for us to pass good legislation. I don't think it is right for people to go around talking about a do-nothing Congress when we produce good legislation, bring it to the floor, only to have the minority object under the rules of this body. The rules are legitimately utilized, but the other side ought to be held accountable for obstructing good legislation.

So, again, I am disappointed that we could not get this agreement. I believe that we have an outstanding juvenile justice bill and I have been honored to work with Senator HATCH and others on the committee to produce it.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The distinguished Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the Chair.

KOSOVO

Mr. WARNER. Mr. President, I would like to report on a recent trip which I

made in my role as a senior member of the Senate Armed Services Committee to a very troubled region of the world. During this trip, I took quick but informative visits through Bosnia, Belgrade, Yugoslavia, Macedonia, Kosovo, and NATO South Headquarters, in Naples.

To make this trip possible, I asked for and received the full support of the Department of State and NATO. I particularly wish to express my appreciation to Admiral Lopes, Ambassador Miles, posted to Belgrade, and Ambassador Hill, posted to Macedonia.

In my view there are parallels and distinctions between the situation in Bosnia and the situation in Kosovo. Kosovo is an integral part of a sovereign nation—Yugoslavia. It is a civil war between the ethnic function of Albanians and Serbs.

The parallels are to be found in the tragic tactics of this war. While both factions are open for condemnation for human rights violations, the preponderance of evidence weighs against the Serb forces—regular army and “so-called” police. Clearly, President Milosevic must be held accountable for the continuing destruction of dwellings, the farm land, and most of all, the continuing cruel repression against innocent people driven from their homes and land by the combined Serb forces.

Currently, there are estimates in the hundreds of thousands of refugees fleeing—many to the hills and forests near their villages. In a short time, with the coming of winter, the weather will compound their misery and sufferings.

Diplomatic efforts by U.S. and other nations have made a credible, good faith effort to reach some measure of resolution. As I departed Kosovo on Monday, August 31, the very able Ambassadors Miles and Hill assured me they were continuing to press for some solution so that the U.S. and other nations and “NGO's” can put in place programs and logistic plans to bring relief to victims of both ethnic factions.

In my view, the short time between now and winter, will not permit a solution that will embrace a form of limited government acceptable to Belgrade. That must come in time, but for the present, we must get a framework solution for the refugee relief program.

I commend the efforts of Assistant Secretary of State Julia Taft, who, during her visit just days ago, sounded a fervent appeal. I attach a copy of her analysis.

I also visited some of the towns ravaged by the war and continuing to be ravaged by the roaming Serb forces. This must be stopped. Today I learned that Senator Dole, who, like me is greatly concerned for the need to stop this conflict, is going to visit on his own initiative, Kosovo and the region. I briefed him on my trip and recommended he work with the consortium of nations, including the U.S., Canada, Russia and E.U. nations known as “KDOM”.

I have great praise for the U.S. personnel of KDOM who provided me with a trip through some of the war torn regions. I place in this record a briefing given me by KDOM, together with their credible petition for more assistance—logistic—from the Departments of State and Defense. I personally will endorse their needs.

While in NATO South Heights, I received a briefing on options involving military forces—U.S. and other nations. This weekend I will receive further briefings.

I close by urging all Senators to devote time to the growing problems in the Kosovo region. I support the doctrine—time tested—that diplomacy can be no stronger than the resolve to back it up by force if necessary. I urge all Senators to carefully stand by the complexity of the problems—many unique and different than Bosnia—with the use of force.

Hopefully, negotiations will produce a cease-fire and force can be avoided. A problem still exists as to who are the KLA leaders, are they in some agreement among themselves, and how would they be represented at the negotiating table.

I will continue to give this troubled area a high priority and urge others to do likewise. I ask unanimous consent that the documents I referred to during my remarks be printed in the RECORD.

Mr. President, I understand the Government Printing Office estimates the cost of printing this material in the RECORD to be \$1,949.

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

[From the USIA Washington File, Aug. 26, 1998]

ASSISTANT SECRETARY OF STATE TAFT IN KOSOVO

WASHINGTON.—Julia V. Taft, assistant secretary of state for population, refugees and migration, is visiting Serbia-Montenegro, including the province of Kosovo, to assess the situation of internally displaced persons (IDPs) and refugees and encourage the return of Kosovar IDPS to their homes.

Taft “will urge Serb officials to make concrete progress on creating conditions for the return of IDPs, particularly those who are shelterless and inaccessible to the delivery of humanitarian aid. She also will meet with relief agency representatives to encourage their increased presence in key areas of return,” said the State Department August 26.

Following is the text of a statement by Deputy Spokesman James Foley:

STATEMENT BY JAMES B. FOLEY

A senior State Department official is visiting Serbia-Montenegro, including the province of Kosovo, to assess the situation of internally displaced persons (IDPs) and refugees in the region, and encourage the return of Kosovar IDPs to their homes.

Julia V. Taft, Assistant Secretary of State for Population, Refugees, and Migration, will meet with government officials in the region and representatives of major international organizations and non-governmental organizations during her visit, which will last from today until Saturday. The Bureau of Population, Refugees, and Migration (PRM), which she heads, has primary responsibility for U.S. refugee assistance programs.