

the contrary: the intent of the law is for states to develop and approve these details, and for Congress to ratify the plan.

The Compact before us does not discuss any particular site for the disposal facility, but only says that Texas must develop a facility in a timely manner, consistent with all applicable state and federal environmental, health, and public safety laws. It is the decision of Texas as to where the facility will be sited and is not within the purview of the U.S. Senate to decide for them.

Further, absent the protection of the Compact, Texas must, I repeat must, open their borders to any other state for waste disposal or they will be in violation of the Interstate Commerce Clause of the U.S. Constitution. The Compact gives Texas the protection that oversight commissioners, mostly appointed by the elected Governor of Texas but also with a say from Maine and Vermont, will decide what is best for Texas.

As we send the Texas Compact to a Senate-House conference, I ask my colleagues to keep in mind that all that is required is the prompt approval of Congress for the Compact as originally ratified by Maine, Vermont, and Texas so that the Texas Compact members will be able to exercise appropriate control over their low level nuclear waste as Congress mandated.

I thank the Chair and look forward to my colleagues continued support of the Texas Compact as ratified by the States when it returns from conference.

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate insist on its amendment and agree to the request of the House for a conference; that the Chair be authorized to appoint conferees on the part of the Senate; that upon appointment of the Senate conferees, a motion to instruct the conferees be agreed to which provides that the Senate conferees be instructed to include the Wellstone amendments in any conference agreement; and that once this consent is granted, together with other consent items I will go into later, Senator WELLSTONE be recognized to speak for up to 1 hour.

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

The PRESIDING OFFICER (Mr. FRIST) appointed Mr. THURMOND, Mr. HATCH and Mr. LEAHY conferees on the part of the Senate.

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**EXPRESSING SENSE OF CONGRESS THAT STATES SHOULD WORK MORE AGGRESSIVELY ATTACKING THE PROBLEM OF VIOLENT CRIMES**

Mr. GORTON. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Concurrent Resolution 75 and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 75) expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals serving abbreviated sentences.

The Senate proceeded to consider the concurrent resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The concurrent resolution (H. Con. Res. 75) was agreed to.

The preamble was agreed to.

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**EXECUTIVE SESSION**

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**EXECUTIVE CALENDAR**

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 502, 580 and 623. I further ask unanimous consent that the nominations be confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

**UNITED STATES ENRICHMENT CORPORATION**

Margaret Hornbeck Greene, of Kentucky, to be a Member of the Board of Directors of the United States Enrichment Corporation for a term expiring February 24, 2003.

**DEPARTMENT OF JUSTICE**

James K. Robinson, of Michigan, to be an Assistant Attorney General.

**THE JUDICIARY**

Robert D. Sack, of New York, to be United States Circuit Judge for the Second Circuit.

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**NOMINATION OF JAMES K. ROBINSON**

Mr. HATCH. Mr. President, on August 31, 1995, some 1019 days ago, the head of the Department of Justice's Criminal Division, Assistant Attorney General Jo Ann Harris, resigned. Since that time, the Department of Justice has lacked a confirmed leader for this critical post. Indeed, the Acting Assistant Attorney General has had to recuse himself from one of the most important matters to come before the Department: the Clinton Administration's fund-raising abuses. The failure of the Clinton Administration to fill this crucial position has had, in my

mind, a serious impact both on the performance of the Criminal Division and the credibility of its decisions. Over two and a half years later, I am glad to support the nomination of James K. Robinson to be Assistant Attorney General for the Criminal Division. This nomination was reported out of the Judiciary Committee in April by a unanimous vote, and I believe should receive the support of all Senators.

The Criminal Division represents the front line of the federal government's commitment to fight crime. We rely on the Criminal Division to enforce over 900 federal statutes and to develop enforcement policies to be implemented by the 94 U.S. Attorneys around the country. Within the division are sections that carry out national responsibilities crucial to protecting our citizens and property, including: Asset Forfeiture/Money Laundering, Child Exploitation and Obscenity, Fraud, Computer Crime and Intellectual Property, Narcotics and Dangerous Drugs, Organized Crime and Racketeering, Public Integrity, Terrorism and Violent Crime, and the Organized Crime Drug Enforcement Task Force. The importance of each of these sections cannot be overstated.

I believe that this nominee is up to this demanding task. James Robinson has compiled an impressive record of achievement. Following graduation from Wayne State University Law School, he clerked on the Michigan Supreme Court and then for Judge George Edwards of the United States Court of Appeals for the Sixth Circuit. He served with distinction as United States Attorney for the Eastern District of Michigan during the Carter Administration. Both before and after his service as U.S. Attorney, Mr. Robinson was a member of the Detroit law firm of Honigman Miller Schwartz & Cohn, first as an associate and then as a partner. Since 1993, he has been Dean and Professor of Law at his alma mater, Wayne State University Law School. Finally, Mr. Robinson has served on and often chaired numerous bar and civic associations, many of which related to his expertise in the law of evidence. He will need all of this experience and more to fulfill such a demanding position.

One of the most important duties assigned the head of the Criminal Division is to advise the Attorney General on the appointment of independent counsels. In my mind, Attorney General Reno was very poorly served by the Criminal Division over the past year while considering whether to appoint an independent counsel related to the fund raising efforts made by the President and Vice President in conjunction with the 1996 elections. While I was pleased to see the Department secure the indictments of Johnny Chung and Charlie Trie, I believe both the Division and the Attorney General misapplied the independent counsel statute by taking into consideration factors which the law does not allow.

