SENATE—*Friday, November 5, 1993*

(Legislative day of Tuesday, November 2, 1993)

The Senate met at 8:50 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

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

Let us pray:

God of Abraham, Isaac, and Israel, give us ears to hear the word of Moses which is the foundation of Old Testament worship:

Now these are the commandments, the statutes, and the judgments, which the Lord your God commanded to teach you, that ye might do them in the land whither ye go to possess it:

That thou mightest fear the Lord thy God, to keep all his statutes and his commandments, which I command thee, thou, and thy son, and thy son's son, all the days of thy life; and that thy days may be prolonged.

Hear therefore, O Israel, and observe to do it; that it may be well with thee, and that ye may increase mightily, as the Lord God of thy fathers hath promised thee, in the land that floweth with milk and honey.

Hear, O Israel: The Lord our God is one Lord:

And thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might.

And these words, which I command thee this day, shall be in thine heart:

And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up.—Deuteronomy 6:1–7.

May we take seriously, dear God, this foundation for social order and peace.

To the glory of God and for the sake of the Nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 5, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1607, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1607) to control and prevent crime.

The Senate resumed consideration of the bill.

Pending:

Dole Amendment No. 1105, to allow similar crimes relative to sexual history and molestation to be introduced as evidence during a criminal trial.

AMENDMENT NO. 1105

The ACTING PRESIDENT pro tempore. The pending question is amendment No. 1105, offered by Mr. DOLE, of Kansas.

Under the order of November 4, 1993, the time until 9 a.m. will be evenly divided and controlled by the Senator from Delaware [Mr. BIDEN] and the Senator from Kansas [Mr. DOLE].

The Senator from Kansas.

Mr. DOLE. Mr. President, the Senator from Delaware is not here yet, but I will take a couple minutes, and he can have the time that remains.

I want to add a few comments to what we discussed late last night with reference to the amendment I offered which would allow the admission of similar-crimes evidence in sexual offense and child molestation cases.

Ask any prosecutor, and he or she will tell you that the willingness of the courts to admit similar-crimes evidence in prosecutions for serious sex crimes is critical to effective prosecution in this area. In a rape case, for example, disclosure of the fact that the defendant has previously committed other rapes is often crucial, as the jury attempts to assess the credibility of a claim by the defense that the victim consented and that the defendant is being falsely accused.

The importance of admitting this evidence is still even greater in child molestation cases. These cases often hinge on the testimony of child victim-witnesses, whose credibility can readily be attacked in the absence of other corroborating evidence. In such cases, it is crucial that all relevant evidence that may help shed some light on the credibility of the charge be admitted at trial.

Unfortunately, the Federal rules of evidence reflect a general presumption against admitting evidence of uncharged offenses.

One exception to this general presumption can be found in rule 404(b), which allows evidence of other "crimes, wrongs, or acts" to prove "motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake."

Rule 404(b), however, makes no special allowance for the admission of other crimes, wrongs, or acts in sex offense cases.

This failure has been widely reproduced in State rules of evidence, whose formulation has been strongly influenced by the Federal rules.

The practical effect of this development is that the authority of the courts to admit evidence of uncharged offenses in prosecutions for sexual assaults and child molestations has been clouded at best, even in States that have traditionally favored a broad approach to admission in this area.

Take the 1988 case of Getz versus State. In Getz, the Supreme Court of Delaware overturned the defendant's conviction of raping his 11-year-old daughter because evidence that he had also molested her on other occasions was admitted. The court went on to hold that the disputed evidence in the case was impermissible evidence of character and could not—not—be admitted under the State's rule 404(b). The tragic result: The defendant walked. The tragic result is the defendant walked off scot free.

Similar tragedies have been repeated in other courts and in other States.

Yesterday, my colleague from Delaware claimed the amendment was unfair to criminal defendants. Let me strongly disagree, and let me repeat what I said last night—that the amendment requires the pretrial disclosure of all evidence to be offered under the proposed new rules. This is designed to provide the defendant with notice of the evidence to be offered and a fair opportunity to develop a response. The rules set a minimum period of 15 days notice, but of course, it is within the

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

court's authority to grant a continuance if the defense needs additional time for preparation.

And finally, Mr. President, I would like to point out that my colleague from Delaware has himself proposed to amend the Federal rules of evidence to protect the privacy of sex-crime victims. I applaud this effort, but it shows that the Federal rules of evidence are not sacrosanct, as he would have us believe.

Yes, the Federal rules of evidence have been around since 1975, but that doesn't mean they should not be changed, particularly when the changes are appropriate.

And the changes proposed by this amendment are not only appropriate, they also make common sense—for when someone is out there committing sex crime after sex crime, committing child molestation after child molestation—it is this Senator's view that this evidence should be admitted at trial, without a protracted struggle over whether the evidence has been properly admitted under rule 404(b) or some other exception.

This is not a radical overhaul of the Federal rules of evidence. Rather, it is a reasonable attempt to establish a clear, general rule of admission in sex crime and child molestation cases, not only for Federal proceedings, but also as a model for comparable reforms in State rules of evidence.

It is time that we recognize that sex-crime cases are unique, requiring special standards and special treatment in the Federal rules of evidence. When evidence of guilt is available to the trail court, it should not be excluded because of evidentiary technicalities, nor should convictions be overturned because of a restrictive application of these technicalities.

I urge all of my colleagues—on both sides of the aisle—to support the amendment.

This amendment is about getting tough with criminals, and giving the victims of vicious sex crimes the justice they deserve.

Mr. President, the Senator from Delaware is not here. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to amendment No. 1105 offered by Mr. DOLE of Kansas. The yeas and nays have been ordered. Those who wish to vote in the affirmative will vote yea, those in the negative will vote nay. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON], the Senator from Tennessee [Mr. MATHEWS], and the Senator from West Virginia [Mr. ROCKEFELLER], are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. MATHEWS] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Texas [Mr. GRAMM], and the Senator from North Carolina [Mr. HELMS], are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT] would vote "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—75

Baucus	Exon	McConnell
Bond	Faircloth	Mikulski
Boren	Feinstein	Moseley-Braun
Boxer	Glenn	Murkowski
Breaux	Gorton	Murray
Brown	Graham	Nickles
Bryan	Grassley	Nunn
Bumpers	Gregg	Pressler
Burns	Harkin	Pryor
Byrd	Hatch	Reid
Campbell	Hatfield	Riegle
Chafee	Hollings	Robb
Coats	Hutchison	Roth
Cochran	Inouye	Sarbanes
Cohen	Kassebaum	Sasser
Conrad	Kempthorne	Shelby
Coverdell	Kerrey	Simon
Craig	Kerry	Simpson
D'Amato	Kohl	Smith
Danforth	Lautenberg	Specter
Daschle	Lieberman	Stevens
Dole	Lott	Thurmond
Domenici	Lugar	Wallop
Dorgan	Mack	Warner
Durenberger	McCain	Wofford

NAYS—19

Akaka	Ford	Mitchell
Biden	Heflin	Moynihan
Bingaman	Jeffords	Packwood
Bradley	Kennedy	Pell
DeConcini	Leahy	Wellstone
Dodd	Levin	
Feingold	Metzenbaum	

NOT VOTING—6

Bennett	Helms	Mathews
Gramm	Johnston	Rockefeller

So the amendment (No. 1105) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COHEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

AMENDMENT NO. 1107

(Purpose: To provide enhanced penalties for antifraud enforcement efforts)

Mr. COHEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself, Mr. DOLE, and Mr. REID, proposes an amendment numbered 1107.

Mr. COHEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

TITLE —ENHANCED PENALTIES FOR ANTI-FRAUD ENFORCEMENT EFFORTS

SEC. 00. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "National Health Care Anti-Fraud and Abuse Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

Subtitle A—Amendments to Criminal Law

SEC. 01. HEALTH CARE FRAUD.

(a) IN GENERAL.—

(1) FINES AND IMPRISONMENT FOR HEALTH CARE FRAUD VIOLATIONS.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

§ 1347. Health care fraud

"(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

"(1) to defraud any health care plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person shall be imprisoned for life or any term of years.

"(b) For purposes of this section, the term 'health care plan' means a federally funded public program or private program for the delivery of or payment for health care items or services.".

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1347. Health care fraud.".

SEC. 02. FORFEITURES FOR FEDERAL HEALTH CARE OFFENSES.

Section 982(a) of title 18, United States Code, is amended by inserting after paragraph (5) the following:

"(6)(A) If the court determines that a Federal health care offense is of a type that poses a serious threat to the health of any person or has a significant detrimental impact on the health care system, the court, in imposing sentence on a person convicted of that offense, shall order that person to forfeit property, real or personnel, that—

"(i)(I) is used in the commission of the offense; or

"(II) constitutes or is derived from proceeds traceable to the commission of the offense; and

"(ii) is of a value proportionate to the seriousness of the offense.".

"(B) For purposes of this paragraph, the term 'Federal health care offense' means a violation of, or a criminal conspiracy to violate—

"(i) section 1347 of this title;

"(ii) section 1128B of the Social Security Act;

"(iii) sections 287, 371, 664, 666, 1001, 1027, 1341, 1343, or 1954 of this title if the violation or conspiracy relates to health care fraud;

"(iv) section 501 or 511 of the Employee Retirement Income Security Act of 1974, if the violation or conspiracy relates to health care fraud; and

"(v) section 301, 303(a)(2), or 303 (b) or (e) of the Federal Food, Drug and Cosmetic Act, if the violation or conspiracy relates to health care fraud.".

SEC. 03. INJUNCTIVE RELIEF RELATING TO FEDERAL HEALTH CARE OFFENSES.

Section 1345(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" at the end of subparagraph (B); and

(3) by adding at the end the following:

"(C) committing or about to commit a Federal health care offense (as defined in section 982(a)(6)(B) of this title);".

SEC. 04. RACKETEERING ACTIVITY RELATING TO FEDERAL HEALTH CARE OFFENSES.

Section 1961 of title 18, United States Code, is amended by inserting "section 982(a)(6) (relating to Federal health care offenses)," after "sections 891–894 (relating to extortionate credit transactions),".

Subtitle E—Amendments to Civil False Claims Act

SEC. 11. AMENDMENTS TO CIVIL FALSE CLAIMS ACT.

Section 3729 of title 31, United States Code, is amended—

(1) in subsection (a)(7), by inserting "or to a health care plan," after "property to the Government,";

(2) in the matter following subsection (a)(7), by inserting "or health care plan" before "sustains because of the act of that person,";

(3) at the end of the first sentence of subsection (a), by inserting "or health care plan" before "sustains because of the act of the person.";

(4) in subsection (c)—

(A) by inserting "the term" after "section,"; and

(B) by adding at the end the following: "The term also includes any request or demand, whether under contract or otherwise, for money or property which is made or presented to a health care plan."; and

(5) by adding at the end the following:

"(f) HEALTH CARE PLAN DEFINED.—For purposes of this section, the term 'health care plan' means a federally funded public program for the delivery of or payment for health care items or services.".

Mr. COHEN. Mr. President, I introduce this amendment to the crime bill, which would enhance penalties for health care fraud. According to the GAO, by 1995, we will be losing approximately $100 billion a year due to health care fraud. A great deal of talk has been going on about how we are going to pay for this particular crime bill and whether we are going to have real savings or not, or whether they are illusory, but this is something we can deal with now.

I know that the focus of this particular legislation is pointing to violent criminals and acts of violence on the part of criminals. But we also have acts of violence being perpetrated against our citizens in another fashion. We are robbing them of necessary health care through the unscrupulous individuals who are taking advantage of our programs.

Mr. President, through our work on the Aging Committee, we have found example after example of taxpayers who are being ravaged by unscrupulous health care providers who are bilking taxpayers of billions of dollars.

I want to give a couple of examples of the kinds of things taking place day after day:

Overcharging for services provided; charging for services not rendered; accepting bribes or kickbacks for referring patients to laboratories, clinics, or medical supply companies; filing inaccurate claims and so-called upcoding to receive higher reimbursement; overbilling for home health care; overcharging by pharmacists for generic drugs and splitting prescriptions in order to collect extra dispensing fees; performing unnecessary clinical laboratory tests; and billing Medicare and private insurance carriers for inferior supplies at inflated prices.

Mr. President, I know that there is some opposition to this legislation on the part of the administration. The administration would like to wait until next year when we consider a comprehensive health care reform package. But I would like to encourage my colleagues to resist that opposition.

We cannot afford to wait until next year. The President's plan may or may not become law. It may or may not become law, and it has a long way to go.

I would like to call my colleagues' attention to something that Senator SIMPSON said in a different context sometime ago.

He said:

A billion seconds ago, Eisenhower was on the campaign trail, running for his second term as President. A billion minutes ago, Hannibal was crossing the Alps with his troops. A billion hours ago, the earth was a cold, solid piece of rock. And a billion dollars is what the United States has spent on health care since yesterday.

We should not wait until next year to consider this legislation. I submit that it will be passed virtually as is next year. Everybody in the Chamber should know that we are losing approximately $300 million a day—$300 million a day.

So I urge my colleagues to move today on this amendment and not delay it until next year, not wait until next August, September, October, November, whenever we finally come to a conclusion on the health care package reform, but move today on something I think we can all agree upon.

The amendment would amend title 18 of the current law to specifically include penalties for health care fraud. It creates a new health care fraud statute patterned after the existing wire and mail fraud statute. It allows for the criminal forfeiture of proceeds derived from Federal health care offenses; permits injunctive relief relating to Federal health care offenses; establishes a health care fraud as a predicate to the RICO statute, and clarifies Civil False Claims Act to include false claims submitted to federally funded health care plans.

Mr. President, I submit to my colleagues this is something that we should not wait any longer on. We should provide the kind of criminal penalties that are necessary for those who are ripping off the system on a basis of $300 million a day.

I urge my colleagues to support it.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I begin by commending my friend from Maine on focusing the attention of the Senate on what is not only a serious problem from the standpoint of the criminal justice system but a multibillion-dollar problem facing this country.

Senator COHEN's health care fraud amendment is quite good and substantially the same in some parts as a significant portion of the President's plan to combat health care fraud.

I say that not in any way to detract from the fact that Senator COHEN came up with this all on his own but to point out that finally we are beginning to focus in this country from all angles on this incredibly difficult and expensive problem to the taxpayers.

I share Senator COHEN's interest in health care fraud. As a matter of fact, last year I introduced a bill in Congress and held a hearing on the issue.

By considering the Senator's proposal today the opportunity to educate and focus public attention on this important issue might quite frankly be—I am not sure what the best way to go is, I guess is the best way to say it. We have this similar piece of legislation in the health care bill. We have a major bill that is up to deal with health care fraud.

I went to the Senator last night and pointed out to him, since he is on the Judiciary Committee, that he and I, and others, who have an interest in this, could do a great deal because, hopefully, the health care fraud piece

will be referred to the Judiciary Committee and we are going to have a significant opportunity to focus public opinion on this.

By the way, I might add one of the reasons to focus public opinion on this is not so they can see how enlightened are the Senator from Maine or the Senator from Delaware, or anyone else. The reason is much of the fraud could be impacted upon if, in fact, the public was educated as to how those involved in fraudulent schemes to bilk, particularly seniors of tens of billions nationwide, do it.

That is one of the reasons I would like to see some significant focus on it.

But the Senator made a point to me, and to tell you the truth, it is a hard call. He says: "Senator BIDEN, if we wait until we do this in an orderly fashion, there are tens of millions of dollars a day that are being defrauded from people right now as we speak."

Senator COHEN has been a leader in this area in the Judiciary Committee hearings, as I said, on health care fraud, which I think could provide him and the issue a forum not only to further educate the public but also to continue with a very strong piece of legislation.

The Judiciary Committee intends to hold hearings on the health care fraud issue in December, this December, and early next year.

Senator COHEN's amendment and the President's plan share some of the following same features:

First, amend title XVIII to include specific penalties for health care fraud. The President's plan would actually include a few more new offenses. Allow criminal forfeiture of proceeds derived from Federal health care offenses, as in my bill. This section expands existing mail fraud and wire fraud provisions in health care; permits injunctive relief relating to health care offenses and classifies the Civil False Claims Act—that is the whistle-blower statute—to include health care plans.

Notwithstanding the fact I think it makes no sense to do it in a more orderly fashion and against the advice of everyone of my staff, I am prepared to accept the amendment. I cannot guarantee him, in light of the fact the House does not have any of this in their bill, whether or not it will, to be blunt about it, survive conference.

But I say, as the Senator knows, I completely agree with the substance of his amendment. The question is the timing. But I have not had a chance to speak with my friend from Utah about this yet. I am prepared to accept it. But I would suggest, if the Senator is willing, since I know the Senator from Utah has not had a full opportunity to look at this, could we temporarily lay aside the Senator's amendment and go to Senator DORGAN'S amendment, which will not require a vote, and upon completion of that return to this. I expect that to be not more than another 15 or 20 minutes. Is that appropriate?

Mr. DORGAN. That will be fine. There will be no vote on his amendment?

Mr. BIDEN. No. I am going to accept it, and I believe the minority plans on accepting the Dorgan amendment.

Mr. HATCH. Could I interrupt a second?

Mr. BIDEN. Please do.

Mr. HATCH. I do not see any reason to set it aside. Why do not we at least accept it? It is sponsored by Senator COHEN and Senator DOLE, and I think it is a good amendment.

Mr. BIDEN. He is willing to accept it. Fine. It is done.

Mr. DOLE. Mr. President, I am pleased to cosponsor this amendment, and salute Senator COHEN for his leadership in combating fraud and abuse.

The Senator from Maine is absolutely correct in saying that while the vast majority of health care providers are honest and above-board, there are those who are perfectly willing to bilk billions of dollars from Government-run programs like Medicare and Medicaid.

And make no mistake about it—these are not victimless crimes. Because of fraud and abuse, individuals and employers are forced to pay higher premiums; tax dollars are being wasted; and patients are being put at risk by faulty medical equipment and shoddy lab work.

This area is one that needs to receive great attention in the ongoing health care reform debate, but there are some actions which we can and will take now through adoption of this amendment.

And this amendment will tell fly-by-night operators and those who make a career of swindling tax dollars that their behavior will not be tolerated, and will be met with stiff penalties.

Mr. President, we are losing as much as $300 million per day to health care fraud and abuse. We must not wait any longer to declare war on those who are increasing health care costs for all Americans. I join Senator COHEN in urging support for this amendment.

Mr. HATCH. I urge adoption of the amendment.

Mr. BIDEN. I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

Hearing none, the question is on agreeing to the amendment.

The amendment (No. 1107) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota [Mr. DORGAN] is recognized.

AMENDMENT NO. 1108

(Purpose: To require an affirmative showing of good behavior for crediting of "good time" to prisoners serving a sentence for a crime of violence)

Mr. DORGAN. Mr. President, I have an amendment I would like to send to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1108.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . CREDITING OF "GOOD TIME".

Section 3624 of title 18, United States Code, is amended—

(1) by striking "he" each place it appears and inserting "the prisoner";

(2) by striking "his" each place it appears and inserting "the prisoner's";

(3) in subsection (d) by striking "him" and inserting "the prisoner"; and

(4) in subsection (b)—

(A) in the first sentence by inserting "(other than a prisoner serving a sentence for a crime of violence)" after "A prisoner"; and

(B) by inserting after the first sentence the following: "A prisoner who is serving a term of imprisonment of more than 1 year for a crime of violence, other than a term of imprisonment for the duration of the prisoner's life, may, at the discretion of the Bureau, receive credit toward the service of the prisoner's sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term, if the Bureau of Prisons determines that, during that year, the prisoner has displayed exemplary compliance with such institutional disciplinary regulations.".

Mr. EXON. Mr. President, will the Senator yield so the Senator from Nebraska may ask a question without losing his right to floor?

Mr. DORGAN. I am happy to yield.

Mr. EXON. Mr. President, last evening the Senator from Nebraska talked to the managers of the bill. I have an amendment. I am not trying to exercise any right, but in keeping with what I said on the floor last night, I have this amendment that I am prepared to offer. I believe it will be accepted by the managers. There is no problem. If not, we will have a rollcall vote.

I would enter into a very short time agreement on the measure. I understood last night that there had not been any order of Senators being recognized. I find this morning that there seems to be at least an unofficial order. I am simply inquiring of the managers of the bill if an order has been established in what order will the Senator from Nebraska be able to offer his

amendment, following what, and approximately at what time.

Mr. DORGAN. Mr. President, I do not believe the manager of the bill heard the Senator from Nebraska. I would encourage the Senator from Nebraska to visit with Senator BIDEN about that.

Mr. BIDEN. Mr. President, I apologize. I was conferring with the Senator from Maine, and I understand a question was directed to me.

Mr. EXON. I will repeat the question.

I understood last night, in talking to the managers of the bill, there was no order. This morning, I thought there was no order. Now it seems there has been some unofficial order established.

I am simply not trying to interrupt the flow of business but, in keeping with what I said last night, the Senator from Nebraska has an amendment that I would enter into and have a very short time agreement. If it is accepted unanimously by the managers, I would not require a rollcall vote. If a rollcall vote is required, we can have a limited time agreement and go on.

I am simply asking. What unofficial or official orders do the managers of the bill have for offering of either controversial or noncontroversial amendments and about when could the Senator from Nebraska, under the official or unofficial order, be expected that his amendment will be in order to be offered?

Mr. BIDEN. Mr. President, I officially say unofficially that the Senator, I am told, has an amendment which he thinks would take 20 minutes; is that correct? I do not know the nature of the amendment.

Mr. EXON. I have sent a Dear Colleague letter around. The amendment is on preventing the payment by the Federal Government to illegal aliens. It is been before the Senate before and I think is generally understood by Members on both sides.

Mr. BIDEN. Mr. President, I can say there are seven Senators who came to the manager of the bill this morning asking to be able to proceed this morning. I can tell the Senator within 15 minutes. The expectation is if the Senator stays on the floor he may be able to offer his amendment in the next 15 or 20 minutes.

There is one Senator before him, Senator WELLSTONE. We thought we maybe had an agreement on whether or not his amendment would be accepted. That is being negotiated now with the minority.

So I would suggest that if the Senator stayed on the floor immediately after Senator DORGAN began he would be able to offer his amendment, although there is no official order. I would stand and seek recognition if I were the Senator from Nebraska, and I know he is not going to be shy about doing that.

Mr. EXON. I thank the manager of the bill, and I thank my friend from North Dakota for yielding for a question.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota [Mr. DORGAN].

Mr. DORGAN. Mr. President, I offered an amendment that is relatively simple. I have been on the floor on previous occasions and indicated my feeling that part of the problem with our criminal justice system is we do not put criminals we know are violent away and keep them away. Many who commit violent acts of crime are not in jail for long. They are let back out through the revolving door of the criminal justice system only to victimize others. My feeling is we have an overwhelming amount of violent crime committed by a very few criminals. Studies show that 6 percent of the criminals in America commit two-thirds of the violent criminal acts.

Thus, in most cases, we know who these people are. We simply do not deal with them appropriately.

What I have tried to do in proposing amendments, some of which have already been incorporated into the bill, and others I am offering, is to find a place to put violent criminals, put them there, and keep them there: A pretty simple proposition.

Let me back up just for a second to say those who think we really need to be working on the root cause of crime. I agree with you. We have to try to understand what is causing this epidemic of violent crime in our country and respond appropriately. There are a myriad of reasons of why we have this crime epidemic. From poverty to child abuse to drug abuse to an erosion of the values in our country, there is a whole range of problems that we have to work on. But even while we do that, we cannot allow innocent folks to be walking down the street and be bludgeoned to death or otherwise victimized in a violent crime by people who we have let out of prison early because we do not have enough prison space or because our system says to them, "We are going to put you in prison, but we have got a reward system for you, so we'll let you back out on the streets early."

The first part of my plan was included in the piece of legislation that we passed last evening, and creates alternatives in incarceration facilities. We can take an abandoned military base—we are getting rid of over 100 of them in this country—and create a different type of incarceration facility. As my friend from Ohio, Senator GLENN, believes, we should use Quonset huts and fence, to create prison facilities, and put nonviolent prisoners there.

Fifty percent of the people in prison are nonviolent. We can put nonviolent, low-risk prisoners in those types of alternative prisons at one-fifth the cost it takes to build a prison. That opens up probably 100,000 or 150,000 prison cells in which you can put violent prisoners and keep them for a while.

Now, once you find a place to put them—and we have tried to accomplish that—the question is how do you keep them there?

Well, I will tell you. I would very much like, for violent criminals, to abolish good time. The notion of giving time credits for good behavior in prison is preposterous, especially for violent criminals. Violent criminals are put in prison to keep them off the streets because they commit acts of violence against innocent people. We should not be giving good time benefits.

I am not able to affect the State system with this legislation the way I would like to, but we are able to affect the Federal system. When a Federal prisoner is sent to prison, no matter how heinous the crime, they are automatically given a one-seventh reduction in their sentence—54 days a year. A 54-day reduction every year of their sentence just for going to prison. There is an automatic presumption on behalf of the prisoner that they get good time benefits.

My legislation changes this automatic presumption of good time benefits. For violent criminals who are sent to prison in the Federal system, we revoke the automatic presumption of good time benefits. Yes, the prison authorities can use good time if they choose, but there is not an automatic presumption on behalf the criminal.

I have made the point before that part of the dilemma we have is that we know who is committing these crimes, but we simply are not able to keep them locked up.

Let me demonstrate what I mean. I have mentioned these crimes before, but let me add to them.

I mentioned the crime yesterday of Michael Jordan's father, probably a crime more people read about than any other crime this past summer. A famous basketball star's father was tragically murdered. The perpetrators: Allegedly two people, both of whom committed violent acts before. They were both let out early.

I have mentioned the crimes here in Washington, DC. Four-year-old Launice Smith, on a sunny Saturday on a playground in Washington, shot in the head and killed by someone who was well known in the criminal justice system.

Mr. HATCH. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. HATCH. I hate to interrupt, but I personally appreciate what he is doing. I am going to support this amendment. I want to be added as a cosponsor to it right now.

I just think the Senator is very thoughtful. He has tried to do what is right. What he is saying is important, if it will help us to let these criminals know that we are not going to just be easy on them anymore. I want to compliment him for what he is doing.

I apologize for interrupting him, but I was afraid I would have to leave the floor and I would not be able to say that and let him know how much I want to support him and be a prime cosponsor of his amendment and to let him know how much I appreciate the efforts he is putting forth.

Mr. DORGAN. I thank the Senator for his courtesy.

I ask unanimous consent that he be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. I appreciate that very much.

Let me continue for just a couple of minutes more, and then I will finish.

I have been mentioning that most of these crimes are committed not by strangers, not by someone who is mysteriously unknown to the law enforcement community, but previously convicted felons, who were let out of prison early.

Let me go through a few victims for you.

Richard Boles and David Strzalkowski, both Florida police officers shot with their own guns in 1988. The killer: Charles Street, who had been in prison for murder before, but served only half of his sentence. Released early because of overcrowding; released to kill again because prisons were too crowded.

In 1989, a 4-year-old named Lee, kidnapped, raped, tortured, and murdered. Companions Cole and William, age 10 and 11, tied up, molested, and stabbed to death. The killer: Wesley Allan Dodd, with a 17-year history of child molestation and murder: 1983, convicted; 1984, convicted; 1987, charged; 1989, killed two brothers; 1989 killed Lee Iseli; 1989, arrested after attempting to kidnap another 6-year-old. He was not a stranger to the criminal justice system. This person was not kept in jail and, as a result, those kids are dead.

In 1991, Xiste Martinez, flower vender, killed in a robbery by David Brandon, on parole for another violent crime.

In 1991, John McKeel—he was a former Iranian hostage—killed while helping a robbery victim. Killer: Someone who had been in the system before, and had committed violent crimes before.

Robert Perkins, a Chicago police officer, shot and killed. Killer was Stanley Davis, paroled early from a previous murder conviction.

These are all people that had been through the revolving door of the criminal justice system.

Last year, Patricia Lexie and her husband were driving down the highway just a couple of miles from here. A car pulled up beside them and Patricia Lexie was shot in the head and killed. Arrested a couple of days later was a fellow name Henry James. We knew Henry James. The week previous he had been let out on bail for another attempted murder charge, only to kill Patricia Lexie.

The point I am making is this: Yes, let us find out what is causing all this and deal with the root causes, but we cannot be letting killers back out onto our streets because prisons are overcrowded. Furthermore, we cannot be letting killers go back out onto our streets because we are giving automatic reductions in sentence for good behavior in prison. Good time may allow prison authorities to better manage violent criminals while in prison, but who manages them at night on a dark city street when they are released and about to perpetrate another crime against innocent victims?

My amendment, Mr. President, is very simple. It says, no longer is there an automatic presumption of a one-seventh reduction of sentence in the Federal system for those who commit violent crimes.It is something I hope my colleagues will accept.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? Is there further debate on the amendment?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I support Senator DORGAN'S amendment to reverse the good time presumption in our Federal prisons for violent offenders.

Today, all prisoners—violent and nonviolent—can get 54 days a year taken off their sentences for good behavior. But the problem—as Senator DORGAN has put his finger on—is that they are presumed to get the credit unless the Bureau of Prisons makes a specific determination that they have not complied with the prison regulations.

Senator DORGAN'S amendment would reverse that presumption. He says that you do not get the good time credits unless your behavior is exemplary.

This makes good sense. It makes sense because it means that violent criminals will be serving more time, and it makes sense because it will actually promote the very purpose of good time credit.

Good time credit provides prisoners with an effective carrot for good behavior. And that is why I would not support abolishing it altogether. The Bureau of Prisons reports that it is a very important disciplinary tool—that they can better maintain order and discipline in prisons when prisoners have an incentive to be orderly and disciplined.

If someone is in there for 25 or 15 or 18 years, and they do not have anything that they can use to impact on their behavior and conduct in prison, it makes it more difficult to run the prison.

What the Senator has done makes good sense, changing the presumption on good time.

Mr. DORGAN. Mr. President, if the Senator will yield for 1 second, let me make the point we checked with the Federal Bureau of Prisons and they could not give us one instance, one example in which the 54 days was ever reduced. It is totally automatic. That does not make any sense at all. There ought not be automatic good time and that is the point of this amendment.

Mr. BIDEN. I agree with the Senator. We are prepared on this side to accept the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, again I compliment the distinguished Senator for his thoughtful approach here. There is no question but we need to convert these bases, in many areas, to prisons. That will save us money. Those are natural uses of those bases.

I think publicizing the judge's sentencing, which is what the Senator is going to do—publicize the judge's sentencing practices—I think is going to help a lot of judges to realize people are watching them for a change, and they are not going to put up with some of the soft-headed approaches to crime that really are going on in our society today, that are unjustified. There is certainly room for compassion, there is certainly room for leniency in some areas. But at least they are going to have to realize people will be watching.

Then, as far as the good time matter, I think the distinguished Senator from North Dakota is approaching this in a very intelligent way.

I am a total believer the victims' families ought to appear at parole hearings. After all, they are the victims. They are the ones who have been hurt. Frankly, they ought to be able to be heard in those instances as well.

So I compliment him on his thoughtful and reflective approach here. Of course, we are willing to accept this amendment on this side as well.

Mr. BIDEN. I urge the adoption of the amendment.

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1108) was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, we are ready to go with the amendment of my friend from Nebraska.

We are preparing a list of additional amendments. If Senators have them, if they would notify the Cloakroom it would be helpful to us ordering the way to proceed today.

AMENDMENT NO. 1109

(Purpose: To prohibit the payment of Federal benefits to illegal aliens)

Mr. EXON. Mr. President, I send an amendment to the desk on behalf of myself and Senator D'AMATO, Senator CRAIG, Senator GRASSLEY, and Senator BURNS, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON] for himself, Mr. D'AMATO, Mr. CRAIG, Mr. GRASSLEY, and Mr. BURNS, proposes an amendment numbered 1109.

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PAYMENT OF FEDERAL BENEFITS TO ILLEGAL ALIENS.

(a) DIRECT FEDERAL FINANCIAL BENEFITS.—Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, on or after the date of enactment of this Act, to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act.

(b) UNEMPLOYMENT BENEFITS.—No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment compensation under an unemployment compensation law of a State or the United States.

(c) DEFINITION.—In this section, "person not lawfully within the United States" means a person who at the time the person applies for, receives, or attempts to receive a Federal financial benefit is not a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status for purposes of the immigration laws.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska [Mr. EXON], is recognized.

Mr. EXON. Mr. President, in order to move in an expeditious fashion, as I know everyone would like to do, I certainly offer again at this time, as I had previously, to enter into, with the approval of the managers of the bill, time limits, 20 minutes a side, if the managers of the bill think that might expedite things. Or if they would prefer, we will go ahead with debate and probably bring this to an early resolution.

Mr. BIDEN. Mr. President, if the Senator will yield, I suggest the Senator just proceed because I know the Senator from Massachusetts has indicated an interest in this. Before I enter a time agreement—I would like a time agreement, but before I do that I would rather have him here. Why does the Senator not proceed.

Mr. EXON. Mr. President, today I rise to offer an amendment which establishes a governmentwide policy which states that direct Federal financial benefits shall not be paid to illegal aliens unless specifically provided by the Immigration and Nationality Act. I am pleased that my colleagues, Senators D'AMATO, CRAIG, GRASSLEY, and BURNS, are original cosponsors.

I appreciate the support that has been offered personally to me on this by other Senators.

I introduced this legislation in February and the bill was referred to the Finance Committee. This legislation has been before the Congress in years past and most Members should be familiar with it.

In 1986, the Congress made good progress in the effort to control illegal immigration into the United States. By making it unlawful to hire illegal aliens, the Congress removed a powerful magnet for illegal immigration. Unfortunately, another magnet remains. That attraction to illegal immigration is the real or perceived availability of Government benefits to illegal aliens.

Over the years the Congress has crafted qualifications for Federal benefit statutes separately, with little consideration for uniform policy throughout the programs. In addition, individual courts have issued isolated opinions on program eligibility, creating a patchwork quilt of a policy. As a result, due to congressional inaccuracy or expansive court interpretations, these statutes have been used to provide Federal financial benefits to illegal aliens. I think this is wrong.

This situation has led to the payment of unemployment benefits, Social Security benefits, health care benefits, and housing benefits to individuals who have no legal right to even be in the United States. If enacted, this amendment will end the uncertainty once and for all.

Studies focusing on this problem point toward an alarming and potentially dangerous drain on the Nation's financial resources if the payments to illegal aliens are allowed to continue as they have in the past. This financial problem goes beyond the Federal level to the State, county, and local governments as well. In an eraof massive Federal deficits, even small instances of waste, fraud, and abuse cannot be tolerated.

The Federal Government must ensure that limited Federal funds go to their intended beneficiaries. The Congress made good progress in requiring verification of status for certain entitlement programs and in authorizing the systematic alien verification for entitlement programs, better known as the SAVE Program.

However, these steps contained in the Immigration Reform and Control Act of 1986 can only be as effective as the interpretations of the various underlying benefit statutes. In addition, the SAVE Program has recently been nearly eliminated by the Immigration and Naturalization Service because of staff cuts. This amendment will make it clear that unless expressly authorized by the Immigration and Nationality Act, direct Federal financial benefits will not be paid to illegal aliens.

Opponents of this legislation may ask for sympathy for the illegal aliens who have come to depend on the generosity of Uncle Sam. They may cite some compelling stories about illegal aliens in unfortunate situations. I am most sympathetic. However, there are stories as dire and as compelling among our own citizens.

When our Nation is facing $250 billion deficits and the crushing burden of the Federal debt, Federal dollars paid to an illegal alien, sympathetic or otherwise, are literally dollars taken away from our own citizens under the law.

This legislation also gives the Congress an opportunity to set the record straight and destroy the international folklore of Uncle Sam's deep pockets. This measure is both a means to control illegal immigration and a means to control budget deficits. Without the real or perceived attraction to Federal benefits, illegal immigration will be deterred. Without the seepage of benefits away from intended beneficiaries, money will be saved. The Congressional Budget Office has released a preliminary estimate that the amendment would save $2.2 billion over 5 years. I suspect at best that is an underestimate rather than an overestimate. Also, the National Taxpayers Union Foundation has likewise estimated that the amendment would save $718 million each and every year.

Simply put, Mr. President, this amendment states that Federal benefits should not go to those who are in the United States illegally. If my colleagues feel as I do, that the taxpayers' dollars should not go to illegal aliens, I ask them to join me in support of this amendment.

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

Mr. EXON. I yield.

Mr. HATCH. I really like this amendment. I think it is a good step in the right direction. Why should American taxpayers have to pay for all of these benefits to illegal aliens?

Could I ask the Senator if he would consider perfecting the amendment somewhat, because I would hate to see children hurt by the amendment. For instance, I would hate to see any educational benefits this country might provide——

Mr. EXON. Any what?

Mr. HATCH. Any educational benefits, even school lunch benefits for children or medicine benefits for children. If we could just add maybe one provision that this would not apply to school, schooling of children, elementary and secondary schooling of children.

Mr. EXON. If I understand the Senator, he is suggesting that we make at least one caveat?

Mr. HATCH. Right.

Mr. EXON. That would be that we would continue benefits to illegal aliens for educational purposes of the illegal aliens and their children?

Mr. HATCH. No, only for the benefit of the children who may be in elementary or secondary education, not beyond that.

Mr. EXON. I would certainly be glad to discuss that.

Mr. HATCH. If the Senator would do that, I would cosponsor this amendment and push as hard as we could to have it accepted. Actually, we should be concerned about the children. They cannot fend for themselves in most cases; they cannot take care of themselves.

In this particular case, I would hate to see children of illegal aliens who really do not have the right nutrition and maybe need some medicine that could be provided in a school context not be able to receive that.

Mr. EXON. Mr. President, may I advise my friend from Utah that I certainly will take a look at his suggestion. It has some merit and maybe we can work out something that would be satisfactory.

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

Mr. EXON. I will be happy to yield.

Mr. BIDEN. I, too, think it is a good amendment and am prepared to accept the amendment with that exception. I will add another, not exception, point.

I think there is a constitutional question that is raised here as to whether or not we can, in fact, deny education benefits to children in elementary and secondary school. I am not an expert in this area, so I cannot say that with certainty. But it would seem to me that the bulk of what the Senator is attempting to do would in no way be impacted upon by exempting those benefits that flowed to a child in a school. This is public elementary and secondary education, not colleges.

So if the Senator is willing—and I give him my assurance—if we could set his amendment aside for a few minutes and see if we can work that out, I think we could accept this amendment and I think the Senator will have saved the taxpayers a lot of money.

Mr. EXON. I thank the managers of the bill. I would certainly agree to the suggestion of temporarily setting the amendment aside. Maybe we can work out a matter that I would like to take a further look at.

Mr. BIDEN. Mr. President, in light of that, and there is no one on the floor seeking recognition for another amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CONRAD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent to take 7 minutes in morning business for purposes of making a statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. I thank the Chair.

NORTH AMERICAN FREE TRADE-AGREEMENT

Ms. MOSELEY-BRAUN. Mr. President, last night the leader introduced the implementing legislation for the North American Free-Trade Agreement.

When I have a chance to vote on the implementing legislation on the North American Free-Trade Agreement, or NAFTA, as it is known, I will vote for it. My reasons are uncomplicated and straightforward. The history of opening up trade is a history of increasing economic growth. When trade barriers are removed, trade increases. When trade increases, jobs are created. It is just that simple.

The United States has always had an interest in expanding trade. The Yankee trader is an important part of our history. And our Nation came to greatness, in no small part, because of our interest in expanding trade opportunities.

NAFTA is simply the latest expression of a longstanding U.S. policy that has been predicated upon opening up the world trading system. That is a policy that always made sense. It is a policy that continues to make sense, and it is the policy we must follow if we are to continue to succeed and prosper in this increasingly interdependent world.

The future depends on our capacity to relate effectively to a new global village. The world has changed. We really are closer together. And our economic relationships are more closely intertwined than ever before. NAFTA is about meeting that change and facing the future.

The North American Free-Trade Agreement—NAFTA—is our response to the breakdown of trade barriers around the world. Europe's common market, and Japan's expanding trading relationships around the Pacific rim are the realities we have to deal with. Removing trade barriers with our closest neighbors and most significant trading partners—Canada and Mexico—will help all of us compete more effectively with the businesses fromthe European trading bloc, and from Japan, China, Taiwan, Hong Kong, Singapore, Korea, Thailand, and the other rapidly growing economies in the Far East.

The first stage of the North American free-trade zone, created in the United States-Canada agreement, is already expanding trade with Canada—our largest export market. Last year, our exports to Canada totaled over $90 billion, up almost 6 percent from a year earlier, in spite of the fact that our economy was stuck in the economic doldrums.

Expanding the North American free-trade zone to include Mexico will also create trade and export opportunities for the United States. It will be good for this country, good for American workers, and good for my State.

Recent history shows that economic reform in Mexico is already paying dividends for the United States. Over the last 5 years, we have gone from a trade deficit with Mexico to a $5 billion-plus surplus. What that means in Illinois is that there are now almost 140,000 jobs supported by trade with Canada and Mexico.

My State now exports over $5.2 billion to Canada, up over 90 percent over the last 5 years, and Illinois exports to Mexico rose 385 percent from 1987 to 1992. Think of it, 385 percent. Since 1987, Illinois exports to Mexico have more than tripled.

Illinois exports to Mexico are not limited to one area, but are broad-based. Illinois leading exports to Mexico include: Industrial machinery and computers, transportation equipment, electric and electronic equipment, metal products, chemicals, agriculture and food products, and services.

The removal of Mexican tariff and nontariff barriers to United States products and services will continue to improve opportunities for both Illinois industries and businesses, and industries and businesses from other States around the Nation.

Phasing out the 20 percent tariff on the import of United States automobiles to Mexico will enable our country to sell more cars in that country—and that means more jobs here. Removal of nontariff trade barriers will allow United States insurance companies and financial firms to do more business in Mexico—and that means more jobs here.

Opening up the opportunity for United States firms to sell to the Mexican Government and to develop Mexico's infrastructure means more sales of things like construction equipment, telecommunications systems, and a myriad of other items—and that means more jobs here. And eliminating artificial trade barriers to the sale of United States agricultural products will mean the sale of more United States grains, soybeans, hogs, and other farm products in Mexico—and that will mean more jobs here.

Approximately 50,000 new jobs have been created by growth in Illinois manufactured exports to our North American trading partners since 1987. In 1992, Mexico ranked second among Illinois' 181 export markets. Our No. 1 and

No. 3 export markets respectively are Canada and Japan. What makes these figures even more significant is the fact that Mexico's GNP is so much smaller than either Canada's or Japan's.

Now, Mexico's GNP is only about one-twentieth of ours. Yet, Mexico's per capita imports from the United States total $450 per year, more than that of Japan or Europe, even though Mexico's per capita income is far lower.

The Mexican economy has great growth potential, and that is why we want to make sure we are there to benefit from the growth of that economy. As Mexicans become more wealthy, they will buy more products. We want them to buy United States products, not Japanese, not German, but American products. NAFTA helps ensure that they will.

The elimination of tariffs on U.S. products, such as a tractor, makes our American tractor cheaper and more attractive than the Japanese-made tractor. That is a fact. The U.S. business that will be generated because of NAFTA will be new business. That can only mean good things for our people and our economy.

To understand why NAFTA is in our interest, it is worth keeping in mind what it does. NAFTA phases out tariffs on United States exports to Mexico that currently average 2½ times the tariffs on Mexican exports to the United States. Some of the Mexican tariffs on United States exports to Mexico that will be phased out include: 20 percent on automobiles; up to 15 percent on chemicals; 10 to 20 percent on computers; and up to 22 percent on electronic components.

NAFTA also ends many of the restrictions on investments by United States firms in Mexico, restrictions that have no counterpart under United States law. Important, most of the Mexican restrictions do not apply to investments in business that will export their products back to the United States. And NAFTA will help end the piracy and patent infringement of United States products in Mexico.

The combination of these changes creates new opportunities for United States firms to sell in Mexico from United States factories. Instead of selling United States cars to Mexico from factories in that country, for example, we will be able to sell from plants in Chicago, and Belvedere. And these changes, and other benefits of the agreement will create new opportunities for United States insurance companies and other services to do much more business in Mexico.

But if NAFTA is a clear benefit to the United States, Mr. President, why is the agreement so controversial. The answer is that, unfortunately, much of the discussion on NAFTA has been driven by fear—fear of the unknown, fear of change, fear of lost jobs.

We have all heard about the great sucking sound of American jobs being lost to Mexico. And Americans have a right to be concerned about their economic future and the future of their children. American workers are justifiably worried about the lost jobs and stagnating incomes that characterized the last decade. However, NAFTA is not the cause of the problems that have worked to undermine traditional American optimism; it is not draining away American jobs. And because NAFTA is not the cause of the jobs loss problem, the stagnating wage problem, or, indeed, any of these problems, defeating NAFTA will not solve them.

Throughout my career, I have been a friend of the American labor movement. Labor speaks for American workers and American values, and I am proud to be their friend. To my friends in the labor movement, I say that I would not support NAFTA if I thought it was responsible for the job losses Americans have been experiencing, or if it would rob our economy of new jobs. It is because, after long and careful study, I am convinced that it will help American workers, instead of hurt them, that I am supporting NAFTA.