There are many both inside and outside Congress, including this Senator, who believe that the statute has many flaws, but so long as the law is on the books it must be applied fairly and consistently. This Department of Justice has not done so, and I place a large part of the blame on the Criminal Division.

Congress has responded to the unacceptable levels of crime by increasing the Department of Justice's budget: in fact, the Department's budget has skyrocketed since 1994, rising from under 11 billion dollars in FY 1994 to over 20 billion dollars in FY 1998. However, I am concerned about the decline in federal prosecutions in several critical areas despite this increased funding. First, at a time when the administration is calling for more gun control, I am concerned that the Department of Justice is not adequately enforcing current gun laws. The annual number of weapons and firearms prosecutions brought by this Administration has plummeted. For example, federal weapons and firearms prosecutions are down 18.7 % since 1992.

More importantly, I am concerned that the Department of Justice is not enforcing current laws meant to punish gun-toting criminals. Specifically, the number of prosecutions made under Project Triggerlock has collapsed. Initiated by the Bush Administration, Project Triggerlock targets federal prosecution and tough federal sentences on the worst violent offenders committing crimes with guns. In its first year, FY 1992, the program worked remarkably well: 4,353 federal cases were brought against 7,048 defendants for violations of federal law involving the use of a firearm. Yet, the number of these cases has fallen throughout the Clinton Administration, and in FY 1997 the Department of Justice reported only 2,844 cases under Project Triggerlock, a stunning 34.6% decrease since 1992. Through the effective use of federal powers and resources, U.S. Attorneys can greatly assist state and local law enforcement in keeping the most dangerous offenders off the streets. Unfortunately, this extremely effective program has lost priority in the Clinton Administration.

I have been concerned about the performance of the Criminal Division and the United States Attorneys in a number of additional areas over the past several years. Whether it has been the intentional failure of U.S. Attorneys in California to enforce Indian gaming laws, the unfortunate surrender of our borders to drug trafficking, the recent decision to distort the Controlled Substances Act to allow doctors to use drugs to assist suicides, or the repeal of a memorandum by Attorney General Richard Thornburgh which ensured federal prosecutors did not settle with charging defendants with lesser violations while more serious offenses were ignored, the administration's crime fighting decisions have, in some areas, not met the high standard the public

deserves. These concerns, however, do not diminish my recognition of the work of the thousands of federal law enforcement officials who ably carry out the responsibility of enforcing our federal laws.

As I pointed out at his confirmation hearing, Mr. Robinson has been nominated to a position of great trust. If confirmed, he will play a key role in advising the nation's chief law enforcement officer on matters of serious national concern. Mr. Robinson assured the Judiciary Committee that although he naturally would feel loyalty to the administration which selected him, he would stand above politics and serve the public.

During his confirmation hearing, I raised many of these important issues with Mr. Robinson. Although he was not in a position to have formed concrete opinions on some issues which have been debated between the Congress and the administration, I was heartened by his promise to work with the Congress and to bring fresh approaches to tough issues. By moving this nomination without further delay, the Congress will ensure that the Criminal Division once again will have the leadership it sorely needs to play a leading and effective role at the vanguard of federal law enforcement.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### ORDERS FOR TUESDAY, JUNE 16, 1998

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, June 16. I further ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate then begin a period for morning business until 10:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator MACK, 15 minutes; Senator ROBERTS, 15 minutes; Senator DORGAN, 30 minutes.

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

Mr. GORTON. Mr. President, I further ask unanimous consent that following morning business, the Senate resume consideration of S. 1415, the tobacco bill.

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

Mr. GORTON. Mr. President, I further ask unanimous consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. tomorrow to allow the weekly party conferences to meet.

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

#### PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, the Senate will reconvene tomorrow at 9:30 a.m. and begin a period for morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of the tobacco bill with the Gorton amendment pending regarding attorneys' fees. It is expected that a time agreement will be reached with respect to the Gorton amendment with a vote occurring on, or in relation to, the amendment Tuesday afternoon. Following disposition of the Gorton amendment, it is hoped further amendments will be offered and debated throughout Tuesday's session. Therefore, rollcall votes are possible throughout tomorrow's session as the Senate continues to make progress on the tobacco bill.

As a final reminder to all Members, the official photo of the 105th Congress will be taken tomorrow at 2:15 p.m. in the Senate Chamber. All Senators are asked to be in the Chamber and seated at their desks following the party luncheons.

#### ORDER FOR ADJOURNMENT

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of the Senator from Minnesota, Mr. WELLSTONE.

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

#### CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The PRESIDING OFFICER. The Chair announces that H. Con. Res. 284, the concurrent resolution on the budget, having been received from the House, the order of April 2, 1998, will be executed as follows: all after the resolving clause is stricken and the text of S. Con. Res. 86, as amended by the Senate, is inserted, and the resolution as thus amended is agreed to. It is further ordered that the Senate insist on its amendment, request a conference with the House, and the Chair appoints the following conferees on the part of the Senate.

The PRESIDING OFFICER appointed Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM of Texas, Mr. BOND, Mr. GORTON, Mr. GREGG, Ms. SNOWE, Mr. ABRAHAM, Mr. FRIST, Mr. GRAMS, Mr. SMITH of Oregon, Mr. LAUTENBERG, Mr. HOLLINGS, Mr. CONRAD, Mr. SARBANES, Mrs. BOXER, Mrs. MURRAY, Mr. WYDEN, Mr. FEINGOLD, Mr. JOHNSON, and Mr. DURBIN conferees on the part of the Senate.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.