Killing NAFTA might make it appear that Congress is responding to the legitimate fears of American workers, but all it really does is to maintain the status quo, which is not in anyone's interest, including American workers. The status quo is 4 percent average tariffs on Mexican products into the United States, which is no protection at all when Mexican wages are so much lower than United States wages.

If there was a great sucking sound to be heard, it would be heard now. However, as I have already stated, we have a growing trade surplus with Mexico, which means we are creating jobs, not losing them.

Allowing others into our market, while we are shut out of theirs is not in our interest, and to continue with unfair trade relationships unnecessarily is foolish and dangerous. It forces our companies and our workers to compete on an unfair playing field. Is there really any good reason why we should support policies that allow trade barriers to continue, while opposing policies that would change this imbalance?

The question we need to ask is: What would the United States really gain if NAFTA is not passed, and what would we really lose if NAFTA is passed? As I have already stated, if NAFTA is not passed, the Mexican tariffs, which are higher on average than ours, would not be eliminated. Nontariff trade barriers would not be eliminated. Gains we have made in the environmental cleanup and labor protection arenas would be gone. We will have lost access to a growing market.

Jobs have left this country. They have gone to Mexico, the Caribbean, Asia, an other parts of the world. But killing NAFTA does not change what already has occurred. If anything, NAFTA will encourage U.S. companies that have factories in Asia to move back to North America. Frankly a factory in Mexico is much more likely to use American suppliers than a factory in Asia.

And the fact is, as I explained earlier, we are not losing jobs now in Mexico, we are gaining jobs. Implementing NAFTA will continue and accelerate those gains.

What would the United States lose if we pass NAFTA? Almost nothing. And what are we getting? Improved access to a market which, while much smaller than ours, is rapidly growing.

Now, no trade agreement can turn Mexico into the economic equivalent of the 52d State in the United States of America. There is no agreement that can make Mexican wages equal to ours overnight. There is no trade agreement that can make the United States Clean Air Act the law of the land in Mexico.

However, because of economic liberation in Mexico, wages have gone up, and NAFTA helps ensure that those increases will continue. From 1987, the beginning of economic liberalization, to 1992, real wages doubled in Mexico. And most recently, Mexico's President announced that Mexico would require the minimum wage to rise with productivity increases.

NAFTA is also proenvironment. The agreement contains provisions to protect standards in the United States and improve the situation in Mexico. In addition, separate negotiations are occurring between the administration and the Mexican Government on creating a stable source of funding for environmental cleanup.

Will some people lose jobs when NAFTA is implemented? Yes, there may be some job loss in certain import-sensitive industries. No trade agreement can guarantee that there will be no job dislocation. Fro those that lose jobs, there will be a worker dislocation bill to provide income support, training, and job placement assistance. There will be a safety-net for those who lose any job, not just jobs related to plant closures.

What is absolutely clear, however, is that we will gain many more jobs than we will lose. The last 5 years of Mexico-United States trade is the most eloquent testimony to the truth of that statement. Even with low Mexican wages, and even though the United States had a serious recession, we went from a trade deficit with Mexico to a trade surplus—and what that means is that we did not lose jobs, we gained jobs from United States-Mexico trade over that period. While plant openings and expansions are often less visible than plant closings and dislocations, they are no less real. The new jobs are real jobs, not illusory; the economic benefits are real benefits, not illusory.

Mr. President, my goal is to build a better future for our children. One part of what we must do to accomplish that goal is to maintain and enhance our international competitiveness. And part of what it takes to accomplish that goal is a trade policy that accepts the fact that we are part of a global economy.

In the end, that is what NAFTA is—the continuation of longstanding U.S. trade policy, and a recognition that we will prosper in an expanding global trading environment.

The decision on NAFTA is a decision on whether to choose hope or fear. In 1930, in the notorious Smoot-Hawley tariff bill, Congress chose fear, and made the Great Depression much, much worse.

This year, I think we must choose hope. NAFTA is about a confident, competitive, future-oriented America. It is about expanding opportunities. It is about creating jobs and improving standards of living by expanding the economic pie through trade and higher economic growth. It rejects the view that trade is a zero-sum game, where for every winner, there must be a loser, in favor of a win-win game of expanded economic opportunity for both the United States and Mexico.

NAFTA represents our future. It is the only trade policy that makes sense for a strong, outward-looking country like the United States. It makes sense for America; it makes sense for American workers. It is time to move forward with NAFTA.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I think we can now return to the amendment before the body.

Mr. President, I ask unanimous consent that Senator HELMS and Senator SIMPSON be added as original cosponsors of the amendment.

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

AMENDMENT NO. 1109, AS MODIFIED

Mr. EXON. Mr. President, I send a modification of the amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment (No. 1109), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PAYMENT OF FEDERAL BENEFITS TO ILLEGAL ALIENS.

(a) DIRECT FEDERAL FINANCIAL BENEFITS.—Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, on or after the date of enactment of this Act, to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act.

(b) UNEMPLOYMENT BENEFITS.—No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment compensation under an unemployment compensation law of a State or the United States.

(c) DEFINITION.—In this section, "person not lawfully within the United States" means a person who at the time the person applies for, receives, or attempts to receive a Federal financial benefit is not a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status for purposes of the immigration laws.

(d) FEDERAL EDUCATION BENEFITS TO PRIMARY AND SECONDARY SCHOOLS.—Nothing in this section shall be construed to prohibit direct federal financial benefits to children in primary or secondary schools.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I believe we can accept this amendment. I ask the distinguished Senator from Delaware, the chairman of the committee, if he will accept this amendment.

Mr. BIDEN. Mr. President, we have——

Mr. EXON. Mr. President, may I interrupt? Something has happened that I was fearful might happen. I have just been advised that a Senator has a question about the amendment, and he is rushing over to the floor.

Here we go again.

I do think, to honor the request of the Senator coming to the floor, that we should set this matter aside temporarily once again, and I so ask.

The PRESIDING OFFICER. Without objection, the amendment will be temporarily laid aside.

Mr. EXON. Mr. President, once again, in anticipation, I had been fearful of what is about to take place, but I have always insisted on the rights of Senators under the rules of the Senate.

Let me say that if we can agree on the amendment with the addition that I certainly agree with, I will not insist on a rollcall vote. But if we are going to get into extended debate on this matter, I may insist on a rollcall vote to give the Senate an opportunity to speak to this matter once again. I simply advise that the last time this matter came up on the floor of the Senate for a vote, it was July 13, 1989, as the CONGRESSIONAL RECORD of that date on page S866 will demonstrate. The Senate overwhelmingly approved a very similar amendment with 93 yeas and 6 nays.

I have not insisted on a rollcall vote because I believe that the managers of the bill know full well the overwhelming spirit and feeling of the Senate on this matter. I am not—at least at this juncture—going back to the proposition that is so often used here, that I want a rollcall vote so that we will not be sold out in conference with the House. I have every confidence in the managers of the bill. I think they know full well the past history of this. I think they know how the Senate feels about this at this particular juncture.

So I would hope that after the Senator who is on his way over to the floor has whatever he wants to say about this bill—if we do not get into extended debate—which I think is not necessary, because I think no votes are going to be changed. The Senator coming to the floor was one of the six Senators who opposed this bill. Certainly, the Senator has the right to offer anything he wants, and if he insists on a rollcall vote so that he can offer his objection once again, I will not be against that.

With that, I yield the floor, with apologies and trepidations. I yield to any comments of the managers of the bill and, possibly, we can set it aside and proceed to other matters, unless the Senator appears on the floor momentarily.

Mr. HATCH. Mr. President, as I understand the parliamentary situation, it is that the Exon amendment is temporarily set aside.

The PRESIDING OFFICER. That is correct.

Mr. HATCH. I am happy to wait with him to see if we can resolve his problems, because I think his amendment, as modified, is very good.

AMENDMENT NO. 1110

(Purpose: To combat telemarketing fraud)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1110.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new title:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Citizens Against Marketing Scams Act of 1993".

SEC. 2. FINDINGS AND DECLARATION.

The Congress makes the following findings and declaration:

(1) Unprecedented Federal law enforcement investigations have uncovered a national network of illicit telemarketing operations.

(2) Most of the telemarketing industry is legitimate, employing over 3,000,000 people through direct and indirect means.

(3) Illicit telemarketers, however, are an increasing problem which victimizes our Nation's senior citizens in disproportionate numbers.

(4) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Department of Justice are not sufficient to ensure that there is adequate investigation of, and protection from, such fraud.

(5) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact. Telemarketers can also be very mobile, easily moving from State to State.

(6) It is estimated that victims lose billions of dollars a year as a result of telemarketing fraud.

(7) Consequently, Congress should enact legislation that will—

(A) enhance Federal law enforcement resources;

(B) ensure adequate punishment for telemarketing fraud; and

(C) educate the public.

SEC. 3. ENHANCED PENALTIES FOR TELEMARKETING FRAUD.

(a) OFFENSE.—Part I of title 18, United States Code, is amended—

(1) by redesignating chapter 113A as chapter 113B; and

(2) by inserting after chapter 113 the following new chapter:

"CHAPTER 113A—TELEMARKETING FRAUD

"Sec.
"2325. Definition.
"2326. Enhanced penalties.
"2327. Restitution.

"§ 2325. Definition

"In this chapter, 'telemarketing'—

"(1) means a plan, program, promotion, or campaign that is conducted to induce—

"(A) purchases of goods or services; or

"(B) participation in a contest or sweepstakes,

by use of 1 or more interstate telephone calls initiated either by a person who is conducting the plan, program, promotion, or campaign or by a prospective purchaser or contest or sweepstakes participant; but

"(2) does not include the solicitation of sales through the mailing of a catalog that—

"(A) contains a written description or illustration of the goods or services offered for sale;

"(B) includes the business address of the seller;

"(C) includes multiple pages of written material or illustration; and

"(D) has been issued not less frequently than once a year,

if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls take orders without further solicitation.

"§ 2326. Enhanced penalties

"An offender that is convicted of an offense under 1028, 1029, 1341, 1342, 1343, or 1344 in connection with the conduct of telemarketing—

"(1) may be imprisoned for a term of 5 years in addition to any term of imprisonment imposed under any of those sections, respectively; and

"(2) in the case of an offense under any of those sections that—

"(A) victimized a significant number of persons over the age of 55; or

"(B) targeted persons over the age of 55,

may be imprisoned for a term of 10 years in addition to any term of imprisonment imposed under any of those sections, respectively.

"§ 2327. Restitution

"In sentencing an offender under section 2326, the court shall order the offender to pay restitution to any victims and may order the offender to pay restitution to others who sustained losses as a result of the offender's fraudulent activity.".

(b) TECHNICAL AMENDMENTS.—

(1) PART ANALYSIS.—The part analysis for part I of title 18, United States Code, is amended by striking the item relating to chapter 113A and inserting the following:

"113A. Telemarketing fraud 2325
"113B. Terrorism ..... 2331".

(2) CHAPTER 113B.—The chapter heading for chapter 113B of title 18, United States Code, as redesignated by subsection (a)(1), is amended to read as follows:

"CHAPTER 113B—TERRORISM".

SEC. 4. FORFEITURE OF FRAUD PROCEEDS.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) The Court, in sentencing an offender under section 2326, shall order that the offender forfeit to the United States any real or personal property constituting or derived from proceeds that the offender obtained directly or indirectly as a result of the offense.".

SEC. 5. INCREASED PENALTIES FOR FRAUD AGAINST OLDER VICTIMS.

(a) REVIEW.—The United States Sentencing Commission shall review and, if necessary, amend the sentencing guidelines to ensure that victim related adjustments for fraud offenses against older victims over the age of 55 are adequate.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Sentencing Commission shall report to Congress the result of its review under subsection (a).

SEC. 6. REWARDS FOR INFORMATION LEADING TO PROSECUTION AND CONVICTION.

Section 3059 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) In special circumstances and in the Attorney General's sole discretion, the Attorney General may make a payment of up to $10,000 to a person who furnishes information unknown to the Government relating to a possible prosecution under section 2325 which results in a conviction.

"(2) A person is not eligible for a payment under paragraph (1) if—

"(A) the person is a current or former officer or employee of a Federal, State, or local government agency or instrumentality who furnishes information discovered or gathered in the course of government employment;

"(B) the person knowingly participated in the offense;

"(C) the information furnished by the person consists of an allegation or transaction that has been disclosed to the public—

"(i) in a criminal, civil, or administrative proceeding;

"(ii) in a congressional, administrative, or General Accounting Office report, hearing, audit, or investigation; or

"(iii) by the news media, unless the person is the original source of the information; or

"(D) when, in the judgment of the Attorney General, it appears that a person whose illegal activities are being prosecuted or investigated could benefit from the award.

"(3) For the purposes of paragraph (2)(C)(iii), the term 'original source' means a person who has direct and independent knowledge of the information that is furnished and has voluntarily provided the information to the Government prior to disclosure by the news media.

"(4) Neither the failure of the Attorney General to authorize a payment under paragraph (1) nor the amount authorized shall be subject to judicial review.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1994 for the purposes of carrying out this Act and the amendments made by this Act—

(1) $10,000,000 for the Federal Bureau of Investigation to hire, equip, and train no fewer than 100 special agents and support staff to investigate telemarketing fraud cases;

(2) $3,500,000 to hire, equip, and train no fewer than 30 Department of Justice attorneys, assistant United States Attorneys, and support staff to prosecute telemarketing fraud cases; and

(3) $10,000,000 for the Department of Justice to conduct, in cooperation with State and local law enforcement agencies and senior citizen advocacy organizations, public awareness and prevention initiatives for senior citizens, such as seminars and training.

SEC. 8. BROADENING APPLICATION OF MAIL FRAUD STATUTE.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SEC. 9. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.

Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (3); and

(B) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly and with intent to defraud effects transactions, with 1 or more access devices issued to another person or persons, to receive payment or any other thing of value during any 1-year period the aggregate value of which is equal to or greater than $1,000;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;";

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 10. INFORMATION NETWORK.

(a) HOTLINE.—The Attorney General shall establish a national toll-free hotline for the purpose of—

(1) providing general information on telemarketing fraud to interested persons; and

(2) gathering information related to possible violations of this Act.

(b) ACTION ON INFORMATION GATHERED.—The Attorney General shall work in cooperation with the Federal Trade Commission to ensure that information gathered through the hotline shall be acted on in an appropriate manner.

Mr. HATCH. Mr. President, the amendment, the Senior Citizens

Against Marketing Scams Act of 1993, the SCAMS bill, is identical to a bill, S. 557, which passed the Senate earlier this year. We passed this bill with broad bipartisan support, and you will note that my chairman of the committee is my prime cosponsor on this bill.

S. 557 was cosponsored by Senators BIDEN, THURMOND, MOSELEY-BRAUN, DECONCINI, SIMPSON, HATFIELD, COHEN, and PRESSLER. That bill is currently pending in the House Judiciary Committee. This important amendment is aimed at better equipping Federal law enforcement and victims in the interest of preventing, investigating, and prosecuting telemarketing fraud. It has broad bipartisan support, as well as the support of the American Telemarketing Association.

Earlier this year, the FBI announced the result of an unprecedented undercover investigation into telemarketing fraud that began more than 2 years ago in Salt Lake City, UT, my hometown.

Unfortunately, the trusting people of my home State have been favorite targets of scam artists—but it is true in every State in this country. Several hundred arrests were made nationally in an operation encompassing 18 FBI field offices. The FBI should be commended. Still, more can and should be done. SCAMS authorizes the necessary Federal resources to combat telemarketing fraud. SCAMS also creates a new Federal statute criminalizing telemarketing fraud and enhances penalties for these crooked acts when senior citizens are the principal victims. It also establishes a reward program for tips leading to convictions of telemarketing crooks and provides for public prevention and awareness for senior citizens.

The FBI estimates that annual losses to the public, especially senior citizens, from illicit telemarketing operations to be in the billions of dollars every year. A Lou Harris survey indicates that over 5 million Americans have made telephone purchases that they felt were based on false representations. Of those cheated out of their money, less than one-third reported the matter to authorities. Continued law enforcement and greater public education can bring about an end to these scams. Adoption of this amendment, SCAMS, will accomplish this goal.

So, for that reason, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1110) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia [Mr. ROBB] is recognized.

Mr. ROBB. Mr. President, might I inquire if there are any pending amendments that might have to be laid aside in order for me to offer an amendment at this time?

The PRESIDING OFFICER. The Exon amendment has already been temporarily laid aside. There is no requirement to do so.

AMENDMENT NO. 1111

(Purpose: To establish a commission on violence in schools)

Mr. ROBB. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] proposes an amendment numbered 1111.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 368, between lines 2 and 3, insert the following:

Subtitle D—Commission on Violence in Schools

SEC. 1731. ESTABLISHMENT SCHOOLS.

There is established; subject to appropriations, a commission to be known as the "National Commission on Violence in America's Schools" (referred to in this subtitle as the "Commission").

SEC. 1732. PURPOSES.

The purposes of the Commission are—

(1) to develop comprehensive and effective recommendations to combat the national problem of national scale and prepare a report including an estimated cost for implementing any recommendations made by the Commission;

(2) to study the complexities, scope, nature, and causes of violence in the Nation's schools;

(3) to bring attention to successful models and programs in violence prevention and control;

(4) to recommend improvements in the coordination of local, State, and Federal agencies in the areas of violence in schools prevention; and

(5) to make a comprehensive study of the economic and social factors leading to or contributing to violence in schools and specific proposals for legislative and administrative actions to reduce violence and the elements that contribute to it.

SEC. 1733. DUTIES.

The Commission shall—

(1) define the causes of violence in schools;

(2) define the scope of the national problem of violence in schools;

(3) provide statistics and data on the problem of violence in schools on a State-by-State basis;

(4) investigate the problem of youth gangs and their relation to violence in schools and provide recommendations as to how to reduce youth involvement in violent crime in schools;

(5) examine the extent to which weapons and firearms in schools have contributed to violence and murder in schools;

(6) explore the extent to which the school environment has contributed to violence in schools; and

(7) review the effectiveness of current approaches in preventing violence in schools.

SEC. 1734. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall consist of 25 members, as follows:

(A) PRESIDENT.—Five persons appointed by the President.

(B) SENATE.—Five persons appointed by the majority leader of the Senate and five persons appointed by the minority leader of the Senate.

(C) HOUSE OF REPRESENTATIVES.—Five persons appointed by the Speaker of the House of Representatives, and five persons appointed by the minority leader of the House of Representatves.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing individuals as members of the Commission, the President and the majority and minority leaders of the House of Representatives and the Senate shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) law enforcement; and

(v) ethnography and urban poverty, including health care, housing, education, and employemnt.

(b) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed within 60 days after the date of the enactment of this Act for the life of the Commission.

(c) MEETINGS.—The Commission shall have its headquarters in the District of Columbia, and shall meet at least once each month for a business session that shall be conducted by the Chairperson.

(d) QUORUM.—Thirteen members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—No later than 15 days after the members of the Commission are appointed, such members shall designate a Chairperson and and Vice Chairperson of the Commission.

(f) CONTINUATION OF MEMBERSHIP.—If a member of the Commission later becomes an officer or employee of any government, the individual may continue as a member until a successor is appointed.

(g) VACANCIES.—A vacancy in the Commission shall be filed not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(h) COMPENSATION.—

(1) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance withsections 5702 and 5703 of title 5, United States Code.

SEC. 1735. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—The Chairperson shall appoint a director after consultation with the members of the Commission, who shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the director may appoint personnel as the director considers appropriate.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this Act.

(f) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, as well as agencies and elected representatives of the executive and legislative branches of government. The Chairperson of the Commission shall make requests in writing where necessary.

(g) PHYSICAL FACILITIES.—The General Services Administration shall find suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 1736. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devices of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devices shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1737. REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) REPORTS.—

(1) INTERIM REPORT.—The Commission shall submit an interim report to the President and the Congress not later than one year before the termination of the Commission. The interim report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative and administrative action based on the Commission's activities to date. A strategy for disseminating the report to Federal, State, and local authorities shall be formulated and submitted with the formal presentation of the report to the President and the Congress.

(2) FINAL REPORT.—Not later than the date of the termination of the Commission, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, and recommendations, including an assessment of the extent to which recommendations of the Commission included in the interim report under paragraph (1) have been implemented.

(c) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public upon request.

SEC. 1738. TERMINATION.

The Commission shall terminate on the date which is two years after the members of the Commission have met and designated a Chairperson and Vice Chairperson.

SEC. 1739. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to enable the Commission to carry out its duties under this subtitle.

Mr. ROBB. Mr. President, times tend to change. I wish I could say they always change for the better, but look at the change just 50 years has brought.

In 1940, in public school, teachers cited the top disciplinary problems as talking out of turn, chewing gum, students making noise, running in the halls, cutting in line, dress code violations, and littering.

Here is the same list 50 years later: drug abuse, alcohol abuse, pregnancy, suicide, rape, robbery, and assault.

Mr. President, schools are supposed to be about reading, writing, and arithmetic. Schools are supposed to provide an atmosphere conducive to learning about the ABC's and the 1, 2, 3's. But students in many of today's schools have traded the ABC's for the PCP's, the Base 10 for Mack 10, and the multiplication table for the autopsy table.

They are learning new skills, such as how to deal with classmates getting wounded with knives and killed by handguns.

They are learning how to arm themselves, to wear bullet-proof clothing, and to carry weapons to school.

They are learning what to do if a drive-by-shooting alarm rings. They are learning about violence. And they are learning about the nature of living in fear.

These are our schools, Mr. President. And for many children, this is education in the nineties. School violence is on the rise, and not just in inner cities. Rural areas are also being affected.

Behind the rise in school violence is a chilling shift in adolescent attitudes, most vividly seen as a sharp drop in respect for life. For many students, just going to school is an act of courage.

The issue of violence in schools is complex and needs to be addressed on a national scale. To do that, we need to know exactly what we are dealing with. We need to know the causes of violence in schools and to examine the extent to which guns and drugs contribute to the problem.

That is why I am offering an amendment which would establish a 2-year Commission to study violence in our Nation's schools. This Commission, to be titled the National Commission on Violence in Schools, will have four specific responsibilities.

First, the Commission will clearly define the causes of violence in school and examine how weapons and drugs contribute to the problem.

Second, the Commission will define the scope of the national problem and provide statistics and data on the problem of violence in schools on a State-by-State basis.

Third, the Commission will review current approaches used to prevent violence in schools at present and will review coordination of local, State, and Federal efforts.

Fourth, the Commission will make recommendations to the President and Congress as to how violence in schools should be handled on the national level.

Agreeing to this amendment will demonstrate to our Nation's children that we are concerned about their safety, we are concerned about their fears, and that we are prepared to do something about them. I ask my colleagues to support this amendment so that we can place learning about the 3 R's back as our top priority in schools.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I rise to compliment the Senator from Virginia. He has obviously underscored the gravity of the depth of the problem that we face these days, the children face.

All you have to do is turn on the television and listen, not to the police, not to the teachers, not to the administrators, listen to the children. Listen to the children. They are afraid. They are going to school afraid. They are afraid for their safety. They are afraid for their lives in some circumstances, in some cases and, quite frankly, what happens is it generates this epidemic of fear.

If I can make an analogy, you recall during the Los Angeles riots for the longest time there was an overwhelming impetus against any kind of gun control in the West L.A. community where a number of liberal people lived and the place from which antigun legislation was being generated.

Right after those riots, all of a sudden we found those very people—I do not have any studies or personals or anything; I do not offer it in that sense. You turn on the television, these

very people who were the people saying, "my Lord, we have to do something about guns," say, "my Lord, I have to get myself a gun."

It feeds on itself. The violence in the school feeds on itself. So you have children going to school carrying weapons, who would have never carried a weapon were it not for the fact they had to carry a weapon to protect themselves.

For those of us who are old enough to be in this body we, in fact, find it, I think, bizarre to think that you go to school—our worst fear was you go to school and the guy who was the bully in the class may be waiting for you around the corner, or you get embarrassed that you have to fight him afterschool out in the football field, and you did not want to do that, or something to that effect. Or, the worst of all cases, you had some dead-end kid who might have a straight razor in his sock or a switch blade.

My Lord, these kids would relish the prospect of only having to worry about a straight razor or switch blade. They are worried about semiautomatic weapons or .22 pistols, like in the schools where my wife taught in New Castle County in Delaware.

I compliment my friend from Virginia on making sure that we do something and focus the attention of the Nation and get some consensus.

I held hearings on violence in schools last year, and the information the Judiciary Committee gathered was astounding. In some school districts gun attacks have literally doubled. Today, as children got up, got on their school buses, public transportation, in their parents' cars, in their own cars, or with their sneakers by way of foot headed for school, 130,000 of them—according to our studies in the Judiciary Committee—130,000 went packing a weapon, a loaded gun in their knapsack, in their lunch bag, under their baggy shirt, in the back of their pants—130,000. That is outrageous.

And by the way, I might point out, and I will end, more teachers have been killed in the line of duty than police officers. Hear what I just said: more teachers, teachers in the classroom, in a parking lot, on the way to their cars, at their doorstep at home—teachers.

So I cannot thank the Senator enough for his initiative. I know, having been a former Governor, he knows about the details of this plight of public education and violence in our school system better than the Senator from Delaware does. I compliment him for his leadership, and I wholeheartedly and gladly accept the amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank the distinguished chairman of the Judiciary Committee and the Senator from Delaware for underscoring the importance of this particular situation as it exists today. It is truly scary.

I had seen the statistics that the Senator from Delaware made reference to with respect to teachers in terms of the total number of fatalities being greater than police officers. The particular information that is depicted on this particular chart was actually carried in last year's U.S. News & World Report. It was prepared on data that was put together by the Congressional Quarterly researcher.

It is, frankly, scary because most of us who may have been alive, rather young in 1940 and remember schools as a relatively benign place and have not seen some of the conditions which exist and under which teachers and pupils are expected to operate in a learning environment today, need to do so, because it is truly frightening.

I hope that this amendment will be accepted and that this Commission will help to shed additional light on the ways that the Federal Government as well as the State and local Governments, working in concert, can make some constructive changes to address a very serious problem and a problem not only with respect to crime—and this is part of the crime bill—but with respect to the atmosphere for learning which is degraded or imperiled by the kind of activities that we are talking about today.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. BIDEN. Mr. President, I believe the Senator from Utah can accept the Senator's amendment, too. That is my understanding.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am happy to accept the amendment and compliment the Senator for his efforts in this regard.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. Mr. President, would you please advise this Senator as to the parliamentary situation at this moment? We were considering the Exon amendment. It was temporarily set aside to consider the matter by Senator ROBB. So the pending amendment before the Senate is the Robb amendment?

The PRESIDING OFFICER. The Senator from Nebraska is correct. The pending business is the Robb amendment.

Mr. EXON. Could I ask, since there has been some delay on the Robb amendment, that we temporarily set aside the Robb amendment and return to the Exon amendment, which I would like to move the question on at this time.

I, unfortunately, misadvised the Senate some time ago, because I was misadvised, that the Senator in question was on his way to the floor. The Senator could have crawled to the Senate floor in the time that this has taken.

I do not wish to be a truant officer, but I think far too often this body, in attempting to yield to the concerns of all Senators, finds itself playing a truant officer for those who cannot be here when they had adequate notice.

Therefore, if it is in order, I ask unanimous consent that the Robb amendment be temporarily set aside to return to consideration of the Exon amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object. Obviously, we will lay it aside if that is what the Senator wishes to do. But, as the manager of the bill, as he knows, if a Democratic Senator is waiting to speak on it, we will not go to a vote on the Exon Amendment. But I would be delighted to return to it. As he knows too well, the practice and procedure here is you must protect the right of a Senator to come and speak, even if he is crawling.

Mr. HATCH. Mr. President, I ask unanimous consent that the Robb amendment be temporarily set aside, as well, so I can call up another amendment that will be accepted.

The PRESIDING OFFICER. The Senator from Nebraska has already made that request.

Mr. HATCH. That both amendments be temporarily set aside?

The PRESIDING OFFICER. Well, the pending request before the body is the request of the Senator from Nebraska, a unanimous consent request, to temporarily lay aside the Robb amendment. So that would be the business before the Senate.

Mr. HATCH. I have the same unanimous consent request.

The PRESIDING OFFICER. The Chair could not hear the Senator.

Mr. HATCH. I agree with that. I hope we will temporarily set that aside so I can call up an amendment and agree to it.

The PRESIDING OFFICER. The Chair advises the Senator from Utah that the Senator from Nebraska is requesting unanimous consent for the Robb amendment to be temporarily laid aside so that we could return to the Exon amendment.

Mr. HATCH. If I could ask the distinguished Senator from Nebraska to defer to me to temporarily set aside both amendments so I can bring up an amendment that has no objection and pass it, I would appreciate it. Then we

would go back to his unanimous consent.

Mr. EXON. Let us me see if I understand what the Senator is suggesting. The Senator wants to set aside both the Robb amendment and the Exon amendment for what purpose?

Mr. HATCH. So that I can send an amendment to the desk that will be accepted.

Mr. EXON. I withdraw my request.

Mr. HATCH. Mr. President, I ask unanimous consent that we temporarily set aside the Robb amendment so I can send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The Robb amendment is temporarily laid aside and the Exon amendment will continue to be temporarily laid aside.

The Senator from Utah.

AMENDMENT NO. 1112

(Purpose: To amend section 526 of title 28, United States Code, to authorize awards of attorney's fees)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1112.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . AWARDS OF ATTORNEY'S FEES.

Section 526 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1)(A) A current or former Department of Justice attorney; agent; or employee who supervises an agent who is the subject of a criminal or disciplinary investigation, instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in prosecuting or investigating a criminal matter, who is not provided representation under Department of Justice regulations, shall be entitled to reimbursement of reasonable attorney's fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

"(B) A current or former attorney; agent; or employee who supervises an agent employed as or by a Federal public defender who is the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in defending or investigating a criminal matter in connection with the public defender program, who is not provided representation by a Federal public defender or the Administrative office of the United States Courts is entitled to reimbursement of reasonable attorney's fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

"(2) For purposes of paragraph (1), an investigation shall be considered not to result in adverse action against an attorney, agent, or employee if—

"(A) in the case of a criminal investigation, the investigation does not result in indictment of, the filing of a criminal complaint against, or the entry of a plea of guilty by the attorney, agent, or supervising employee; and

"(B) in the case of a disciplinary investigation, the investigation does not result in discipline or results in only discipline less serious than a formal letter of reprimand finding actual and specific wrong-doing.

"(3) The Attorney General shall provide notice in writing of the conclusion and result of an investigation described in paragraph (1).

"(4) An attorney, agent, or supervising employee who was the subject of an investigation described in paragraph (1) may waive his or her entitlement to reimbursement of attorney's fees under paragraph (1) as part of a resolution of a criminal or disciplinary investigation.

"(5) An application for attorney fee reimbursement under this subsection shall be made not later than 180 days after the attorney, agent, or employee is notified in writing of the conclusion and result of the investigation.

"(6) Upon receipt of a proper application under this subsection for reimbursement of attorney's fees, the Attorney General and the Director of the Administrative Office of the United States Courts shall award reimbursement for the amount of attorney's fees that are found to have been reasonably incurred by the applicant as a result of an investigation.

"(7) The official making an award under this subsection shall make inquiry into the reasonableness of the amount requested, and shall consider—

"(A) the sufficiency of the documentation accompanying the request;

"(B) the need or justification for the underlying item;

"(C) the reasonableness of the sum requested in light of the nature of the investigation; and

"(D) current rates for equal services in the community in which the investigation took place.

"(8)(A) Reimbursements of attorney's fees ordered under this subsection by the Attorney General shall be paid from the appropriation made by section 1304 of title 31, United States Code.

"(B) Reimbursements of attorney's fees ordered under this Act by the Director of the Administrative Office of the United States Courts shall be paid from appropriations authorized by section 3006A(1) of title 18, United States Code.

"(9) The Attorney General and the Director of the Administrative Office of the United States Courts may delegate their powers and duties under this subsection to an appropriate subordinate.".

Mr. HATCH. Mr. President, this amendment is a fairness amendment. It allows Department of Justice employees, such as young assistant U.S. attorneys, to recover a reasonable attorneys fee when they are exonerated in an internal departmental investigation or Federal criminal investigation. Currently, they are unable to do so and must bear the cost of their successful defense against charges of illegality or misconduct.

High-ranking officials investigated by the Independent Counsel who are exonerated can get a reasonable attorney's fee. This amendment extends that right to lower ranking Department of Justice employees when they are investigated and exonerated in an internal department or Federal criminal investigation.

This was brought to my attention by none other than the world-renowned author Scott Thurow, who used to be, as I recall, an assistant U.S. attorney and who at one time had this problem himself. Of course, being a successful author, he was able to pay his own attorney's fees. But many of these younger employees do not have the money, and some of the inquiries and some of these investigations are not fair to them. And when they win them, they ought to be able to have assistance.

I understand this amendment is acceptable to both sides, and I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BIDEN. Yes, Mr. President.

I support the amendment. I have to clear one additional hurdle. The Appropriations Committee may have some objection about this being a direct appropriation, and, as we operate by our rules around here, they may have an objection. It was just called to my attention. I apologize to my friend from Utah. I do not have it cleared through the Appropriations Committee on our side at this point. I support the Senator's amendment.

Mr. HATCH. I understand. I do not think this would be a direct appropriation. It just says the Government has some responsibility when these people have been investigated and exonerated to help them with attorney's fees, which they clearly cannot afford to pay. I had not heard of any objection by the distinguished leaders of the Appropriations Committee, but I hope we can clear this.

Mr. BIDEN. The problem, Mr. President, is we have not seen the precise language. If the language makes it clear it is not a direct appropriation, then we are cleared to be able to accept the amendment. My staff is looking at that as we speak.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBB. 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. ROBB. What is the pending business, Mr. President?

The PRESIDING OFFICER. The pending business is the Hatch amendment. We have also temporarily laid aside the Robb amendment and the Exon amendment.

Mr. ROBB. Mr. President, I ask unanimous consent that the pending Hatch amendment be temporarily laid aside and that the Senate resume consideration of the Robb amendment. If that is granted, I have an additional request.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware, Senator BIDEN, is recognized.

Mr. BIDEN. Mr. President, I respectfully suggest that everyone be just a little bit patient. We will resolve all three of these matters within the next 2 or 3 minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

AMENDMENT NO. 1109, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I would like to address myself to the amendment just presented on the subject of denying Federal moneys to any program that funds illegal aliens, as I understand it.

My office has been in contact with the Governor's office in the State of California, who views this amendment with considerable alarm.

We have literally hundreds of millions of dollars in costs on the local jurisdiction already California being a State with 50 percent of all of the illegal aliens in this country. If there are 4 million, as estimated, over 2 million of them are located in the State of California. This is an enormous drain on the revenues. Undocumented immigrants make up about 13 percent of our State prison population. It is an especially high percentage in Los Angeles County. Our SLIAG moneys run in the hundreds of millions of dollars also.

To accept this amendment is essentially to transfer a huge cost, in addition to the costs that are already there, on every State in this Union that has a large number of illegal immigrants. I very much regret having to do this because I think I understand what my distinguished colleague is trying to do. On the other hand, for those States—and there are quite possibly at least six or seven—this could be just an unsupportable burden. So, regretfully, I must rise to oppose the amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, as the chairman of the committee will know, early on—last night, again this morning—the Senator from Nebraska appealed for a time agreement. In the wisdom of the chairman of the committee, that was not necessary, or should not be granted. I suggest at this time that, if we want to debate this, fine. If we want to stay here all day long and all miss our airplanes, that I do not intend to miss—I will not go, if I have to be here doing my duty. I would simply say, certainly I have listened with great interest to my colleague from California. I would simply tell my colleague from California the last I knew, Pete Wilson was Governor of the State of California.

I ask, without losing my right to the floor, is that correct?

Mrs. FEINSTEIN. The Senator is correct.

Mr. EXON. I would advise my colleague from California that, when this amendment was voted on last on the floor of the U.S. Senate, then-Senator Pete Wilson voted in support of this proposition.

Everyone has a right to change his or her mind, but I simply say I am curious to know why former Senator Wilson, now Governor Wilson, who has made, among other things, great political hay—we are advised in the newspapers of a political comeback—by making allegations about stopping illegal immigration, notwithstanding my understanding of the problems that this might cause to some degree, I would have thought Governor Wilson, former Senator Wilson, should have some explanation for how he voted on this matter the last time and now he seems to view it differently as Governor of the State of California.

Of course, consistency is not the prime virtue of this organization.

Mr. BIDEN. Will the Senator yield for a unanimous consent request on time?

Mr. EXON. I do.

Mr. BIDEN. Mr. President, I ask unanimous consent debate on the Exon amendment be a total of 40 minutes, equally divided between the opponents and proponents, and we vote on the Exon amendment at quarter to 12; and no second-degree amendments be in order.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request proposed by the Senator from Delaware?

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, I might object because of the insertion of the last statement, relative to no second-degree amendments.

I hope during the course of the debate we might be able to persuade the body that some modification of this is appropriate.

So I will be unable to accept the unanimous consent agreement that would foreclose that, but would be willing to consider a time limitation that would sanction a second-degree amendment with appropriate time to discuss such second-degree amendment or amendments.

Mr. BIDEN. I withdraw the request.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair would remind the Senator from Nebraska that the pending business is the Hatch amendment at this point.

Mr. EXON. I ask unanimous consent that for the purpose of seeking approval for a rollcall vote, that other amendments ahead of the Exon amendment be temporarily set aside so the request from the Senator from Nebraska for a rollcall vote may be considered. Then I will yield the floor.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Nebraska retains the floor.

Mr. EXON. Mr. President, it seems to me what I feared last night, what I feared this morning, has now happened. I will simply say that it will be the intention of this Senator to not be Mr. Nice Guy on this legislation which could have been passed a long time ago when other Senators, who had full knowledge of the fact that this amendment was being offered, were off doing other things. That is their right.

But I will simply advise the Chair, although the Senator from Nebraska has other things to do also, as do many of my colleagues, that if we move forward on this—we will be moving forward or backward, depending on your point of view—as quickly as possible to a resolution—and maybe unlimited debate on the Exon amendment—because I think this is something, as an issue of fairness, which should be voted on up or down.

As I already said, this has passed the U.S. Senate with the assistance of former Senator Pete Wilson, on a vote of 93 to 6, 2 or 3 years ago.

I am prepared to enter into debate on this matter, but I think we should get on with it rather than putting it aside once again and stringing this matter out.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah [Senator HATCH].

Mr. HATCH. We are trying to clear the Thurow amendment. Since we have someone from the Appropriations Committee to do that, we will dispose of

that and get that out of the way. Hopefully, we can clear the amendment of the distinguished Senator from Virginia. That would leave our colleague to do his amendment.

I apologize. I thought we were going to accept the Senator's amendment. I apologize, having gotten these other amendments ahead of his, because I thought this would be cleared long before now. Let us hope we get somebody from the Appropriations Committee here.

Ms. MOSELEY-BRAUN. Will the Senator yield?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware [Mr. BIDEN] is recognized.

Mr. BIDEN. We have someone from the Appropriations Committee. If there is objection to the Exon amendment, debate it, give the Senator a chance to vote or not vote on his amendment. Let us stay on the Exon amendment until we finish the Exon amendment and move on.

I am going to object to any further unanimous consent requests for anybody to do anything about anything until the Exon amendment is disposed of.

What is before the Senate at the moment?

The PRESIDING OFFICER. Pending at this time is the Hatch amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Senator HATCH] is recognized.

Mr. HATCH. If I can have the attention of the distinguished Senator from Florida and the distinguished Senator from California, Mr. President, it is my understanding that the Hatch amendment, the Thurow amendment that I have filed, is acceptable to the Appropriations Committee.

Mr. BIDEN. It is not acceptable to the Senator from Delaware. I do not know how many times I have to say that. It is not acceptable to the Senator from Delaware. If you want to debate the amendment, we will be delighted to debate the amendment. Otherwise, I suggest we move to the Exon amendment.

Mr. HATCH. I am happy to do that.

The PRESIDING OFFICER. The Senator from Utah retains the floor.

Mr. HATCH. Mr. President, if I can have the attention of the distinguished Senators from Florida and California, I ask unanimous consent that the Hatch amendment and the Robb amendment be temporarily set aside so that we can have the debate on the Exon amendment and dispose of it, one way or the other, or let the debate go on. I do not care. I think that is the fair thing to do because the distinguished Senator from Nebraska did wait for a considerable period of time, and all he wants is to debate his amendment and hopefully have a vote on it. If my colleagues will agree to that, it will be a fair thing to do.

Mr. GRAHAM. Did the Senator propound a unanimous consent request?

Mr. HATCH. I asked unanimous consent so we will go right to that debate.

Mr. BIDEN. Regular order.

The PRESIDING OFFICER. The Hatch amendment is pending at this time.

Mr. HATCH. I repeat my unanimous consent request and ask my colleagues to accede to it.

The PRESIDING OFFICER. Call for regular order would take us back to the Exon amendment.

Mr. HATCH. Good enough.

AMENDMENT NO. 1109, AS MODIFIED

The PRESIDING OFFICER. The question is on the Exon amendment.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. We are now on the Exon amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. Mr. President, this is a very fundamental issue we are currently debating. It is an issue of federalism. What is the responsibility of the Federal Government, what is the responsibility of State and local governments under our Constitution?

As we all know, the Federal Government was granted by those initial States certain powers and responsibilities. These were to be the core obligations of the National Government. One of those responsibilities is for naturalization policy; that is, the responsibility for determining who has a right to enter and reside and eventually become a permanent resident or citizen of the United States was vested by the individual States to the National Government. Individual States, therefore, have no capacity, either under law or in resources, to control those persons who gain access to their particular territory.

This is a Federal responsibility. We all bemoan the fact that it is a Federal responsibility which has been breached with such increasing regularity in recent years. As recently as yesterday, some 35 to 40 Haitians arrived on the beach near Miami, FL. They are just the latest of a tide of hundreds of thousands of persons who have arrived in my State alone without legal right of entry over the last 15 or 20 years.

The same thing is true of most other States which face our southern border—California, to Texas, to Arizona and other States that have traditionally attracted large numbers of immigrant refugee populations, such as Illinois and New York.

The Federal Government, having failed to adequately enforce our immigration laws, the result being large numbers of persons in the country illegally, has at least accepted the fact that it now has some financial responsibility for these persons while they are here, and their stay here tends to be protracted because the same Federal Government has set up procedures by which a person can claim, for instance, political asylum, making a claim that "If I am deported, returned to my home country, I will face a legitimate fear of political persecution."

Once that claim is made, very extended administrative and judicial procedures under Federal law are made available to that illegal refugee. Therefore, their stay in this country becomes very extended. In my community, there are persons who have for 10 years been waiting for a resolution of a claim of political asylum.

Recognizing those realities of the Federal inability to enforce our borders and the Federal standards of due process that have been extended to illegal refugees once here, the Federal Government has taken on a limited, and I underscore the word "limited," amount of the financial responsibility for those persons while they are in the United States.

The effect of this amendment is to say to the Federal Government: Having failed to protect our borders, having established procedures that allow for a very protracted stay in the United States, you are now to be prohibited from financially participating in the consequences of their being here. The effect of that is that those communities which happen to have been most impacted by these Federal failures are now going to have to fully assume those costs.

As the Senator from California has already cited, a State under tremendous financial distress for a whole variety of reasons would have this additional burden added on top.

What are some of the practical aspects of this? One of the most obvious is in health care. Jackson Memorial Hospital is one of the large public hospitals in America located in Miami. A very high percentage, 25 to 50 percent, of its births are to mothers who are in the country illegally.

Are we going to say to these mothers, "Do not come to Jackson Memorial Hospital; have your baby in the streets on the sidewalks"? That is not the humanitarian society of America. Therefore, the Federal Government has been making a contribution to pay a portion of the indigent medical costs incident to this population that results at that hospital and similar hospitals across America. The effect of this is going to be that those women will still be delivering their babies in those hospitals, but it is now going to be the financial responsibility of a relatively few communities which happen to carry the major impact of the Federal Government's failure to enforce its immigration policy.

Another area is going to be in law enforcement. The Federal Government

has had a program in which it has made a modest contribution to those States that have large numbers of illegal aliens in their criminal justice system, particularly in their local jails and State prisons. These are people who should not be in the United States at all. Now they are imposing a burden on specific counties, cities, and States because they not only come illegally, they have committed an illegal act since they have been here.

Are we going to say, under this amendment, that those kinds of Federal assistance to States with their tremendous law enforcement demands will be prohibited from providing any Federal support for that kind of an effort?

A third area is in the area of education. There was an amendment offered to the original typed version of the Exon amendment which provides:

(d) Federal education benefits to primary and secondary schools. Nothing in this section shall be construed to prohibit direct Federal financial benefits to children in primary or secondary schools.

That language is a little difficult to understand. What is intended to be prohibited in terms of education? I assume clearly it means the kind of program the Senator from California referred to which is popularly known as SLIAG which was an enactment in the 1986 Immigration Reform Act. SLIAG provides Federal assistance to States to facilitate the transition of their previously illegal alien population into an ability to become self-sufficient. A major part of that is funding for various vocational programs, language programs, and other of those skills that are necessary for a person to become an independent resident within the United States.

I assume, by this restriction of educational benefits to just children in primary and secondary schools, that kind of assistance to adults would no longer be allowed, the consequence being, if you think that the program when passed by Congress in 1986 had any rationale, which was to facilitate that transition, we are now saying either that we were wrong in 1986 or that we do not care whether these people have the ability to become as expeditiously and fully as possible independent and self-supporting.

Those are some of the practical effects of this amendment. We are here debating a bill that has to do with crime. We are trying to discern what is the appropriate Federal role in reducing the level of violence in America. Does anyone think that it will make a contribution to the reduction of violence to have this population, which by most counts is among the most impoverished in America, to be further impoverished, to be restricted in terms of their current meager access to health care, to education, and to assist those communities which have to deal with the current law enforcement problems generated by this population?

Those are the practical effects of this amendment offered to legislation which is intended to enhance, not retard, our ability to deal with the circumstances that cause crime and criminal activity when it has in fact occurred.

Mr. President, I believe this is an amendment which has an obvious motivation in terms of a desire to not spend Federal money where it is inappropriate, but I believe that in selecting this particular object the Federal Government is misconstruingits responsibility. It is totally responsible for our national immigration and refugee laws and procedures. Therefore, it should not be held immune when its inability to enforce our laws results in serious impacts in law enforcement, in education, in health care, and other areas in those communities which happen to be the place where most of these illegal refugees arrive and stay.

Mr. President, I urge the defeat of this amendment or the adoption of a second-degree amendment which might deal with some of the realities of the situation as they exist and make this an amendment that could and would deserve the support of the Senate.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Ms. MOSELEY-BRAUN].

Ms. MOSELEY-BRAUN. I thank the Chair.

Mr. President, I would like to propound some questions to the sponsor of the amendment, the Senator from Nebraska.

Looking at the amendment as modified, section (b) speaks directly to unemployment benefits, and that, it seems to me, is pretty straightforward and clear-cut.

However, I have some questions, specific questions, going to section (a) because I fear the language there is so broad that we may have cast a net that may go further than the Senator from Nebraska intends with this legislation; and, if that is the case, then I think it is important to clarify for the record the intentions of the Senator from Nebraska with regard to section (a) of the amendment.

The first question to the Senator from Nebraska. Senator FEINSTEIN spoke to the issue of SLIAG, which is the State legislative impact assistance grants, as did the Senator from Florida [Mr. GRAHAM]. That program, as the Senator from Nebraska is no doubt aware, helps States to cope with the financial costs associated with illegal immigration. My question to the sponsor of the amendment is, Was it his intention to affect or to wipe out or to diminish in any way SLIAG, State legislative impact assistance grants?

Mr. EXON. In response to the question from the Senator from Illinois, I simply refer to the opening remarks that I made in introducing this measure. In those remarks, I said opponents to this may come in and say what about this? What about that?

I will give a direct answer to my friend from Illinois. Yes, the intent of the Exon amendment is very clear, it is very forthright, and in my view the Exon amendment, hopefully, if passed, would stop any Federal funds that educate adult illegal aliens.

It was this Senator's feeling, after an appeal was made by the managers of the bill to exempt children in elementary and secondary education, especially with regard to the school lunch programs, he should yield on that point. In so doing, I was very fearful I would be setting myself up for the comments that have been made—which, I am sure, is the opinion of the Senator from Illinois—by the Senator from Florida.

But to answer the Senator's question, yes, I hope we would stop paying Federal money for the education of illegal immigrants.

Does that answer the Senator's question?

Ms. MOSELEY-BRAUN. Not exactly. If I may, the SLIAG funds are for more than education. It relates specifically in some instances to naturalization procedures; and, as the Senator from Florida pointed out, to citizenship training. It relates to other, if you will, health care. SLIAG relates to a broad spectrum of issues and concerns, not just education.

I have a question for the Senator from Nebraska on education specifically. But SLIAG is a broad-based program to help States deal with the plethora of issues concerning illegal immigration.

So, again, I guess what I was trying to get the Senator from Nebraska to respond to was, does his concern go to naturalization? Does his concern go to health care? I wanted to go through this specifically because I did not know, and I want to clarify for the record whether the Senator from Nebraska was intending to cast as broad a net as has apparently been cast by section A of this amendment.

So specifically with regard to SLIAG, putting aside for a moment education, was it the Senator's intention that citizenship training would be affected by this amendment?

Mr. EXON. Yes.

Ms. MOSELEY-BRAUN. Is it the Senator's intention that naturalization education would be affected by this amendment?

Mr. EXON. Illegal aliens, yes.

Ms. MOSELEY-BRAUN. The Senator from Nebraska is no doubt aware that under our Immigration and Naturalization Act provisions were made for amnesty, and for the amnesty of certain illegal immigrants; of people who had come to this country under circumstances which at the time were illegal, but under our new system for

granting citizenship status that many of those people were now put in a status that was kind of a gray area; that is to say, they were no longer illegal, they were pending naturalization as U.S. citizens.

My question becomes whether or not this language in section A could be read to cover those individuals as well. The question is, is it the Senator's intention that individuals who are in the process of being naturalized, as under the provisions of the immigration and naturalization laws, be excluded under this section?

Mr. EXON. Yes.

Ms. MOSELEY-BRAUN. To go further, my State of Illinois, I guess some others as well, just recently became victims of the flood of 1993.

We have a tremendous amount of flood damage in parts, particularly in our farm communities. As you can imagine, there are flood victims who may—not certainly, but certainly in some instances—may be illegal aliens, and are not properly certified aliens.

The question is whether or not under section A, is it the Senator's intention that flood victims and farm workers will be included in the prohibition of this amendment?

Mr. EXON. The general answer to the question is yes. I would simply say that I want to draw a distinction. Those aliens that are in the United States under our immigration laws would not be affected by the Exon amendment. It is only those immigrants to the United States who are illegally immigrants to the United States, I say yes.

What I am trying to do is dispel this attitude that the taxpayers of the United States of America who are already overburdened have a responsibility to fix up a home that was damaged in a flood in Illinois. The illegal aliens should not be here in the first place.

What I am trying to get across is that as long as we have the kinds of programs that we now have, we are continuing a magnet, as I explained in my opening remarks, to encourage possibly more people to come in.

I am not trying to be cruel. I am not trying to be inhumane. I am simply trying to be realistic. Certainly, as I say in my opening remarks, I suspect there are going to be all kinds of claims that we cannot do this for a number of reasons.

One of the reasons that I do not think we can do it is because the United States is on the verge of bankruptcy. And we are making some extremely tough cuts in several programs of the Federal Government that assist in most cases, I think admirably, the legal citizens of the United States.

What I am saying is that I think if we are going to come to grips with the budget deficit and soaring national debt, we are going to have to take aim at reducing the benefit of in some instances to the people and legal residents of the United States, and also those illegal immigrants that may be located somewhere in Illinois or anyplace else in the United States who had property lost by flood.

I feel sorry for them. But I think the taxpayers of the United States are beginning to say why are we paying out taxpayers' money, especially at a time like this. There have been references made today to 1986. It was a different time. That was a different era. We were not as much concerned, nor were we as concerned as I think we should have been at that time with regard to the skyrocketing deficit.

But I simply generally say the answer is yes to most of the questions asked by my friend from Illinois.

I think it is time we face it.

Ms. MOSELEY-BRAUN. I thank the Senator. I have a couple of other questions for the Senator from Nebraska. I think there is not a person who would disagree with the concept that charity begins at home, and that we have an obligation to protect the taxpayers' interests. But I daresay one of the reasons for asking the questions—and I have a couple of other specific questions—is that when you throw a net that is so broad, that you may wind up having kind of a slap you in the face. Then this is a problem.

I fear that part of the impact of this amendment will be, as Senator GRAHAM pointed out, to shift costs to the State and local government that result from the Federal Government not doing its job.

So we are into another cost-shifting, finger-pointing, "It is not our problem; you take care of it," kind of situation, No. 1, and No. 2, that we may cause some harm in areas that were not intended.

I would like to go back to specific questions as opposed to kind of general statements. We can all agree on the generalities. It is when you get to the devil-is-in-the-details, when you get to the difficult details of the situation in this amendment language, that is where I think the problem has come.

We have, with regard to your section D under Federal education benefits—this is handwritten on the legislation. It relates specifically to primary and secondary schools. However, the question becomes whether or not, given the language, the broad language of section A, we are talking about prohibiting people who come here, for example, on student visas from being able to take advantage of the support that the Federal Government gives to those institutions of higher learning. Higher education is an issue in this because it has been left out, and seems to be seen in section A of the legislation.

Is it the Senator's intention to prohibit people who have student visas from receiving the benefits of higher educational programs and programs that may be presently available to them?

Mr. EXON. Is the Senator ready for me to answer the question?

Ms. MOSELEY-BRAUN. Absolutely.

Mr. EXON. The answer is a very definitive and absolute yes. I will simply say once again that here we go through this litany. Does the Senator really believe, I say to my friend from Illinois, that her constituents in Illinois believe that if somebody comes into the United States on a visa to go to our schools, they should not pay their own way? Should the Federal Government or local government pay for that? I think not.

I think for far too long the United States of America has been looked at as the sacred cow, if you will, with all of the money in the world, with our streets paved with gold, and if they get here legally, illegally, or by visa, coming here temporarily, they get to take their turn at the trough. The trough is still there, but the food and water that was in the trough—the milk of Federal funds—is drying up. And very definitely, I say to my friend from Illinois, educational benefits, or any other kind of aid for foreigners coming into the United States to get an education, should not be the expense of the taxpayers of the United States, in my view, or the taxpayers of the States involved.

Ms. MOSELEY-BRAUN. To my friend, the Senator from Nebraska, I ask this question: When we make reference to educational benefits, we are not necessarily just talking about scholarships; but there are many instances in which the Federal benefits support an entire curriculum or course of learning or laboratory. Are we suggesting we would not want people who are here as students legally—they would be excluded under the terms of this legislation; people on a student visa would not be able to participate in or to use a laboratory, or stay in a dormitory constructed with Federal funds, or use equipment provided by a Federal program?

Mr. EXON. Is the Senator from Illinois talking about someone who is in here who has violated the visa?

Ms. MOSELEY-BRAUN. No, sir. Someone here on a student visa.

Mr. EXON. If they are here under a legal visa, my feeling is that they should support themselves and not rely on any direct benefits from the Federal Government.

Ms. MOSELEY-BRAUN. To continue——

Mr. EXON. I will interrupt the Senator for just a moment. May I claim the floor for a unanimous-consent request on behalf of the leadership?

Ms. MOSELEY-BRAUN. Certainly.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. EXON. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 947, June Gibbs Brown, to be Inspector General, Department of Health and Human Services.

I further ask unanimous consent that the nominee be confirmed and that any statements appear in the RECORD as if read; that the motion to reconsider be laid on the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nomination, considered and confirmed, is as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

June Gibbs Brown, of Hawaii, to be Inspector General, Department of Health and Human Services.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. EXON. I will answer any further questions of my friend from Illinois.

Ms. MOSELEY-BRAUN. I thank my friend from Nebraska.

Again, I am trying to clarify this for the purposes of the RECORD, regarding the very general language of section (a). It could be read by some to apply to health benefits—specifically, immunization.

As you know, we just passed legislation calling for immunization for all children. Based on the language of section (a), it could be read to mean that illegal alien children should not be immunized. I think the Senator can see the problem with that. Germs do not care whether you have a green card or not. It could cause a health hazard.

My question is: Is it the Senator's intention that immunization would not be available to children of illegal aliens?

Mr. EXON. I say to my friend once again that the statements she is making are statements that I think are legitimate questions. I think those statements pull at the heart strings of many of us. But, yes, this is a tough piece of legislation; it is going to do tough things. But we are asking the legal citizens of the United States of America to do tough things. We are doing tough things here day in and day out and are probably going to be doing more tough things regarding reducing benefits that have been worked into our laws for a number of years.

I simply repeat the general statement in explanation of the series of questions that have been posed by the Senator from Illinois, the statement that I suspect few, if any, heard.

I will repeat it: Opponents of this legislation may ask for sympathy for illegal aliens who have come to depend on the generosity of Uncle Sam. They might cite some compelling stories about illegal aliens in unfortunate situations. I am most sympathetic.

However, there are stories of dire and compelling similar situations for our own citizens. When our Nation is facing a $250 billion deficit, the crushing burden of the Federal debt, Federal dollars to illegal aliens, sympathetic or otherwise, are literally dollars taken away from our own citizens under the law.

So certainly I want to proceed to clarify this as best I can in the minds of my friends, but I think I have forthrightly answered "yes" to most of the questions of the Senator from Illinois. This is some of the sympathy building techniques that I have fully anticipated when this debate began.

Ms. MOSELEY-BRAUN. I say to the Senator from Nebraska, I am not attempting to build sympathy. I am trying to get to the specifics of what is a very general piece of legislation, and to clarify for the purposes of legislative intent the sponsor's wishes with regard to the legislation.

Again, I am asking these questions because the States and local governments will obviously want to know what the Senator's response is to this, as well as other Members.

In the area of law enforcement—and I guess that is kind of how we got here; we started out on the crime bill and got to this amendment. In the area of law enforcement, and particularly with regard to our corrections facilities, in any number of instances a person who is arrested, detained, and incarcerated, a period of time may well pass before it is determined that that individual is not in the country legally.

My question is, Whether it is the sponsor's intention that no Federal support should go to pay for illegal aliens who are incarcerated, who are in jails?

Mr. EXON. This is a very good question. I think it is very appropriate to be addressed by the Senator's question and hopefully my response.

When we talk about penal institutions and things of that nature we are not talking about benefits that go directly to illegal aliens. What we are talking about in that context are funds that go from the Federal Government in some cases to aid in the building of a penitentiary. Certainly under that scenario, I am not suggesting, nor do I think the intent of this legislation is, to try and bar any illegal alien from being placed in a penal institution of some type where Federal funds are involved.

To an extent, that comes back to some of the concerns that I had when at the suggestion of the managers of the bill we included elementary and secondary education because, likewise along the same rationale as I just attempted to use, the money in the school lunch program, per se, does not go to individuals.

What I am trying to do, I say once again to my colleague and friend from Illinois, is to lay it on the line, to make a tough stand both for fiscal responsibility and a tough stand to try and eliminate some of the magnets that I think still exist in our system that rightly or wrongly are viewed as people who are illegal aliens or might become illegal aliens to get into the United States so they could receive those benefits.

Ms. MOSELEY-BRAUN. To the Senator from Nebraska and to the amendment, I do not doubt for a moment but that the intentions of the Senator from Nebraska are well-meaning, but we ought to make sure, it seems to me, that the specific language of this amendment does not pave the wrong road with those good intentions, that we are clear when we make sweeping legislative changes in an area that is, on the one hand, as volatile and sensitive as this one, and that concerns so many Americans, but an area that is as intricate and complex as this one as well.

I do not know and I do not think necessarily this is the proper place to debate immigration policy. This is the crime bill. So I am not prepared to get into a long debate about immigration policy and what we should and should not do there.

Certainly, that debate needs to happen, and as a freshman Member of this body, I look very much forward to participating in such a debate. But, at the same time, we have to, I think, be cognizant of the broad reach, the wide net of the language of this amendment and the untoward effect that may result from it.

If we pass laws here that have the effect of dumping further responsibilities on the States to handle because they have to deal with reality, we can stand here and talk about the general concept forever, and that does not address the specific realities that State and local governments have to deal or the specific reality with regard to individuals.

A child of an illegal immigrant who has cholera could well be the source of great damage and harm to a whole community. That child's illness could have been prevented. An ounce of prevention is worth a pound of cure. We might have been able to prevent that but for language as broad as this amendment.

69-059 O—97 Vol. 139 (Pt. 19) 24

Similarly, a prisoner in a prison who it happens turns out to be an illegal immigrant, the State winds up paying for that. I think we estimated it was in Illinois $19,000 per person. The State will have to absorb that cost because of language as broad as this.

So, without going further into the details to my friend from Nebraska, without in any way reflecting on the intentions of the amendment, because I think it is pretty clear what the Senator is reflecting is a very real concern that the American people have, charity does begin at home. These are tight financial times. People do not want to see money just wasted or thrown away. They want to take care of home first. That is understandable.

But at the same time, other than section B, which is very specific, this legislation and particularly the first and the third chapters are so broad and written in such way that itcould well cause more harm than not.

Certainly, for that reason, I will have to oppose the amendment of the Senator from Nebraska.

If I may make a suggestion, and I know it is probably too late for that, if indeed the issue that the Senator really just wants to get at is unemployment benefits which is clear-cut and straightforward, then if the Senator would be willing to just reduce the amendment to unemployment benefits, we can take care of that.

The rest of this is so complex and complicated and so involved with issues of what the States pay for, what the local governments pay for, what the Federal Government pays for, and what the different categories are. What happens with people who are here on asylum? What happens to people who are here under amnesty provisions of the immigration law? The rest of this is so broad that we may well wind up doing something that some probably in the Chamber have done, which is shoot themselves in the foot.

I know that is not the intention of the Senator from Nebraska, and I very much hope that we can be specific and constrain our enthusiasm in this area to something that will not be counterproductive.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California, Senator BOXER.

Mrs. BOXER. Mr. President, I thank the Chair very much.

I rise briefly to add my voice to those who have expressed concern about the amendment being offered by our friend from Nebraska. Perhaps it is because his is a State that has not had the problems that many of us have in our States that he is offering this because I think if he had the experience that many of these Senators on this floor who are speaking in this debate today have had I do not think he would be offering this amendment.

I know my friend and colleague, Senator FEINSTEIN, started to give some very specific numbers here on how this is going to impact the State.

I say to my friend, I understand his intent. I understand that the message is that we want to certainly dampen illegal immigration. Let me just tell the Senator that all of us want to stop illegal immigration.

There are good people waiting who never get here, and there are those who run over the border or sneak in on a ship or fly in undocumented. Sometimes there are smugglers who entice them and forgers who forge their passports.

In fact, there are just a few States that are suffering from this problem. I want to say to my good friend I do not think it is his intent to punish States like Florida, Texas, California, and Illinois. But I want to say to my friend that if I were going to give a title to his amendment it really would be a punish-the-States amendment.

Why do we have this problem in California, the problem of illegal immigration? We have it because the Federal Government has not been able to control its borders.

Senator FEINSTEIN and I have put forward proposals and some of them are moving forward. My proposal, for example, to beef up the Border Patrol by having the National Guard relieve them from their administrative duties so they can get on the line is moving forward with the help of Senator INOUYE. Senator FEINSTEIN has worked to increase the number of Border Patrol personnel and got there because of the help of Senator GRAMM and members of the Appropriations Committee.

I say to my friend that we are trying very hard to get a handle on illegal immigration. But it seems to me, and I would like my friend to hear this, the height of cruelty to say to States that are having problems because of undocumented workers that the Federal Government now is going to close you off for reimbursements, for emergency health, for Head Start funding, for public health. And I further say to my friend the reason I think it is the height of cruelty is that it is the Federal Government which has failed, which has failed to control the borders.

We have had fair immigration laws, but we have not enforced the borders. Now with this amendment we say to the States, you know, you are on your own.

I would add my voice to others. Perhaps the Senator would be willing to look at this amendment a little further. I think there are some areas on which we can have broad agreement. But it seems to me that for the Federal Government, which has not enforced the borders, to now say we are turning our back on the problem, and as Senator MOSELEY-BRAUN pointed out, we can have the case of an undocumented worker who is harboring tuberculosis and other communicable diseases.

And because we cannot get enough reimbursement from the Federal Government for health care, that individual spreads into the entire population.

It seems to me that is harmful rather than helpful. So I hope that my friend will look at this amendment. I will be happy to look at it with him and maybe we can change it in some ways that we can live with.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from California.

Mrs. FEINSTEIN. Thank you very much. I want to thank my colleague from California for those excellent remarks because I think she said it very much like it is.

Let me try to present some specifics.

I ask unanimous consent to have printed in the RECORD a document, entitled "Alien Eligibility for Federal Assistance." This is put out by the Congressional Research Center.

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

ALIEN ELIGIBILITY FOR FEDERAL ASSISTANCE

(Joyce C. Vialet, specialist in immigration policy, Education and Public Welfare Division and Larry M. Eig, legislative attorney, American Law Division)

OVERVIEW

There has been concern recently about alien participation in Federal cash and noncash assistance programs. This concern has focused on undocumented, or illegal, aliens, but also includes aliens lawfully admitted for permanent residence (i.e., immigrants), refugees, and other aliens with a more temporary status. This report summarizes the conditions under which various categories of aliens may and may not legally participate in Federal assistance programs. It should be emphasized that this brief overview of a very complex subject necessarily oversimplifies it, and is not intended to be definitive.[1]

There is no uniform rule governing which categories of aliens are eligible for benefits, and no single statute where they are described. Summarizing briefly, aliens who are lawful permanent residents or are otherwise legally present on a permanent basis (e.g., refugees) are generally eligible for Federal benefits on the same basis as are citizens. With the single exception of emergency Medicaid, undocumented aliens are specifically barred by law from participation in all the major Federal assistance programs, as are tourists and most other aliens here legally in a temporary status.

MAJOR FEDERAL ASSISTANCE PROGRAM ELIGIBILITY

Four major Federal programs provide income support and medical assistance for persons with limited income and resources. These are Aid to Families with Dependent

[1] For further discussion, see U.S. Library of Congress. Congressional Research Service. *Alien Eligibility Requirements for Major Federal Assistance Programs.* CRS Report for Congress No. 89-435 EPW, by Joyce Vialet and Larry Eig. Washington, Aug. 1, 1989. An updated version is forthcoming.

Children (AFDC); Supplemental Security Income (SSI) for the Aged, Blind, and Disabled; Medicaid; and Food Stamps.

AFDC and Medicaid are Federal/State matching programs. AFDC provides Federal funds for State programs furnishing cash welfare payments for the families of needy dependent children. Medicaid provides medical assistance for low-income persons who are aged, blind, or disabled or members of families with dependent children. SSI is a Federal program providing cash assistance for needy persons who are aged, blind, or disabled. These three programs are authorized by the Social Security Act and administered by the Department of Health and Human Services (HHS).

The fourth program, Food Stamps, is authorized by the Food Stamp Act of 1977 and administered by the Department of Agriculture. Food Stamps, like SSI, is a Federal program. It provides low-income households with monthly benefits, generally in the form of food stamp coupons, to enable them to purchase more adequate diets.

Each of these four programs includes a series of eligibility criteria which must be met by participating U.S. citizens. In addition, the legislation for each program specifies categories of aliens who may participate, provided they also meet the other criteria (e.g., financial need, family structure, etc.) which apply to U.S. citizens.

Eligibility criteria for all four programs specify that aliens lawfully admitted for permanent residence, popularly referred to as immigrants or greencard holders, may participate. However, the enabling legislation for AFDC, SSI, and Food Stamps provide that for the purpose of determining financial eligibility for 3 years after entry, immigrants will be deemed to have available for their support some portion of the income and resources of their immigration sponsors. This applies to immigrants who use an affidavit of support signed by a U.S. resident sponsor to satisfy the admission requirement in the Immigration and Nationality Act (INA) that they show that they not be likely to become a public charge.

AFDC, SSI, and Medicaid also define as eligible those aliens who are "otherwise permanently residing [in the United States] under color of law" (PRUCOL). The PRUCOL standard has not been defined by statute. Under regulation (SSI and Medicaid) and court decision (AFDC, PRUCOL encompasses various classes of aliens granted permission to remain here for an indefinite period (e.g., refugees, asylees, certain aliens whose deportation has been stayed or suspended).

Under both regulations and a Federal court decision, PRUCOL also includes "other aliens who are living in the Untied States with the knowledge and permission of the INS and whose departure the INS does not contemplate enforcing." The boundaries of this class are imprecise. For example, the courts generally have held that asylum applicants are not PRUCOL for the purpose of AFDC eligibility, but the Florida Supreme Court has ruled otherwise. Also, Congress has expressly denied PRUCOL status to aliens granted temporary protected status (TPS). (TPS is time-limited relief generally granted on a country-wide basis to aliens who do not want to return home because of armed conflict, natural disaster, or other extraordinary and temporary conditions there.)

In part because of the vagueness of "permanently residing under color of law," the Food Stamp legislation was amended in 1977 to replace the PRUCOL language with specific categories of eligible aliens. Thus, alien eligibility is more narrowly drawn for Food Stamps than it is for AFDC, SSI, and Medicaid.

UNDOCUMENTED ALIEN ELIGIBILITY

Undocumented aliens are specifically barred by law from receiving Aid to Families for Dependent Children (AFDC); Supplemental Security Income (SSI) for the Aged, Blind, and Disabled; Food Stamps; Medicaid except for emergency conditions; legal services; assistance under the Job Training Partnership Act; unemployment compensation; and postsecondary student financial aid.

Unlike the other major financial assistance programs, Medicaid covers otherwise eligible undocumented aliens for emergency conditions. An "emergency medical condition" is defined by the Medicaid statute to mean "a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in—(A) placing the patient's health in serious jeopardy, (B) serious impairment to bodily functions, or (C) serious dysfunction of any bodily organ or part" (Social Security Act, section 1903(v)(3)).

It should also be noted that children born in the United States to undocumented aliens are U.S. citizens. Consequently, they may receive AFDC benefits and Medicaid in their own right, depending on their families' structure and income. HHS statistics indicate that AFDC recipients who were the U.S. born citizen children of aliens who themselves were ineligible for ADFC accounted for an estimated 3 percent of all AFDC cases in FY 1991. The alien parents' ineligibility could have been due either to their illegal status or to the 5-year disqualification of legalized aliens from AFDC discussed below.

There are other income, health, education, and social service programs for which undocumented aliens may be eligible, since these programs' requirements do not include specific provisions regarding alien status. Such programs include, for example, the Special Supplemental Food Program for Women, Infants, and Children (WIC), Earned Income Tax Credits (EITC), migrant health centers, and veterans' pensions. In 1982, the U.S. Supreme Court ruled in Plyer v. Doe, 457 U.S. 202, that States may not deny public education to undocumented alien children residing within them. Such children would also be eligible for the school lunch program.

LEGALIZED ALIEN ELIGIBILITY

The Immigration Reform and Control Act (IRCA) of 1986 amended the INA in part to establish programs for the legalization of the immigration status of eligible aliens. IRCA set forth special eligibility rules governing receipt of certain Federal benefits by aliens participating in these legalization programs. With limited exceptions, aliens who legalized their status under the programrequiring residency prior to 1982 were barred from receiving Federal benefits for 5 years. Aliens who legalized under the Special Agricultural Worker (SAW) program were subject to the 5-year bar on AFDC and some Medicaid restrictions, but otherwise could receive assistance on the same basis as legal permanent residents. More than 2 million legalized aliens are now ceasing to be ineligible for AFDC and other Federal benefit programs because of their legalized alien status, but it is too early to assess their use of these programs.

FEDERAL SOCIAL INSURANCE PROGRAMS

The two major Federal social insurance programs, as opposed to assistance programs, are Social Security (Old-Age, Survivors, and Disability Insurance) and Medicare (part A, Hospital Insurance). They provide benefits as an earned right without regard to need, and do not have citizenship or alien status requirements. Any alien, whether he or she was in the United States legally or illegally, or as a permanent or temporary resident, is potentially eligible for social security benefits if he or she engaged in employment under which social security taxes were withheld for the necessary time. Similarly, regardless of their status in the United States, all aliens are eligible to receive Medicare Hospital Insurance (part A) benefits if they have been in employment entailing mandatory withholding of Medicare taxes for the requisite time period.

ALIEN ELIGIBILITY FOR FEDERAL ASSISTANCE: SUMMARY CHART

As noted above, there is no uniform rule governing which categories of aliens are eligible for benefits. The alien eligibility requirements for participation in the various Federal assistance and benefit programs are generally set forth in the laws and/or regulations establishing and governing those programs, rather than in the Immigration and Nationality Act. It should be emphasized that, in addition to alien status, aliens must also meet all the eligibility criteria which apply to U.S. citizens (e.g., financial need).

The table below summarizes eligible, ineligible and restricted categories of aliens for nine Federal assistance programs. Unless otherwise noted, alien eligibility restrictions are part of the enabling legislation. Five programs are included in the table in addition to the major assistance programs discussed above. The Legal Services Corporation provides legal assistance to the poor; alien eligibility criteria are included in the annual appropriation legislation. The Job Training Partnership Act (JTPA) authorizes employment training for economically disadvantaged adults and youth as well as dislocated workers. Medicare (Part B, the Supplementary Insurance program), is a voluntary health insurance for people over 65 financed jointly by enrollees and the Federal Government. Unemployment compensation is a Federal/State program providing income for involuntarily unemployed workers. Student financial aid for postsecondary education and training is available under title IV of the Higher Education Act. Additionally, alien eligibility criteria for low-income housing assistance are set forth in section 214 of the Housing and Community Development Act. They are not being implemented pending finalization of a Department of Housing and Urban Development regulation.

SUMMARY OF ALIEN ELIGIBILITY FOR SELECTED PROGRAMS

Federal programs	Eligible [1]	Ineligible or restricted
Aid to Families with Dependent Children (AFDC).	Immigrants, refugees/ asylees, parolees, other PRUCOL [3].	Ineligible: Undocumented aliens. Legalized aliens [2] for 5 years. Nonimmigrants.[4] Restricted for 3 years: Sponsored immigrants.[8]
Supplemental security income (SSI) for the aged, blind and disabled.	Same as AFDC, legalized aliens [2].	Ineligible: Undocumented aliens. Nonimmigrants. Restricted for 3 years: Sponsored immigrants.[5]
Medicaid	Same as AFDC	Ineligible except for emergency conditions: Legalized aliens [2] for 5 years. Undocumented aliens. Other non-eligible aliens.

SUMMARY OF ALIEN ELIGIBILITY FOR SELECTED PROGRAMS—Continued

Federal programs	Eligible [1]	Ineligible or restricted
Food Stamps	Immigrants, refugees/ asylees, parolees, aliens with deportation withheld [6] SAW legalized aliens. Restricted for 3 years: Sponsored immigrants.[6]	Ineligible: Other PRUCOL. Undocumented aliens. Pre-1982 legalized aliens for 5 years. Nonimmigrants.
Legal Services	Immigrants: Certain close relatives of U.S. citizens, refugees/asylees, aliens with deportation withheld [7], legalized aliens [2].	Ineligible: Undocumented aliens. Parolees. Other PRUCOL. Most nonimmigrants. Limited: Temporary H2–A agricultural workers.[7]
Job training (JTPA)	Immigrants, refugees/ asylees, parolees, other aliens authorized to work.	Undocumented aliens. Other aliens not authorized to work.
Medicare, part B (supplementary insurance).	Immigrants after 5 yrs residence.	All other aliens.[8]
Unemployment compensation.	Immigrants, refugees/ asylees, parolees, other PRUCOL, other aliens authorized to work.	Undocumented aliens. Other aliens not authorized to work. Certain nonimmigrants.[9]
Student aid	Immigrants: refugees/ asylees, intending permanent resident.	Undocumented aliens. Aliens present for temporary purpose.

[1] Aliens must also meet all eligibility requirements that apply to U.S. citizens.

[2] The term "legalized alien" includes both those whose status is based on their pre-1982 residence here and special agricultural worker (SAW) legalized aliens.

[3] PRUCOL is an acronym for "permanently residing under color of law" which includes refugees, asylees, parolees, aliens whose deportation has been withheld or suspended, etc.

[4] Nonimmigrants are admitted temporarily for specific purposes (e.g., tourists, students).

[5] "Sponsored immigrants" entered with affidavits of support from U.S. residents, indicating they were not likely to become public charges. For the purpose of determining financial eligibility for AFDC, SSI, and Food Stamps, some portion of their sponsors' income is deemed available to them for 3 years after entry.

[6] Refers to withholding of deportation because of threat of persecution, a PRUCOL category for programs using PRUCOL standard.

[7] Legal services limited to wages, housing, transportation, and certain other employment rights.

[8] Aliens in other categories (e.g., refugees, asylees, legalized aliens) would become eligible after they adjust to immigrant status and satisfy the 5-year residence requirement.

[9] Nonimmigrants not subject to unemployment (FUTA) taxes or eligible for benefits include students and exchange visitors (F,J,M visa holders) and H–2A agricultural workers.

Mrs. FEINSTEIN. I would like to very briefly quote from that document. The title is "Undocumented Alien Eligibility."

Unlike the major financial assistance programs, Medicaid covers otherwise eligible undocumented aliens for emergency conditions. An "emergency medical condition" is defined by the Medicaid statute to mean "a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in—(A) placing the patient's health in serious jeopardy, (B) serious impairment to bodily functions, or (C) serious dysfunction of any bodily organ or part" (Social Security Act, section 1903(v)(3)). * * *

There are other income, health, education, and social service programs for which undocumented aliens may be eligible, since these programs' requirements do not include specific provisions regarding alien status. Such programs include, for example, the Special Supplemental Food Program for Women, Infants, and Children (WIC), Earned Income Tax Credits (EITC), migrant health centers, and veterans' pensions. In 1982, the U.S. Supreme Court ruled in *Plyler* v. *Doe*, 457 U.S. 202, that States may not deny public education to undocumented alien children residing within them. Such children would also be eligible for the school lunch program.

I think, Mr. President, this report very clearly cites the Federal limitations on the receipt of certain benefits by undocumented aliens.

If I may, let me just quickly give you what we have been able to calculate as the immediate impact of this amendment.

Effectively, this amendment is an unfunded mandate if it is agreed to. Nobody should ever say that we are for doing away with unfunded mandates if we agree to this amendment, because it will simply codify a cost shift to taxpayers in local States. It will become an unfunded mandate.

Let me tell you what it will mean for the State of California. It will mean hundreds of millions of dollars in costs will be immediately transferred to the States. Let me be specific. The State's total estimated cost for 1993–94 for services to undocumented aliens is $2.9 billion.

Now let me give you the programs where the costs are transferred to the State as a product of this amendment, according to State estimates. The first is the provision of emergency services of Medicaid, which would transfer $400 million of Federal reimbursement costs in California immediately to the State of California. That would be an unfunded mandate, because the State is required by Federal law to provide emergency services in the circumstances I have just read. So we will create an unfunded mandate, which will transfer $400 million in cost to the State from the Federal Government.

The second unfunded mandate would be on AFDC, where it is currently permitted, as I have just read, to serve families of children legally born in the country.

AFDC is only allowed to an undocumented family when the undocumented family has a child that is an American citizen. The cost to the State of continuing these services without Federal funds would be an unfunded mandate of $236 million. The Medi-Cal shift that is anticipated in this amendment, according to State figures, would also shift costs to the State of California of about $35 million. And if I might add that up, that comes to $671 million of unfunded mandates that this amendment would require the State of California to cover.

Now, in the six big States—New York, Florida, Illinois, Texas, New Jersey, and California—this will be the codification of an unfunded cost shift immediately to those States. I will let each one speak for their own.

I have been tempted to second degree this amendment with what I think really stops the influx of people, and that is legislation that we have drawn to fully fund the Border Patrol. By increasing it in the 1994–95 fiscal years with 600 new agents, by providing the infrastructure, by providing a special narcotics abatement task force and funding this with a border crossing fee not to exceed $1, we could effectively cut off the flow of illegal immigrants into our country.

One of the things America is great at is passing laws and then not enforcing those laws. And that is what we have done with immigration. We have made INS a stepchild. We do not fund the asylum process. There are 300,000 cases backed up. We let them have appeal after appeal after appeal. We liberalized the statute so anybody who comes into the country who claims oppressive birth control conditions can claim asylum. That is ridiculous.

We do not fund our Border Patrol. I saw on the border one Border Patrol agent for 3 miles of border, with hundreds of people lined up on the other side of that border just waiting for that Border Patrol agent to turn his back to come across the border.

I am very much inclined to second degree this amendment. I do not want to blindside members of the Immigration Subcommittee of the Judiciary Committee. My legislation is prepared. I have it here. It would, in essence, fully fund the Border Patrol, and I believe it would cut off illegal immigration on the north, south, east, and west borders of this country.

But in the interim, while I consider this, let me just say once again: What do we have before us? It is nothing any different from an unfunded mandate, because the Federal laws provide that the States must provide this money. If the Federal Government fails to provide its match, we, therefore, have an unfunded mandate.

So I remain in opposition to the amendment before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, we are continuing to hear interesting arguments and discussions. I think no one knows exactly how the Exon amendment, if adopted, will turn out. I simply say, to one degree or another, all of the arguments being made today have been made in one form or another previously.

I simply cite, I think, interestingly enough, the last time we voted on this amendment when it was adopted, yeas 93 and nays 6, most of the information we are discussing today was known then. So it is a repeat.

I point out at that time those voting, the six "no" votes on the identical issue were: Cranston of California, GRAHAM of Florida, HATFIELD, MACK of Florida, MOYNIHAN, and PELL.

We are having a repeat discussion here. The only one I know so far who has changed his or her mind was then-Senator Wilson of California, who did not go along with his then colleague from California, Senator Cranston.

I emphasize once again, Senator Wilson voted for the Exon amendment when he was here and now, according to the Senator from California, the

Governor, the Governor's office—I do not know whether Senator FEINSTEIN spoke to the Governor or not—but the Governor's office had indicated that the Governor had some grave reservations about this.

Without losing my right to the floor I would like to ask Senator FEINSTEIN as to whether she talked with the Governor or just someone in the Governor's office.

Mrs. FEINSTEIN. Through the Chair to the Senator from Nebraska, I just called the Governor's staff. They are trying to reach the Governor right at this time.

Essentially what they did tell me is that the Governor would be happy to support this if all State mandates were removed as a product. Then they gave me the cost figures, which I have just relayed.

Of course, they are listening to this at the present time.

I asked them to please try to get in touch with the Governor on an emergency basis so I might be able to speak with him directly. That has not yet happened.

Mr. EXON. I would certainly say I fully respect and understand that the Governor of California has his hands full with other matters right now, and we all feel for him. I hope, though—I do not know whether Senator FEINSTEIN is aware of the fact that Senator Wilson did support this amendment when he was here in the Senate. I hope he will be advised of that so he does not get blindsided.

Mrs. FEINSTEIN. I appreciate that. If I may, Senator, one thing I found is things inside the Beltway are very different from the trenches.

Mr. EXON. Mr. President, there has been some talk here today, and I think legitimate discussion, about how far the Exon amendment goes. I suspect in the end the EXON amendment—which I hope will be agreed to again and this time will not be dropped in conference, it will become law—may not be as all encompassing as this Senator would like to see it.

Since the previous speaker brought up the matter of the Congressional Research Service, I would like to read into the RECORD at this time an article from the Congressional Research Service, of January 3, 1990, that deals directly with some of the questions that have been raised here. And it raises some questions as to whether or not the Exon amendment in some areas might or might not be as all encompassing as some people seem to feel.

I am quoting from the Congressional Research article of the mentioned date under "2." Prospective effect of the Exon amendment:

Because Medicaid currently has PRUCOL standard for nonemergency benefits and effectively no alienage restrictions for emergency benefits, the Exon amendment clearly would narrow alien eligibility for Medicaid were that program found to be subject to its restrictions. Absent relief from the Attorney General, all PRUCOL aliens other than temporary residents, asylees, parolees, and refugees apparently would be made ineligible for nonemergency services by the exon amendment. Also absent relief from the Attorney General, all PRUCOL aliens other than temporary residents, asylees, refugees, and parolees and all undocumented aliens (but not nonimmigrant aliens in status) would be made ineligible for emergency services.

However, Medicaid arguably may appear not to fall within the Exon amendment, notwithstanding floor statements by Senator Exon and others implying that amendment broadly may apply to all federal assistance provided to individuals. The Exon amendment covers only "direct financial benefit[s]" and "social insurance benefit[s]." Medicaid recipients receive services not direct cash payments. Also, Medicaid is a needs-based program, and benefits are not provided on the basis of past individual contributions to a particular account. Medicaid benefits thus arguably may not constitute a "social insurance benefit" if by "insurance" the amendment contemplates only programs like OASDI (Social Security) and Medicare in which participation is based on past contributions. At the same time, the term "social insurance benefit" may not readily be equated with all direct government assistance, needs-based and otherwise.

I simply say I think it is clear what the Senator is trying to do, and hope the amendment does.

I think there may be some legitimate questions as to whether in the end it would go as far as the Senator would like to see it go and maybe alleviate some of the concern by those who are in opposition.

The PRESIDING OFFICER. Does the Senator from Nebraska yield the floor?

Mr. EXON. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I believe I first addressed the Chair, and then I certainly will be glad to carry on a debate with the Senator from Florida. I have been here a long time dealing with this issue of illegal immigration. It is a thankless job. It is politically incorrect but getting more politically correct all the time because the people of America wonder, really, in this instance perhaps more than in any other, whether we really "get it."

That is the popular phrase: "Get it." They get it. The polls have shown for years that they are in favor of limiting benefits to illegal immigration and illegal immigrants. It is very critical that we should respond to them. But we do not.

Now we are in the situation where there are ugly, ugly waves of something "out there" where people want to do something and we have to be very careful.

I am enjoying very much working with the Senator from California [Mrs. FEINSTEIN], who has taken a vital interest in this, and she is working on asylum issues, refugee issues, all of the aspects that go with it. It is very complex, and yet it is rather simple. And the simplicity of Senator EXON's amendment is very special.

We are not talking about refugees. We are not talking about asylees. We are not talking about permanent resident aliens. We are not talking about parolees.

The essence of the amendment—and it has been read, but let me just quote a bit of it again because, really you must hear what this says. I do not know how anyone could really object to it with any great basis of argument. We all do that. Occasionally we do slip away, as I do often myself.

What we are saying is crystal clear, and I want to read it. The amendment is short, and I commend the Senator from Nebraska. It is almost lawyerlike, but simply defined. The Senator from Nebraska and I enjoy that repartee about lawyers and nonlawyers. But this is simplicity itself:

Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, on or after the date of enactment of this act, to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act.

No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment compensation under an unemployment compensation law of a State or the United States.

In this section, "person not lawfully within the United States" means a person who at the time the person applies for, receives, or attempts to receive a Federal financial benefit is not a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status for purposes of the immigration laws.

It is not fair to come to this floor and talk about the poor, the destitute, the uncared for. Those people are taken care of beautifully in this country. We are talking about people who are here because they have made a knowledgeable decision to violate our law, period.

Then, of course, the amendment has another excellent provision, the final provision, that says:

Federal Education Benefits to Primary and Secondary Schools. Nothing in this section shall be construed to prohibit direct Federal financial benefits to children in primary or secondary school.

I support the amendment. I have done it before. It will be adopted again by the same or similar margin as it had before and it will go to conference. But this time I think the Senate ought to say: "You are not going to come out of conference stripping an amendment which passes here 90 to 10 or 93 to 6. We are not going to allow that to happen." We will instruct our conferees that this amendment will stay.

I think people will have difficulty imagining why it should not. I can say to you that illegal aliens, people who are here illegally, will not be entitled to Federal direct financial benefit except—and please hear this; it is almost

like it is not even being considered—except for emergency health care and is now amended, school-related benefits. They will be taken care of, if they become ill, for emergency health care. Of course, I have shared with you the rest of it.

The irony to me is that nowhere in our immigration laws do we presently have this explicit line drawn on prohibiting illegal aliens from getting public benefits. So many of my colleagues over the years have argued that the Federal Government does not adequately control illegal immigration. I have heard that argument from my friend from Florida over the years, and he is right; I have heard it from my friends, Senator Cranston, Senator Wilson, Senator Hayakawa, from Senators FEINSTEIN and BOXER, and they are right. The Feds fail and the States pick up the slack, and they are right; it is true.

So while the Federal Government can clearly do more to address illegal immigration, which is exactly what we will be doing in this session and the next, the Exon amendment doesnot—and you must hear this; someone is misfiring on this information—this amendment does not require the States to pay more social benefits to illegal aliens than each State currently does pay. This is not some shovel job anew. It does, in effect, require the States to check the immigration status of applicants prior to granting benefits which involve direct Federal financial benefit or social insurance benefits.

The States can use the Systematic Alien Verification of Eligibility Program, called SAVE. It works. It is an excellent program. It was designed specifically to allow the States to check the status of noncitizens prior to giving of benefits.

We have the world's most generous immigration and refugee programs. They are extraordinary. We do our share for legal immigrants and refugees, and they are very good for us. We are a fortunate Nation to have the refugees and the immigrants we do.

I get a lot of criticism for setting a figure higher than my colleagues might want. I continue to do that out of my own compassion. But we have no reason to apologize, no reason to feel guilty for any restrictions against illegal aliens. These people are here in knowing violation of our law. It is that simple.

What you are finding, and will always find as we go forward—and this will be a session of immigration and asylee reform and immigration and refugee reform—what you find here are the groups at work—"the groups." I call them "the groups." They are out there and they see their power and influence waning. They have continually asked for so much that now it is very difficult for them to be heard by the American people.

Good and fine people flock to our doorstep and we take care of them. Yet, the groups—I have never heard a positive word out of the groups as I have worked to stimulate and increase legal immigration, to close the back door so that we could open the front door. All you ever hear from them is that we are a base, ugly group trying to do in our fellow man and woman. I do not buy that. That is old saw stuff. We have procedures to allow legal immigration and they ought to use them. Those who adhere to our procedures receive the most generous programs in the world, period.

This amendment simply provides that this generosity will not be extended to those who violate our immigration laws. What could make better sense than that? I hear clearly what my colleague from Florida has stated and my colleague from California. He would embrace those who he believes cannot qualify for legal immigration. His concerns and the concerns of the Senator from California arise out of compassion for those who are less fortunate.

However, Mr. President, I can see no basis for this country to act as the caretaker for the world of those who flaunt our laws. We cannot afford that. It makes no sense to do that.

During the second session of this Congress, we will be examining in great detail comprehensive health care legislation and we will find that such a concept is going to be very expensive indeed, whether the President's proposal, whether the Republican proposal, whether a bipartisan proposal. It is going to be very expensive and our citizens will be paying for that. It will take a giant bite out of the national budget and out of the budgets of our constituents.

We simply cannot afford to provide the best care in the world to every human being who decides to come to us without authorization and in an illegal status. We do no service to anyone by trying to accomplish that.

Let us not forget what we are about here. This is a crime bill. It is called a crime bill, and illegal aliens are violating our law. Their very presence in this country is a violation of our law. We owe no duty to a person here who is knowingly illegal. We owe no duty to provide every single social service that we provide to our own citizens, our own taxpayers, and the legal immigrants and people in legal status who live here.

I believe this is a very appropriate amendment. I am very pleased to be a cosponsor. I look forward to hearing the remarks of the debate.

I thank the Chair, and I thank the Senator from Nebraska for his patience and determination with an amendment which passes here in the most extraordinary form and then suddenly falls off the table during conference. I assure the Senator I will work to keep it there in conference.

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

Mr. SIMPSON. Indeed.

Mr. EXON. I thank my friend and colleague from my neighboring State of Wyoming, who has done as much as anyone in the body since I have been here to wrestle with this problem. I remember we were working with the SAVE Program, which has been a good one. I think during those times the Senator has shown he does care about this and wants to work it out on a reasonable basis.

I simply ask the Senator from Wyoming whether or not we have covered all of this ground previously in his opinion, and can he imagine from the statements we have heard today that the Senate would turn around and not agree to simply vote again for a proposal that they have voted 93 to 6 on 3 years ago?

Mr. SIMPSON. Mr. President, not only have we covered the ground on this issue, we have plowed it about 8 feet deep, and we have done it at least two and possibly three times in my memory. Every single aspect of this debate has been covered before, without exception.

Mr. EXON. I thank my friend from Wyoming.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, in remarks a few moments ago, the Senator from Nebraska indicated one area in which we had not plowed this 8 feet deep was the facts, the facts of what would be the impact of the adoption of this proposal on those communities in America which for no reason of their own making have become the site and residence of most of these illegal refugees.

This is not an issue which is distributed uniformly across America. There are approximately 3,000 counties in America and 40 of those 3,000 counties have the vast proportion of illegal refugees. We have a problem which is concentrated in a relative handful of American communities. It is a problem which has as its root the failure of the Federal Government to meet its constitutional responsibilities.

Under the U.S. Constitution, there are a series of powers which the States vested to the Federal Government. Article I, section 8 of the Constitution enumerates those powers. Among those is the power of the Federal Government "to establish an uniform rule of naturalization."

The States made it a Federal power and singular responsibility "to establish an uniform rule of naturalization." That is what we are talking about today, Mr. President, what happens when the Federal Government fails to enforce its uniform rule of naturalization and we end up with this large

number of undocumented, illegal aliens.

Is it then appropriate for the Federal Government to say to those handful of communities that are the point of impact, forget about it; we do not want to hear from you? Yes, we failed to meet our constitutional responsibility. Yes, you transferred to us any capacity that you might have previously had to enforce your borders, to protect you against illegal refugees and we have failed to properly carry out the charge that we accepted. But having failed, it is now going to be your responsibility to carry the full financial load.

It is not as if these communities are escaping. The Senator from California cited a statistic which would indicate the State of California is paying about 75 percent of the cost of illegal aliens. Now we are proposing to have the State of California pay 100 percent of the cost of this population which is in its State because of the Federal Government's failure to enforce its laws.

So I agree with the Senator from Nebraska that we have to plow this deep enough in terms of gaining information as to what has occurred in terms of the level of burden that is being placed on the States and what would be the further implication of the adoption of this total prohibition.

AMENDMENT NO. 1114 TO AMENDMENT NO. 1109, AS MODIFIED

Mr. GRAHAM. To that end, Mr. President, I send an amendment, which is in the form of a substitute amendment, to the desk.

The PRESIDING OFFICER (Mr. FORD). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 1114 to amendment No. 1109:

In lieu thereof, insert the following:

The Congress directs the Attorney General and the heads of all relevant federal departments or agencies to analyze and report to Congress within 2 years on the impact of participation in Federal financial benefit or social insurance benefit programs by persons not lawfully present within the United States and the impact of denial of such benefits on State and local units of government and other service providers. In this section, "persons not lawfully within the United States" means persons who at the time they applied for, receive, or attempt to receive a Federal financial benefit are not either a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status for purposes of the Immigration and Nationality Act.

Mr. GRAHAM. Mr. President, the purpose of this amendment is to move this debate beyond where it has been for the past several years, move it by directing the Attorney General who has responsibility for the Immigration and Naturalization Service with other relevant Federal agencies to analyze and submit to the Congress within 2 years an impact study. What is the level of burden on the Nation as a whole and on specific communities? What are the effects of Federal laws which today mandate the States to provide services for this population of undocumented aliens and which it is now proposed to eliminate any Federal funding to carry the burden of those mandates.

I believe, Mr. President, that this amendment is a prudent way to proceed in terms of assessing what is the current Federal dereliction of duty, what is its extent in terms of its ability to enforce our borders and protect America so that we are only dealing with those persons who enter the country legally through the established immigration process, and what is the cost to the Nation and to those local communities that are primarily affected.

It has been suggested this is just an issue of compassion; that there are some soft-hearted people who are trying to use this as a means of expressing their humanity. I would be less than honest to say, Mr. President, that there is not a degree of legitimate compassion. America is not a nation which will turn away from its hospital doors a pregnant woman about to give birth. That is the consequence of the amendment that is before us. But if you are not moved by the compassion of human beings, just sheer pragmatism, one area that I assume would be precluded under the amendment that has been suggested, would be direct services from the public health departments. Are we going to have people who come into this country undocumented without knowledge as to their health conditions not be able to receive screening services from the public health and, where appropriate, inoculation from diseases?

That is not compassion. That is common sense protection for the people who are already living in the United States of America. We know that there are large incidences of communicable diseases among this population. It is in our interest to have the Federal Government participate with the State in an effective public health program to assure that we are not placed at undue jeopardy, again, that generally being the result of Federal Government's failure to enforce its immigration laws which resulted in this large number of people being in the country in the first place.

Mr. President, I submit this as an attempt to move this discussion forward, to gather information upon which sound public policy can be established, to gather information which might motivate this Congress to do the kinds of things that the Senator from California has suggested, enhancement of our border patrols so that we will have less of this problem to deal with in the future.

It would certainly be a respectful act of this Congress to take toward our brethren at the State and local level who will be the ones that will carry the burden should we precipitously adopt a total cut off of Federal assistance to this group of persons who are illegally in the country because of the failure of the Federal Government in imposing major financial obligations* on the communities in which they reside.

Mr. President, I urge the adoption of this amendment.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I rise in support of the amendment by the Senator from Florida. I joined my colleague from Wyoming when we passed the immigration bill, when Senator SIMPSON was pushing to have an immigration bill that made it illegal for people to employ aliens, those who are here illegally.

Frankly, up to that point we had the ridiculous situation where it was illegal for people to come in but it was OK to hire them. So you had a magnet.

And I have great respect for my colleague from Nebraska whom I first knew when he was Governor of Nebraska way back when Hubert Humphrey became ill and I went out to speak at a fundraiser in Lincoln, NE.

JIM EXON was the Governor of Nebraska. Of course, I spent two of my college years at Dana College in Nebraska. But I think we have to put this into perspective. On Social Security, illegal aliens pay in more than they take out. That happens to be a plus in an area where we gain some money.

On Federal Government benefits, those who are here illegally generally do not try to gain benefits. Frankly, if you are talking about unemployment compensation, I think they should not be eligible. If you are talking about Pell grants or guaranteed student loans, I do not think they should be eligible.

But if you have a pregnant mother who is about to give birth to a child, if you have someone who has a heart attack, I do not think we can say in our country we are just going to ignore you. Hospitals are not going to do that. To say this is totally the burden of that hospital and that we are not going to share that burden I think does not make sense.

Or, take another program, immunization: Measles do not care whether you are here legally or illegally. And if young people who are here illegally are not immunized, everyone is in jeopardy. So I think it makes sense to have some eligibility here.

The same on primary and secondary schools. You simply cannot have children running around without going to school and believe that you know we are going to have a healthy society. The numbers should not be great, and I do not think we should make schools places where they have to police whether the people are here legally or illegally.

It seems to me that the amendment of the Senator, the substitute amendment of the Senator from Florida makes sense. I think there are areas, as I indicated, unemployment compensation, benefits for going to college and that sort of thing, where I think some cutting off of benefits is a desirable thing. But I think when it comes to emergency hospitalization, going to school, that sort of thing, I think it would be a mistake.

So I will support the substitute amendment of my colleague from Florida. With a great respect for my friend from Nebraska, I am going to oppose his amendment.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent that Senator BRYAN be added as a cosponsor to the Exon amendment.

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

Mr. EXON. Mr. President, I simply want to say that I listened very carefully to my friend from Illinois. I am sorry that he seems to be leaving us on this after having voted on the identical amendment in 1989 when it passed the body 93 to 6. I am very much concerned, as I said in my opening statement—and I am going to be intentionally redundant by quoting it again because I think some scare tactics have been used on the floor of the U.S. Senate on this overall matter that I warned the Senate about when I spoke to a near deserted Senate early on today.

I simply want to say that in answer to a series of questions today I have indicated that I want the EXON amendment to be interpreted as broadly as possible. I have read into the RECORD a statement from the Congressional Research Service regarding the identical language that 93 Senators voted for in 1989, including the Senator from Illinois. Everybody has a right to change his or her mind.

I think this should be very broadly interpreted. However, I am the first to agree that probably the amendment is not as broad as I would like to have it.

The Senator from Wyoming made a point I think very, very well, that essentially this is direct benefit.

Do I think we need a study, as suggested by the Senator from Florida with his substitute amendment, to decide whether we should make Social Security payments to illegal aliens? No. I do not think we need a study on that.

But I will also say that I suspect, and I probably believe, that in the end emergency medical treatment would be covered and probably would not be eliminated by the Exon amendment. Once again, it is not a direct benefit.

I emphasize once again that I am simply saying that in these times of severe restraints, at a time when we have to make some reductions, that this is the place we can make them, and is directed at illegal aliens.

I said earlier the opponents of this legislation may ask for sympathy for the illegal aliens who have come to depend on the generosity of Uncle Sam. They may cite some compelling stories about illegal aliens in some unfortunate situations. I am most sympathetic. However, there are stories of dire and compelling needs among our own citizens as well.

I would simply say at this time—I know that there are lots of Senators who have talked to me about moving this along and bringing it to a close—at the appropriate time, as soon as possible, I intend to move to table the amendment offered by the Senator from Florida.

Mr. BIDEN. If the Senator will yield, I think the moment is appropriate.

Mr. EXON. I would do so, but I do not like to try to cut off debate.

Mr. BIDEN. I am sure no one will be offended if the Senator moves to table. As a matter of fact, they may feel relieved.

Mr. EXON. Have the yeas and nays been requested on the amendment by the Senator from Florida?

The PRESIDING OFFICER. They have not.

Mr. EXON. I request the yeas and nays on the amendment, and then I reserve the right to table.

The PRESIDING OFFICER (Mr. DORGAN). Is there a sufficient second? There is not a sufficient second.

Mr. EXON. I move to table the amendment offered by the Senator from Florida.

Mr. BIDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska to lay on the table the amendment of the Senator from Florida.

On this motion, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. MATHEWS] and the Senator from Nevada [Mr. REID], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. MCCAIN], the Senator from Wyoming [Mr. WALLOP], and the Senator from Utah [Mr. BENNETT], are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT] would vote "yea."

On this vote, the Senator from Wyoming [Mr. WALLOP] is paired with the Senator from Arizona [Mr. MCCAIN]. If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Arizona would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 29, as follows:

[Rollcall Vote No. 354 Leg.]

YEAS—64

Baucus	Exon	McConnell
Bond	Faircloth	Metzenbaum
Boren	Ford	Mitchell
Breaux	Glenn	Murkowski
Brown	Gorton	Nickles
Bryan	Grassley	Nunn
Burns	Gregg	Pressler
Byrd	Hatch	Pryor
Campbell	Heflin	Riegle
Chafee	Helms	Rockefeller
Coats	Hollings	Roth
Cochran	Hutchison	Sasser
Cohen	Johnston	Shelby
Conrad	Kassebaum	Simpson
Coverdell	Kempthorne	Smith
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Danforth	Kohl	Thurmond
Daschle	Leahy	Warner
Domenici	Levin	Wofford
Dorgan	Lott	
Durenberger	Lugar	

NAYS—29

Akaka	Graham	Moseley-Braun
Biden	Harkin	Moynihan
Bingaman	Hatfield	Murray
Boxer	Inouye	Packwood
Bradley	Jeffords	Pell
Bumpers	Kennedy	Robb
DeConcini	Lautenberg	Sarbanes
Dodd	Lieberman	Simon
Feingold	Mack	Wellstone
Feinstein	Mikulski	

NOT VOTING—7

Bennett	Mathews	Wallop
Dole	McCain	
Gramm	Reid	

So the motion to lay on the table was agreed to.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 1115 TO AMENDMENT NO. 1109, AS MODIFIED

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 1115 to amendment No. 1109, as modified.

(e) PUBLIC HEALTH.—Nothing in this section shall affect or be construed to prohibit direct federal financial benefits for purposes of public health.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Deleware.

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

Mr. GRAHAM. Yes.

Mr. BIDEN. Mr. President, there are a number of Members of this body, as you can see by their rapt attention, wondering what the rest of the schedule for today is likely to be. Part of that depends upon the question I am about to ask the Senator from Florida.

As I understand it, the Senator from Florida will require a vote on his amendment and then the Senator from Nebraska, depending on the outcome of that amendment, would look for a vote on the underlying amendment, the Exon amendment. Then it would be the intention of the managers to move to an amendment by the distinguished Senator from Illinois, in which there is a verbal agreement that it be limited to a 1-hour time agreement, relating to the age that someone can be tried as an adult for certain crimes.

Then there is the possibility of two or three, although I cannot guarantee it or guarantee one way or another, additional amendments that may be voted on. And there are approximately, including the distinguished Senator from Virginia, seven or eight other Senator's amendments that I am prepared to clear, that we have cleared on both sides.

So my question to my friend from Florida is, does he have any estimation for the Senate as to how much time it would take before we get to a vote on his amendment?

Mr. GRAHAM. No. I do not know how many people would like to speak on this amendment. We have had some discussion of the issue of public health impact, but how long it will take to fully discuss this question I do not know.

Mr. BIDEN. Would the Senator be willing to enter into a time agreement?

Mr. GRAHAM. No.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BIDEN. I yield the floor.

Mr. EXON addressed Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. GRAHAM. Mr. President, I thought the Senator from Florida had the floor and I yielded for a question.

The PRESIDING OFFICER. The Senator from Florida sent the amendment to the desk and the Senator from Delaware sought recognition. The Senator from Delaware now relinquishes the floor and the Chair recognized the Senator from Nebraska.

Mr. EXON. Mr. President, we are trying to accommodate an awful lot of people. I think I have been trying to accommodate an awful lot of people since 9 o'clock this morning without very much cooperation from some quarters.

I must say that I am afraid we are going to go through a series of redundant amendments here. I would simply say that I do not wish to cut off debate precipitously on this, but I am going to ask for the yeas and nays on the amendment just offered by the Senator from Florida, and very soon I intend to offer a tabling motion to try and move the process.

So with that, I ask for the yeas and nays on the amendment offered by the Senator from Florida.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON. I do not offer a tabling motion at this time, but I intend to in short order.

Mr. SIMPSON. Mr. President, this is a point of inquiry back to the Senator who is capably managing this bill, Senator BIDEN. He mentioned the amendments that were out there that would be processed. I am wondering if the Senator has in his consideration amendments from this side of the aisle, as he named several significant amendments.

Mr. METZENBAUM. Mr. President, may we have order in the Senate? We cannot hear the Senator from Wyoming.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. SIMPSON. I thank the Chair and I thank my friend from Ohio.

I was just inquiring as to whether there will be a consideration of a Democratic amendment, then a Republican amendment. Is there any schedule for that?

Mr. BIDEN. I would be happy to do that. I have been encouraging, and I welcome now, any Republican amendment that will require a vote and be able to get a vote. We can move to them.

I am perfectly agreeable to going from side to side. In addition to that, of the amendments we were able to clear, a number of those are Republican amendments. So there is no intention on the part of the Senator from Delaware to do it any other way.

What I am interested in, and I believe my colleague from Utah is, is that, since we are here on Friday afternoon and since we are attempting to get out of here by Thanksgiving, if we do not have votes and we do not move this along, there is no possibility, I am told by the leadership, there is no possibility of us meeting anything remotely the schedule that would get us out of here prior to Thanksgiving. So the majority leader has asked me to do all in my power, and I shall attempt to do that, to bring forward as many amendments as possible that could require and would require a vote.

Second, the reason I have not moved to clear the close to a dozen amendments we may have, Republicans as well as Democrats, is that I want to accommodate those who do have places to go. If we get some votes for the remainder of the afternoon, they will be able to leave here earlier. I am willing to stay here late into the evening to clear amendments that do not require the presence of other Senators.

I found that the people whose amendments I am willing to take still want to talk some time on those amendments, which I understand. So I am not going to personally clear any amendment that anybody has any intention of talking on at all until we have several more amendments on which we get votes, so we can move this process along.

That is the Senator from Delaware's hope and expectation to the extent I can effect that.

Mr. SIMPSON. Mr. President, I appreciate that. I will work with that.

The Republican leader is absent on necessary business and I am ready to assist in going forward.

I think to stimulate that discussion—and I say this out of great respect for Senator GRAHAM—but these amendments come, and they have come for years, in the same format.

I will assist, as best I can, Senator EXON, in trying to get to a vote on the final proposal, an up-or-down vote which he has already asked for. And know, please, that this amendment of Senator GRAHAM is exactly what we will be dealing with when we deal with health care reform. It is a very important part of health care reform. What do we do with illegal aliens? What do we do with people who are not appropriate in the United States? It is a very valid point to deal with it then. Not here. This is a crime bill.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have to say most of the debate today and a good percentage of yesterday has been taken up on the other side of the floor. I do not find any fault with that. But I am starting to get some rumbling on our side we are not getting enough of our wishes considered.

I know the distinguished Senator from Delaware has done his very best here. I appreciate it and respect him and want to support him. I agree with him it is time to bring amendments to the floor that we can dispose of.

We are spending an awful lot of time on an awful lot of amendments that we are having a difficult time clearing. We are not going in the direction I would like to go right now.

Be that as it may, let us work together and try and get it done.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am delighted to go down the direction of my friend from Utah. I respectfully suggest to him if he has a Republican who has an amendment that will require a vote, immediately upon the completion of this bring him to the floor. We have Senator MOSELEY-BRAUN we can move to immediately. She is willing to enter into a time agreement on her amendment once we dispose of the Exon amendment. Let us line up with a Republican, if we get a Republican who is willing to enter a time agreement and get a vote now—we can line this up and give everybody an idea how long we will be here and how long we will be voting.

Mr. HATCH. I am ready to send up an amendment now.

Mr. BIDEN. You cannot because there is an amendment pending.

Mr. HATCH. As soon as that is disposed of I am ready to send it to the desk.

Mr. COHEN. Is it possible for the Senator to ask unanimous consent that amendments that the majority and minority are going to accept have a time limit of no more than 5 minutes equally divided so those who are seeking to offer an amendment do not take 30 or 40 minutes to discuss something that is going to be accepted?

Mr. BIDEN. I imagine there may be some objection to that, but I have no objection to the Senator from Maine propounding it. I will not object.

Mr. HATCH. I will support it.

Mr. COHEN. I yield the floor.

Mr. HATCH. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. HATCH. Will the Chair state what the pending business is?

The PRESIDING OFFICER. The pending business is the amendment offered by Senator GRAHAM.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, the Graham amendment that is before us now is one that I believe we have to adopt if we are going to have any kind of a national response to health care problems in America. I heard the Senator from Wyoming say this is a crime bill and that the Graham amendment ought to be put in health care reform rather than on a crime bill.

I could say that about the underlying Exon amendment. It has to do with immigration policy. That has nothing to do with crime. So why does not the Senator from Wyoming, if he is so interested in that, why does he not have the Senator from Nebraska offer his amendment not on a crime bill but on an immigration bill?

We have before us the Exon amendment that would cut off Federal funding for illegal aliens in this country. We just had the vote on the Graham amendment to get a 2-year stay to seewhat the effect of this would be, but we know what the effect of it would be. Those States in which we have a high proportion of undocumented aliens would be forced to pick up the tab for what is essentially a national problem.

We do not have a lot in Iowa. I daresay to my friend from Nebraska, we do not have a lot of illegal aliens in Nebraska, or Iowa—a few, maybe. That does not release us from our responsibility to respond to this on a national basis. We cannot dump it in the laps of California or New Mexico or Arizona or other border States—Florida. It is a national problem.

After all, there is really nothing those States can do individually to protect themselves from an influx of illegal aliens. They have to rely upon the U.S. Government to do that. If the U.S. Government cannot stop them from coming in, certainly the State cannot either.

So, while the underlying Exon amendment I think would be very punitive to those States, this Graham amendment we have before us is one on which I want to speak directly, because if the Exon amendment is indeed going to be adopted—and it looks like the will of the body is probably to adopt the Exon amendment—then the least we can do is to carve out two areas.

One area has already been carved out by the proponent of the amendment, Senator EXON. That is to carve out chapter 1 funding.

If my colleagues will look at the Exon amendment as originally drafted it does not carve out the area of education. It would basically say no Federal funds can go to any individuals in States who are illegal aliens—period.

There was a provision that was added on by the Senator that excludes for purposes of education. Which means chapter 1 funding.

That is good. I congratulate the Senator from Nebraska for putting that on. Because that would hurt the very kids we are trying to help get an education.

But there is a second area we have to carve out. Perhaps it is not one that the Senator from Nebraska had thought about. I can understand that. He is not on the committees that deal with this, but I happen to be both on the authorizing committee that deals with health and I happen to chair the appropriations subcommittee that spend your tax dollars, our constituents' tax dollars, on public health—well, on all health, as far as that goes, but public health is part of it.

What the Graham amendment would allow us to do would be, like we did for chapter 1 funding, to carve out that area of public health so we can continue on a national basis to respond to the health needs of people no matter where they are.

I visited some of these hospitals in some of our border States where they have a high proportion of illegal aliens that they treat. We want them to come in, do we not, for health care? We want them to get their shots and their vaccinations. We want pregnant women to come in for prenatal care. We want women who are about to give birth to come in to a hospital someplace to give birth to that baby so she can get good care and that child can get decent care when it is born. We want that to happen.

So we fund through the public health system, hospitals. We reimburse hospitals, I should put it that way, for the costs they incur in meeting the public health needs of noncitizens, of illegal aliens.

If we do not adopt the Graham amendment, what it is going to say to the States, or the cities, is: You pick up the tab. It will tell Miami: You pick up the tab on the Haitians and Cubans and El Salvadorans and Jamaicans and everybody else who is there—you pick up the tab. It will tell Albuquerque to pick up the tab on all the illegal Mexicans who are there. The same with California.

But, again, these are not State problems and they are not city problems, they are national problems. If there is one thing we do not want to see happen in these areas it is outbreaks of tuberculosis, or measles, AIDS, or whatever. We want to respond to those needs and we have the facilities to do so. But under the Exon amendment we would not be allowed to reimburse those local hospitals to do that. So the local hospitals, or local clinics, local public health agencies in those cities would not be able to respond to the imminent dangers of outbreaks of illnesses, or diseases that could affect the whole community and not just the community of illegal aliens.

So I hope the Senator from Nebraska would accept this amendment. Just as he carved out the exception for chapter 1 funding, he would carve out the exception for public health, because I daresay, again, just to repeat myself one more time, we want women to come in there for prenatal care.

We want them to come in and have their babies in a hospital setting. We want them to have well child care. We want these local public health agencies to be able to respond to outbreaks of tuberculosis, for example—or something—immediately knowing full well that the Federal Government will reimburse them for the cost of that because it is a public health crisis that affects all of us. Just as chapter 1 was carved out, I hope we will carve this out.

So, again, the Graham amendment now before us is one that I feel very strongly about, being in charge of the public health spending that comes through my Appropriations Committee. I can tell you right now that that spending does not just go to protect illegal aliens. It goes to protect everyone in the cities and the States wherein these illegal aliens may reside. And to say that we cannot use public health dollars in any way to reach out and to treat, to care for, to respond to the health needs of illegal aliens does not just get at the illegal aliens, it gets at all of us.

So I hope that the Senator from Nebraska will take a look at this and accept the amendment, because I think it is equally as important, perhaps if not more important, than the exclusion that was carved out for chapter 1.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I want to join the Senator from Iowa in his analysis of the pending Graham second-degree amendment to the amendment of my friend from Nebraska.

I appreciate the concern of the Senator from Nebraska: How can you justify the use of public funds for people who are in the United States without the proper papers, are here illegally, undocumented? We know that occurs with the hundreds of thousands of people who come into this country. We know many of the reasons, and we have passed very stiff laws imposing sanctions on employers who hire someone who is not validly in this country.

Notwithstanding that, we have hundreds of thousands of them coming into the States, particularly to the State of Arizona. Having said that, what is there to stop it? Whose responsibility is it to stop it? It certainly is the Federal Government's responsibility. The Federal Government regulates our boundaries, regulates the security and regulates the flow of people and of goods into and out of a country. That has been a dismal failure for all the reasons that have been discussed here: Failure of border patrol, failure of infrastructure, failure of economic conditions to improve, particularly to the south of us.

So we are faced, those States that have a flood, that are inundated by these people who come across without proper documents, we are pressed as to what do you do with them? How do you treat them, and what happens if they get sick?

Undocumented people who come across through our southern border do not read the laws. Most of them come across in a relatively healthy condition, reports will show, and they come into the United States looking for work—clear, pure, and simple. They want to get some money so they can send it back to their relatives. Most studies show that the vast majority of them do return, do send the money back and come back again.

In the meantime, when they come across, they do not have the law in front of them that indicates that if they get sick and go to a hospital, nobody is going to pay for it or that the State is going to have to pay for it. Certainly, the Federal Government is not going to pay for it. They are not even thinking about that, and that is understandable. When they come across, they are very, very economically depressed people. Yes, they are breaking the law; they are breaking the laws of our country. It used to be the laws of our country that it was illegal to be here. Now, in addition, it is illegal for a person to hire them, but they are here.

The facts before us are that we have perhaps severalmillion people in this country. The number is somewhat hard to actually put your finger on, but it is several million people. Hundreds of thousands pass through Arizona each year and thousands of them stay there. They are in our States. The Senator from Florida knows better than anybody just how many come into his State day after day without the proper authority.

So the Senator from Nebraska has come up with an appealing amendment and it says, "Hey, we're not going to spend taxpayers' dollars taking and reimbursing any State that treats somebody who is here undocumented."

What does that do? Number one, it shifts the primary responsibility of the Federal Government to manage the control of people across their borders to the States. That is not the States' responsibility. It never has been, nor should it be.

In Arizona, in this Senator's State, we have had hospitals that have gone broke because the Federal Government refused or did not have the money to reimburse for handling undocumented health care needs. That is something that we cannot ignore.

The Senator from Nebraska is asking us to seriously jeopardize any State that has any sizable number, but even if a State does not have a sizable number, I do not think the Senator from Nebraska would want to impose another Federal mandate on any State, whether it is on health issues, safety issues, or law enforcement issues, that would require the State to pick up more of the tab, for the State to pay the cost that is legitimately imposed on them by the Federal Government, by us.

The Senator from Iowa pointed out, and the Senator from Florida pointed out just what this means to us in States that have a large number of people coming into the State without proper documents. The health hazard that is available and permeated by this kind of condition is very serious.

What do you do if an undocumented person walks into a clinic or a hospital and has signs of a very contagious disease, like cholera? That has happened in Arizona. The Federal Government refuses to fund or reimburse the State; the State is out of money. What does the State do? Probably in that case, the State is going to absorb it. They are just not going to take the chance and send that person out. But they might. They might.

What are you going to do with the pregnant woman who needs to have prenatal care, who is in desperate need of some attention? They are going to go into the hospital or the clinic, and the State may say no. Then what do you have? You have not only the human being of this expectant mother suffering through nontreatment, but very likely the delivery of a child that is going to have problems. Who is going to pick up those problems, the emergency ward of the hospital, and maybe for the mother as well?

These are real-life examples that happen every day in the State of Arizona, in my hometown. That is exactly what the hospitals are doing—probably today. The Federal Government should reimburse and they do not reimburse 100 percent. But it is not the right thing to cut this off.

The problems of the deficit I understand. Nobody has been a stronger supporter to reduce the deficit than the Senator from Nebraska. If that is his motive to move in the direction of reducing the deficit, I cannot chide him for that. He has been there time and time again, pressing that on us. But I ask him to seriously think of the consequences of reducing the deficit, creating a health problem in the States where these undocumented people are and also causing a deficit in the States.

My State cannot have a deficit, as the Federal Government can. We have a balanced budget amendment in our Constitution. So we have to pay for it. If this amendment is adopted without the second-degree amendment of the Senator from Florida, we are jeopardizing a number of States' financial well-being, as well as the humanitarian real-life situation of what happens to people who are coming into the country that we cannot stop or we do not stop, and they get sick.

The Senator from Florida has come up with a very reasonable approach, and that is to exempt public health. There should probably be further exemptions, but I think the Senator from Florida has offered this as a compromise, realizing that the Senator from Nebraska is trying to get at the deficit problem and reduce the cost to the Federal Government.

The Senator from Florida is not asking for too much. I hope my colleagues will look at this from the standpoint of what is right for the individual States, what is right for the people involved in those States, the citizens, the legal aliens that are in the States, who are all taxpayers, as well as those who are not properly in the States.

So it goes way beyond just the person who is economically driven from their country into the United States looking for employment and thereby breaking the law. It goes far beyond. The Senator from Iowa points out just how serious it can be. So it would really be a mistake.

I hope the Senator from Nebraska would consider accepting this amendment. I do not think he is defeated in his effort to reduce the deficit. I think it would be an expression of understanding of how important it is to border States.

Mr. HARKIN. Will the Senator yield for a question and observation?

Mr. DECONCINI. I will be glad to yield.

Mr. HARKIN. I appreciate the Senator's statement. He is right on target I believe. The Senator is right in terms of reducing the deficit. I know the Senator from Nebraska has been a strong supporter of deficit reduction. The Senator from Arizona has also. I would like to believe all of us want to reduce the deficit, maybe each in different ways.

Will the Senator from Arizona agree that perhaps cutting back the support of public health services to respond to certain health needs in certain communities where there are a lot of illegal aliens might, in fact, increase the deficit rather than reduce it?

For example, preventive health care. If in Phoenix the local public health officials see perhaps a small outbreak of tuberculosis or something like that in an area, they can then go out to that community, take tests, secure an area, for example, provide medical services to people in that area to keep the disease from spreading.

Now, that costs some money, but I daresay it is going to save a lot more in the long run. So in a way I think if we do not exempt public health, it may in fact impact our deficit even more.

Mr. DECONCINI. I think the Senator is so correct. I had not reached the point that affects just a few States, not the State of Iowa or the State of Nebraska, and that is native Americans.

The health service delivered to the Native Americans, in my State over 200,000 of them, is paid completely by the Federal Government. There are no State hospitals there. There are no county hospitals there. If they go off the reservation, then they can go to the county hospital or State hospital. But on the reservation it is completely funded by the Indian Public Health Service.

So what happens? Undocumented aliens also go onto reservations. Anybody can go onto a reservation. Sometimes they work there, sometimes they visit friends, and sometimes they get sick. So what does an Indian Public Health Service officer do when an undocumented person comes in, or they hear that someone has some contagious disease in a village? They are prohibited from going over there. They could not go, as I read this amendment.

So this is setting aside a class of citizens that is going to be isolated from public health services if it just so happens that some undocumented person sets foot on an Indian reservation.

These are not just little villages. We are talking about millions of acres and hundreds of thousands of people with health conditions that are already far below that of the average American.

So this is a vital amendment that the Senator from Florida has offered, if for no other reason than for a specific number of Native Americans who are citizens just like you and me. Wehave heard the argument they were here long before we were, but they are citizens, they pay taxes, and they deserve to have public health services delivered if someone is in their vicinity where the only treatment available would be from public health.

So I truly thank the Senator from Florida for his addressing this issue and for letting me support his amendment, as long as I took. I did not mean to take that long because I am sure he has an eloquent response to everything that has been said. But I thank him for his leadership. I mean that, I say to the Senator, because he has different problems in his State of Florida than we do in Arizona. But they all come down to the same thing. It is not fair to impose this type of prohibition on the use of public funds for health purposes.

Mr. GRAHAM and Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

I say to my colleagues who want to get out of here because it is Friday or because we want to hurry up and get home to have Thanksgiving turkey with our families, that sometimes it is important in this Senate to stop and think about what we are doing to real people as we rush forward.

I thank my colleague from Arizona for his very eloquent speech on this topic. Sometimes I wonder what we in the Senate are thinking as we move forward so hastily.

I wish to ask the Senator from Florida a question about his amendment because I am concerned about the impact of this amendment, particularly in my State, in the rural regions where we do have a number of undocumented workers who pick apples in our orchards, and so on, who are in our schools when they are there.

If there was an outbreak of an illness such as measles or a bacterial infection in one of our public schools, if this amendment failed and the underlying bill passed, what would be the effects? What would happen to those undocumented workers' children?

Mr. GRAHAM. If this amendment were adopted, one thing we know would happen is that the Federal Government would not participate in that public health effort as it would in all other public health initiatives. As to what the local community, the school board would do in terms of would they accept this and would they pay the cost which otherwise would have been a nationally assisted cost, that would be their judgment.

My sense is that most school districts would have a degree of compassion and recognize the importance of this to all of the children and to the total community; that even with 100 percent local or State funds they would meet this public health challenge.

Mrs. MURRAY. I thank my colleague from Florida. That answers my question from two perspectives. One, it would be a tremendous public health hazard to many of our communities out there if an outbreak were to occur and children who are in our schools were not vaccinated or taken care of. They would continue to spread the diseases, or the local community would be required to pick up the costs of that public health service.

So often here I hear eloquent speeches about how we should not pass legislation at the Federal level that unfairly impacts our State and local communities. I submit to you that without this amendment this will drastically impact those communities.

Frankly, Mr. President and my colleagues, I am also very worried about the underlying amendment. I thought I grew up in a country that cared deeply about people as individuals and human beings. It seems to me that the underlying amendment says if you come here as an undocumented worker or a child of an undocumented worker, we are not going to treat a human being as someone we care about. I think we should be very careful as we proceed on this issue.

I thank the Chair.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, we need to remind ourselves that we are here debating a crime bill, for those who tuned in late and might think we had moved onto the President's health proposal or to an immigration bill. That is for another time. Today we are debating crime.

One of the underlying issues of the discussion of the crime bill has been a realization that most responsibility for the criminal justice system in America is not here in Washington but, rather, is in the individual States and communities of this Nation.

There has been a certain undercurrent of, I would have to use the word, "arrogance" expressed toward State and local communities with the inference that here are a bundle of very good ideas—boot camps, regional prisons, expanded penalties, more police on the streets; all of those are good ideas—why have not the States and local communities already adopted those ideas? Why have they had to wait for us to send them the signal that these are the magic bullets that will make our Nation safe from violence?

Mr. President, I reject that analysis. The fact is there is no group more concerned with the safety of its citizens than the people who live in the communities which are unsafe. Does anyone suggest that the mayor of a city is less concerned about the safety of his or her people than the persons, citizens, of that city who elected us to come here to Washington to represent them in the Federal Congress? Of course not. So why, if these ideas are so obvious and

compelling, have they not already been accomplished?

We are responsible in many ways for the fact they have not been adopted. We are responsible because we have contributed to an eroding of the fiscal capacity of State and local governments to be able to respond to their criminal justice challenge. We have done it by passing mandates that have told local communities, "You shall do this," and then provided them with no or inadequate funds to carry out that mandate. We have arrived at one of those occasions right here today, Mr. President. The Federal Government has mandated to States and local communities that they must provide these health services to all persons, including illegal aliens.

The Federal Government has provided a small portion of meeting the cost of that mandate that we have placed upon them. We are now about to withdraw that minuscule contribution that we made in the past. That contribution, according to the Senator from California, represents about $1 out of $4 that their State is spending to meet these needs for undocumented aliens, most of which are mandated by laws that we pass.

There also is another reason why States and local communities have not been able to carry their full criminal justice responsibilities; that is, because the Federal Government has not been carrying its criminal justice responsibilities and, therefore, unloading onto States and local communities what should legitimately have been a Federal obligation.

Again, one of those areas is in the field of illegal aliens. Again, the Senator from California indicated, I believe, that 11 percent of the inmates in the State of California are illegal aliens who have committed a crime while they were in the State of California and are now in the custody of the State of California.

In my State, the figure would be more in the range of 5 or 6 percent of the inmates in our State prisons are illegal aliens, those people who are in this country because the Federal Government failed to carry out its responsibility, which is a singular responsibility under the U.S. Constitution to protect our borders against illegal refugees and illegal aliens. Because the Federal Government failed, now the States have some of these people who commit crimes in their State correctional systems, therefore diluting the resources that would otherwise be available to fight crime as it relates to the rest of the population.

The Federal Government has always failed to meet its responsibility by setting thresholds of prosecution and unequal thresholds of prosecution.

Let me give you a specific example, Mr. President. For the last 15 or so years I have been taking various jobs. One of my jobs a couple of years ago was with the U.S. Customs Service at the Miami International Airport. During that day, one of my assignments was to take a small cocker spaniel dog and go out to the ramp that is moved up against the door of arriving airplanes.

This little dog looks very happy and friendly, and it is a happy and friendly dog unless you happen to be exiting that airplane with drugs, at which point the little dog becomes very agitated, noisy, and sends a signal as to the person who is carrying the drugs, which allows the Customs Service to detainthat individual for further inspection.

On this particular day, a plane was arriving from a Caribbean site at the Miami International Airport. A number of passengers got off, the dog was friendly, wagging his tail, happy. Then the absolute prototype American tourist that you would select, this mid-30's man, bright shirt, happy, suntanned, rather overweight, comes off the airplane. Our dog starts to bark. So we lead this man back to the customs area in the airport. We ask if we can do an inspection. We do. And the man has 20, 30 pounds of marijuana wrapped around his waist, explaining in part why he looked rather overweight.

Well, since we were U.S. Customs and we were at the international airport, we detained this person coming off an international air flight, I thought certainly we would now call a Federal agency to come and take custody of this individual and that he would be processed under appropriate Federal laws for having violated the law of transporting drugs in international commerce into the United States.

No, Mr. President. That was not what happened. We called up the local equivalent of a sheriff's office to come and take this person away.

I said, "Why are we calling the local sheriff and not the FBI or DEA?" The answer is because there is a "prosecution threshold." In Miami, with that 25 or 30 pounds of marijuana, this fellow did not meet the prosecution threshold to be handled in the Federal system.

So now we have dumped him off, and he no doubt has been processed through and may be now a long-term visitor at one of the State of Florida's correctional institutions.

That is an example of the Federal Government failing to meet its responsibility by unloading obligations to other levels of government which should appropriately have been a Federal responsibility.

So, Mr. President, since we are debating a crime bill, I think it is appropriate that we put in the RECORD the fact that we are now, in this amendment, recurring to an underlying theme that has made the basic concern for a Federal crime bill before us; that is, that the Federal Government, through a series of actions, has been undercutting the ability of the State to respond as they deem appropriate to their criminal justice challenge.

Another issue that has been raised in the last discussion had to do with deficit reduction. Should we not support the amendment that has been offered by the Senator from Nebraska because it will contribute to deficit reduction? I take second place to no one in this body as one concerned about and prepared to take some very tough votes to reduce our Federal deficit.

I think that, within the framework of looking at where we ought to first give our attention, this is a constitutional context. Under our U.S. Constitution, the States vested in, delegated to, the Federal Government certain responsibilities. Prior to that delegation the States were like nation States under themselves. They had all of these powers. They were sovereign. But under our Constitution, certain of those powers which previously belonged to the States were delegated to the national Government.

I believe, Mr. President, as we look at how we will deal with our Nation's deficit, we need to pay particular attention to those responsibilities which the Federal Government has the singular constitutional responsibility for, to those areas where there is no backstop at the State or local level. If the job is not done at the national level, it will not be done at all, because the States have delegated all of their authority in that field to the national Government.

One of those areas is the responsibility to establish a uniform rule of naturalization. The States specifically gave to the national Government, and the national Government accepted, responsibility for naturalization.

Where we are today is that the responsibility for naturalization has been breached.

(Mrs. MURRAY assumed the chair.)

Mr. GRAHAM. The Federal Government has not been carrying out its duty. The result of that failure is thousands, tens of thousands, hundreds of thousands of illegal aliens coming into our country and imposing demands on the communities in which they settle.

So as we look at areas of deficit reduction, I think we should give appropriate consideration to those areas of responsibility which are the singular obligation of the Federal Government, one of which is naturalization. Today, we are talking about the consequences of the failure of the Federal Government to carry out its responsibilities under that provision.

Mr. President, there was a very instructive article in the New York Times of Monday, October 25, which talked specifically about the issue raised in this amendment. That is, what happens in a community with a significant number of undocumented

aliens, who are in that community because of the failure of the Federal Government to properly protect our borders? What happens when those undocumented aliens begin to encounter health problems, individual problems, and public health problems?

Let me read some paragraphs from this New York Times article of October 25:

[From the New York Times, Monday, Oct. 25, 1993]

HEALTH DEBATE STIRS CONCERN IN BORDER TOWNS OVER ALIENS

(By Sam Howe Verhovek)

HARLINGEN, TX.—At the Su Clinica Familiar; the largest community health care center in the Rio Grande Valley, the issue of whether a patient is an illegal immigrant is net with a kind of "don't ask, don't tell" policy. If a pregnant woman provides a utility bill or phone bill showing she has a local address, she is legally entitled to treatment, though only part of it is reimbursable to the clinic through Medicaid.

A few miles away, at the McAllen Medical Center where care for indigents cost the hospital up to $1 million a month, a different strategy prevails. Private security guards with green uniforms that bear an uncanny resemblance to those of the United States Border Patrol have been periodically posted at the entrance. Critics say they are put there to discourage illegal aliens from walking in.

But officials at these places, and at medical institutions all along the 2,000-mile United States-Mexico border, agree on one thing. Whatever President Clinton's health care proposal may offer for American citizens, it has left largely unresolved the question of how to care for the nation's 3.2 million illegal immigrants, and who should pay for it.

Administration officials say that people living illegally in the United States would not be automatically eligible for the national health security card and standard package of insurance benefits under the President's plan, though some illegal workers could be covered if their employers paid their benefits.

The President's proposal would set aside $1 billion in a fund for emergency treatment of illegal aliens by clinics and hospitals, which remain obligated under several Federal mandates to treat all sick people regardless of their legal residency.

But this figure is dismissed as absurdly low by the people who run the hospitals along the border and in cities like New York and Los Angeles which have large populations of illegal aliens. Moreover, many of the officials grappling with the problem argue that denying such people basic benefits like preventive care or immunizations will just compound costs later on, when truly sick people show up in their emergency rooms.

Madam President, I refer back to the discussion between the Senator from Washington, who is not presiding, and the Senator from Arizona, and the comments made by the Senator from Iowa, on the impact of failing to provide appropriate and timely health care services, and the ultimate total cost both in human and economic terms.

Returning to the New York Times article:

"The rap we get from the anti-immigrant groups is that we are a Mexican birthing center, that people are walking across the bridge to get treatment here," said Pete Duarte, the chief executive officer at Thomason Hospital in El Paso, just across the Rio Grande from Ciudad Juarez.

"But that's a very small part of the problem and realistically, most of these people have lived here for years," he said, referring to illegal aliens. "The 'enemy,' if you will, is in our midst. It's your maid, it's your gardener, it's your cooks and your dishwashers. And TB, or H.I.V., or hepatitis they sure don't care whether you're documented or not."

A few years ago, the El Paso hospital executives grew so aggravated at the unreimbursed cost of caring for illegal immigrants that county officials sent the White House a bill for $10 million, which was ignored. Indigent care, which covers both illegal and legal residents of El Paso, now costs $50 million a year out of a hospital budget of $151 million and has been a factor in at least four recent El Paso County tax increases, Mr. Duarte said.

Here in Harlingen and at a companion health center in nearby Brownsville, the administrators at the 23-year-old Clinica Su Familiar say they are obliged by Federal law to treat anyone who is seriously ill or pregnant. With most clients living at or below the poverty line, the clinic relies heavily on Federal payments to survive.

But for births, Medicaid, the Federal medical plan for the poor, will cover only part of the cost of the delivery, and not preventive care.

Madam President, what the underlying amendment proposes to do is to say we will only not pay part, we will pay zero at the Federal level of these costs which the Federal Government mandates these local health care centers to provide.

And the clinic is so jammed, with 30,000 client families and 1,000 families on the waiting list, that many people who seek routine treatment are turned away. "For things like that, we basically have a closed-door policy," said Francisco G. Gonzalez, the executive director.

Mr. Gonzalez said the clinic was legally prohibited from investigating residency when a patient came in on an emergency basis, while at the same time it was often denied payment by the Federal Government when it came time to settle the bills.

Madam President, what a damning commentary on our National Government.

But those who treat patients say they have no desire to become detectives either, kicking people out the door if they do not have proper forms or an insurance card.

"We don't do police work here," said Jorge A. Garza, a clinic doctor who was treating a 7-year-old boy who had an ear infection. "We're talking about sick human beings, people who need some help. That's what I do." The boy, having been born here, is an American citizen; but his mother, though she has lived in Harlingen for five years, does not have citizenship, and the family is uninsured.

For pregnant women, many of whom said they had come here in recent years because they heard about plentiful service jobs that are now proving scarce, the clinic represents the only place where they can get any level of check-ups and prenatal care.

The cost for prenatal care is $300, but some said they could only afford payments of as little as $5 a month. The clinic will generally allow this and go ahead with treatment in hopes of reducing the chance of a complicated or dangerous delivery later on.

"I didn't come to this country because of the health care, I came here for work," said 34-year-old Maria Luisa Martinez, who moved here 12 years ago from Guadalajara, Mexico, and is expecting her third child in December. She applied to become a citizen several years ago, she said, but the process stalled when she and her husband, who was already a citizen, separated.

"It's true that you should be an American citizen," she said. "I want to be an American citizen. My children are Americans. But what do I do now? Just not go to a hospital at all, because I do not have the piece of paper?"

ANXIETY IN THE VALLEY

Elsewhere in the Rio Grande Valley, there is anxiety that provisions against providing national health insurance for illegal aliens could dry up even the small amounts of money now available for treating them.

Asked to discuss the prospects that officials in Washington will provide some relief, Bill Elliott, the director of community relations at Valley Baptist Medical Center in Harlingen, said: "It's a short story. They don't deal with illegal immigrants."

"But when a person comes in bleeding and injured, his immigration status is not the most important thing," added Mr. Elliott, who said the hospital wrote off $28 million in charity care for the indigent last year.

Clinton Administration officials have said in recent weeks that there may be negotiations over providing certain preventive treatment for illegal aliens or perhaps providing block grants to the states for such programs.

At the same time, though, there is considerable worry in both the White House and on Capital Hill that providing even a minimal package of preventive-care measures for illegal aliens, including immunizations and prenatal care, could stoke anti-immigrant protests throughout the country because they could be interpreted as sanctioning illegal immigration.

"This issue scares people to death," said one Democratic Congressional aide familiar with initial talks over the health plan. "It's seen as a lose-lose situation. And certainly, nobody's willing to jeopardize universal coverage for American citizens to fight a battle over undocumented workers."

In California alone, officials say the $1 billion emergency fund envisioned in the president's plan would not be nearly enough to handle the annual emergency-care bills there.

Recently, the state hospital associations in eight states, including those along the Mexican border and New York, Florida, Illinois and Michigan, joined in a lobbying effort to get Congress to confront the problem.

And there are many other issues as well, some of which go beyond illegal immigration. Some advocate groups contend that widespread use of the health-security cards that President Clinton intends to give all legal American citizens could actually punished some immigrant groups.

"When documents are demanded, usually the adverse effects are on foreign-looking people, whether they're here legally or not," said Maria Jimenez, director of the immigration law project of the American Friends Service Committee, a humanitarian organization that has worked with immigrants for more than 75 years.

That is the issue that this second-degree amendment raises. If we are going

to adopt as a policy that we are going to deny any Federal direct assistance to these persons who are in this country because of a failure of the Federal Government's ability to protect our border and enforce our immigration laws, if we are going to say to the communities in which these persons happen to reside, not because they have been invited there, not necessarily because they desired to be there, but because the reality is they are there, if we are going to take the position the Federal Government will walk away from even the minimal amount of assistance that it has provided in the past, at least for our own protection we should not extend this to public health measures.

Our investment in public health is in order to protect the public. When a person who is potentially the carrier of a communicable disease is vaccinated, we all benefit. When a person who has an illness that could affect the community is given treatment, we all are the beneficiaries, not just that individual patient.

So, Madam President, I believe that it is an eminently reasonable and responsible additional provision to add to this amendment to say that public health expenditures will not be proscribed and eliminated under the sweeping language of this amendment just as we have already done in this amendment modification.

I might say, since the time we last voted on this, we recognized the fact that States and local communities are legally obligated to provide educational services to all of their children; therefore, it is appropriate for the Federal Government to participate in programs such as chapter 1 for all the children that the States are obligated to serve. Similarly, it is appropriate for the Federal Government to participate in providing these health services for all of the people that by our Federal laws we have obligated hospitals, clinics, States, and local governments to provide health care services for.

Madam President, with those words, I hope that this might be an amendment that the Senator from Nebraska could accept and we could move forward. If not, I believe that we are raising a level of insensitivity to the individuals affected by our judgments relative to eliminating this portion of the financing of their health care, insensitive to the communities in which persons potentially with significant health and communicable disease conditions will live, and insensitive to the obligations which we undertook when this Congress mandated that all sick people be treated regardless of their legal residency and now are making that another in the long list of unfunded mandates.

How adopting that policy would make any contribution toward a safer and less violent society, which was the objective of this total enterprise escapes me. This small gesture of recognition of the Federal Government's obligations I think would make a small contribution toward making this a more humane society.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, we have had a very interesting and long debate on this. It is time to call it to a conclusion.

I would simply say that, while many points have been made here, I believe that emergency medical service is included under the law as it is now, and I do not believe that my amendment knocks out emergency medical services.

What has been advanced by the last several speakers is opening up the whole public health of all illegal aliens and say we are going to pay for it and we are going to continue to pay for it. At the same time, we are talking about making major reductions in Medicare, mostly to legal residents of the United States of America.

This whole matter is something that I suggest will be debated again when we get into health care.

I emphasize once again that this is the same amendment that was voted on by 93 to 6 in support of in 1989.

Therefore, I move to table the amendment offered by the——

Mr. GRAHAM. Madam President, will the Senator yield for a question before moving to table?

Mr. EXON. I yield for a question without losing my right to the floor?

The PRESIDING OFFICER. The Senator has that right.

Mr. GRAHAM. The Senator indicated he felt within his current amendment there is an exemption for emergency medical services?

Mr. EXON. No; I have not said that. I have said and said time again and said it in debate that I believe emergency medical service would be included as on a continuing basis.

I agree that there may be some disagreement on how you define and what is emergency medical services. But the Congressional Research Service office indicated that in my original amendment that passed the Senate 93 to 6 they thought that regardless of my intentions, emergency medical services would not be restricted.

Mr. GRAHAM. If an amendment to that effect was incorporated, it would make many of us feel much more at ease with what the impact of this would be.

As I read the amendment as it is offered, it says:

> Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, on or after the date of the enactment of this Act, to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act.

And since the principal area of benefit for undocumented aliens is in the health area, as was stated in the earlier debate by the Senator from California, what is the basis, the feeling, that language would have the specific intention of eliminating emergency medical and the other minimal programs in which undocumented aliens can participate with Federal financing?

Mr. EXON. Let me respond in this fashion.

First, Madam President, I ask unanimous consent that Senator ROTH be added as a cosponsor of the Exon amendment.

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

Mr. EXON. I would simply say that if we could bring this matter to an end, if we could quit the bickering, move ahead, do what I think most of the people of the United States of America want to do—and that is stop paying Social Security and other direct benefits to illegal aliens and begin to put the brakes on the amount of money that we are spending—I might be able to make some further accommodation.

The problem, I say my friend from Florida, is that each time I offer an accommodation, then there is another, and another, and another.

Is the Senator from Florida saying that he would support the Exon amendment if we simply added in at an appropriate place in the Exon amendment to provide for emergency medical service?

Mr. GRAHAM. I am saying, Senator—and I am glad we have gotten to this discussion—that it is possible that a modification of your amendment could be written that would render it acceptable.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. 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. MOYNIHAN. Madam President, I rise first as the chairman of the Committee on Finance, and second as a Senator from New York State, to declare my strong objection to the measure before us. It is, in the first instance, a measure that has nothing to do with the crime bill that we are, presumably, addressing. It is a measure with a prohibition on payment of Federal benefits to illegal aliens.

On the surface, there is a certain attraction to the idea that someone who is here illegally ought not to be the recipient of medical care and such like matters. Yet the reality is that the individuals involved, and there are millions of them, are here. The fact that they are here illegally is statement of

the dereliction of the Federal Government in its duty to police the borders and to control immigration.

If the Federal Government does not do this, and clearly it does not—there is no other Western nation that has anything like the extent of the problem that we do—it is scarcely appropriate for the Federal Government to turn over to the States and to the cities the burden that is imposed by the presence of illegal aliens when they become ill, when they have to go to a hospital, when they have to be looked after in one or another way. That is elementally a national responsibility.

For that reason and that specific reason, in the Omnibus Budget Reconciliation Act of 1993, which the Senate adopted, if memory serves, on August 8, and the President signed on August 11, but which in any event is the law today, we specifically provided for Medicaid matching payments to bona fide emergency services for undocumented aliens, an undocumented alien being an illegal alien. Such a person can be 1 year of age, can be 95 years of age, can be anywhere in between. And emergency services, which are provided for in Medicaid, are by statute available.

Here is a conflict which we will all to some extent feel. These are persons living amongst us who have arrived here illegally, some fleeing their homelands, others—many more, most—coming here looking for economic opportunity in the manner that legal aliens have done for centuries.

It is only in this century that we began requiring persons to obtain documents and be permitted to enter the United States, as a general rule. We had the Chinese Exclusion Act in the 1880's, I believe. There was an effective, informal sanction on Japanese immigration. Some legislation was adopted in the second decade of the century. Then, in 1924, a more general Naturalization Act was enacted which controlled immigration. Until very recently, none of these measures affected the Western Hemisphere at all.

This pattern has been there through most of our history. I cannot imagine a hospital in New York or Seattle or San Antonio, in 1890, looking at a 3-year-old child with a life-threatening condition, and saying, "We will not treat it. The child is not a legal immigrant." That is not what the idea of hospitals is. Hospitals are not about health insurance. Hospitals are about caring for the sick.

We have provided this in statute, that these emergency services will be provided. We have done so—how many months will it have been; September, October—10 weeks ago. And here we are standing, suddenly, on a crime bill, proposing to repeal acts of mercy, acts of elemental compassion and care, the emergency care of undocumented aliens in hospitals.

If you are a person who would like to see no crime bill, that is fine. This may be a vehicle to assure you there will be no such bill enacted. This bill might very well pass the Senate. It will not get through conference. It is a measure that only the Committee on Finance can deal with, and will have to be made by conferees.

I stand here, not in any threatening mode, but simply to state this will not happen. Congress has considered the matter in the appropriate mode. The measure which we enacted in August in the Budget Reconciliation Act arose in the other body, was accepted in conference by the Senate conferees, and is statute. We are not about to repeal it on an empty floor at 3 o'clock, or 2:30, on a Friday afternoon. That is no way to legislate.

If any Senator wishes to introduce a bill, it will be referred to the Committee on Finance and I will assure that there will be hearings. I said I speak as the chairman of the Committee on Finance. I speak as a New Yorker. I think of that symbol of the United States, the Statue of Liberty, with that poem about "huddled masses yearning to breathe free," welcoming. "Give me. . ."

We have not been so welcoming of late, and there is reason to be careful and follow statute. But to deny medical care—to do what? Let the child bleed to death on the sidewalk? That is not who we are. That is not what we should become.

I hope we will have enough sense just to put this matter aside. If not, we can debate it for the rest of the year.

This is not the spirit of the United States of America. It is not the face we should show the world.

One of the oldest practices in international law—treaty law—which began early in this century, has been the understanding that nations with social insurance programs, health programs, extend those services to any person resident on its soil as a reciprocal arrangement, it being so elemental that whatever is shared in common humanity, there is a willingness to provide help to persons who are ill, to heal where possible, to relieve where no more than that can be done.

I do not want to rise to any degree of anger on this matter. I will not. But surely there should be a degree of embarrassment on the Senate floor that we are doing this. We are—all of us—in a common humanity, even if we do not have a common legal status, and that ought not to be denied by statute, as within the past 10 weeks we have provided. I cannot imagine that we will do this, Madam President.

We also propose to deny unemployment benefits, which are only available to people who have earned them through a period of regular employment during which Federal unemployment taxes have been paid. This is debasing some of the great statutes of this land. Surely it is not presenting a very appealing face to the world.

I hope we just will not do this in terms of an amendment. I assure the Senate with the greatest of confidence that if it wishes to put the entire crime measure in jeopardy, this is a sure and certain way to do it.

Madam President, I cannot suppose I have silenced the Senate by these remarks, but I observe no Senator is seeking recognition. No Senator is even at his or her desk, and a good thing, too. We ought to get rid of this painfully embarrassing measure.

I am handed a note that says, under the amendment of my friend from Nebraska, New York City hospitals would lose about $300 million a year in Medicaid matching for emergency services provided to aliens. Well, they would. We can ill-afford it. But the statute provides those services as a matter of law, and those hospitals predate Medicaid.

New York hospitals were founded by a charter from George II, and they have not, since the day they opened, whether it is Beth Israel or Albert Einstein or Columbia Presbyterian, which began as the College of Physicians and Surgeons of King College, or the great Catholic hospitals of Brooklyn and Queens, they have never, since the day their doors opened, closed them to any human being in need of help. They were there before this statute. Under the statute, which dates from 1965, and by enactment within the last 10 weeks, they are entitled to reimbursement for that care. They will continue to give it whether they are reimbursed or not, save some will end up closing the doors opened a century ago, a half century ago, 250 years ago.

I do not know that anything more need be said, Madam President. I will be prepared to answer any question addressed to me.

I see the distinguished Senator from Illinois has risen, and I will be happy to yield for any question she might ask.

Ms. MOSELEY-BRAUN. A question to the Senator from New York: The Senator had indicated—the Senator is an expert, actually, in the area of unemployment insurance. Section B of the underlying amendment refers specifically to the issueconcerning unemployment insurance.

Mr. MOYNIHAN. It does.

Ms. MOSELEY-BRAUN. Perhaps for the edification of the body, if the Senator would discuss where we are in terms of reform of the unemployment insurance program so as to respond to this section of the amendment, that would be helpful.

Mr. MOYNIHAN. I am grateful to my friend for raising this question. It is time that we revisited the whole structure of unemployment benefits, which was established as a part of a title of

the Social Security Act of 1935. We then later added extended benefits, and now we have a special further extension.

I can report to my friend from Illinois, who follows these matters carefully, that we have successfully concluded a House-Senate conference on the extension, which was voted in the Senate about 2 weeks ago, for which we had the unyielding support of the Senator from Illinois. That has been done. The conference committee will come to the floor possibly later today. The matter will be done and on the President's desk in a very few days.

During that debate, she well recalls, I suggested the time to straighten up this system so it is easily understood by the workers for whom it is designed is at hand as regards part B.

Only aliens with green cards, which is to say legal aliens with the right to work, will have unemployment benefits paid for them, and when they do, they will have a Social Security number and that is their social insurance. Social insurance is a matter of right—a participatory, contributory insurance.

I thank the Senator from Illinois for raising the prospect that next session we should have a thorough review of this whole matter and every half century, if you fix up a program, that is not precipitous. But this is, what we have before us is precipitous and indefensible.

Ms. MOSELEY-BRAUN. To the Senator from New York, is it not a fact then that this amendment suggests something that is going to remove something that is already an illegal act? It is illegal for an illegal alien to collect unemployment benefits today. So section B of this amendment is unnecessary at best and precipitous, as you call it, at worst?

Mr. MOYNIHAN. My learned and alert friend is absolutely right. We are prohibiting something which is now prohibited. That is trivializing debate on crime, which is real.

Ms. MOSELEY-BRAUN. I thank the Senator from New York.

Mr. MOYNIHAN. Madam President, I again see no Senator wishing to speak. Given the nature of this amendment, I am not surprised. I hope it might just be withdrawn. I cannot say what will happen, but it has no place in this legislation, and it has no place on our statute books.

I thank the Chair and yield the floor.

Ms. MOSELEY-BRAUN. Madam President, 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. GRAHAM. 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. GRAHAM. Madam President, what is the current parliamentary status of the Senate? What is the pending business before the Senate?

The PRESIDING OFFICER. The pending question is the second-degree amendment of the Senator from Florida.

Mr. GRAHAM. Madam President, I am pleased to report that there has been some very constructive discussion with the Senator from Nebraska. I believe that an amendment has been developed which will achieve the goals that the Senator from Nebraska seeks, yet which will be consistent with what many of us believe to be appropriate Federal responsibility.

Therefore, I withdraw the second-degree amendment which I previously submitted, and I yield the floor.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered. The amendment is withdrawn.

The amendment (No. 1115) was withdrawn.

AMENDMENT NO. 1109, AS MODIFIED

Mr. EXON. Mr. President, since the yeas and nays have not been ordered under my amendment, I send a correcting amendment to the desk, and ask that it be incorporated as modified and changed.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The amendment (No. 1109), as further modified, is as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PAYMENT OF FEDERAL BENEFITS TO ILLEGAL ALIENS.

(a) DIRECT FINANCIAL BENEFITS.—Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, to any person not lawfully present within the United States for Aid to Dependent Children (AFDC), Supplemental Security Income (SSI) for the Aged, Blind, and Disabled; Food Stamps; Medicaid except for emergency conditions; legal services; assistance under the Job Training and Partnership Act; unemployment compensation; and postsecondary student financial aid.

(b) UNEMPLOYMENT BENEFITS.—No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment compensation under an unemployment compensation law of a State or the United States.

(c) DEFINITION.—In this section, "persons not lawfully present within the United States" means persons who at the time they applied for, receive, or attempt to receive a Federal benefit are not either a United States citizen, a permanent resident alien, an asylee or asylee applicant, a refugee, a parolee, a nonimmigrant in status under the Immigration and Nationality Act, or admitted with temporary protected status, temporary residents, or persons granted Family Unity Protection Status under the INA.

Mr. EXON. Mr. President, let me request at this time that in addition to the previously announced and recorded cosponsors of the amendment, as it now stands I wish to add as cosponsors the Senator from Florida [Mr. GRAHAM], the Senator from Washington State [Mrs. MURRAY], the Senator from Illinois [Ms. MOSELEY-BRAUN], both Senators from California, [Mrs. FEINSTEIN and Mrs. BOXER], and the Senator who now presides in the chair, the Senator from Arizona [Mr. DECONCINI].

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

Mr. KENNEDY. Mr. President, I am pleased to have reached this compromise substitute amendment. I understand Senator EXON's concern in offering his amendment, and I am pleased he has agreed to this compromise.

There is a good deal of misinformation about this issue. Current law already denies illegal aliens access to Federal benefits, except in a few narrow categories which have specifically been authorized by Congress or mandated by the Supreme Court. This amendment carries forward current law.

As a result of the immigration debates of the past several years, particularly during our consideration of the Immigration Reform and Control Act of 1986, Congress has already implemented a series of measures to strengthen our laws denying access to Federal programs by illegal aliens.

First and foremost is the SAVE Program, in which the Immigration Service is mandated to determine whether an alien applying for benefits is lawfully in the United States and is eligible for those benefits. That program is working well in communities across the country.

Second, the only benefits that illegal aliens now qualify for are emergency medical services, or programs for school children—which the Supreme Court has ruled they must be eligible to receive as part of public education in the United States. Thus, Medicaid benefits are available, but only for emergency services. WIC nutritional assistance benefits are available to women and infants. And school lunches and breakfasts are available, if the children are enrolled in a public school.

All other benefits are already prohibited under previous action by Congress. We have already denied benefits to illegal aliens under the vast majority of Federal programs. Where benefits are still available, such as for emergency medical services, it is because the social and economic cost of not providing the benefits exceeds the actual cost of the benefits.

Finally, Mr. President, this issue is also part of the current debate over national health care reform. If the President's health program is approved, and we have a universal health card, illegal aliens will automatically be denied access to regular health programs.

I look forward to working with the Senator from Nebraska to clarify these

issues. This amendment is simply reaffirming the prohibition in current law.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. EXON. It seems to me there should be no need for further debate on the amendment, although I know that the majority leader has his hand up in the air. I would be glad to yield to him.

Mr. MITCHELL. Mr. President, my understanding is that the participants want just a couple of minutes to explain the modification.

So might I ask that there be 5 minutes equally divided under the control of Senators EXON and GRAHAM, and that——

Mr. MOYNIHAN. May the Senator from New York have 1 minute?

Mr. MITCHELL. Certainly; that there be 1 minute in addition to Senator MOYNIHAN; and that upon the conclusion of that time there be a vote on the amendment. I also ask now that it be in order to request the yeas and nays.

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

Mr. MITCHELL. Mr. President, I further ask that there be no second degrees in order.

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

Mr. MITCHELL. I now ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The Senator from Nebraska is recognized for 2½ minutes.

Mr. EXON. Was it 2½ minutes per side or 5?

The PRESIDING OFFICER. Two and a half to the side, 1 minute to the Senator from New York.

Mr. EXON. Mr. President, I just want to say it seems to me with an awful lot of effort we have really worked out what the main goals of all of us were on this amendment; the savings that I outlined in my talk on this matter this morning would be realized or nearly realized.

I think we have made a significant stride, and yet address some of the concerns raised by other Members of the body. Certainly I thank them for their cooperation and their understanding.

I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I want to commend the Senator from Nebraska for his concern for this issue and for the very appropriate manner in which he has gone about presenting his ideas, and now reaching what I think is a very honorable resolution.

Basically, the amendment that is before us, does the following: First, it states with specificity what are the direct Federal financial benefits or social insurance benefits which may not be paid to a person who is in the country in an illegal undocumented status.

Therefore, there will not be any question as to which programs that are otherwise available to American citizens are precluded from those who are here illegally. One area of great concern to many of us was the fact that this preclusion does not include emergency medical services. So that they will be eligible for emergency medical services.

It clearly stipulates that they will not be eligible for unemployment benefits, and it contains a definition of who a person not lawfully present within the United States is, so that there will be as limited an ambiguity as to what that means as possible.

I want to particularly thank the Senator from Wyoming for bringing his expertise to bear on that aspect of the amendment.

I am pleased to be a cosponsor of the amendment. I urge its adoption.

Mr. EXON. Mr. President, I yield the remaining time to my friend and colleague from Wyoming, without whose help and understanding and expertise in this area this would not have been possible. I thank him. I yield that time to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I appreciate that. I very much appreciate the work of the Senator from Nebraska, who has been dogged and attentive on this as he was in 1989 and now again; the Senator from Florida who, when he was Governor, used to work with me on immigration and refugee matters, who I regard highly; and the Senators from California and Florida who are the most effective in anything we do in this place.

I just think it is so appropriate to note that we have done something here which should be well received on a crime bill, and we will be doing some very significant things with illegals on a health bill, and then we will be doing some very significant things anew with regard to asylum, refugee, and immigration bills that will be coming up in the next session.

I am very pleased to have been of some assistance, but more than that, appreciating what was done by the Senators from Nebraska, Florida, and California.

Mr. MOYNIHAN. Is all time yielded back?

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, this amendment is a kick in the shins to every hospital in every major city in America, as we begin to talk about universal health care indeed.

In 1989, I was one of six persons in the body to vote no. I will vote no again. This time it will probably be at least a little bit higher. But since 1989 when I became chairman of the committee on finance, almost without exception these measures are dealt with as Finance Committee matters. We are happy to hear them out in committee, to deliberate them in the normal manner, but not to enact legislation of this kind at 3:10 on a Friday afternoon with no previous notice, no hearings, no evidence, no support.

Mr. President, lest I grow heated, I yield the floor.

Mr. EXON. Is there any remaining time, I ask the chair?

The PRESIDING OFFICER. The Senator from Nebraska has 35 seconds remaining.

Mr. EXON. Mr. President, I claim my time.

I simply say to our distinguished chairman of the Finance Committee that this bill had been asleep in his committee for a long, long time. They did not act on it. We are acting in the Senate. The chairmen of the committees must realize and recognize that if they do not respond to the wishes of the Chamber and make the changes they think are necessary, then indeed we have the right under the Senate rules—which we are doing here—to move in this area that the Finance Committee did not.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator BRADLEY be recognized to address the subject for 1 minute; that following the disposition of the Exon amendment, Senator GRASSLEY be authorized to offer an amendment, with a time limitation of 30 minutes, equally divided in the usual form on Senator GRASSLEY's amendment; and that no other amendments be in order prior to the disposition of Senator GRASSLEY's amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, this debate has illustrated that illegal immigration is a very big issue in the United States, and it is growing every day.

We are about to have a vote on the North American Free-Trade Agreement. Let no one be unaware that if the North American Free-Trade Agreement is defeated, with that country where half of the population is under the age of 19—Mexico to our south—the problems of illegal immigration in this country have only just begun.

It is very important that we see the connection between the speeches on the floor against illegal immigration and a vote on the North American Free-Trade Agreement.

If you want more illegal immigration into this country, you will vote against the North American Free-Trade Agreement. If you want less illegal immigration into the United States, you will vote for the North American Free-

Trade Agreement. I would rather have Mexicans working jobs in Mexico than have illegal immigrants in Los Angeles, New York City, Chicago, San Francisco, or any other city in America. This debate is only the beginning.

The PRESIDING OFFICER. All time has expired on the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Nevada [Mr. REID] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. MATHEWS] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. DOLE], the Senator from Missouri [Mr. BOND], the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. MCCAIN], and the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 2, as follows:

[Rollcall Vote No. 355 Leg.]

YEAS—85

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mikulski
Biden	Glenn	Mitchell
Boren	Gorton	Moseley-Braun
Boxer	Graham	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Burns	Heflin	Pressler
Byrd	Helms	Pryor
Chafee	Hollings	Riegle
Coats	Hutchison	Robb
Cochran	Inouye	Rockefeller
Cohen	Johnston	Roth
Conrad	Kassebaum	Sarbanes
Coverdell	Kempthorne	Sasser
Craig	Kennedy	Shelby
D'Amato	Kerrey	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Smith
DeConcini	Lautenberg	Specter
Dodd	Leahy	Stevens
Domenici	Levin	Thurmond
Dorgan	Lieberman	Warner
Durenberger	Lott	Wellstone
Exon	Lugar	Wofford
Faircloth	Mack	
Feingold	McConnell	

NAYS—2

Hatfield	Moynihan

NOT VOTING—13

Bennett	Dole	Murkowski
Bingaman	Gramm	Reid
Bond	Jeffords	Wallop
Bumpers	Mathews	
Campbell	McCain	

So the amendment (No. 1109), as further modified, was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that, immediately upon the disposition of Senator GRASSLEY's amendment, the Senate proceed to Senator MOSELEY-BRAUN's amendment and that there be a time limitation of 12 minutes divided in the following form: the Senator from Illinois, with 8 minutes and the Senator from Delaware with 4 minutes; and that no other amendment be in order prior to the disposition of Senator MOSELEY-BRAUN's amendment.

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

Mr. BIDEN. Mr. President, we are about to accept Senator GRASSLEY's amendment. If the Senator would be recognized, then we could move on.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1116

(Purpose: To establish stricter requirements for exhaustion of administrative remedies by prisoners who wish to bring civil rights actions)

Mr. GRASSLEY. Mr. President, on behalf of myself, Senator MCCONNELL and Senator NICKLES, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself, Mr. MCCONNELL and Mr. NICKLES, proposes an amendment numbered 1116.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(A) EXHAUSTON OF ADMINISTRATIVE REMEDIES.—Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "ninety days" and inserting "180 days"; and

(B) in paragraph (2), by inserting before the period at the end the following: "or are otherwise fair and effective"; and

(2) in subsection (c)—

(A) in paragraph (1) by inserting before the period at the end the following: "or are otherwise fair and effective"; and

(B) in paragraph (2) by inserting before the period at the end the following: "or is no longer fair and effective".

(b) PROCEEDINGS IN FORMA PAUPERIS.—Section 1915(d) of title 28, United States Code, is amended to read as follows:

"(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

Mr. GRASSLEY. I also ask unanimous consent that Senator BURNS be added as a cosponsor.

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

Mr. GRASSLEY. Mr. President, the amendment I have just offered is quite simple. It makes it easier for States and Federal judges to require prisoners filing civil rights cases in the Federal courts to first exhaust available administrative remedies. It does not limit prisoner's right to sue in Federal court. It merely ensures that judges can continue the case for the prison and the State to try to resolve the complaint through an administrative grievance system.

Prisoner civil rights cases are overloading the Federal courts. While the courts struggle to handle their criminal docket, they find huge portions of their time squandered on frivolous complaints by convicted felons serving time in State prisons. In the past year, prisoner civil rights cases were 14.2 percent of the total Federal civil docket—a mind-boggling 32,000 cases. In Iowa and Arizona, they were an astonishing 48 percent of all Federal civil cases. In Missouri they were 46 percent, in Arkansas 42 percent, and so on. Each one of these cases costs the taxpayers an average $50,000.

This might not be bad if most of these prisoners had legitimate grievances. But let me give you an example of some of the cases that are being brought:

Keith Smith sued because a prison doctor would not give him birth control pills.

Charles McManus sued because he had to eat too fast in the prison mess hall.

Jesse Loden sued because he could not attend chapel in the nude.

In Nevada, child molester Chris Chapman sued because the prison would not let him subscribe to the North American Man-Boy Love Association Bulletin.

In Florida, Donald Perry has filed 42 lawsuits. One sounded serious—it charged a guard with beating him with the flashlight. Mr. Perry neglected to mention that, at the time, he was stabbing the officer and a colleague with an ice pick. The jury ruled against Perry after a few minutes deliberation, but the suit cost the state $60,000.

Another inmate sued because he was not allowed to deal drugs from his cell.

In a case that we discussed on the floor last week, a group of inmates sued claiming their freedom of religion was violated when the prison wouldn't let their new religion—the "Church of the New Song [CONS]", whose sacraments were chateaubriand and Harvey's Bristol Cream—meet and worship at their leisure. That case was in the courts for 10 years.

In the ultimate ridiculous case, Kenny Parker sued, claiming his "cruel and unusual punishment" when the prison served him creamy instead of chunky peanut butter.

These anecdotes from last month's ABC 20/20 broadcast on "the Great Prison Pastime" give you some idea of the nature of the problem.

My amendment makes some simple changes that the Federal judges have urged.

First, and most importantly, it makes it easier for States to establish administrative grievance procedures under the Civil Rights of Institutionalized Persons Act of 1980. It will allow the court to continue a case for exhaustion of remedies if the court determines or the Justice Department certifies that the grievance system either substantially complies with minimum standards laid out in the statute or is otherwise fair and effective. This is necessary because, as the Federal courts study committee concluded, the current system is slow, onerous, and has failed to encourage administrative resolution of State prisoner civil rights claims.

This requirement is already imposed on Federal prisoners, and has not caused any undue burdens on legitimate claimants.

Second, the amendment extends the period during which the judge can continue the case from 90 to 180 days.

Finally, the amendment adds failure to state a claim to the reasons a judge can dismiss a prisoner case brought in forma pauperis.

The changes to the Civil Rights of Institutionalized Persons Act in the amendment are supported by the administrative office of the courts.

I urge adoption of the amendment.

I yield the floor at this point.

Mr. BIDEN. Mr. President, although I have reservations about the amendment, having checked with the folks that have a deep concern about it, we are not happy about it, but we are prepared to accept it.

Mr. HATCH. We are prepared to accept it.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. BIDEN. I yield back my time.

Mr. GRASSLEY. I yield back my time.

The PRESIDING OFFICER. All time being yielded back, the question is on agreeing to the amendment.

The amendment (No. 1116) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I will be brief. This amendment will allow for the courts to try, as adults, juvenile criminals from the age of 13 who commit crimes in a limited, distinct number of categories. Specifically, a juvenile who kills someone or attempts to kill someone may be tried as an adult from age 13. A juvenile who commits an armed assault with a firearm may be tried as an adult from age 13. A juvenile who commits a robbery with a firearm may be tried as an adult; and a juvenile who commits an aggravated sexual assault with a firearm may be tried as an adult from the age of 13.

There are five categories only. In most jurisdictions juveniles may be tried as an adult in these situations already. This amendment calls for juveniles who commit these crimes on a Federal level to be tried as an adult in all cases. This is a critical amendment we have to agree to. If we send the message that we are going to treat violent juvenile criminals as criminals and not as children, we will be able to help stop the tremendous rise in violent juvenile crime.

Between 1965 and 1990, juvenile arrests for murder increased by 332 percent; juvenile arrests for forcible rape more than doubled. This amendment will give us the capacity to have a record of the violent crimes these young criminals commit. This will give us a capacity to have an evidentiary hearing for these young people. This will make these young people accountable for the consequences of their actions when they kill people, commit aggravated assaults, commit aggravated sexual assaults, or rob someone with a firearm.

I urge the favorable consideration of this amendment by the body.

The PRESIDING OFFICER. The Senator will send the amendment to the desk, please.

AMENDMENT NO. 1117

(Purpose: To authorize the prosecution as adults of armed offenders 13 years of age or older)

Ms. MOSELEY-BRAUN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN] proposes an amendment numbered 1117.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 127, line 3, strike "16- and 17-year-olds" and insert "juveniles 13 years of age and older."

On page 127, between lines 15 and 16, insert the following:

Subtitle A—Federal Prosecutions

SEC. 631. PROSECUTION AS ADULTS OF VIOLENT JUVENILE OFFENDERS.

Section 5032 of title 18, United States Code, is amended by adding at the end the following new paragraph:

(A) Notwithstanding any other provision of this section or any other law, a juvenile who was 13 years old or older on the date of the commission of an offense under section 113(a), (b), or (c), 1111, 1113, 2111 or 2113 (if the juvenile was in possession of a firearm during the offense), or 2241 (a) or (c) (if the juvenile was in possession of a firearm during the offense) shall be prosecuted as an adult in Federal court. No juvenile prosecuted as an adult under this paragraph shall be incarcerated in an adult prison.

(B) If a juvenile prosecuted under this paragraph is convicted, the juvenile shall be entitled to file a petition for resentencing pursuant to applicable sentencing guidelines when he or she reaches the age of 16.

(C) The United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, if necessary, to carry out the purposes of this section. For resentencing determinations pursuant to subsection (b), the Commission may promulgate guidelines, if necessary to permit sentencing adjustments which may include adjustments which provide for supervised release, for defendants who have clearly demonstrated (i) an exceptional degree of responsibility for the offense and (ii) a willingness and ability to refrain from further criminal conduct.

Ms. MOSELEY-BRAUN. It has just been pointed out to me that it should be made clear my amendment applies to Federal crimes only. This applies only to those matters that fall within Federal jurisdiction. I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will take 2 minutes of the 4 minutes of my time and yield 2 minutes to the Senator from Pennsylvania.

Mr. President, I am very troubled by this proposal. I agree there are some kids who are beyond hope and beyond help. That is why in my bill, the underlying Biden bill, I provide grants to States to prosecute violent 16-year-olds and 17-year-olds as adults. It is why my bill contains stiff new penalties for gang members. But 13-year-olds? The philosophy that drives the juvenile justice system is that kids in trouble need something more than to be thrown in prison. I really think this is going much too far. I have an inordinate regard for my friend from Illinois, but this is much beyond what this Senator thinks we should be doing, trying 13-year-olds as adults.

I reserve the remainder of my time. I yield 2 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania—the Senator from Delaware yields his time?

Mr. BIDEN. No; 2 minutes on the 4 minutes of my time I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania has 2 minutes.

Mr. SPECTER. I thank my colleague from Delaware.

I appreciate the concerns which the Senator from Illinois has expressed. I discussed this amendment with her and know how deeply she feels about it.

I have grave concern about a mandatory requirement that 13-year-olds be tried as adults in all circumstances, even where limited, as they are, to those four categories.

If you have a coconspirator in a getaway car, if you have an accessory, they would be included.

I found, as district attorney of Philadelphia, that it was necessary to certify juveniles to be tried as adults, but the discretion remained in the court. I believe the amendment by the distinguished Senator from Illinois would be acceptable if there were discretion, perhaps even a presumption in favor of, at a certain age category, trying juveniles as adults. But to make it mandatory and leave no discretion with the court, in my judgment, goes just a little far.

Also, age 13 is a very tender age. So while I sympathize with the objectives, I think it is just a little too far here, and the concern I have is trying to run through the pros and cons in the very limited timeframe which we have available this afternoon. So I must oppose the amendment.

Mr. BIDEN. How much time does the Senator from Delaware have left on the amendment?

The PRESIDING OFFICER. The Senator controls 1 minute 23 seconds.

Mr. BIDEN. Mr. President, let me use the remainder of my time by saying I have great respect for my friend from Illinois, but not only does this trying 13-years-olds as adults; this in fact mandates they be tried as adults and mandates that, for a Federal crime, they, in fact, be tried in Federal courts as adults at age 13.

We have argued, the Senator from South Carolina, [Mr. THURMOND] and I have argued about trying 17- and 16-year-olds for murder. I do not ever recall—ever—us arguing on this floor whether or not there be mandatory sentences and mandatory trials for serious offenses for 13-year-olds in Federal court.

I understand the motivation of the amendment. As I said, I know, as they say, from whence my former prosecuting friend comes. I have great respect for her. But I have overwhelming opposition to this amendment.

If all time is yielded back, I am ready to vote.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I want to make a unanimous consent request, but I will do it following the completion of this debate, prior to the vote.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I did not use all of my time, and I will use all of it now to respond.

In the first instance, the rationale, the reason behind this amendment is clear. Serious, violent juvenile criminals is the group from which there has been the single greatest rise in juvenile crime: crime involving death, crime involving the use of firearms. That is the first point. That is the reality of it.

The second point is that this amendment is very narrowly drawn, not only to apply just to Federal activities, but to the five specific categories of criminal activity which I pointed out—murder, attempted murder, aggravated assault, aggravated sexual assault and robbery with a handgun. So it is only five instances.

The third point is, this does not walk away from the sense of the underlying goals of the juvenile justice system. In fact, it calls for review after 3 years of the appropriateness of the sentence for a juvenile. It calls for expungement of that juvenile's record at age 18 where found appropriate. So it would provide safeguards for of those instances.

However, at the present time we are grappling with a situation in which these juveniles leave no record, leave no fingerprints. They can shoot someone with impunity at 14 years of age, 15 years of age, 16 years of age, and do not have to account for their actions. If we send a clear message that an individual who kills someone has to be accountable for what they do, then older people will no longer be able to use these juveniles as mules, as lookouts, as the trigger people. If we are going to send that message from this Chamber as part of the crime initiative we are undertaking now, I believe this amendment is not only appropriate but long overdue.

The statistics are very clear. The rationale, the logic is clear. This is a narrowly crafted piece of legislation, not all encompassing, and will, I believe, target that group that is terrorizing our country the most. I will point out, without using inflammatory examples in order to do so, in Florida, when the British tourist was recently killed, those arrested for that horrible crime were juveniles, including one 13-year-old and one 14-year-old. We can go jurisdiction by jurisdiction and tell terrible stories.

One Member on the other side of the aisle told me about a funeral his son attended this morning for a juvenile killed by another juvenile. If we are serious about protecting the kids—there are youngsters killing our youngsters. If we want to protect our kids, we have to make young criminals know they are accountable when they kill someone. It is just that simple.

[Disturbance in the visitors' galleries]

The PRESIDING OFFICER. The gallery will please refrain from any expression.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is seeking recognition. He has no time.

Ms. MOSELEY-BRAUN. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Illinois has 4 minutes 45 seconds remaining.

Mr. HATCH. I Will not take much time. Let me tell you something. These young kids are carrying guns, killing people, shooting people. In my home State of Utah there is an epidemic of gang violence.

In Utah, it is estimated gang-related crime has risen from 388 in 1991 to over 3,100 in the first 7 months of this year. There were over 612 drive-by shootings and 3 murders attributed to youth violence so far this year.

The MOSELEY-BRAUN amendment responds to this violence. It basically permits adult prosecution of juveniles 13 year of age or older. But the amendment does not throw these juveniles in prison where they are going to rot. It allows them to petition for resentencing if they have proven themselves no longer a threat to society and accept responsibility for their acts.

So this is a responsibility-for-your-acts amendment. I admit, I wish it could have been drafted a little bit differently, but I want to compliment the distinguished Senator from Illinois. This is not an easy thing to do. But these are not just kids; these are kids with guns doing violent, brutal, murderous things. We have to get tough on them. Our streets are not safe anymore.

When you see Salt Lake City where they are not safe, you can imagine what it is like in some of the large inner cities where there is a much greater propensity to commit criminal activity, where these kids idolize guns and think it is the answer to everything.

So I want to give Senator MOSELEY-BRAUN support here. It is not easy because I wonder about tender juveniles, too; but she is right, let us have them be responsible, and when they see a few of their friends having to face the music, maybe it will stop thousands of others from doing what they have been doing.

I thank the Senator for allowing me this limited time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Monday, November 8, the Senate resume consideration of this bill at 10 a.m.; that Senator WELLSTONE be recognized at that time to offer an amendment on the subject of child visitation centers; that there be 1 hour for debate, equally divided in the usual form on Senator WELLSTONE's amendment, with a vote on, or in relation to, Senator WELLSTONE's amendment occurring at 11 a.m. on Monday, with no other amendments in order prior to the disposition of the Wellstone amendment.

Mr. HATCH. Reserving the right to object, I can agree with that except the "no other amendments" part. There may be a desire from someone on our side, or even your side, to have an amendment to Senator WELLSTONE's amendment. The problem here is that we have tried to work it out all day. I really thought I had it worked out with the distinguished Senator. We have had objections on our side. If we can reserve that one right to amend, we can go ahead. I will still continue to try to work it out.

Mr. MITCHELL. Mr. President, may I suggest then that we modify it to say that relevant second-degree amendments be in order, and set the same time limitation?

Mr. HATCH. Sure, that will be fine.

Mr. MITCHELL. Is that agreeable with the Senator?

Mr. WELLSTONE. The Senator from Utah is right; we have spent the better part of a day to get an agreement. I suppose the Senator is right. I am disappointed we cannot have an up-or-down vote——

Mr. HATCH. We may, but we may want to offer a relevant, germane amendment.

Mr. WELLSTONE. I say to the Senator from Utah that there is not really anything I can do about it. I would like to continue to work with you——

Mr. HATCH. We will work——

Mr. WELLSTONE. I guess I want to make it clear, you know how strong I feel about it. I would like to have a vote on this. One way or another, I am going to push to make sure that happens.

Mr. MITCHELL. Mr. President, I renew my request with the modification stated that relevant second-degree amendments be in order and, if offered, be subject to the same time limitation as the Wellstone amendment.

The PRESIDING OFFICER. The unanimous consent request is so modified. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I simply want to repeat what I have said earlier. Beginning Monday, there will be 11 legislative days left prior to Thanksgiving, including the day before Thanksgiving. Over and over and over again, Senators are telling me privately they want to adjourn by Thanksgiving. And yet, over and over and over again, once on the Senate floor, Senators delay, dither, dillydally, and waste time.

I want very much to adjourn by Thanksgiving, but we will adjourn by Thanksgiving only if we complete the business that is required. The Senators cannot have it both ways to say we want to adjourn by Thanksgiving but, please, do not have any votes on Friday afternoon; please do not have votes on Monday morning, on Monday night, and at various other times.

Whether or not we adjourn by Thanksgiving is entirely up to Senators. Entirely. There is a specific agenda of business which we must complete. If we complete it, we will adjourn. If we do not complete it, we will not adjourn before Thanksgiving. We will come back afterward and stay until we do complete it. That is entirely within the hands of Senators.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1117

Ms. MOSELEY-BRAUN. Mr. President, I think there are 3 minutes left.

In conclusion, Mr. President, in 1991, murders committed by juveniles in my State increased by over 104 percent from 1990. This compared with an increase of 17 percent for adults. I can give you the numbers, and I would like to share some of the numbers, but it is horrifying. The dramatic increase in juvenile crime from age 13 includes 14,282 aggravated assaults in last year alone. Clearly, this is the area that most cries out for us to show some leadership.

Admittedly, the Federal jurisdiction is limited. The number of crimes involved here are very limited, but it seems to me that it is altogether appropriate for us to take some leadership with this legislation. This is not to say we are moving beyond the juvenile courts. We want to support the juvenile courts; we want to support the approach that says we should save young people who want to be saved. In fact, this legislation is part of a comprehensive package that calls for mandatory education for youngsters who are incarcerated; that calls for parenting and alternative dispute resolution classes to help young people resolve their arguments without a gun. There are a number of different approaches which I have proposed.

But it seems to me we have to be very clear and certain that a young person who takes a gun in his or her hand to kill somebody, to commit a robbery, to commit an assault or to commit a sexual assault should be held accountable, should not just get off, should not get away without having a record or some indication of that violent criminal activity.

Right now, that is one of the major problems. Juveniles commit a crime and there is no record. They commit another, and another, until they get to be 18, and only then they begin to develop a record. We have to put a stop to this, Mr. President.

I encourage the support of my colleagues for this amendment. I think our country desperately needs this kind of approach to deal with serious, violent juvenile crime.

The PRESIDING OFFICER (Mr. GLENN). Who yields time?

Ms. MOSELEY-BRAUN. I yield back the remainder of my time.

Mr. BIDEN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1117. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Nevada [Mr. REID], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Missouri [Mr. BOND], the Senator from Kansas [Mr. DOLE], the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. MCCAIN], and the Senator from Wyoming [Mr. WALLOP], would each vote "yea."

The result was announced—yeas 64, nays 23, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—64

Akaka	D'Amato	Hollings
Baucus	Danforth	Hutchison
Boren	Daschle	Johnston
Bradley	DeConcini	Kempthorne
Breaux	Domenici	Kerry
Brown	Dorgan	Kohl
Bryan	Faircloth	Lautenberg
Burns	Feinstein	Lieberman
Byrd	Graham	Lott
Coats	Grassley	Lugar
Cochran	Gregg	Mack
Cohen	Harkin	McConnell
Conrad	Hatch	Mikulski
Coverdell	Hatfield	Moseley-Braun
Craig	Helms	Moynihan

Nickles	Rockefeller	Smith
Nunn	Roth	Stevens
Pell	Sarbanes	Thurmond
Pressler	Sasser	Warner
Pryor	Shelby	Wofford
Riegle	Simon	
Robb	Simpson	

NAYS—23

Biden	Glenn	Levin
Boxer	Gorton	Metzenbaum
Chafee	Heflin	Mitchell
Dodd	Inouye	Murray
Durenberger	Kassebaum	Packwood
Exon	Kennedy	Specter
Feingold	Kerrey	Wellstone
Ford	Leahy	

NOT VOTING—13

Bennett	Dole	Murkowski
Bingaman	Gramm	Reid
Bond	Jeffords	Wallop
Bumpers	Mathews	
Campbell	McCain	

So the amendment (No. 1117) was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Ms. MOSELEY-BRAUN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1111

The PRESIDING OFFICER. The pending business is the Robb amendment No. 1111.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 1111, AS MODIFIED

Mr. ROBB. Mr. President, I have conferred with both sides. There was a request for a very slight modification. The modification of the amendment relates only to the number of appointees by the President; the number of appointees by the Senate and the House remain the same on the commission to study violence in schools. It has been approved on both sides.

I send the modification to the desk.

The PRESIDING OFFICER. The Senator has that right, and the amendment is so modified.

The amendment (No. 1111), as modified, is as follows:

On page 368, between lines 2 and 3, insert the following:

Subtitle D—Commission on Violence in Schools

SEC. 1731. ESTABLISHMENT SCHOOLS.

There is established, subject to appropriations, a commission to be known as the "National Commission on Violence in America's Schools" (referred to in this subtitle as the "Commission").

SEC. 1732. PURPOSES.

The purposes of the Commission are—

(1) to develop comprehensive and effective recommendations to combat the national problem of national scale and prepare a report including an estimated cost for implementing any recommendations made by the Commission;

(2) to study the complexities, scope, nature, and causes of violence in the Nation's schools;

(3) to bring attention to successful models and programs in violence prevention and control;

(4) to recommend improvements in the coordination of local, State, and Federal agencies in the areas of violence in schools prevention; and

(5) to make a comprehensive study of the economic and social factors leading to or contributing to violence in schools and specific proposals for legislative and administrative actions to reduce violence and the elements that contribute to it.

SEC. 1733. DUTIES.

The Commission shall—

(1) define the causes of violence in schools;

(2) define the scope of the national problem of violence in schools;

(3) provide statistics and data on the problem of violence in schools on a State-by-State basis;

(4) investigate the problem of youth gangs and their relation to violence in schools and provide recommendations as to how to reduce youth involvement in violent crime in schools;

(5) examine the extent to which weapons and firearms in schools have contributed to violence and murder in schools;

(6) explore the extent to which the school environment has contributed to violence in schools; and

(7) review the effectiveness of current approaches in preventing violence in schools.

SEC. 1734. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall consist of 22 members, as follows:

(A) PRESIDENT.—Two persons appointed by the President.

(B) SENATE.—Five persons appointed by the majority leader of the Senate and five persons appointed by the minority leader of the Senate.

(C) HOUSE OF REPRESENTATIVES.—Five persons appointed by the Speaker of the House of Representatives, and five persons appointed by the minority leader of the House of Representatives.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing individuals as members of the Commission, the President and the majority and minority leaders of the House of Representatives and the Senate shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) law enforcement; and

(v) ethnography and urban poverty, including health care, housing, education, and employment.

(b) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed within 60 days after the date of the enactment of this Act for the life of the Commission.

(c) MEETINGS.—The Commission shall have its headquarters in the District of Columbia, and shall meet at least once each month for a business session that shall be conducted by the Chairperson.

(d) QUORUM.—Thirteen members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—No later than 15 days after the members of the Commission are appointed, such members shall designate a Chairperson and Vice Chairperson of the Commission.

(f) CONTINUATION OF MEMBERSHIP.—If a member of the Commission later becomes an officer or employee of any government, the individual may continue as a member until a successor is appointed.

(g) VACANCIES.—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(h) COMPENSATION.—

(1) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 1735. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—The Chairperson shall appoint a director after consultation with the members of the Commission, who shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the director may appoint personnel as the director considers appropriate.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this Act.

(f) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, as well as agencies and elected representatives of the executive and legislative branches of government. The Chairperson of the Commission shall make requests in writing where necessary.

(g) PHYSICAL FACILITIES.—The General Services Administration shall find suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 1736. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devices of services or property, both real and personal, for the purpose

of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devices shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1737. REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) REPORTS.—

(1) INTERIM REPORT.—The Commission shall submit an interim report to the President and the Congress not later than one year before the termination of the Commission. The interim report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative and administrative action based on the Commission's activities to date. A strategy for disseminating the report to Federal, State, and local authorities shall be formulated and submitted with the formal presentation of the report to the President and the Congress.

(2) FINAL REPORT.—Not later than the date of the termination of the Commission, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, and recommendations, including an assessment of the extent to which recommendations of the Commission included in the interim report under paragraph (1) have been implemented.

(c) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public upon request.

SEC. 1738. TERMINATION.

The Commission shall terminate on the date which is two years after the members of the Commission have met and designated a Chairperson and Vice Chairperson.

SEC. 1739. AUTHORIZATION OF APPROPRIATIONS.

There are authorizedto be appropriated such sums as are necessary to enable the Commission to carry out its duties under this subtitle.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1111), as modified, was agreed to.

Mr. ROBB. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1112

The PRESIDING OFFICER. The question recurs on the Hatch amendment No. 1112.

Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1112) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I believe we are ready to move down a schedule of amendments that the distinguished Senator from Delaware and I will be able to accept on the part of the majority and minority.

AMENDMENTS NOS. 1118, 1119, 1120, 1121, AND 1122, EN BLOC

Mr. BIDEN. Mr. President, there are five amendments: A Johnston amendment on National Triad Program Act; an Akaka amendment regarding the mailing of nonindigenous plants and animals; a Roth amendment expressing the sense of the Senate on the expansion of the role of the United Nations in international organized crime control; a Lieberman amendment to set up a task force on prison construction standardization; a Roth amendment to provide a report on the success in recruiting former Royal Hong Kong police officers into Federal law enforcement positions.

They have been cleared on both sides, and I ask unanimous consent that they be agreed to, en bloc, and that any statements be entered into the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, the amendments are agreed to, en bloc.

The amendments (Nos. 1118, 1119, 1120, 1121, and 1122) were agreed to, as follows:

AMENDMENT NO. 1118

(Purpose: To establish research, development, and dissemination programs to assist in collaborative efforts to prevent crime against senior citizens, and for other purposes)

On page 196, between lines 6 and 7, insert the following:

Subtitle C—Senior Citizens

SEC. 921. SHORT TITLE.

This subtitle may be cited as the "National Triad Program Act".

SEC. 922. FINDINGS.

The Congress finds that—

(1) senior citizens are among the most rapidly growing segments of our society;

(2) currently, senior citizens comprise 15 percent of our society, and predictions are that by the turn of the century they will constitute 18 percent of our Nation's population;

(3) senior citizens find themselves uniquely situated in our society, environmentally and physically;

(4) many senior citizens are experiencing increased social isolation due to fragmented and distant familial relations, scattered associations, limited access to transportation, and other insulating factors;

(5) physical conditions such as hearing loss, poor eyesight, lessened agility, and chronic and debilitating illnesses often contribute to an older person's susceptibility to criminal victimization;

(6) senior citizens are too frequently the victims of abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games;

(7) studies have found that senior citizens that are victims of violent crime are more likely to be injured and require medical attention than are younger victims;

(8) victimization data on crimes against senior citizens are incomplete and out of date, and data sources are partial, scattered, and not easily obtained;

(9) although a few studies have attempted to define and estimate the extent of abuse and neglect of senior citizens, both in their homes and in institutional settings, many experts believe that this crime is substantially underreported and undetected;

(10) similarly, while some evidence suggests that senior citizens may be targeted in a range of fraudulent schemes, neither the Uniform Crime Report nor the National Crime Survey collects data on individual- or household-level fraud;

(11) many law enforcement agencies do not have model practices for responding to the criminal abuse of senior citizens;

(12) law enforcement officers and social service providers come from different disciplines and frequently bring different perspectives to the problem of crimes against senior citizens;

(13) those differences, in turn, can contribute to inconsistent approaches to the problem and inhibit a genuinely effective response;

(14) there are, however, a few efforts currently under way that seek to forge partnerships to coordinate criminal justice and social service approaches to victimization of senior citizens;

(15) the Triad program, sponsored by the National Sheriffs' Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP), is one such effort; and

(16) recognizing that senior citizens have the same fundamental desire as other members of our society to live freely, without fear or restriction due to the criminal element, the Federal Government should seek to expand efforts to reduce crime against this growing and uniquely vulnerable segment of our population.

SEC. 923. PURPOSES.

The purposes of this subtitle are—

(1) to support a coordinated effort among law enforcement and social service agencies to stem the tide of violence against senior citizens and support media and nonmedia strategies aimed at increasing both public understanding of the problem and the senior citizens' skills in preventing crime against themselves and their property; and

(2) to address the problem of crime against senior citizens in a systematic and effective manner by promoting and expanding collaborative crime prevention programs, such as the Triad model, that assist law enforcement agencies and senior citizens in implementing specific strategies for crime prevention, victim assistance, citizen involvement, and public education.

SEC. 924. NATIONAL ASSESSMENT AND DISSEMINATION.

(a) IN GENERAL.—The Director of the National Institute of Justice shall, subject to the availability of appropriations, conduct a qualitative and quantitative national assessment of—

(1) the nature and extent of crimes committed against senior citizens and the effect of such crimes on the victims;

(2) the numbers, extent, and impact of violent crimes and nonviolent crimes (such as frauds and "scams") against senior citizens and the extent of unreported crime;

(3) the collaborative needs of law enforcement, health, and social service organizations, focusing on prevention of crimes against senior citizens, to identify, investigate, and provide assistance to victims of those crimes; and

(4) the development and growth of strategies to respond effectively to the matters described in paragraphs (1), (2), and (3).

(b) MATTERS TO BE ADDRESSED.—The national assessment made pursuant to subsection (a) shall address—

(1) the analysis and synthesis of data from a broad range of sources in order to develop accurate information on the nature and extent of crimes against senior citizens, including identifying and conducting such survey and other data collection efforts as are needed and designing a strategy to keep such information current over time;

(2) institutional and community responses to elderly victims of crime, focusing on the problems associated with fear of victimization, abuse of senior citizens, and hard-to-reach senior citizens who are in poor health, are living alone or without family nearby, or living in high crime areas;

(3) special services and responses required by elderly victims;

(4) whether the experience of senior citizens with some service organizations differs markedly from that of younger populations;

(5) the kinds of programs that have proven useful in reducing victimization of senior citizens through crime prevention activities and programs;

(6) the kinds of programs that contribute to successful coordination among public sector agencies and community organizations in reducing victimization of senior citizens; and

(7) the research agenda needed to develop a comprehensive understanding of the problems of crimes against senior citizens, including the changes that can be anticipated in the crimes themselves and appropriate responses as the society increasingly ages.

(c) AVOIDANCE OF DUPLICATION.—In conducting the assessment under subsection (a), the Director of the National Institute of Justice shall draw upon the findings of existing studies and avoid duplication of efforts that have previously been made.

(d) DISSEMINATION.—Based on the results of the national assessment and analysis of successful or promising strategies in dealing with the problems described in subsection (b) and other problems, including coalition efforts such as the Triad programs described in sections 922 and 923, the Director of the National Institute of Justice shall disseminate the results through reports, publications, clearinghouse services, public service announcements, and programs of evaluation, demonstration, training, and technical assistance.

SEC. 925. PILOT PROGRAMS.

(a) AWARDS.—The Director of the Bureau of Justice Assistance shall, subject to the availability of appropriations, make grants to coalitions of local law enforcement agencies and senior citizens to assist in the development of programs and execute field tests of particularly promising strategies for crime prevention services and related services based on the concepts of the Triad model, which can then be evaluated and serve as the basis for further demonstration and education programs.

(b) TRIAD COOPERATIVE MODEL.—(1) Subject to paragraph (2), a pilot program funded under this section shall consist of the Triad cooperative model developed by the organizations described in section 922(15), which calls for the participation of the sheriff, at least 1 police chief, and a representative of at least 1 senior citizens' organization within a county and may include participation by general service coalitions of law enforcement, victim service, and senior citizen advocate organizations.

(2) If there is not both a sheriff and a police chief in a county or if the sheriff or a police chief do not participate, a pilot program funded under this section shall include in the place of the sheriff or police chief another key law enforcement official in the county such as a local prosecutor.

(c) APPLICATION.—A coalition or Triad program that desires to establish a pilot program under this section shall submit to the Director of the Bureau of Justice Assistance an application that includes—

(1) a description of the community and its senior citizen population;

(2) assurances that Federal funds received under this part shall be used to provide additional and appropriate education and services to the community's senior citizens;

(3) a description of the extent of involvement of each organizational component (chief, sheriff (or other law enforcement official), and senior organization representative) and focus of the Triad program;

(4) a comprehensive plan including—

(A) a description of the crime problems facing senior citizens and need for expanded law enforcement and victim assistance services;

(B) a description of the types of projects to be developed or expanded;

(C) a plan for an evaluation of the results of Triad endeavors;

(D) a description of the resources (including matching funds, in-kind services, and other resources) available in the community to implement the Triad development or expansion;

(E) a description of the gaps that cannot be filled with existing resources;

(F) an explanation of how the requested grant will be used to fill those gaps; and

(G) a description of the means and methods the applicant will use to reduce criminal victimization of older persons; and

(5) funding requirements for implementing a comprehensive plan.

(d) DISTRIBUTION OF AWARDS.—The Director of the Bureau of Justice Assistance shall make awards—

(1) to 17 Triad programs in counties with a population of less than 50,000;

(2) to 17 Triad programs in counties with a population of at least 50,000 but less than 100,000; and

(3) to 16 Triad programs in counties with a population of 100,000 or more.

(e) POST-GRANT PERIOD REPORT.—A grant recipient under this section shall, not later than 6 months after the conclusion of the grant period, submit to the Director of the Bureau of Justice Assistance a report that—

(1) describes the composition of organizations that participated in the pilot program;

(2) identifies problem areas encountered during the course of the pilot program;

(3) provides data comparing the types and frequency of criminal activity before and after the grant period and the effect of such criminal activity on senior citizens in the community; and

(4) describes the grant recipient's plans and goals for continuance of the Triad program after the grant period.

SEC. 926. TRAINING ASSISTANCE, EVALUATION, AND DISSEMINATION AWARDS.

In conjunction with the national assessment under section 924—

(1) the Director of the Bureau of Justice Assistance shall make awards to organizations with demonstrated ability to provide training and technical assistance in establishing crime prevention programs based on the Triad model, for purposes of aiding in the establishment and expansion of pilot programs under this section; and

(2) the Director of the National Institute of Justice shall make awards to research organizations, for the purposes of—

(A) evaluating the effectiveness of selected pilot programs; and

(B) conducting the research and development identified through the national assessment as being critical; and

(3) the Director of the Bureau of Justice Assistance shall make awards to public service advertising coalitions, for the purposes of mounting a program of public service advertisements to increase public awareness and understanding of the issues surrounding crimes against senior citizens and promoting ideas or programs to prevent them.

SEC. 927. REPORT.

The Director of the Bureau of Justice Assistance and the Director of the National Institute of Justice shall submit to Congress an annual report (which may be included with the report submitted under section 102(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(b)) describing the results of the pilot programs conducted under section 925.

SEC. 928. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $2,000,000 to the Bureau of Justice Assistance for the purpose of making Triad pilot program awards in that amount under section 925;

(2) $1,000,000 to the Bureau of Justice Assistance for the purpose of funding the national training and technical assistance effort under sections 924 and 926;

(3) $1,000,000 to the Bureau of Justice Assistance for the purpose of developing public service announcements under sections 924 and 926;

(4) $2,000,000 to the National Institute of Justice for the purposes of conducting the national assessment, evaluation pilot programs, and carrying out the research agenda under sections 924 and 926; and

(5) to the extent that funds are not otherwise available for the purpose, such sums as are necessary to pay the administrative costs of carrying out this subtitle.

Mr. JOHNSTON. Mr. President, on behalf of myself and Senator LOTT, and others, I offer an amendment which incorporates legislation we introduced earlier this year to expand the Triad Program.

I first learned about this innovative program from Sheriff Charles Fuselier from Louisiana who initiated our State's first local Triad Program in St. Martin Parish. This program has been very successful and has raised the sensitivity of law enforcement officials to the well being of our seniors who are often the victims of crime. Today, there are Triad programs in eight different locations in Louisiana, and in over 75 locations nationwide.

In August 1991, the Senate Special Committee on Aging held a field hearing in Lafayette, LA, at my request on the issue of crime and the elderly, and focused on the Triad Program's benefits in both reducing crime among the elderly as well as seniors' very real fears of crime. Over 500 senior citizens from throughout Louisiana attended this hearing, including many participants from the Triad Program. Sheriff Fuselier as well as representatives

from the American Association of Retired Persons and the International Associations of Chiefs of Police made thoughtful presentations on how to establish a Triad Program. We also heard from some very courageous individuals who were victims of crime about the assistance they received from Triad programs established in south Louisiana.

The law enforcement officers, seniors organizations, and victim assistance organizations who testified before the committee all convinced me that the Triad approach is one of the most effective ways of helping our Nation's seniors, in large part because of the partnership on which it is based.

The Triad concept was initiated in 1987 through a partnership of three key groups—the American Association of Retired Persons [AARP], the International Association of Chiefs of Police [IACP], and the National Sheriffs Association [NSA]. These groups pledged to put into place a joint, multidisciplinary efforts to reduce criminal victimization of senior citizens and to alleviate the unwarranted fear of crime among this vulnerable part of our population.

These groups recognized the need to adjust the focus of crime prevention programs to serve the needs of our Nation's seniors, a growing part of our population and one which will continue to increase. In 1990, one in every eight Americans was age 65 or older, totaling over 31 million Americans. By the year 2030, demographers expect this group will double and will total some 66 million Americans.

Types of crimes, frequencies and victim profiles are all different for seniors; law enforcement groups recognize the need to develop training aids and materials for state and local authorities and groups which reflect these differences and meet the special needs of seniors. Similarly different prevention materials and training for potential victims need to be developed and implemented to improve the ability of State and local authorities as well as seniors to prevent criminal acts against seniors.

Developing and adjusting information, training, and prevention programs is the heart of the Triad Program, and these activities are undertaken at the grassroots level, with equal involvement of law enforcement officials and seniors.

Senior advisory councils, often called the S.A.L.T. Council—Senior and Lawmen Together—form the cornerstone of local triad programs, and serve as the communication link among the three local partners. Formed by the chief of police and the sheriff in a local area, the council may include members representing AARP chapters, other law enforcement professionals, the area office on aging, health care providers, representatives from Meals on Wheels, ministerial associations, nursing homes, older community residents, public housing officials and public safety service organizations. The goal is to cast as wide and diverse a net as possible to help develop and implement the program.

SALT councils meet regularly and help local law enforcement leaders identify the specific concerns of the senior community by, among other things, conducting senior surveys and through other informal consultative means. The councils also prepare lists of services available to seniors especially in the areas of crime prevention and victimization of seniors, for distribution in the local community. Most important, the councils recommend strategies for reducing crime targeted on older persons and to reduce seniors' very real fear of crime. Suggestions in the past include crime prevention education and techniques designed for seniors; processes to identify seniors such as telephone reassurance programs, Meals on Wheels and hotlines; witness and victim assistance programs; and involving seniors in neighborhood watch programs. These projects are carried out by seniors, with assistance from the law enforcement community.

Some very innovative and successful programs have resulted from local triad council recommendations. Bridgeport, CT, has developed a program to encourage seniors to get more exercise safely through their Walk on the Wide Side Program conducted on Wednesday mornings at the Bridgeport zoo. In Volusia County, FL, the sheriffs departments has expanded the distribution of senior citizen alert bulletins with volunteers dispensing meals, as well as posting crime prevention flyers in bold, easily readable print in stores, businesses, and post offices. In Monroe, LA, two workshops were held at Northeast Louisiana University, sponsored by the Institute of Law Enforcement and the North Delta Regional Police Academy, to provide law enforcement officers and others a forum for learning more about the process of aging, crimes against the elderly and ways of improving communications with seniors. And in Lafayette, LA, a highly successful program, the Call Care Program, has been developed to help assure the safety of seniors in their homes.

These are just some of the interesting and effective ideas which have been developed by triad groups around the country.

The amendment Senator LOTT and I are offering today will help further these successful efforts. Very similar to S. 2484, legislation which passed the Senate last year with 54 cosponsors, this amendment includes a new provision to authorize $6 million for the National Institute of Justice [NIJ] and the Bureau of Justice Assistance [BJA] to help expand and build on these efforts. Of the $6 million authorized, $2 million is authorized to be used by NIJ to conduct research, and a national assessment and evaluation of existing triad pilot programs. The remainder, $4 million, would be used by BJA to fund 50 nationwide 12-month triad pilot programs, a technical assistance and national training effort, and a national promotion campaign. To make sure that the pilot programs represent a diverse cross section of crime-related problems facing our Nation's seniors, BJA is directed to distribute these pilot project awards among three categories based on county populations of less than 50,000, between 50,000 and 100,000 and over 100,000.

The bill before us includes a very important title to increase the protection of our Nation's seniors and provides for the enforcement of more stringent guidelines for the punishment of those convicted of crimes against senior citizens. This amendment will compliment these provisions by providing minimal assistance to local partnerships which are designed to empower seniors to step up crime prevention themselves and to help reduce the fear of crime among this vulnerable group. Together, the committee's important initiatives to deter criminal activity against the elderly along with these grassroots communication and education efforts will help us take a major step forward in reducing crimes against seniors.

I hope the committee will be able to support this amendment, and urge the Senate to approve it.

I ask consent that letters by AARP, IACP, and NSA endorsing the Triad Program be printed in full at the end of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE,
Alexandria, VA, November 3, 1993.

Hon. J. BENNETT JOHNSTON,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR JOHNSTON: It is the understanding of the International Association of Chiefs of Police (IACP) that it is your intention to offer as an amendment of Senator Biden's crime bill S. 1607, the language of your bill S. 451. The IACP would like to support you in this effort and commend you for this section.

As you know, the IACP along with the National Sheriffs' Association (NSA) and the American Association of Retired Persons (AARP) have joined forces to develop a program called TRIAD, aimed at preventing crimes against senior citizens and alleviating seniors' fear of crime. The rather modest authorization provided by your bill would be very helpful in spreading the Triad concept across the country.

Again the IACP supports your action.

Sincerely,

SYLVESTER DAUGHTRY,
President.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, November 4, 1993.

Hon. J. BENNETT JOHNSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: The problem of the criminal victimization of senior citizens is of deep concern to the 3,095 sheriffs of our nation and the more than 14,000 police chiefs who protect and serve an ever increasing number of elderly persons in their respective jurisdictions. At the National Sheriffs' Association we are grateful to you for focusing a spotlight on the crime-related problems of the elderly, and on the Triad approach to assisting these persons by introducing an amendment to the Crime Bill.

We believe that the Triad concept is one of the very best means of reducing criminal victimization—and involving older persons in the solution. The Triad offers a logical integrated approach, as sheriffs, police chiefs, and older persons work cooperatively on the national, state and local level.

Advertising the Triad concept to law enforcement officials is a critical need—as well as technical assistance as fledgling Triads begin their work. It is important to involve senior citizens in an advisory council which assists the local sheriff's and police departments. It is important to give our sheriffs and chiefs the knowledge and tools they need to better protect and serve their elderly populations.

NSA stands wholeheartedly behind the Triad concept—a solution for the 1990's and beyond. Thank you for your concern—and your assistance with legislation to support future Triads.

Sincerely,

CHARLES B. MEEKS,
Executive Director.

AMERICAN ASSOCIATION OF
RETIRED PERSONS,
Washington, DC, November 3, 1993.

Hon. BENNETT JOHNSTON,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR JOHNSTON: On behalf of the American Association of Retired Persons, I am writing to express our strong support for the "National Triad Program Act," which I understand you plan to offer as an amendment to S. 1607, the crime bill.

The National Triad Program Act will encourage research, program development, and information dissemination to assist states and units of local government in their efforts to prevent crime, assist crime victims, and educate the public regarding crimes against the elderly. If funded, the demonstration programs authorized under this bill would be useful to law enforcement agencies and organizations representing the elderly around the country as constructive examples of how to deal with crimes against the elderly.

The legislation you have introduced is modeled on a program developed through a cooperative arrangement between AARP and two national law enforcement organizations, the National Sheriff's Association and the International Association of Chiefs of Police. This program—names Triad after its three principal sponsors—aims to place renewed emphasis on the reduction of criminal victimization of older persons through a variety of preventive and assistive activities. We are pleased that the TRIAD model has provided the inspiration for this legislation.

AARP appreciates your continuing efforts to promote collaborative activities such as Triad that can result in an improved sense of security and quality of life for older citizens.

Sincerely,

JOHN ROTHER,
Director, Legislation and Public Policy.

AMENDMENT NO. 1119

(Purpose: To establish a law enforcement task force to facilitate the enforcement of laws relating to the introduction of nonindigenous plant and animal species and to establish a criminal penalty for mailing injurious animals, plant pests, plants, or illegally taken fish, wildlife, or plants)

At the appropriate place in the bill, insert the following:

SEC. . TASK FORCE AND CRIMINAL PENALTIES RELATING TO THE INTRODUCTION OF NONINDIGENOUS SPECIES.

(a) TASK FORCE.—

(1) IN GENERAL.—The Attorney General is authorized to convene a law enforcement task force in Hawaii to facilitate the prosecution of violations of Federal laws, and laws of the State of Hawaii, relating to the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species.

(2) MEMBERSHIP.—(A) The task force shall be composed of representatives of—

(i) the Office of the United States Attorney for the District of Hawaii;

(ii) the United States Customs Service;

(iii) the Animal and Plant Health Inspection Service;

(iv) the Fish and Wildlife Service;

(v) the National Park Service;

(vi) the United States Forest Service;

(vii) the Military Customs Inspection Office of the Department of Defense;

(viii) the United States Postal Service;

(ix) the office of the Attorney General of the State of Hawaii;

(x) the Hawaii Department of Agriculture;

(xi) the Hawaii Department of Land and Natural Resources; and

(xii) such other individuals as the Attorney General deems appropriate.

(B) The Attorney General shall, to the extent practicable, select individuals to serve on the task force who have experience with the enforcement of laws relating to the wrongful conveyance, sale, or introduction of nonindigenous species.

(3) DUTIES.—The task force shall—

(A) provide mutual assistance to Federal and State law enforcement agencies in the prosecution of violations of laws relating to the conveyance, sale, or introduction of nonindigenous species into Hawaii; and

(B) make recommendations on ways to strengthen Federal and State laws and law enforcement strategies designed to prevent the introduction of nonindigenous species.

(4) REPORT.—The task force shall report to the Attorney General and the Judiciary Committees of the Senate and House of Representatives on—

(A) the progress of its enforcement efforts; and

(B) the adequacy of existing Federal laws and laws of the State of Hawaii which related to the introduction of nonindigenous species.

Thereafter, the task force shall make such reports as the task force deems appropriate.

(5) CONSULTATION.—The task force shall consult with Hawaii agricultural interests and representatives of Hawaii conservation organizations about methods of preventing the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species into Hawaii.

(b) CRIMINAL PENALTY.—

(1) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716C the following new section:

"§ 1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife, and plants

"A person who knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that section 3015 of title 39 declares to be nonmailable matter shall be fined under this title, imprisoned not more than 1 year, or both.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 83 of title 18, United States Code, is amended by inserting after the item relating to section 1716C the following new item:

"1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife, and plants.".

Mr. AKAKA. Mr. President, I send an amendment to the desk and ask for its immediate consideration. My amendment has been cleared by the committee.

My amendment would do two things. First, it would establish a law enforcement strike force to facilitate the enforcement of laws designed to safeguard Hawaii from illegal shipments of noxious plants and animals. My amendment would create a mechanism for Federal and State law enforcement agencies to share information, resources, and strategies to engage in a concerted effort to prosecute violations of laws intended to prevent the wrongful conveyance, sale, or introduction of plants and animals that pose a threat to agriculture and the environment.

My amendment also corrects an oversight in legislation passed by Congress last year which prohibited shipment of these noxious pests through the mails.

The problems addressed by my amendment were recently highlighted in an Office of Technology Assessment report on harmful nonindigenous species. The report found that Hawaii represents the worst-case example of the Nation's alien species problem. The movement of alien species into Hawaii threatens to exterminate Hawaii's native plant and animal communities as well as cause irreparable damage to agriculture, tourism and human health. The cost associated with this invasion of pests, many of which are brought into the State illegally, amounts to many millions of dollars annually. For a State like Hawaii, that is real money. The OTA concluded that few economic or non-economic activities in Hawaii are unaffected by the influx of nonindigenous species to the State.

Our greatest problem in overcoming the threat of alien species is the morass of overlapping and sometimes conflicting laws administered by many Federal agencies that have responsibility for safeguarding our State from these pests. The OTA report identified five Federal agencies and three State agencies that are responsible for enforcing these statutes. With so many agencies running in different directions with conflicting statutory mandates, it is no wonder that this law enforcement effort has been largely unsuccessful. I ask that a copy of an OTA chart which

outlines the roles of Federal and State agencies be included in the RECORD following my remarks.

To correct this enforcement problem, my amendment would establish a law enforcement task force comprised of Federal and State officials who have experience with the enforcement of laws relating to non-indigenous species. The task force would provide mutual assistance to Federal and State law enforcement agencies responsible for prosecuting violations of laws which prohibit the wrongful introduction of these pests.

Mr. President, I know that there are many pressing crime issues that concern the citizens of Hawaii and other States throughout the Nation. I support this crime bill because it contains some tough measures to fight violent crime. While the concerns which my amendment would address certainly do not constitute violent crime, the problem of alien species nonetheless has serious economic consequences for the State of Hawaii and deserves to be included in this legislation.

At this point in the RECORD I wish to include the following material.

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

NON-INDIGENOUS SPECIES IN HAWAII: ROLES OF FEDERAL AND STATE AGENCIES

FEDERAL AGENCIES

Treasury Department: Customs Service—inspects cargo and passengers from foreign points of origin; directs cases to USDA or FWS.

Interior Department: Fish and Wildlife Service—manages 2 nature parks, includes NIS control and research

Agriculture Department: Agricultural Research Service—research on pest control and eradication.

Animal and Plant and Health Inspection Service: Animal Damage Control—works to reduce feral animal problems; Plant Protection and Quarantine—inspects foreign arrivals and domestic departures for U.S. mainland to prevent movement of agricultural pests; Veterinary Service—quarantines animals for rabies and other diseases.

Forest Service—NIS control research.

Defense Department: Military Customs Inspection—inspects military transport arriving from foreign areas under Customs and APHIS authority.

STATE AGENCIES

Governor's Office: Agricultural Coordinating Committee.

Department of Agriculture: Board of Agriculture; Technical Advisory Committee—advises on plant and animal imports, based on input from five technical subcommittees.

Plant Industry Division: Plant Quarantine Branch—inspects arriving passengers and cargo to prevent entry of pests; reviews requests to import plants and animals; regulates movement of biological material among islands; provides clearance for export of plant material to meet quarantine standards.

Plant Pest Control Branch—carries out eradication and control of plant pests through two sections: Biological Control and Chemical/Mechanical Control.

Animal Industry Division: Inspection and Quarantine Branch—inspects animals entering Hawaii, manages animal quarantines

Department of Land and Natural Resources: Division of Forestry and Wildlife—manages State forests, natural area reserves, wildlife sanctuaries; involves watershed protection, natural resources protection, control-eradication of pest species.

AMENDMENT NO. 1120

(Purpose: To express the sense of the Senate concerning expansion of the role of the United Nations in international organized crime control)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE ROLE OF THE UNITED NATIONS IN INTERNATIONAL ORGANIZED CRIME CONTROL.

(a) FINDINGS.—The Senate finds that—

(1) international criminal activity has increased dramatically over the past decade and has been facilitated by modern developments in transportation and communications, relaxed travel restrictions, and the greatly increased volume of international trade;

(2) the expansion of international criminal activity is reflected in the growth of requests for mutual legal assistance and extradition made between the United States and other countries, the number of such requests having increased from 535 in 1984 to 2,238 in 1992;

(3) the global reach of organized crime constitutes a serious threat to the security and stability of sovereign nations;

(4) the expanding scope of international organized crime necessitates greater cooperation among nations to prosecute and eliminate organized criminal groups;

(5) there is an urgent need for new approaches designed to allow the international law enforcement community to pursue international criminals across national boundaries;

(6) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances has helped bring about improved international cooperation with respect to narcotics;

(7) the current role of the United Nations with respect to international organized crime is limited by the lack of a binding international convention dealing with the broad range of organized criminal activity beyond narcotics;

(8) the United Nations Commission on Crime Prevention and Criminal Justice has successfully facilitated the negotiation and implementation of mutual legal assistance and extradition treaties between certain nations, and has helped train nations to effectively execute the terms of such treaties; and

(9) the United Nations Commission on Crime Prevention and Criminal Justice currently has limited authority and resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should encourage the development of a United Nations Convention on Organized Crime; and

(2) the United Nations should—

(A) provide significant additional resources to the Commission on Crime Prevention and Criminal Justice;

(B) consider an expansion of the Commission's role and authority; and

(C) seek a cohesive approach to the international organized crime problem.

Mr. ROTH. Mr. President, I rise today to introduce an amendment to the crime bill addressing the need for increased international awareness and cooperation through the good offices of the United Nations to combat the increased threat posed by international organized crime groups.

This amendment would express the Sense of the Senate encouraging the development of a United Nations Convention on Organized Crime and urging the United Nations to provide additional authority and resources to the U.N. Commission on Crime Prevention and Criminal Justice.

Mr. President, this amendment is a result of the investigation of Asian organized crime that I initiated in 1991 as ranking member of the Permanent Subcommittee on Investigations. In December, 1992, following the conclusion of this investigation, the subcommittee issued a report concluding that there has been a substantial increase in Asian organized crime activity in the United States and that it is time for us to focus our attention on this growing problem. This resolution is a step in that direction.

Our subcommittee's report found that international criminal activity has been increasing dramatically, facilitated by modern development in transportation and communications, relaxed travel restrictions, and the greatly increased volume of international trade. This necessitates greater cooperation among nations to prosecute and eliminate organized criminal groups. While the United Nations has helped bring about improved international cooperation with respect to narcotics through its Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the current role of the U.N. with respect to international organized crime is limited by the lack of a binding international convention. This amendment encourages the U.N. to develop just such a convention and to provide additional resources and authority to the U.N. Commission on Crime Prevention and Criminal Justice. I urge my colleagues to support this amendment.

AMENDMENT NO. 1121

(Purpose: To establish a Task Force on Prison Construction Standardization and Techniques)

At the appropriate place insert the following:

SEC. . TASK FORCE ON PRISON CONSTRUCTION STANDARDIZATION AND TECHNIQUES.

(a) TASK FORCE.—The Director of the National Institute of Corrections shall, subject to availability of appropriations, establish a task force composed of Federal, State, and local officials expert in prison construction, and of at least an equal number of engineers, architects, and construction experts from the private sector with expertise in prison design and construction, including the use of cost-cutting construction standardization techniques and cost-cutting new building materials and technologies.

(b) COOPERATION.—The task force shall work in close cooperation and communication with other State and local officials responsible for prison construction in their localities.

(c) PERFORMANCE REQUIREMENTS.—The task force shall work to—

(1) establish and recommend standardized construction plans and techniques for prison and prison component construction; and

(2) evaluate and recommend new construction technologies, techniques, and materials, to reduce prison construction costs at the Federal, State, and local levels and make such construction more efficient.

(d) DISSEMINATION.—The task force shall disseminate information described in subsection (c) to State and local officials involved in prison construction, through written reports and meetings.

(e) PROMOTION AND EVALUATION.—The task force shall—

(1) work to promote the implementation of cost-saving efforts at the Federal, State, and local levels;

(2) evaluate and advise on the results and effectiveness of such cost-saving efforts as adopted, broadly disseminating information on the results; and

(3) to the extent feasible, certify the effectiveness of the cost-savings efforts.

Mr. LIEBERMAN. Mr. President, prison facilities throughout the United States are buckling under the strain of unprecedented prison population growth over the last decade. There is such a serious bedspace shortage in some States that criminals are serving only small portions of their sentences. Many judges have to take space availability into consideration when handing down sentences. Prison population growth continues to outpace new prison construction schedules and even the most creative and efficiently implemented space utilization plans.

According to capacity standards adopted by the Bureau of Prisons, the Federal prison system now holds 43 percent more inmates than it should. The Bureau's figures for State prison systems are far worse. One or more prisons in 31 States and the District of Columbia are either under court order or are the subject of consent decrees to reduce prison overcrowding.

The prison overcrowding problem is attributed to a dramatic increase in drug-related crimes. These convictions—important victories won in the battle to rid our streets, schools, and playgrounds of drugs—are necessary. Yet, our prison systems are facing a virtual three-way competition for bedspace among those convicted of severely violent crimes, of drug-related crimes, and of other nonviolent crimes. Prison facilities regularly face inappropriate matchups of mandated security level incarcerations and bedspace availability.

Prison expansion and new prison construction are obvious remedies for overcrowding. But with limited construction funds in a time of huge Federal deficits, we have to figure how to do it more cheaply. Prison construction is very expensive. In 1988 the National Institute of Justice in cooperation with the American Correctional Association conducted a survey. The survey showed that 262 correctional facilities were constructed in 44 States between 1978 and 1987 at a cost of $3.3 billion. A total of 96,178 inmates were housed by the new construction. That represents an average construction cost per inmates of $34,000. Two years earlier, the National Institute of Justice estimated that States would need to build new prison facilities at a rate that would provide 1,000 new beds each week to keep pace with prison population growth. Note that the estimate would only keep pace with anticipated growth—it does not address existing shortages. There is no way, with current prison construction price tags, that States and municipalities can afford this construction.

It's clear that in order to meet new prison construction needs, we must get more bang for our bucks. Little is known centrally about how to make prison construction or its related construction components less expensive. However, groundbreaking initiatives in this area are successfully being implemented. The Governmental Affairs Subcommittee on General Services, Federalism, and the District of Columbia, on which I serve, became acquainted with a few of them.

In May 1989, I chaired a subcommittee hearing on Federal and State efforts in the war on drugs and drug-related crime in New Haven, CT. In answer to Connecticut's prison overcrowding problem, the Department of Corrections cited its design of prototype additions that can be site adapted at various facilities. The Department of Corrections also effectively uses preengineered buildings to get space online as soon as possible. Getting more for our prison expansion dollars requires innovative ideas and approaches.

Mr. President, I offer this amendment because I feel its inclusion is essential to the necessary task of expanding prison space. More than one-half of the Nation's 3,500 detention facilities are reportedly 30 years old or older. New standardization for prison construction must be developed to maximize the benefit of advancements in modern technology. The use of precast concrete components for walls, structural framing and cells are reported to lower prison construction costs considerably. If so, new standards for construction must include their usage.

Under the provisions of this amendment, the National Institute of Corrections would establish a task force composed of Federal, State, and local officials, as well as architects and engineers from the private sector, expert in prison construction, that would work to establish and recommend standardized construction plans and techniques for prison and prison component construction. The task force would evaluate, recommend, and hopefully certify new cost-saving construction technologies, techniques, and materials which will reduce prison construction costs and make prison construction more efficient at the State, local, and Federal levels. The task force would also work to promote, evaluate, and advise on the implementation, results, and effectiveness of the cost-saving efforts at the State, local, and Federal levels.

Mr. President, we have an opportunity today to develop a comprehensive crime initiative package which meaningfully encompasses the elements of crime prevention, law enforcement, and incarceration facility construction planning.

AMENDMENT NO. 1122

(Purpose: To provide a report on the success in recruiting former Royal Hong Kong Police officers into Federal law enforcement positions)

At the appropriate place, insert the following:

SEC. . REPORT ON SUCCESS OF ROYAL HONG KONG POLICE RECRUITMENT.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in concert with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Agency, the Commissioner of the Immigration and Naturalization Service, and the Commissioner of the Customs Service, shall report to Congress and the President on the efforts made, and the success of such efforts, to recruit and hire former Royal Hong Kong Police officers into Federal law enforcement positions. The report shall discuss any legal or administrative barriers preventing a program of adequate recruitment of former Royal Hong Kong Police officers.

Mr. ROTH. Mr. President, I rise today to introduce an amendment to the crime bill designed to help protect Americans from the new threats posed by international organized crime as we prepare to enter the 21st century.

This amendment requires the Attorney General, together with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Commissioner of the Immigration and Naturalization Service, and the Commissioner of the Customs Service, to report to Congress and the President on the efforts made, and the success of such efforts, to recruit and hire former Royal Hong Kong Police officers into Federal law enforcement positions.

Mr. President, this amendment is a result of the investigation of Asian organized crime that I initiated in 1991 as ranking member of the Permanent Subcommittee on Investigations. In December 1992, following the conclusion of this investigation, the subcommittee issued a report concluding that there has been a substantial increase in Asian organized crime activity in the United States and that it is time for us to focus our attention on this growing problem. The amendment I am offering today is a step in that direction.

Our subcommittee's investigation revealed that combating Asian organized

crime presents U.S. law enforcement agencies with unique problems for which current resources are insufficient. Perhaps the biggest problem is the dearth of law enforcement personnel with knowledge of the language and culture necessary to effectively investigate and prosecute these criminal organizations. The amendment I am offering today addresses that by requiring the Attorney General, along with the leaders of our other leading law enforcement agencies, to report on the success in recruiting former Royal Hong Kong Police officers into Federal law enforcement positions in order to facilitate the successful investigation and prosecution of these criminal groups. I urge my colleagues to support this amendment.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MOSELEY-BRAUN. Mr. President, for the purposes of the RECORD, we have just concluded a vote on an amendment having to do with trying 13-year-olds as adults. There seem to be some misconceptions about what this amendment does. I want to make clear for the RECORD that Federal law prohibits the death penalty from being applied in any of these cases.

So we need to make it very clear that it is our intention that Federal law will not be changed in that regard. We are not looking for the death penalty. We are simply looking for accountability in the way the 13-year-old criminals are tried in the criminal justice system.

Mr. BIDEN. Mr. President, what the Senator from Illinois says is absolutely correct. Although I strongly disagree with her amendment, I congratulate her. Obviously, I am the one out of step in this body in terms of my view of when somebody should be tried as an adult, and there are rationales for that.

I think one of the reasons there may be some confusion is that right now there is only one Federal death penalty offense in the law. In the Biden amendment we create 47 additional death penalty offenses. When the Biden bill passes, there will be 47 new death penalty provisions in the law.

My colleagues and I—not my friend from Utah, but ones who are not on the floor—over the past 10 years have argued vehemently about reducing the age at which a person can be tried and put to death for having violated a Federal death penalty statute.

In the past, that debate has centered with the former ranking Member and chairman, Senator THURMOND. He has sought to reduce the age down to as low as 16. Others have suggested that the age be reduced lower. I would hope that everyone will be put on notice. Part of the underlying bill, the Biden bill—when we come to discussions on the death penalty, were we to vote to lower the death penalty for children in this legislation in the future—that is Monday, Tuesday, or Wednesday—and were it to become part of the Biden Anticrime Act, then this is also part of the Biden Anticrime Act.

As I read this legislation, by definition, someone at whatever age that would be lowered, would also fall into the category of being able to be tried and convicted and put to death as a young person. But the Senator is correct. It is not her intention. Her legislation does not at this moment allow, and it is not intended to allow a juvenile, age 13, 14, 15, 16, or 17 to be put to death. I know that is her point.

The reason why there is some confusion is, I predict to you—and I sincerely hope that I am wrong—but I predict to you that someone will walk on the floor between now and the moment we have final passage on this legislation, and because the Senator from Delaware increases the number of death penalty offenses in the Biden anticrime bill here by 47, all someone has to do is come on the floor and say: For the following crimes, I have an amendment to reduce the age at which you can be tried for murder under a Federal law,to whatever that age is in which case, then, this amendment would, in fact, take on a slightly different impact.

If that were to occur, I assume I can go back to my friend from Illinois, and maybe we could seek to amend this if that were the case.

Ms. MOSELEY-BRAUN and Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, in the first instance, and I hate to take issue with my distinguished friend and leader from Delaware, there is no reason to open the floodgates on this.

This amendment is very specific. This amendment is very clear. We are talking about the procedures for trying juvenile criminals who happen to be between the ages of 13, in some cases 16, in some cases 17, and in some cases 18.

I wanted to make the record clear. The present law is that the death penalty does not apply.

I will join the Senator from Delaware if in the future someone comes along with legislation, independent, separate legislation that would seek to apply the death penalty to a 13 or 14 or 15 year old. I would certainly be there for the Senator.

I am personally opposed to the death penalty. I have been on record in that regard.

But that is not the law. That is not what this amendment does. That is not the law today. That is not the law with the passage of the Biden bill unless the Biden bill gets amended even further, specifically in regards to the death penalty and these young people.

Again, we will join together to fight that should it occur, but it is important that his explanation not suggest there is a possibility that through some unintentional happenstance the death penalty might wind up applying under this amendment. That is not the law. That will not be the law unless this body takes affirmative action to create the law in that regard.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am glad this discussion took place, because there was some confusion at the time. The Senator from Illinois and the Senator from Delaware are right. The current Federal law prohibits the death penalty from applying to persons under 18 years of age.

In fact, the Supreme Court even ruled in a recent case, within the last few years, as I recall, that the death penalty does not apply. It would be unconstitutional to anyone under 16 years of age.

I might say as to both of the death penalty bills, we are gradually merging many of the important aspects of both the Biden bill and the Dole-Hatch bills which is getting us a bipartisan bill here that really is exciting everybody in this body.

I had people on both sides of the floor come up and say they are excited finally to see some real progressive movement in anticrime legislation here.

I have to say both of our death penalty bills and each of those two bills, the Biden bill and the Dole-Hatch bill, do not apply the death penalty below 18 years of age.

Of course, this is because the Supreme Court has ruled the death penalty cannot be constitutionally applied to individuals who are below 16. I personally do not favor having the death penalty apply to anyone under the age of 18 years of age. I doubt seriously that there will be an amendment to do so. So I think it is kind of a tempest in a tea pot.

Having said that, I commend the distinguished Senator from Illinois. I think it takes a lot of intestinal fortitude to come on the floor and do what she has just done here and receive an overwhelming vote of support in sending a message to parents out there, as well as these young people, that we are not going to tolerate irresponsibility anymore, especially in the area of violence.

I commend her because that is not an easy thing to do. I doubt seriously that anyone else in this body had the guts to do what she has just done. I commend her for it because, although no one wants to see young people mistreated in any way, these are hardened kids who need to know that there is a

responsibility out there that they have to assume someday. Her amendment does provide for a safety valve. If a child reaches 16 years of age, if the child shows remorse and shows that he or she will accept responsibility for their actions, the court can wipe out the penalty. There is a very good discretionary clause in her amendment.

It is well thought out. It has been well argued. I commend the distinguished Senator from Illinois for the excellent argument that she has made on this floor. That is why I think, in part, she has received such an overwhelming vote. I personally commend her for her actions.

Ms. MOSELEY-BRAUN. Mr. President, I also wish to give thanks first in terms of the bipartisan effort.

Senator BOND asked to be added as an original cosponsor, and I neglected to add him earlier. I now ask unanimous consent that Senator BOND be added as an original cosponsor.

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

Ms. MOSELEY-BRAUN. I also thank the Senator from Utah, Senator HATCH, for all his assistance. I thank Senator BIDEN for his assistance in helping me getting this to the floor.

This could not have come to a vote had it not been for the intensive efforts of Senator BIDEN, the Senator from Delaware, and, I might add, his wonderful staff. They have been just terrific today to allow me to bring this issue to a vote this afternoon. I am very grateful to them.

I do not know what the time agreement is. I know everybody wants to get out of here. I suspect many people are gone.

If I may take just a minute as an addendum to add something to the RECORD, I would like to add it to the RECORD because it fits in with what Senator ROBB earlier talked about in the differences between 1940 and 1992. Then standing in line was a big complaint. Now the big complaints are rapes, robberies, and the like.

Last year alone, between the ages of 13 and 14, there were 1,411 arrests for forcible rape, 13 year olds to 14 year olds; at 15 years there were 952.

Aggravated assaults for ages 13 and 14 years old, 14,282—aggravated assaults; that is with a weapon.

Juvenile arrests for murders just at the age 13 we are talking about 55, with a firearm 40. I can go down these numbers. Age 13, 55 murders; age 14, 166 murders; age 15, 393 murders; age 16, 686 murders; age 17, 965 murders; age 18, 1,090 murders in last year alone. That is the population we are addressing.

Mr. BIDEN. Mr. President, will the Senator yield?

Ms. MOSELEY-BRAUN. I yield.

Mr. BIDEN. How many of those murders and those crimes the Senator just cited will be affected by her legislation?

Ms. MOSELEY-BRAUN. That is a good question because, as the Senator knows, I said in the debate the crimes that would be affected by this legislation are Federal crimes limited in scope. This would be the nature of the crime that would be affected by this legislation, but they certainly would have to happen on Federal property and under the circumstances of Federal criminal laws.

We are not looking to federalize here. I did not want to get into a colloquy or take up too much time. The debate has concluded.

Again, I thank everyone for the support and help.

Mr. President, I ask unanimous consent that these statistics from the FBI Uniform Crime Report be printed in the RECORD.

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

JUVENILE ARRESTS FOR MURDER—1992

	Total murders	With firearms
Age:		
13	55	40
14	166	123
15	393	320
16	686	535
17	965	767
18	1,090	869

Source: FBI Uniform Crime Reports, 1992 (FBI UCR).

Juvenile arrests for aggravated assault—1992[1]

	Total assaults
Age:	
13 to 14	14,282
15	11,731
16	14,952
17	16,728
18	17,595

[1] Breakdown for aggravated assaults with a firearm not provided.

Source: FBI UCR.

Juvenile arrests for forcible rape—1992[1]

	Total assaults
Age:	
13 to 14	1,411
15	952
16	1,132
17	1,236
18	1,458

[1] Breakdown for forcible rapes with a firearm not provided.

Source: FBI UCR.

JUVENILE CRIME IN ILLINOIS—FACTS AND FIGURES

In 1991, murders committed by juveniles increased by over 104 percent from 1990. This compares with an increase of 17 percent for adults. In addition, negligent manslaughter by juveniles increased by 200 percent over the previous year, compared with a 10 percent increase for adults.

In 1991, 121,245 violent crimes were committed, and 334,050 were committed over a three year period. Violent crimes include murder, criminal sexual assault, robbery, aggravated assault, aggravated battery, attempted murder and ritual mutilation.

Mr. BIDEN. I thank my friend from Illinois.

Mr. President, in terms of the bill before us, the Biden crime bill, which I hope will become a bipartisan bill.

By the way, my friend is saying, and I would like for him to make it a bipartisan bill now. I suspect he is going to wait until there is gun legislation that gets attached to the bipartisan bill.

This bipartisan bill, I suspect, will become bipartisan if the habeas corpus provision I have in there is changed.

Right now everything we are talking about is the Biden crime bill, beginning, middle, and end. I hope this becomes bipartisan before this is over, in fact, because that means we reached agreement on habeas corpus and guns and we would have reached agreement on a number of other things significant to that consequence.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BIDEN. I am delighted to yield.

Mr. HATCH. Mr. President, I think it is bipartisan working together. We know the Biden package has to be the package to do it on. I commend him for that.

We have to get it so it is bipartisan. We want to make sure everybody feels good about it. It is a big job from the Senator from Delaware on his job to make sure we bring effective changes, a big job on my side. I think we can get it done. If we do, nobody will be happier than I, being the prime cosponsor of the Biden crime bill.

Mr. BIDEN. I would be delighted to make the motion to change the bill to the Biden-Hatch crime bill if the Senator likes.

Mr. HATCH. Mr. President, I intend to see that is done before this is over, and we are going to work to make sure that occurs. Of what we do, much of it bipartisan right now. The central core package is bipartisan.

I give the credit to the distinguished Senator from Delaware being willing to do some of the tough things on crime that heretofore neither side had been able to get done.

I am pleased with it. I want to work with him before we make it the Biden-Hatch bill.

Mr. BIDEN. Mr. President, I see the majority leader on the floor.

I say bipartisan, nonpartisan, or partisan, I have nothing more to say on this legislation tonight. I am prepared with his permission to yield this seat for the evening.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I would like to make a general comment on the bill.

Much of the debate preceding and following the most recent vote dealt with violent crime in America and how beat to deal with it. These debates in the Senate have, of course, become routine and commonplace. Very lengthy debates, examples of horrible violent crimes created, solutions proposed, which, at least to some extent, are intended to, and which in fact do, create the impression among the American

people that what we are doing affects, and will prevent, the violent crime cited.

Mr. President, I am the only Member of the Senate who used to be a Federal judge and perhaps the only one that was both a State and a Federal prosecutor.

We ought to take this matter seriously, as we do, but we should not participate in a fraud on the American people bytrying to create the impression that the violent crimes occurring in our cities across America will be, in any way, affected by most of this legislation.

This is a Federal bill. This deals with those acts which are within Federal jurisdiction, and nearly 100 percent—certainly well above 95 percent, and nearly 100 percent—of the violent crimes which occur in our society occur within the jurisdiction of States and not within Federal jurisdictions. All of the references to murder, and attempted murder, and rape, those occur in the vast, indeed, the overwhelming, majority of cases within the jurisdiction of States.

And so we can stand here and say we are going to try to deal with violent crime in America by passing a Federal law, but the American people should understand that does not affect almost all of the crimes of violence that afflict our society today.

What we have is a situation that requires help where the battle is being fought. And the battle is not being fought under Federal law. The battle is being fought at the State and local level.

We do a disservice to those valiant and overworked and understaffed States and local authorities who really do deal with these matters by attempting to and, in fact, creating the impression that we are solving the problem of violent crime by passing a Federal law.

The trend in recent years here, obviously in an effort to respond politically to a very serious national problem, has been to federalize more crimes and to try to extend Federal criminal jurisdiction into more areas of activity. Obviously, we are trying to do something about the problem within the limited scope of our jurisdiction.

There is substantial assistance in this bill. I commend Senator BIDEN and Senator HATCH for what they are doing in the areas of police protection. That is really a substantial way to help, that is, to try to do what we can to get more police on the street, both as a crime prevention and as a means of apprehending and prosecuting crime where it does occur. That is an important part of this.

But we have to be honest with the American people, and much of this debate has not been. It is clearly intended to create the impression that we are doing something about the problem.

We should be doing something. We should be trying to do all we can do, but the very first thing we must do is to tell the truth about the limitations which exist upon us.

We have, for 200 years, resisted—resisted—and rightly so, making criminal law enforcement solely a national responsibility. I doubt there is a Member of this Senate who would favor abolishing State jurisdiction.

Mr. HATCH. Will the Senator yield?

Mr. MITCHELL. Certainly.

Mr. HATCH. I really appreciate the remarks of the distinguished majority leader. There is no question we are not going to solve every crime problem with this bill. But the vast majority of this money for police in the streets, even in the regional prisons, the boot camps, the gifts and grants to the States, goes to the States. So we can play a major, major role in helping the States at a time when they really need to be helped.

Second, we provide in both bills that Federal prosecutors can be of assistance to State prosecutors. We are doing everything we know how to do from a Federal Government standpoint to assist the States in what really is an inundation of criminal activity in our society.

I know that nobody knows more than the distinguished majority leader, having been a Federal judge and having been a prosecutor in both the State and Federal system, how there is no way anybody can resolve all these problems. But this is a really, really important set of steps in the right direction.

Mr. MITCHELL. I agree completely with the Senator and I commended him. I commend him and Senator BIDEN again for what they have done.

My remarks are devoted to the repeated amendments we get here on the Senate floor federalizing crimes and imposing ever higher penalties, and trying to suggest that, if we can just increase the penalty from 20 to 40 years, or from 40 years to 60 years, or from 60 years to life, we are doing something about the murder and the rape and the mayhem that is occurring on our city streets. And the answer is, of course, we are not.

Mr. BIDEN. Will the Senator yield on that point?

Mr. MITCHELL. Yes, certainly.

Mr. BIDEN. I think it is an important point that the leader makes. Quite frankly, it is the first point I made when I introduced the bill. We should disabuse people. None of the penalties in this bill are worth a hill of beans. None of the penalties.

I wrote the bill; literally. I wrote the bill that is before us now with my own hand. I put the penalties in. They are not worth this podium in terms of preventing crime, because they only affect that 2, 3, or 4 percent of the crime that falls within the Federal jurisdiction.

So I understand the Senator's frustration. When people stand on the floor and cite statistics like those that were cited a moment ago, and cited all through the day, and will be cited on Monday, and Tuesday, and Wednesday as if we are making any difference, that is malarkey.

What does make a difference, in my humble opinion, is not the penalties in this legislation, but the help in this legislation. The idea that we, with Federal money, are going to contribute $8.9 billion of the taxpayers' money to provide 100,000 police officers with local uniforms, local badges, local control, under local jurisdiction, to deal with local crime is a big help, in my view.

The idea that we are going to provide up to $6 billion for boot camps, alternative prison settings, and prisons to house violent and nonviolent offenders under local control, under local prisons, in most cases, is, in fact, a help. The idea that we provide, through this Federal Government, money for drug testing of convicted felons, drug treatment of convicted felons, that will impact upon recidivism. That will impact upon the amount of crime.

But I want to join my friend from Maine and say, again, and again, and again, and not that he would ever have, or anyone, have the time or inclination to read the RECORD—the first statement I made when I introduced this bill was the statement the Senator is making now. It is that the penalties will make everyone feel good, saying we are going to try 13-year-olds, or saying we are going to increase the penalty for rape, or saying we are going to put in a death penalty makes people feel good. But we need a little, as I was saying earlier, truth in Government, truth in advertising. Let me put it in perspective.

In 1989, I had introduced the last crime bill. We had 50-some death penalties in that crime bill. I asked the Republican administration and the Justice Department, take a look at those death penalties and tell me, if they had all been Federal law, the previous year, how many of the 24,700 murdersthat were committed would have resulted in someone being put to death for commission of one of those murders, under the Federal law, if it had been in effect?

Do you know what the answer was, I say to my friend—six; s-i-x. Six. That did not come from a whacko liberal group of 1960's revisionists. That came from some hard-core Republicans in the Attorney General's office.

I support the death penalty. I think it makes sense under limited circumstances where they are required to prove beyond a reasonable doubt and safeguards are built in.

But I am the first to admit, having written the provisions that are in the Biden bill, that maybe 50 people would be eligible. Maybe 100—say 200 in all of America, for all the crimes that were committed last year, or will be next

year, and over 5.7 million felonies were committed last year and over 24,000 murders.

The place we should concentrate and tell the American people straightforwardly we can help them is by putting more cops on the street, by providing for treatment, by providing for alternatives for hardcore incarceration for first-time offenders, drug courts and drug court diversion, and prisons for the most hardened predators among us. That is the way we can help.

I thank the Senator for pointing this out. If we listen to the debate, time and again we will hear it. You will think if we just get tough here on the floor and say we are going to have a death penalty, we are going to put people in jail, we are going to do the following, that we can impact on crime. We will not. But we will impact on crime with this $20 billion crime bill that will put more people on the street to help protect people's interests.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, again I repeat, I commend my colleagues for what they are doing, particularly with respect to the police. But I would ask my colleagues—I will ask the chairman and the ranking member to consider the following: We are now in effect federalizing local police in America. We are providing Federal funds for local police in America. Under this bill we are federalizing the incarceration of persons convicted of crimes with local jurisdiction by the prison provision.

I ask my colleagues to now consider as a next step in this process, because it is clearly going in that direction, to begin to have hearings and determine how we can provide assistance at the State and local level for the prosecution of crimes.

I have been both a State prosecutor and a Federal prosecutor. And I can say, and I believe my experience was not out of the ordinary, that the State prosecutors are overwhelmed in relation to the Federal prosecutors.

They are all very busy. But on any relative scale, State prosecutors—I tried murder, arson, and rape and other cases at the State level in a volume that vastly exceeded the volume in the Federal system. And more serious crimes.

If we have made a national determination that we are going to federalize the local police forces and we are going to federalize the incarceration of local prisoners, then I think we have to consider what we can do with respect to prosecution. Because the best thing we can do is to have police to prevent crime and arrest those guilty, but we have to have swift, effective, and vigorous prosecution, and strict punishment. That is going to be the way, if we are going to make a difference in really dealing with crime, to have our words come anywhere near to the rhetoric that flows here, that is going to be a way to do it.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. If the Senator will yield, I have to say I agree with most of what he said. I do believe that this bill does an awful lot to help the States. I would emphasize that a little more, perhaps, than the majority leader. And I also agree with much of what our distinguished chairman said.

To point out another thing, much to the credit of the distinguished chairman of the Judiciary Committee, Senator BIDEN, the violence against women bill that is in here recognizes the role of the States but it does lend assistance in this very critical area that has been ignored for so many years. And it also is going to help the States in some very serious criminal areas.

I have to add to that, much to his credit and the credit of Senator DOLE who has worked long and hard on it, and I think most people would recognize I have worked very hard on it, it is called the Biden-Hatch amendment, it could just as easily be called the Biden-Dole-Hatch amendment because Senator DOLE has worked hard.

Mr. MITCHELL. Since neither of them are here, I will call it the Hatch-Biden-Dole amendment.

Mr. HATCH. That has a ring to it I kind of like, but I think my distinguished friend from Delaware deserves the credit I am giving.

Let me just say this. The fact that we are paying to help local police does not convert them to Federal police. I want to make sure that is not misunderstood.

Actually, one of the remaining flaws in the underlying bill is that it does not provide real help to the FBI, the DEA, Federal prosecutors. I hope to work that out with Chairman BIDEN, and I believe we can. But we provide help to the States without taking over local police departments, nor do we federalize them.

Our first responsibility in Government is to ensure the safety of the public, yet it is being argued here that criminal matters should be better left to the States. The State and local governments, since the distinguished majority leader has pointed this out, now handle 95 percent of all the criminal cases filed every year.

The crime bill we are debating recognizes this fact by proposing a significant increase in financial assistance to the States, to hire additional police, build more prisons and jails, and make schools safer.

So what we are doing here is as much as we can do, and I submit the role of the Federal Government in assisting the States' fight against violent crime has to be measured by financial support.

We are talking about already in this bill 18 billion funded dollars to help the States over 5 years. That is a lot of money. The States are going to breathe a sigh of relief and say thank goodness for the Congress of the United States. We can pass this bill if we can keep extraneous amendments off, if we can keep the buzz amendments off, if we can stop people from trying to bring up the issues that are going to bog this down as they have for the last 8 years on all crime legislation. Then we are going to have something here that both sides of the floor are going to be very happy with and every State in this Union is going to thank God for.

The Federal Government, as a result of the Controlled Substance Act, has jurisdiction over virtually all drug trafficking, all drug manufacturing, and all drug distribution offenses. Yet most drug cases are still prosecuted at the State and local level. This is because the Federal law enforcement agencies have worked in a coordinated manner with local officials so United States resources can be used most effectively. I am unaware of any single State or local prosecutor who opposes the Federal Government's assistance in these cases.

Without it they would be dead. They could not handle it. And we are having trouble handling it even with assistance. This bill will give them billions of dollars of assistance they now do not have. I have to say this bill before the Senate does not convey exclusive jurisdiction from the States to the Federal Government. Rather, it permits the Federal Government to assist the States in their ongoing effort against violent crime. This bill does not relieve the States of any responsibility for prosecuting violent crime. It simply permits Federal assistance.

I want to personally thank my dear colleague from Delaware for his leadership in this matter as well as the majority and minority leaders who have been assisting us behind the scenes in this matter and especially the distinguished Senator from West Virginia, who has brought about the means whereby this matter can be funded. Without funding, we would not be as far along in this bill. I have had Democrats and Republicans come to me and say, great, it looks like we are making headway for one of the first times in history on this type of a bill.

If we can keep all the extraneous amendments off, even though they may be important on some other bill, I think we can get something done here that is going to make a difference.

Some of my colleagues have little or no trouble proposing that we federalize delivery and payment of health care services, labor/management relations, teacher standards, energy policy, environmental standards, child-support collection, reproductive rights and other issues just too numerous to list.

Yet, when the issue before Congress is the safety of law-abiding Americans,

69-059 O—97 Vol. 139 (Pt. 19) 25

oftentimes their enthusiasm for Federal intervention seems to dissipate. While regrettably their position is understandable—after all, if resources have to be devoted to fighting crime, there will be less resources to address their particular social interest.

In my view, however, Congress should not get into these other areas until our principal obligation to the American people has been met.

Claims that criminal cases are taking up a disproportionate amount of Federal filings are simply not supported by the facts. According to the Administrative Office of U.S. Courts, the criminal caseload per judge is nearly 50 percent below that of 1972. The number of criminal cases reached a 40-year peak in 1972, and despite all of the cries from the defense bar, the number of criminal cases filed in 1992 was actually 14 percent below the 1972 figure. There were less criminal cases in Federal courts in 1992 than there were in 1972, even though the number of authorized judges is now 62 percent higher than that level was in 1972.

This bill cannot do everything, but, it is going to do more than has ever been done before. It is going to give the States some financial backing they have not had before. It is going to put 100,000 police right in the streets, something both sides have wanted for a long time. This bill will provide $8.9 billion over a 5-year period. It will also put $6 billion into prisons, into alternative sanctions, into boot camps, into grants to the States to help them to do these things. Also, right now it has the violence against women provisions in it that both Senator BIDEN and I have sponsored and are very, very proud of. We think it will make a difference in this country. We think it will make a difference not just for women but for families in general.

I was asked earlier in the day by the media: "What do you think is driving this? How come some of these people who never have been willing to support these provisions before are now doing it on the floor of the Senate?"

I said, I think the basic force that is driving this happens to be the women in this country, mothers who are sick and tired of their kids going to school and being in danger, mothers tired of kids having guns at schools, mothers tired of other criminal activities in schools. The women of this country are tired of the gang-related violence, which I think the amendment of the distinguished Senator from Illinois will help to correct.

Single women, single heads of households are worried about their children at home, latchkey kids that can be grabbed by these drug lords and made into terrible criminals themselves. They are worried sick about their kids. And then you can talk about single women who are afraid to walk down the streets of Washington, DC. Washington, DC, is the murder capital of the world. I have to tell you that women are worried about it in a lot of cities that never had this problem before.

This bill will help and let nobody doubt it. It cannot do everything that needs to be done. Nobody can do that. But we are doing more than has ever been done before, and I would hate to see this bill cluttered up with debates and amendments that would divide us, that would blow it out of the water, that would stop these fundings from going to the States when they need them the most, just because some people here want to beat their breast and show how tough they are on crime or how weak they are on crime. So I am very concerned about it.

I appreciate the majority leader's comments and also the comments of the distinguished Senator from Delaware. They are right to a degree, but do not believe otherwise, this bill will make a real difference in this country, and I intend to see it does. I am going to work my side as hard as I can to try to keep the amendments that are going to hurt this bill off.

Yes, habeas corpus reform is a big battle. It may be best we remove it from this bill and let the courts see what they can do with it, because they are at least addressing it in an intelligent fashion. There are some other aspects of the bill we have to work on if we are going to have a totally bipartisan bill. But right now the central core package of what we have done so far is bipartisan. It has taken the efforts of both sides. People are now starting to get a little pride about it on both sides. We have our cranky ones on both sides, but, by and large, people are starting to get excited that we might have a major, major crime bill for the first time in history that really addresses some of these serious problems and does it with some real money behind it.

So I appreciate the comments of my colleagues. I just want to make these points because this is very, very important stuff, and we are just starting. We have come a long way, but there are a number of things that have to be done before this bill can really reach the stature of having true bipartisan support in every way. I intend to do everything in my power to assist the distinguished Senator from Delaware and others on this floor to get us there. I intend to work hard on it, as we have in the past, as we did the day before yesterday, all day yesterday and, of course, all day today.

I am proud we have been able to accomplish what we have so far. I hope we can continue in a progressive forward motion on this bill and do what needs to be done.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KOHL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

REMAINING AMENDMENTS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the following amendments be the only amendments remaining in order to S. 1607, the crime bill, and that they be subject to relevant second-degree amendments; that no motion to commit be in order during the pendency of this agreement; and I send the list to the desk.

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

The amendments are as follows:

DEMOCRATIC AMENDMENTS TO S. 1607

Biden:
(1) Relevant.
(2) Child Abuse.
(3) Technical.
Boxer:
(1) Tamper proof licenses.
(2) Immigration documents forgery.
(3) Driver privacy DMW.
(4) Safe schools.
(5) Firearms penalties.
(6) Gun dealers.
Bradley: Sense of Senate Gun Tax.
Bryan:
(1) Immigration related.
(2) Immigration related.
(3) Immigration related.
(4) Immigration related.
(5) Telemarketing fraud.
Campbell: Felon gun bill.
Conrad:
(1) Academic progress in prison.
(2) Pilot on police.
(3) Juveniles.
(4) Relevant.
Conrad/Lieberman: State/multi state prisons.
DeConcini:
(1) Assault weapons.
(2) Missing Children's task force.
(3) Indian Nation funding.
(4) Authorizing gang resistance and ed. programs.
Dorgan:
(1) Sense of Senate victim allocation.
(2) Relevant.
Feingold: Life imprisonment.
Dodd: Law enforcement partnership.
Feinstein-Metzenbaum-DeConcini: Assault weapons.
Feinstein:
(1) Habeas corpus.
(2) Safety Officers' Benefits.
(3) Federal firearms licensees.
Glenn:
(1) Savings & efficiency under the Act.
(2) Military Bases.
Heflin: Grants to States.
Kennedy:
(1) Relevant.
(2) Relevant.
(3) Youth access to guns.
(4) Clinic Violence.
(5) Coordination with HHS.
(6) Substance abuse treatment.
(7) Libya.
(8) DOJ guidelines/study.
(9) Safe schools.
Kerrey:
(1) Community policing.
(2) Youth violence prevention.

Kerry:
(1) Police Corps.
(2) Drug Czar.
Kohl:
(1) Young guns.
(2) Technical relating to guns.
(3) Civil Action Against Violations of the controlled substances act and distributors of drug paraphernalia.
Leahy: Rural Crime.
Lautenberg:
(1) Guns and felons.
(2) Gang related.
(3) Relevant.
Levin:
(1) Fingerprints.
(2) Boot camps.
(3) Drug treatment.
(4) Death penalty.
(5) Life imprisonment.
Lieberman:
(1) Rapid deployment force.
(2) Drug emergency areas.
(3) Support federal task force.
(4) Prison construction.
(5) Counter terrorism.
(6) GIs law enforcement.
(7) Anti-loitering laws fight crime.
(8) Serious habitual offender program.
(9) Carjacking.
Metzenbaum:
(1) Bankruptcy fraud.
(2) Guns.
(3) Relevant.
(4) Parental kidnapping statute.
Mitchell:
(1) Relevant.
(2) Relevant.
(3) Relevant.
(4) Relevant.
Moseley-Braun:
(1) Alternative non-violent juveniles.
(2) Civil fines parents.
(3) Mandatory education incarcerated youth.
(4) Children and guns.
(5) Juvenile justice.
(6) Racial bias study jury selection.
(7) Insurance gun owners.
(8) Decentralization courts.
(9) Relevant.
Moynihan: Relevant.
Pryor: Banks & Community Reinvestment.
Reid: Border patrol.
Riegle: Regional violence crime assistance.
Robb:
(1) Relevant.
(2) Relevant.
Simon:
(1) Life imprisonment.
(2) Prison programs incarcerated parents.
(3) Juvenile death penalty prohibition.
(4) Prison impact statement.
(5) Gun dealer amendment.
Wellstone:
(1) Domestic violence firearms.
(2) Relevant.
(3) Relevant.
Wofford: Citizens policy academy.

REPUBLICAN AMENDMENTS TO S. 1607

Brown—Federal Prison Work Program.
Brown—Safe Schools.
Brown—Street Gangs.
Chafee—Stalking.
Coats—Boot Camp.
Coats—Interstate Fees.
Coats—Relevant.
Cochran—Prison.
Cochran—Prison.
Cochran—State Leadership Activities—Safe Schools.
Cohen—Relevant.
Cohen—Elderly Abuse.
Cohen—Juvenile Mental Health.
Cohen—Prisons.
Craig—Instant Background Check.
Craig—Mental Incompetence.
Craig—Police Liability.
Craig—State Preemption.
Craig—Waiting Period Limitation.
D'Amato—Death Penalty for Drug Kingpins.
D'Amato—Firearm/Homicide/Mandatory Minimums.
Danforth—Community Schools.
Danforth—Police Brutality.
Danforth—Relevant.
Danforth—Relevant.
Dole—Family Breakdown.
Dole—Firearms.
Dole—Firearms.
Dole—Firearms.
Dole—Firearms.
Dole—Firearms.
Dole—Firearms.
Dole—Firearms.
Dole—Gangs.
Dole—Leadership.
Dole—Leadership.
Dole—Leadership.
Dole—Los Angeles.
Dole—Neighborhood Security.
Dole—Peremptory Challenges.
Dole—Relevant.
Dole—Relevant.
Dole—Troops-to-Cops.
Dole—Violence Against Women.
Domenici—Juvenile Justice.
Domenici—Additional Funding for Federal Judiciary.
Domenici—DWI.
Domenici—Violence Against Women.
Domenici—Youth Gang Prevention.
Durenberger/Simon—Mothers in Prisons.
Gorton—Relevant.
Gorton—Sexual Violent Predators.
Gramm—Drugs.
Gramm—Firearms.
Gramm—Mandatory Minimums.
Gramm—Mandatory Minimum Repeal.
Gramm—Prisons.
Gramm—Prisons.
Gramm—Relevant.
Grassley—Internal. Child Pornography.
Hatch—10 Relevant Amendments.
Hatch—DEA Agents.
Hatch—FBI Agents.
Hatch—Federal Prosecutors.
Hatch—Gangs.
Hatch—Managers.
Hatch—Quantico.
Hatch—Rural Crime.
Hatfield—Domestic Violence.
Hatfield—Televise Executions.
Helms—Prison Caps.
Helms—Prisons.
Helms—Prisons.
Helms—Soc. Sec./Incompetence.
Hutchison—Police/Overtime.
Hutchison—Restitution of Defendants.
Jeffords—Asset Forfeiture.
Kassebaum—Asylum.
Kempthorne—Cops on the Street.
Kempthorne—Min. Population/Grants.
Kempthorne—Rural Law Enforcement.
Lott—3-Time Loser.
Lott—Triad.
McCain—Child Sex Abuse.
McCain—Parental Accountability.
McCain—Relevant.
McConnell—Parent Locator.
McConnell—Public Corruption.
Nickles—Victims' Rights.
Pressler—Youth Crimes.
Roth—Hong Kong Police Recruits.
Roth—State Cooperation With INS.
Roth—U.N. Organized Crime.
Simpson—Immigration.
Simpson—Immigration.
Smith—Alien Terrorists.
Smith—Immigration.
Smith—Law Enforcement Funding.
Smith—Mandatory Minimums.
Specter—Habeas Corpus.
Specter—Habeas Corpus.
Specter—Habeas Corpus.
Specter—Habeas Corpus.
Specter—Habeas Corpus.
Specter—Habeas Corpus.
Specter—Interstate Wagering.
Specter—National Literacy Act/Tech. Corrections.
Specter—Office of Correctional Job Training.
Specter—State Habitual Offenders.
Stevens—State Sentencing Requirements.
Stevens—State Criminal Justice Reforms.
Stevens—Violent Crime Penalties.
Thurmond—Child Abduction/Lindbergh Act.
Warner—Naming of Federal Courthouse.
Warner—Relevant.

Mr. LIEBERMAN. Mr. President, I rise today to supplement my remarks concerning the amendment offered by my colleague from West Virginia, and chairman of the Appropriations Committee, Senator BYRD. I want to extend my appreciation to him for his diligence, his efforts, and his commitment to real funding—not just promises for the war on crime. I am particularly pleased that the Byrd amendment takes many of the steps I believe are necessary to fight crime seriously, such as major increases in prison funding, attention to the violent juvenile repeat offender population, and mandatory minimum sentencing at the State level. Each of these steps was addressed in my crime bill, S. 1581.

Mr. President, it was clear to me that in order to make the serious dent in crime we talk about, we had to back up our pledge with action. In my crime bill, I proposed that we establish 10 regional drug prisons to help States add prison capacity. This amendment does this and more. It provides $3 billion to construct and operate 10 regional prisons for prisoners convicted of violent crimes and drug offenses. Three-quarters of the capacity in these prisons must be reserved for State prisoners. In addition, this amendment provides $3 million to States to build and operate boot camps for less serious offenders. I have always favored military-style boot camps as a way to show people convicted of less serious crimes that jail is no vacation.

Second, since we already know that the largest percentage of crimes occur at the State level, we can't get tough on crime unless the States do. In my crime bill, I would have made grants to States conditional upon enactment of tough sentencing provisions. This bill does this by only providing regional prison space to States that implement tough penalties and sentencing guidelines for seriously violent crimes. I must once again extend my thanks to my colleagues for incorporating my concerns into this provision.

And last, Mr. President, one of my most serious concerns grew out of my

ride-alongs with Connecticut police officers in New Haven, Hartford, and Bridgeport, CT. Those police officers told me that an overwhelming number of serious violent crimes are being committed, not by hardened adult criminals, but by a core of juvenile, repeat offenders, who are savvy to the system and the loopholes for them to escape prolonged incarceration. An amendment I planned to offer, taken from the core of legislation I introduced in S. 1581, would have provided for the continuance of funding for the SHOCAP Program. Police officers I spoke to pointed to the program's success in assisting their crime prevention efforts and its help in identifying repeat juvenile offenders of violent crimes. This amendment accomplished the same goal by providing $600 million in funding for programs that confront the problem of violent juveniles.

Mr. President, I am pleased that the Byrd amendment addressed my concerns in each of these areas. By doing so, it has obviated the need for me to offer amendments on each of these points. The Byrd amendment is a real step forward, and will provide real punch to the Federal fight against violent crime.

Mr. DODD. Mr. President, I rise to explain my vote against Senator DOLE'S amendment which would change rule 404 of the Federal Rules of Evidence.

A fundamental premise of our legal system is that the government must prove the defendant's guilt with evidence that is relevant to the charge against the defendant. Currently, rule 404 allows for the admission of evidence, against a defendant, of prior similar acts if the evidence is being used to prove motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Recently, some critics have questioned whether rule 404 is working as well as it should, particularly in sexual assault cases. In response to those concerns, Senator BIDEN included in the crime bill a provision directing the Judicial Conference to study, and make recommendations for amending, rule 404. The Judicial Conference, an organization authorized by Congress, generally supervises the courts and has a vast amount of expertise concerning the Federal Rules of Evidence.

In contrast, Senator DOLE'S amendment would change the rule without any additional study. Under Senator DOLE'S amendment, in sexual assault and child molestation cases, any evidence of past similar acts could be admitted into evidence, without the protections provided by the present rule. For example, the amendment would allow the admission of testimony which merely alleged similar past acts, no matter how far in the past, regardless of whether the allegation was ever proven or a charge filed. Clearly, that kind of approach could lead to some questionable evidence being used in certain cases.

Additionally, it is important to remember that the Federal rules are interrelated. I am concerned about any effects that changes to rule 404 may have on rule 412, the rape shield law. In my view, it would be better to have the Judicial Conference study that issue before changing rule 404.

Clearly, we must do everything possible to prevent sexual assault and child molestation. These kinds of offenses are the most despicable of all. I have devoted much of my time and energy in the Senate to making life better for women and children. I will continue those efforts, by supporting Senator BIDEN'S crime bill, and through other efforts that will improve the health and safety of our children. But with regard to the Dole amendment, it would be better to have a detailed study before making such a radical change in our Federal Rules of Evidence.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994—CONFERENCE REPORT

Mr. WELLSTONE. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is the conference report to H.R. 2520, which the clerk will report.

The bill clerk read as follows:

A conference report to accompany H.R. 2520, an act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the conference report.

CLOTURE MOTION

Mr. WELLSTONE. Mr. President, I send to the desk a cloture motion on the conference report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report accompanying H.R. 2520, the Interior Appropriations bill:

Patty Murray, Dianne Feinstein, Harry Reid, Harris Wofford, Dennis DeConcini, Daniel K. Inouye, Wendell Ford, Carol Moseley-Braun, Russell D. Feingold, Dale Bumpers, Robert C. Byrd, Claiborne Pell, Edward M. Kennedy, Paul Simon, Joe Biden, Barbara Boxer, Howard Metzenbaum, Harlan Mathews.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

MORNING BUSINESS

Mr. WELLSTONE. Mr. President, I now ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each.

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

REMARKS OF COMMISSIONER WILLIAM L. MASSEY, FEDERAL ENERGY REGULATORY COMMISSION

Mr. BUMPERS. Mr. President, on November 1, Commissioner William L. Massey of the Federal Energy Regulatory Commission addressed the 28th Edison Electric Institute Financial Conference at Lake Buena Vista, FL. His basic message was that the competition sweeping the industry is good for consumers and presents real opportunities for utilities willing to embrace the future, become cost competitive, and aggressively meet customer needs. Commissioner Massey also summarizes FERC's efforts to implement its new transmission access authority under the Energy Policy Act of 1992. I believe his remarks provide food for thought for those of us who follow closely the evolution of this backbone industry. I ask unanimous consent that his remarks appear in the RECORD immediately following my statement.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY WILLIAM L. MASSEY, COMMISSIONER, FEDERAL ENERGY REGULATORY COMMISSION

I'm here today to talk about the implementation of the Energy Policy Act of 1992 and the future of the electric utility industry. But, first, I'd like to review briefly the industry's past.

For most of this century, the vertically-integrated, regulated monopoly worked well, allowing utilities to achieve increasing reliability and economies of scale. Then came PURPA, not a universally-revered policy, but it proved unequivocally that non-utility generators can be reliable sources of power.

Vertical integration is not sacrosanct. This realization led to independent power producers, which like QF's own and operate a generating facility with no retail territory and little or no transmission investment. FERC recognized that most IPPs lack market power, and may sell at market-based, as opposed to cost-based, rates.

FERC has also promoted competition in the wholesale power market through its regulation of traditional utilities. For example, FERC has allowed even traditional utilities to sell power at market-based rates if they opened up their transmission systems to wheel power for others, and has conditioned mergers on the opening up of the merged company's transmission system. All of these policy changes were aimed at creating a more competitive marketplace for wholesale generation.

But the move toward competition received its latest and biggest boost with two key changes enacted in the Energy Policy Act of 1992.

First, building on the experience of QF's and IPP's, Congress allowed the creation of "exempt wholesale generators," entities free from the regulatory legerdemain of the Public Utility Holding Company Act of 1935. To date, FERC has received about 80 EWG applications and granted almost 65 of them. Many of these are utility-owned.

Our experience with EWG's thus far makes it increasingly clear that there will be many more sellers in the wholesale power market.

The second major change made by the Energy Policy Act was to dramatically expand the Commission's authority to order wholesale wheeling. FERC can now order transmission service when it is in the public interest, subject to only a few limited exceptions. For example, we cannot order transmission service that would supplant existing power sales contracts or impair the reliability of the transmission system. Perhaps you share my view that this expansion of our wheeling authority is the most important change in electric utility regulation in 60 years.

In the past few months, we have taken a number of important steps to implement our new transmission authority. First, we have adopted a new policy encouraging the development of regional transmission groups or RTG's. The policy identifies the minimum components the Commission will look for in an RTG, including adequate consultation with state regulators, fair and nondiscriminatory governance procedures and voluntary dispute resolution.

I believe that RTG's, if properly structured and fairly administered, can sharply reduce the time and cost needed to arrange transmission service. The bottom line will be an industry that is more responsive to the market.

Transmission owners may look at RTG's and wonder: What's in it for me? The answer is a greater measure of control over your transmission destiny in this new area. FERC intends to grant deference to RTG decisions, including decisions on reliability and transmission pricing.

Another benefit for transmission owners should be expedited access to neighboring transmission systems, for the purpose of buying cheap but distant power or selling your own power to distant buyers. Taking advantage of such market opportunities will be increasingly important as competition takes hold in the industry. I look forward to the day when a dozen or so RTG laboratories are functioning all across the country, resolving consensually the myriad of thorny transmission issues that will be presented.

Secondly, the Commission recently finished a rulemaking to implement the Congressional requirement that utilities make certain transmission information publicly available. This includes power flow studies, transmission maps and transmission reliability criteria.

This information will help wholesale buyers and sellers to identify those market opportunities for which transmission capacity may be readily available. In a way, it will serve the same purpose that electronic bulletin boards serve in the natural gas industry: That is, to enhance access between buyers and sellers in the wholesale market.

Thirdly, the Commission adopted a policy on the information that should be contained in a good faith request for transmission service. Our goal was to encourage a broad exchange of information between the parties, and thus increase the likelihood of a voluntary agreement for transmission service. In the same policy statement, we affirmed our authority to order so-called network service, that is, service broader than the traditional point-to-point transmission service.

Fourthly, we have issued a major pricing inquiry, requesting comments on a broad range of issues related to the pricing for transmission service. Some of the Questions are whether transmission should be priced on the basis of the traditional contract path, or instead on the actual path of electron flow; embedded costs or incremental costs; and postage-stamp rates or distance-sensitive rates. Comments in the proceeding are due next week, and I believe the Commission will act on these pricing issues early next year.

I am convinced that, in a competitive era, the traditional method of postage stamp rates based upon the contract path will often not be the best policy choice. And, I'm not sure there is only one right answer for pricing. Instead, I think a range of pricing methods may be appropriate in different circumstances, and it may be appropriate for them to vary by region. That is why I believe the role of Regional Transmission Groups will be critical in the competitive era. What works in the Northeast may not work in the West, and a totally different solution may be necessary in the Midwest. Regional experimentation will be vital.

Fifthly, just last week, we voted out the first order under our expanded transmission authority. Specifically, we issued a proposed order to require Florida Power & Light to provide transmission service to the members of the Florida Municipal Power Agency.

This case is important both for what it decided and what it did not decide. First, we ordered network transmission service, not just point-to-point service. And, we did so even though the parties had existing agreements for transmission service. Specifically, we found that the statutory prohibition against ordering transmission service in place of existing electric energy contracts applies only to power sale contracts, not transmission contracts.

We also decided, at least preliminarily, that Florida Power & Light could not base its pricing for this service on multiple point-to-point charges. In other words, if there are ten points of entry and ten points of delivery, meaning 100 combinations, the company may not take the rate for single point-to-point service and multiply it by 100. At the same time, however, we recognized that network service may cost more to provide than point-to-point service, and that a higher rate for network service may be appropriate if shown to be cost-justified.

But, importantly, what we did not decide is the actual rate that should be charged, or the terms and conditions of service. Instead, we gave the parties 60 days to try and work these provisions out between themselves.

I think the most important message in this case is the same one implicit in our order on RTG's. FERC will give the industry a chance to work out these issues by agreement. But, we cannot and will not wait indefinitely. If the industry cannot resolve these issues fairly and consensually, FERC will step in and decide them. I hope FERC intervention is the exception, not the rule. I strongly encourage the industry to take up the opportunity for negotiation and compromise we are offering.

In summary, the electric utility industry, prodded by Congress, regulators and consumers, has moved into an era of much greater competition at the wholesale level. There are more wholesale generation competitors and a greater disintegration of the generation function as FERC continues boldly to implement its new wheeling authority. And, importantly, the participants in the debate should make no mistake about the commitment of this Commission to the vision of a competitive wholesale market. Congress outlined our mission. We are simply filling in the blanks.

This will involve several key tasks for FERC over the next year. We must come to grips with transmission pricing, as I mentioned. An important issue is whether to provide price incentives for utilities to wheel. We must deal with the issue of stranded investment at the wholesale level, perhaps generally, so that transmitting utilities will know in advance what the groundrules are. We must somehow help nurse to life the fledgling efforts to create RTG's. Obviously, transmission owners must participate or there will be no RTG's.

And finally, an issue that I intend to pay close attention to over the next year is the extent of cooperation between FERC and the state regulators. Nothing will be gained if FERC orders transmission service but the state denies certification for siting. Similarly, if federal and state regulators allocate transmission facilities differently, and the result is a revenue shortfall for transmitting utilities, those utilities will adamantly resist further efforts to expand transmission capacity. And, I see federal and state cooperation as key to making RTG's work effectively. In short, federal and state cooperation is essential to improving the availability of transmission service. We must have a regular and effective federal/state dialogue.

Where is the industry going from here? Will customer desire for a more competitive product ultimately lead to the same level of disintegrationas has occurred in the natural gas industry, where gas supply is now totally deregulated, products and services are unbundled, and the industry participants have more distinct and separate roles as producers, transporters or distributors of natural gas? Clearly, there are critical lessons to learn from the gas industry's evolution, but I would like to mention at least three important differences in federal regulation.

First, in the natural gas industry, FERC has broad authority over pipelines, including certification authority over new pipelines and expansions. That is not true in the electric industry, where licensing of new transmission lines is state-regulated.

FERC's efforts over the years to restructure the natural gas industry have relied significantly on our broad statutory authority over transporters of natural gas. In Order No. 636, FERC separated the supply function from the transportation function by regulatory fiat. We have no similarly broad authority over electric transmission lines, certainly no authority to force the separation of generation and transmission, and Congress last year declined the opportunity to grant us such authority.

Congress seems perfectly content with a bifurcated system of regulation under which FERC can order wholesale transmission service, but the states can block the transmission construction such service requires. Congress expressly reaffirmed this regulatory schism last year. I have no reason to criticize this policy choice, but simply want to underscore this key difference in electric and gas regulation.

Second, Congress has comprehensively decontrolled prices in the wholesale market for natural gas, but has not been so bold with electric generation, deciding instead to promote competition incrementally by allowing

more EWG sellers into the market and increasing FERC's authority to order wholesale transmission service. This encourages but does not require the disintegration of wholesale generation. There has, moreover, been no legislative deregulation of the price of wholesale electric energy, although an increase in transmission open access filings may make market-based rates for generation increasingly available.

Third, on the natural gas side, FERC has occasionally exercised its authority to allow industrial customers and electric generators to bypass the local distribution company and hook up directly with the pipeline. FERC has no similar authority on the electric side. In fact, Congress has stated unequivocally that FERC has no authority to order retail wheeling. Thus, the pressure for retail wheeling will come at the state rather than the Federal level.

These three differences in the scope of federal regulation suggest that the evolution of the electric industry is not bound inexorably to follow that of the natural gas industry. Nevertheless, I am convinced that similar changes will occur primarily because the competitive forces driving both industries are the same: Simply stated, lawmakers, regulators and customers want the industry to provide a more competitive product.

This same force has swept other industries. In the long-distance telephone market, AT&T is still the dominant carrier, but it is fighting for every percentage of market share. It has reduced its workforce and its rates, taken major write-offs of assets, and become much more responsive to customer needs and desires. But daily it must lock horns with vigorous and creative competitors scrambling for each additional customer.

In my view, the key lesson to be learned from natural gas and telecommunications is not to bet your electric utility on a hoped-for return to a non-competitive environment, but instead to devote your resources to becoming as competitive as you can, as fast as you can. Successful electric utilities will focus on becoming competitive, not on fighting the inevitable. Those that become competitive will win, and those that ignore competition, their minds clouded by fond memories of the "Good Old Days" will lose.

What happens to those who fail to compete? Looking again at the natural gas industry, a key threat to local gas distribution companies is bypass. If they are not competitive, their industrial customers may attempt to hook up directly with the pipeline to secure the service they want at a competitive price.

In the telephone industry, customers generally can now change long-distance companies with one phone call. A similar development in the electric industry, with customers changing power supplies with a phone call, may be on the horizon.

Even the baby bells, functionally similar to electric distribution companies, are starting to see competition in the market for local service. Mobile phones are becoming common. The cable TV companies are trying to supplant the need for a traditional phone line into our homes. The proposed Bell Atlantic-TCI merger will increase the competitive pressure toward this end. And, the technology for completely portable personal communication devices is almost at our doorstep.

In the electric industry, perhaps the most prominent near-term regulatory threat is retail wheeling. Here, the key decisionmakers will be state lawmakers and regulators.

We are all aware of the debate raging in several states. If I were a utility executive, I would not rely solely on political or regulatory protection from this threat.

Large utility customers will mount powerful arguments that retail wheeling will allow them to retain or add local jobs, and that utilities should not be allowed to hide inefficiencies behind a state-imposed monopoly.

Utilities forcefully counter that retail wheeling will severely erode the health and viability of an industry that over time has literally been the economic backbone of our Nation. There is, the industry will argue, a higher societal value than merely cheap electrons, and that is a stable and viable electric infrastructure. Utilities will also argue that retail wheeling should be prevented to avoid billions of dollars of stranded investment. Undeniably, the dollar amounts involved will be impressive.

On the other hand, these costs may be perceived by policymakers as representing only one-time transition costs, a necessary price as the electric industry shifts from regulation to competition. And, the country has survived the break-up of another backbone industry, telecommunications, at a time when telecommunications services, particularly with computers, are increasingly essential to our economy. If state policymakers are sympathetic to these views, or if they choose to allocate some of the stranded costs to shareholders instead of the remaining ratepayers, a choice utilities will fiercely battle, the stranded investment argument will lose some of its obvious persuasive force.

Mercifully, Congress has told me as a federal regulator that I must leave this debate in the hands of state policymakers, and I gladly do so. I discuss retail wheeling here for two reasons. First, it looms on the horizon, and is no doubt on everyone's mind. It underscores the absolute necessity for utilities in this day and age to work hard to keep their existing customers happy. And second, I am keenly aware that FERC regulatory action—in particular, how we deal with stranded investment and transmission pricing at wholesale—may influence the retail wheeling debate.

The threat of retail wheeling, and the general increase in competition in the industry, had a very important financial consequence last week, as Standard & Poor's tightened its criteria for evaluating electric utility debt. S&P also revised the credit outlook for a third of the industry from stable to negative. S&P cited increased business risk as the primary reason for the changes. A spokesman also indicated that, if competition develops as they expect, S&P will tighten its benchmarks even more.

I see S&P's actions are one more wake-up call for the industry. Competition is here and it may increase very quickly.

In this environment, what can utilities do to ensure the health of their business? In my view, the key is this: Each utility must treat its customers as if it wants to be their supplier by choice, not by government mandate. A utility that succeeds must adapt to an environment of continuous change and be as responsive, cost-effective and customer-oriented as its competitors.

To achieve this result, one cannot overlook promising new technologies. Change in the electric utility industry, as in most other industries, may be driven as much by technology as by regulation. Being competent at today's technology will not be sufficient in the future, and perhaps sooner than we think. Just ask IBM.

A number of new technologies bear mentioning today. For example, Flexible AC Transmission Systems (FACTS) may dramatically increase the capacity of existing transmission lines, thus increasing a utility's ability to benefit from market opportunities and decreasing regulatory battles over sitting. FACTS may also greatly reduce the problem of loop flow.

Distributed generation by fuel cells or photovoltaic also may allow a utility to serve increased load without large-scale investments in, and major regulatory battles over, new transmission or generation capacity. And, real-time pricing and advances in meeting technology may allow customers to cut their energy costs and reduce the utility's need for peak generation.

Failure to use competitive new technologies may undermine other efforts at becoming or staying competitive.

Competition may require cost cutting. Some utilities have chosen the painful option of workforce reductions. Many will write-down or sell uncompetitive assets.

Besides cutting costs, some have begun to discount their prices when necessary to make sales.

Price, however, is not the only consideration in being competitive. Utilities must also offer products that meet customer needs. If you don't supply the product options your customers want, someone else will.

Many utilities are already responding aggressively to competition by restructuring to form strategic business units. Some have spun off generating assets into separate subsidiaries to serve the competitive wholesale market. Others will form brokering and marketing affiliates similar to those in the natural gas industry. Unbundling of services may allow smaller, leaner business units to better meet customer needs.

In addition, utilities are pursuing efficiencies by integrating their operations with other utilities. This can be done through contractual arrangements. But the dominant means of achieving these efficiencies is a merger. I expect competition to prompt an increasing number of proposed mergers, which are of course subject to FERC and often state approval.

Is there any good news in all of the changes I've discussed? The best news, of course, is for customers, who are likely to see their cost of electricity decline over time. That is what Congress intended and that is what I think will happen.

But, even for the industry, I think there is much good news. First of all, electric load in total is not likely to decline. To the contrary, load will probably continue to increase at a more or less steady rate. In fact, new uses for electricity may even accelerate load growth, through such products as electric vehicles.

More importantly, the good news will come to those who treat increased competition in the wholesale power market as an opportunity, not a threat. Competition means a utility can continue to make money, perhaps even more money than in the past, if it can seize the opportunities presented.

My advice to electric utilities, for what it is worth, is:

Shed the culture of the "Good Old Days";

Keep abreast of promising technologies;

Be creative and aggressive about meeting customer needs;

Become cost competitive;

Play to the particular strengths of your individual company.

And finally, embrace the future. Electric utilities have the resources and expertise to compete and to thrive.

REAR ADM. MICHAEL L. BOWMAN

Mr. GLENN. Mr. President, one of the pleasures of serving in this great legislative body is the opportunity we occasionally get to publicly acknowledge truly outstanding citizens of our great Nation.

Mr. President, I rise today to recognize one such individual, Rear Adm. Michael L. Bowman, U.S. Navy, for devoted and distinguished service to his country. As Chief of Legislative Affairs for the Navy these past 21 months, Admiral Bowman has been the Navy's point man charged with ensuring that the Congress was provided with clear, coherent, and timely information on Navy issues, and with full Navy support and cooperation in meeting congressional requests. This was a major assist to us as we fulfilled our responsibility to see that the United States continues to field well equipped, well trained, modern, and responsive naval forces.

Admiral Bowman has provided support to the Congress in a particularly demanding period of transition from the old cold war era to the new challenges in a world environment that puts an increased premium on flexibility, innovation, and rapid response. Not the least of meeting these new challenges is the need to do so in a period of rapidly shrinking defense budgets as we struggle to completely overhaul and redefine the national security strategy of the United States.

As senior advisor to both the uniformed and civilian leadership of the Navy, Mike Bowman was a major player marshalling congressional support for the new Navy/Marine Corps strategic vision presented in "From the Sea * * *", a far sighted strategy that has already begun to dramatically reshape the way this Nation employs its maritime forces. Mike's highly successful efforts to keep open clear lines of communication from the Navy to the Members of Congress and their staffs was instrumental in fostering a sense of common purpose in ensuring the future readiness of our naval forces.

Mr. President, Admiral Mike Bowman has consistently displayed great leadership, drive, dedication, and integrity in representing the Navy and the Nation which he so proudly serves. I am sure that the Senate, and indeed the whole Congress, joins me in wishing him Godspeed as he returns to the fleet in his new assignment as Commander, Carrier Group Six, based in Mayport, FL. Admiral, we wish you fair winds and following seas in your challenging new assignment.

Mr. President, I ask consent that Admiral Bowman's official biography be printed in the RECORD at this point.

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

REAR ADM. MICHAEL L. BOWMAN, U.S. NAVY

Rear Admiral Michael L. Bowman was born in St. Joseph, Missouri on June 27, 1943. He received his commission through the Aviation Officer Candidate Program, and earned his Naval Aviator designation in February 1967.

His operational assignments at sea included Operations Officer, Carrier Air Wing Fourteen, and Commanding Officer, Attack Squadron Ninety Seven. He also commanded three air wings: Carrier Air Wing Five, embarked abroad USS Midway (CV-41); and Carrier Air Wing Thirteen and Carrier Air Wing One, embarked aboard USS America (CV-66).

Admiral Bowman's shore assignments included duty as a Fleet Replacement Pilot Instructor in Attack Squadron One Two Five; duty as the Principal Deputy to the Secretary of the Navy for Senate Liaison; and three tours in various divisions within the Bureau of Naval Personnel. He assumed his duties as Navy Chief of Legislative Affairs in March 1992.

He flew a total of 250 combat missions in Viet Nam and Desert Storm. He has accumulated over 4000 accident-free flight hours in 25 different types of aircraft, and has logged over 1200 carrier landings.

In addition to campaign and unit awards, Admiral Bowman's personal awards include the Legion of Merit (two awards); the Distinguished Flying Cross; the Bronze Star; the Meritorious Service Medal (three awards); and the Air Medal (three individual-mission and 22 strike/flight awards).

THE INTERNATIONAL CENTER OF WORCESTER

Mr. KENNEDY. Mr. President, on October 24, 1993, the International Center of Worcester in Massachusetts celebrated its 13th anniversary. During the past three decades, the center has fostered mutual understanding and friendship between residents of Massachusetts and international visitors and students. The center continues to serve as a vital source of information, especially at this time when the world is undergoing so many dramatic transformations.

The center has participated in the U.S. Information Agency's International Visitors Program, International Business Forums, and International Fellowship Program. It maintains a large language bank and matches individuals with skilled translators. In addition, its library makes available to the local community a complete file of State Department policy statements on all countries around the world.

It is a privilege to take this opportunity to pay tribute to the International Center of Worcester and its dedicated staff, and I commend them for their outstanding work.

Mr. President, I ask that the October 25 Worcester Telegram and Gazette article on the center's 30th anniversary may be printed in the RECORD.

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

[From the Worcester Telegram and Gazette, Oct. 26, 1993]

FOREIGN POLICY BEGINS AT HOME: INTERNATIONAL CENTER CELEBRATES

(By John J. Monahan)

SHREWSBURY.—The International Center of Worcester marked 30 years of hosting foreign visitors in the city yesterday with a public brunch that also included local observation of United Nations Day.

The organization was started by the Worcester Rotary club and Junior League in 1963, as a way to assist doctors who came to work and study at the city's three teaching hospitals.

"They came with wives and small babies," and the center volunteers helped them settle into living in Worcester by taking them grocery shopping, offering English-as-second-language courses, providing child care and friendships, said Jeanne Nader, past president and member.

While the International Center network has produced hundreds of lifelong friendships, Nader said, it later assumed the role of host to foreign visitors who have come to Worcester as guests of the U.S. government.

The center is now affiliated with the National Council for International Visitors, a network of 106 International Centers across the country. Nader said the local centers host scientists, physicians, educators, artists, and cultural specialists who are invited to come to see the United States as part of a U.S. Information Agency program.

"It's been called one of our most important foreign policy programs," Nader said.

In the last year, she said, more than 100 foreign guests have visited the city, and the visits have been enhanced by cooperative efforts of numerous institutions in the city affiliated with its 200 local members and a network of about 50 volunteers.

This summer the center was host to 53 foreign visitors—from Jordan, South Africa, Albania, Bulgaria, Haiti, Colombia, Mexico, Benin, Guinea, Lesotho, Mali, Mauritius, Namibia, Niger, Rwanda, Senegal, Seychelles, Sudan, Swaziland, Togo, Zimbabwe, Afghanistan, Costa Rica, Egypt, Israel, Jamaica, Lebanon, Sri Lanka, the United Kingdom, Chad, Congo, and the Czech Republic.

In August, one 10-member international group was studying urban renewal and inner city redevelopment in Worcester, while another 15-member group of young leaders from Africa were in the city as part of their trip focusing on "Democracy in America."

Another side of the center's work in assisting foreign visitors living and working in the city. These would include recent immigrants as well as university students, who still benefit from the hospitality and services provided by the International Center's volunteer network.

Two people who have worked closely with the center over the years, Worcester City Manager William J. Mulford, and Clark University President Richard P. Traina were honored with citations from the center at yesterday's brunch held at the Worcester Foundation for Experimental Biology.

Also honored were longtime members Betsy Davidson and her late husband Richard C. Davidson for their "outstanding work as international parents and grandparents for generations of ICW members."

Traina said the International Center has been a great help to the many international students who attend that university, which Traina said is diligent in efforts to attract foreign students.

BEGIN AT THE BEGINNING

Mr. MOYNIHAN. Mr. President, I have recently received a long and thoughtful letter from Ms. Eugenie Ahders, who is living now in Haverford, PA, formerly a New Yorker, with some thoughts on the subject of a workable health plan for America, which is entitled "Begin At The Beginning." It seems that, "Realistically, universal access to affordable health care for every American will not be possible in the near future."

That may or may not be the case. But her emphasis on health care in early childhood, for children, for infants seems to me very much on point at a time when we have established that almost 30 percent of American children are born to single parents and all of the health care problems associated with that condition in life. As George Will recently observed, "Poverty is sickening in the literal as well as the moral sense."

I think these are views that deserve attention, and I ask unanimous consent they be printed in the RECORD.

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

BEGIN AT THE BEGINNING

A SUGGESTION FOR A PRACTICAL, WORKABLE HEALTH PLAN FOR AMERICA

Realistically, universal access to affordable health care for every American will not be possible in the near future. As Senator Paul Wellstone says in his introduction to his excellent bill, S. 491, which provides for a single-payer system: "Certainly it will take time to make changes of the magnitude that is required, and there will be unforeseen complications in any system we choose. But we do not have the time, and the American economy does not have the resilience to tinker with programs destined to fail."

So, let us "Begin at the Beginning" by insuring the health of our children—prenatal to age 18. In other words, let us concentrate first on a small but vital section of the huge package now being considered by Hillary Rodham Clinton's Task Force. As far as I know, every plan under consideration includes the basic requirements proposed here for our children's health care. The cost would be no more, probably much less.

Here are the key features of this plan:

As their right, all children, prenatal to age 18, would be covered for primary and preventive care, hospital and practitioner care.

Community clinics would be set up to provide a range of high quality integrated services in a conveniently located one-stop shopping setting.

Under this plan an organized, computerized system would be established in local communities, administered by the states, under standards set by a bipartisan American Health Care Board.

With this gradual plan, in ten years time it could be extended to cover all persons up to 28 years of age. As each new year ensues, the plan would automatically insure more of the population.

The benefits are many, in both the short and long term:

"Begin at the Beginning" would give us a reasonable goal to focus on. Furthermore, insuring the health of our children should be acceptable to Republicans, Democrats and Independents and would certainly please this administration which proclaims dedication to our children.

The plan allows time to get the infrastructure in place, developing the clinics and the primary care practitioners required.

Starting with the children allows time and opportunity to develop a workable system on a smaller, easily monitored group. Costs will be much lower than for a like number of adults.

The plan would improve not only the health but the educational prowess and the social behavior of our children. Consider, for example, the difference the testing of eyes and ears could make for some children in the classroom.

It could prevent teenage pregnancies and the birth of low-weight, impaired babies. These babies can cost as much as 1 million dollars each.

Focusing on children's health care would eliminate, or at least postpone the fierce battles with the insurance companies, hospitals and other health providers.

It would break the connecting link to employers.

"Begin at the Beginning" would create immediate valuable long-term jobs to establish the clinics and the system.

It is a hopeful beginning to break the stalemate on the seemingly impossible task before our nation. The plan provides for a gradual extension of health benefits so long neglected by this country.

Best of all, it is a start in promoting a healthy population.

And it is an original program for the United States, not borrowed from any other country.

HOW TO PAY FOR "BEGIN AT THE BEGINNING"

First of all, costs are bound to be reduced if all the bureaucracy is eliminated that is essential to monitor and control the very large entities, e.g. insurance companies, big business, small businesses, HMOs, doctors, etc.

Costs would be financed through a transfer of current state and federal government expenditures, for instance, the WIC and AFDC programs, and others, which at present contribute to the needs of these children. Also, the part of Medicaid which goes for the care of children of the poor is considerable, and could be used to advantage in this program.

Shortages will be supplemented by a truly progressive and fair federal income tax to guarantee insurance for our children's health care.

IN THE MEANTIME—FOR THE ADULT POPULATION

This section of the population would continue to get care from the same providers they now use: their doctors, their insurance companies and employers or HMOs, and with Medicare and Medicaid. However, their situation will improve in both the short and the long term for the following reasons:

Insurance premiums should be reduced where the family policies need no longer cover the children. Also "Being at the Beginning" will give families a tremendous sense of relief to know their children are fully cared for.

Many states have been experimenting and improving their health care systems with a lot of success. And, quoting from the New York Times of April 25, 1993: "The states hope the administration will be flexible and let many of their efforts stand."

During these next few years, the federal government must take an active role in improving laws and regulations to help the experimentations in the states.

We will have, not "managed competition," but competition among the states to develop the best system.

A few years down the road, the country can then decide on the competition between the "Begin at the Beginning" and the improved residue of our present system as designed by the states.

In any case, under any new system, it is likely to take a whole before everyone will be insured beyond Medicare or Medicaid.

With the adoption of "Begin at the Beginning" the country could move ahead now. It could ease in the pattern for a successful single-payer System for all Americans.

Suggested with concern and hope by—

EUGENIE AHDERS.

HAVERFORD, PA, SPRING 1993.

VIOLENCE IN AMERICA

Mr. MOYNIHAN. Mr. President, 2 months ago, the National Center on Health Statistics released data showing that the rate of out-of-wedlock births in the United States increased to 29.5 percent in 1991. For whites it was 21.8 percent, for blacks 67.9 percent. And matters are almost certain to get worse. For the last 20 years, the out-of-wedlock rate has increased without interruption. When plotted on a graph, the annual rates fall along a straight line, rising at just under 1 percent a year. At a recent hearing before the Senate Finance Committee, Dr. Lee Rainwater, one of this Nation's most respected students of the subject, predicted that the rate will reach 40 percent by the year 2000.

Not surprisingly, the most serious problem is in urban America. In Newark, Atlanta, Cleveland, St. Louis, and Washington, DC, two-thirds of all the children born in 1991 were to unmarried women. In Detroit, it was close to three-fourths. In these communities, the traditional family has virtually ceased to exist. And it shows.

In 1965, I wrote an article in America on this subject. Included was this assessment:

From the wild Irish slums of the 19th century eastern seaboard to the riot-torn suburbs of Los Angeles, there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rational expectations about the future—that community asks for and gets chaos. Crime, violence, unrest, unrestrained lashing out at the whole social structure—that is not only to be expected; it is very near to inevitable. And it is richly deserved."

Charles Murray makes much the same point in an October 29 article in the Wall Street Journal. Had we been asked in the mid-1960's to imagine a society in which out-of-wedlock births had reached today's levels, he writes, our prognosis would have been somber:

* * * if the proportion of fatherless boys in a given community were to reach such levels, surely the culture must be "Lord of the Flies" writ large, the values of unsocialized

male adolescents made norms—physical violence, immediate gratification and predatory sex.

And indeed that is what we have got.

Recently, NBC broadcast a five-part series, entitled "Society Under Siege" which focused on the growing violence among young people in this country. The series reports on events in Salt Lake City, UT, Topeka, KS, San Francisco, CA, and Raleigh-Durham, NC, places not normally associated with the worst urban violence. In Salt Lake City, we hear about a child gang called Tiny Toons which has members as young as 7. NBC's Roger O'Neil reports that Salt Lake City's officials say the gang problem is not about race and has very little to do with drugs. Instead, "kids are in gangs because they need a sense of self-esteem, a sense of being. They get that from the gangs. You know, 'c'mon in, you're our buddy now. You're a part of us. We're family now.'" The gang, it seems, is the only family these children have.

Interspersed among the stories are jarring statistics—"In New York City alone it costs more than $960,000 to treat each gunshot victim * * *" "Medical care for victims of violence now costs this country up to 18 million dollars a year * * *" "Being shot is now the second leading cause of death among America's young people * * *" And we see examples of communities responding to the crisis. In San Francisco, emergency room doctors call for violence to be defined as a preventable disease. Salt Lake City has night basketball games. Raleigh-Durham has mentoring programs.

Last year I wrote an article, "Defining Deviancy Down," for the American Scholar in which I argued that the amount of deviant behavior in American society has increased beyond levels that we are capable of acknowledging. So we have redefined deviancy so as to exempt much conduct previously stigmatized. That is what has happened to urban violence. Because there is so much of it, we have come to see it as normal. That's why the NBC series is so important. It demands from all of us that we stop acquiescing in this deviant behavior and do something about it.

Mr. President, I ask unanimous consent that a transcript of the NBC series be printed in the RECORD.

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

SOCIETY UNDER SIEGE

NBC Nightly News, Monday, October 4, 1993, Tom Brokaw: American Close Up Now: Society Under Siege. Tonight we begin a week-long series of reports on the problem of violence among young people—spiralling out of control.

Arrests of individuals younger than age 18 for murder, assault, rape—up from more than 58 thousand a year to more than 87 thousand. A 50 percent increase in just four years.

Murder victims age 19 and under—thousands of them. An increase of 54 percent in ten years.

This week, we'll visit four American cities facing these problems, and searching for solutions. Tonight: Salt Lake City, Utah. A city you might think was free of this kind of youth violence. Think again. NBC's Roger O'Neil reports.

O'Neil: It was a wakeup call for the gangs and for the community. In a metro-wide police crackdown beginning before dawn today Salt Lake City police arrested 27 suspected gang members.

This weekend, enforcement of a teen curfew law was stepped up.

Authorities are trying to take back the streets from the 185 gangs and 17 hundred youths they have identified as gang members or wanna-be's. The population of Salt Lake is less than 750 thousand.

Just 4 years ago the cops weren't even tracking gangs, but then they weren't losing this war.

Lt. Jim Bell, Salt Lake City Police: We can arrest 'em and charge 'em and send 'em through the system, but they're back out on the street generally before the officer can get his paperwork done.

O'Neil: Until this summer most people here denied their city had a gang problem.

Then they heard about a child gang called "Tiny Toons" and kids as young as 7.

And they were shocked when a high school football star was charged with killing another teen.

Finally in Sept. at the family-oriented state fair another shooting.

Vendor at fair: He just reached down and shot the kid.

O'Neil: In the 1st 9 months of this year more than 3 thousand gang related crimes. That's almost double for all of last year.

Officials say the gang problem in Salt Lake is not about race and has very little to do with drugs.

Craig Trujillo, "Youth Works" Board Member: Kids are in gangs because they need a sense of self esteem, a sense of being. They get that from the gangs. You know, 'c'mon in, you're our buddy now. You're a part of us. We're family now.

Anousak Kaykeo, former gang member: I just needed someone to turn to, like my second family. That's what a gang is.

O'Neil: In Salt Lake City, the Mormon Church is unquestionably the most powerful institution. In the past, it has taken positions on everything from abortion to women in the workplace to drinking coffee. But on the issue of kids, gangs, and guns, the hierarchy of the LDS church has been remarkably silent.

In a written statement to NBC news, church officials said "those members who chose to ignore the laws may be placing their church membership in jeopardy."

Others are beginning to offer solutions.

Tomorrow, the mayor will ask city council to get tough.

Mayor Dee Dee Carradini, Salt Lake City: "We've got to get guns out of the hands of our kids and second we need beds. We can arrest these young people, but there's no place to put them."

O'Neil: A special session of the legislature will take on guns and gangs when it meets next week.

Preventative solutions to joining a gang are just beginning in Salt Lake. Night basketball, which seems to work in other cities, has started. And a new job training program is underway. Experts say offering kids a carrot rather than the stick is a lot more effective.

Miles Kinikini, former gang member: They need attention, they need love, and that's something the community has got to offer. And it's a long way to go, but they gotta offer it."

Trujillo: "You just can't lock everybody up. I mean you're not dealing with just a few young boys. You're dealing with girls. You're dealing with kids as young as 6 years old. How you going to lock up a 6 year old?

O'Neil: Even if locking them up was the solution, this city doesn't have the jail space. Most of the juveniles rounded up this morning are back on the streets tonight.

For America Close-Up. Roger O'Neil, NBC News, Salt Lake City.

NBC Nightly News, Tuesday, October 5, 1993, Tom Brokaw: On America Close Up tonight we continue our week-long series: Society Under Siege. A look at the rapidly increasing problem of youth violence. Statistics tell part of the story:

For example, being shot is now the second leading cause of death among America's young people. Only car accidents claim more lives.

And the problem of gang violence reported in 10 cities in 1981. Ten years later it's much, much worse.

This week, we look at four American cities trying to find a solution. Tonight, NBC's Dawn Fratangelo reports from Topeka, Kansas. One city that didn't use to have a gang problem. One where violence now takes a terrible toll.

Irene Gardner (mother): "They remember her, how she was, the smile she always had on her face."

Renee Gardner (sister): "They strangled her and beat her and took her car."

"It was the most devastating, horrific thing that's ever happened to this family and always will be.

Fratangelo: Last April violence shattered the Gardner family when their 16 year old daughter and sister, Mandy, was murdered.

Marvin Gardner—(father): "The kids that did this to Mandy in jail joked and laughed. In the courtroom they laughed about it. I don't know if they know they killed a human being."

Fratangelo: In this prairie city of 120 thousand Mandy's family is not the only one touched by violence. Just visit the local cemetery.

Lowell Manis, funeral director: "She was killed over a car. There's a 17 year old over here that was killed for a car. An 18 year old that was killed over this way over a 50 dollar argument. It just goes on and on.

Nickie Stallons, victim's friend: "He was murdered in a house by one of his friends. It was a dare to shoot him and he shot him, five times."

"He just didn't take one life. He took a whole family.

Fratangelo: Since January there have been 105 shootings and 18 murders in Topeka. Most committed by people under age 20. Only five years ago there were just eight homicides.

Fratangelo: "Gangs, drugs, violence. They are nothing new to this area. But many admit Topeka ignored them, was afraid to admit they were creeping into this small Midwest city. That denial has the city in a race to catch up."

Anticrime units which began a year ago are targeting high risk areas with operations like this one.

Thomas Glor, Topeka police officer: "Do you think this saturation is working? In this area, yes. It's definitely working. Anytime you saturate an area with tons of cops, it's

definitely going to have an impact on crime."

Fratangelo: Gangs from Chicago and Los Angeles were looking for new recruits—both black and white. But in Topeka? Within a matter of years—it hardly seemed like Kansas anymore.

Kelly McKinley, Topeka police officer: "People have to realize that Dorothy is still Dorothy but now she's carrying a gun and Toto's no longer a terrier, he's a rottweiller and he's here to bite and that's the way Kansas has turned."

Fratangelo: The aggressive, new police chief wants to turn around that image—but needs help.

Chief Gerald Beavers, Topeka police department: "Let's don't just say we're gonna put more police officers out there. Let's get some people involved with the youth of our community. If the youth are causing the problem what can we do with them."

Fratangelo: One solution is the Topeka Youth Project. Run by a former Chicago gang member—Darryln Johnson—it trains 16 to 20 year olds for employment.

James Henderson, former gang member: "I joined when I was 15, got shot when I was 17, then I was pretty much rock bottom and my mom heard about Darryln and he's been helping ever since."

Darryln Johnson, youth corps director: "Some of this stuff is just a shock. And when you're shocked the next thing you need to do is educate yourself so you and others around you don't become victims."

Fratangelo: That shock kept Topeka from reacting quickly. Now it's scrambling for solutions. There is a talk of a curfew, more police precincts, anything to keep more young people from ending up here.

Friends kneeling near stone: "It's a beautiful tombstone."

Fratangelo: For America Close Up, Dawn Fratangelo, NBC News, Topeka Kansas.

NBC Nightly News, Wednesday, October 6, 1993, Tom Brokaw: America Close-up tonight, "Society Under Seige," continuing our special series on the growing violence among young people in this country. The numbers tell part of the story.

For example, medical care for victims of violence now costs this country up to $18 billion dollars a year.

In New York City alone it costs more than $9,600 to treat each gunshot victim. Last year the city had almost 6,000 of them.

Of course the cost of youth violence is not just measured in dollars. In many cases victims pay the highest price. Something we've seen in all four cities we're looking at this week. Tonight, San Francisco, and the view from the emergency room. NBC's Margaret Larson.

Larson: San Francisco general hospital.

One of these stab wounds went into his chest and partially collapsed his lung.

19-year-old Davis Avilar was stabbed repeatedly near the heart with a screwdriver.

Doctor: His blood pressure is dropping.

Larson: Dr. Geno Tellez, a trauma surgeon, is battling to keep Avilar alive. It's a scene played out daily in the city's mission district, where gang violence is an entrenched way of life.

Unidentified Gang Member: We get angry, we get mad, we kill one of them, they kill one of us, it doesn't stop.

Larson: In the first 6 months of this year, 15 juveniles have been arrested in murder cases here, just one arrest short of the total for all of 1992.

Larson: There are more and more kids getting arrested, more of you getting killed, where does that stop?

Second Gang Member: It doesn't stop.

Larson: Nationwide, violence is the leading cause of death and disability for people 15 to 34 years old. On the basis of those figures, violence among young people is now being considered a public health issue, and it's being called an epidemic.

Dr. Geno Tellez: I think if nothing is done it will keep escalating and we'll definitely just destroy ourselves.

Larson: So Dr. Tellez is exploring a different approach, treating violence not just as a crime, but as a preventable disease. He says public health education can make a difference, similar to the attack on smoking, drunk driving, or even AIDS. Funded with a small part of a $30,000,000 grant from the nonprofit California Wellness Foundation, Dr. Tellez recruits other physicians for community outreach programs. He also spends time in the mission district sharing information with social service experts and developing a support network for young violence victims after they've left the hospital.

Dr. Tellez: My concern is to follow these kids, to find out where they are going, and where they are headed.

Larson: He also wants children to know that violence on the streets isn't Hollywood make-believe.

Dr. Tellez: It does hurt and you do not get up off the street and walk away, it hurts and it hurts badly, they are extremely unaware of how bad it really is.

Larson: Dr. Tellez and his colleagues see the worst of it, and that's moving many health workers toward activism and a demand for health care reform to include violence prevention programs.

Andrew McGuire, Pacific Center for Violence Prevention: They don't like treating a little 4-year-old who's been shot in the stomach with five nine-millimeter bullets, and when you get that kind of perspective outside of the hospital into the policy arena, that has force.

Larson: But they all know it's an uphill battle, as Geno Tellez scrubs for surgery on one victim, more arrive downstairs. Tellez believes the medical community can offer some solutions in the war on violence, but he also knows it's a war that, so far, we are losing.

NBC Nightly News, Thursday, October 7, 1993, Tom Brokaw: America Close-up tonight . . . we continue our week-long special series—Society Under Seige. A look at the growing problem of violence among young people. The statistics tell part of the story.

For example: 75-percent of America's teenagers say being threatened with violence in school is a problem.

And many times . . . the threats involve deadly force. Young people bring an estimated 270-thousand guns to school every day.

Tonight . . . the fourth city in our series . . . Raleigh-Durham, North Carolina. A place where some caring adults are trying to rescue a generation. NBC National Correspondent Brian Williams.

Williams: Gloria Vaca is trying to save the children of Durham.

Vaca (talking to a sick child): "Why don't you go home and tell your mother about this. She knows about it? She knows about it . . ."

Williams: Gloria Vaca's job is to save kids from one of the roughest neighborhoods in the country. She knows all the little ones . . . and can tell you which of them aren't likely to see the age of 16.

Vaca (introduced to a parent): "I have a program that can help your kids . . ."

Williams: Gloria finds adult mentors for children in trouble. Often, that means taking them to her house at night . . . because for them, home is often too dangerous.

Vaca: "Durham is a particularly bad town for children and I would dare say there are lots of towns like us, and I don't know if America knows that."

Williams: It is not one of the country's largest urban areas. It is Raleigh-Durham North Carolina. The land of good jobs, good schools and safe streets. For most.

It is an image the area enjoys: the Fortune 500 Companies who moved here and brought thousands of families who in turn bought thousands of nice homes.

Many, in this region of ¾-million people, came here to get away from big-city life. They did NOT expect this:

In the years 1985 to 1991, the number of juveniles arrested for violent crime jumped 103-percent.

Last year alone, 28-thousand assaults were reported in North Carolina schools, resulting in suspension, or arrest.

Sheriff John Baker Jr., Wake County, North Carolina (to inmates in cellblock): "Some of you get mad at me because you are here. I'm not the reason why you're here."

Williams: Sheriff John Baker can tell you all about those numbers. He's surrounded by them. His county jail is over capacity . . . and no one in this group is over 17.

Sheriff Baker: "I never dreamed that some of the crimes that are committed elsewhere would be committed here. But its here and its real . . . its reality."

Williams: The Oxford Manor housing project in Durham . . . is home to poverty, violence, and the children who live with it. At night, the often heavily-armed drug dealers takeover . . . and patrolman Charles Soles does his best.

Officer Charles Soles, Durham, North Carolina Police: "It's very, very depressing to be arresting a 15-year-old kid with shooting a gun at school. I arrested an 8-year-old one time up here at a school with a gun, and he was getting ready to pull it on us."

Williams: This is visitor parking at Raleigh's East Wake High School . . . and the visitor is armed. A deputy sheriff walks the halls every day . . . since fighting here got out of hand.

Emily Corbett, Student Body President: "I'm embarrassed to say there's a deputy sheriff roaming the halls of my school. But it's better now."

Williams: At nearby Millbrook High School, the off-campus shooting death of a student in April left the guidance counselor questioning her own safety.

Mary Ellen Taft, Guidance Counselor: "I never thought 20-years ago that I would be in a profession where I would be scared or I would have fear, or I would check that my life insurance policy was paid off."

Gov. Jim Hunt, D-NC: "Everybody is concerned and many of them are scared. We've got to do something about it. We can't ignore this anymore."

Williams: The Governor says the answer is getting to children and preaching anti-violence before they're FIVE years old. Sheriff Baker says the answer is teaching discipline at home, and not at school—or in jail. And Gloria Vaca says the solution is what she's doing: Finding enough adults to watch over the children who are in danger. That's too many children to count, right now. For America CloseUp, Brian Williams, NBC News, Raleigh-Durham, North Carolina.

NBC Nightly News, Friday, October 8, 1993, Tom Brokaw: Tonight, Society Under Siege,

our America Close Up series on violence among the young in America this week. We know that violence has reached epidemic proportions—six kids a day are dying from gunshots. It's the number one cause of death for young black males, and it's everywhere. What we learned this week is that violence among the young is not just a big-city problem. Topeka, Kansas . . .

Unidentified Man: There's a 17-year-old over here that was killed for a car, an 18-year-old over this way that was killed over a $50 argument.

Brokaw: It's also going on in Salt Lake City, Utah, Raleigh-Durham, North Carolina.

Ten years ago, gangs were in 10 American cities; now, they're in 125 cities. Communities are trying everything to cut down on the carnage. In Topeka, cops on bikes. In Raleigh-Durham, where violent crime is up more than 100 percent in six years, adults are taking on children headed for trouble.

Unidentified Doctor: One of the stab wounds went into his chest and partially collapsed his lung down.

Brokaw: In San Francisco, the medical community is treating violence among the young as a public-health problem. If there is a common theme, it is that too many young people grow up with no sense of right and wrong; too many young people grow up with violence as a routine part of their lives; too many young people have no one to turn to if they want another way of life.

Tonight, we want to talk about this with two people who have beenstudying the problem of violence among the young in America. Dr. Deborah Prothrow-Stith is a Dean at the Harvard School of Public Health and author of "Deadly Consequences," a study of violence among the teen-agers in this country. And Bill Bennett, former secretary of education and drug czar in the Reagan and Bush administrations.

Dr. Stith, let's begin with you. Let me ask you, we have seen a rising curve of violence in this country. Is there any good news out there?

Dr. Deborah Prothrow-Stith (Harvard University): Well, I think there is good news out there. I travel all over the country, and I'm impressed with the number of parents, teachers, outreach workers, teens themselves who are struggling with this issue, who have started programs, using videotape, using curricula in the schools, doing midnight basketball, doing street outreach work; a number of people. Just—people have decided that we've got to do more than lock kids up, and they are really taking that to heart. I think we are on the verge of a groundswell, really, of a national movement to prevent violence in our relationships.

Brokaw: And Bill Bennett—in North Carolina tonight—a lot of people do want to lock up more kids, but the jails are already full. Is there a role for the federal government in coming up with more pro—programs to head off violence in the first place?

Mr. Bill Bennett (Reagan Cabinet Secretary): Yeah, I think there is role, Tom. Video efforts, curricular efforts, midnight basketball are all fine, but these kids need, more than anything else—it's parents. And what these boys that we have been seeing all week on your show need—we've been watching—are fathers. And we—a lot of them don't have fathers. You go back into the history of these children, you will find there is not a good strong male presence in their lives.

Now what does the federal government do about that? It can't supply male role models, but it can think about its policies in welfare; it can think about its policies toward the family, in terms of taxes; and it can think about educational policy. But the fundamental issue, I think, is to recognize that civilization does not come in our genes; it has to be taught, and it has to be learned. And that requires the basic social institutions to be stronger than they are today.

Brokaw: Dr. Prothrow-Stith, should there be more outrage within the community about what is going on with too many mothers having babies at too early an age and fathers not around?

Dr. Prothrow-Stith: Well, I think that's an important factor. But I think it's important to know that no one factor is going to solve this problem. I mean, there are many, many men raised by single mothers in this society who are not only decent, productive citizens, but they are not violent. Right, children do need fathers. Children need teachers that are good. Children need an extended family. They need recreation programs. They need a society that's going to love them and raise them. And if any one part of it isn't perfect, which is always the case, other parts of the society and of the family and of the school can take up the slack.

What we have now, I think, more than a breakdown in families, is a breakdown in community. We have a society that promotes violence, that encourages violence. We have people who make money off of violence. They sell guns. They sell movies, teaching our children that violence is the way to solve problems. So it's more than a family issue.

Brokaw: Bill Bennett, let me ask you abut the drug situation. You were the drug czar. A lot of these gangs are fueled by drugs. Looking back, do you think it would have been better to spend more money on education and less money on interdiction, which has not worked very well?

Mr. Bennett: No, no. I think you've got to keep the money coming. We spend more money on everything, and I think you've got to continue that effort. But let's—let's remember the juvenile justice system has broken down. We don't have a system in which kids put in a lot of time in prison. The juvenile justice system needs to be reformed.

Let me just come back to the point. Communities are important, but the most important community for the child is the family. And if we don't get—make that institution stronger, we're going to keep repeating more and more of this.

Brokaw: Bill Bennett, Dr. Deborah Prothrow-Stith, I can assure you that we'll have you back, because we have a commitment to talk about this subject in the weeks to come here on Nightly News. Thank you both very much tonight.

Dr. Prothrow-Stith: Thank you.

Brokaw: Thank you.

THE MEANING OF WAR

Mr. LEVIN. Mr. President, in this post-cold-war age, as our military establishment goes through a necessary restructuring and we seek to redefine America's role in the world, it behooves us to remember the meaning of war.

Last week one of my constituents sent me an article he had authored which I would like to share with you. This constituent, Walter Adams, has led a fascinating and full life. He is currently a professor and president emeritus of Michigan State University.

In 1944 he toured Western Europe as a foot soldier—first with the 83d Infantry Division and later with the 11th Armored Division. He recently retracked his steps through Western Europe, nearly a half century later, in a moving account that appeared in the Lansing State Journal, where he remembers the meaning of war.

His essay recalls the bravery and courage in the face of danger of his fellow comrades in arms, the enduring legacy the soldiers left with people living in the European countryside and the disturbing memories of man's inhumanity to man jarred by visits to old battlefields and empty concentration camps.

For my colleagues' review, I request that this column be printed in full in the RECORD at this point:

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

[From the Lansing State Journal, Oct. 24, 1993]

RETURN TO NORMANDY

(By Watler Adam)

It wasn't professional travel. Nor was it a vacation.

If anything, it was a pilgrimage. To remember. To reflect. To contemplate. To gain perspective on the most cataclysmic event in my life.

But, above all, to commemorate that brave armada which assaulted the monstrous fortifications of Normandy as a first step on the long road to the liberation of Europe from Nazi oppression.

Next year will be the 50th anniversary of that June 6, 1944, which marks an incomparable feat in military history. No doubt, it will attract crowds of tourists, sightseers, curiosity seekers and a rapidly diminishing group of veterans who survived "the longest day."

To avoid what may well degenerate into a commercial extravaganza and televised circus, I decided to go this year, in the quiet of September, accompanied by my wife, Pauline. I wanted to walk the beaches, visit the memorials, and pay my respects one last time at the cemeteries dotting the Norman landscape.

My trek started at the Pegasus bridge, a vital link across the Orne River, taken shortly after midnight of June 5, by Major Howard's glider troops of the 6th Royal Airborne Division. The house next to the bridge—the first to be liberated in France—still stands. Today, it is a combination snack bar/museum/souvenir shop. I dropped in to browse. I selected sixteen postcards, counted them out ceremoniously to the handsome middle-aged owner, and inquired lightheartedly whether I was entitled to a quantity discount. Without a change of expression, she carefully checked the number of cards and, noting my army fatigue uniform (which I wore throughout the trip), asked if I was there in '44. I explained that I was in the American sector, on Utah Beach, and that I did not land until D+13.

"But you were part of the liberating force?"

"Yes."

"In that case, please take these cards with my compliments—in appreciation of what you and your comrades did."

Overcome by this unanticipated gesture, I couldn't hold back the tears. (For the moment, I didn't even feel embarrassed.) In subsequent conversation, it turned out that the

house next to the bridge had belonged to her parents, that as a little girl she witnessed a German officer choking her mother and since that liberation she has been fighting "the bureaucrats in Paris" who want to demolish the bridge and replace it with a modern structure. Her mission, she felt, was to keep alive the memory of what the brave men of the Pegasus Division had done on that fateful night nearly 50 years ago.

SAND OF UTAH BEACH

In the town square of Sainte-Marie-du-Mont, just off Utah Beach, I stopped for information at a small restaurant/hotel. Attracted by my uniform, and assured that I had participated in the invasion force, the proprietor (a man about 40) regaled me with stories about June 6. The town, he said, was liberated by the Screaming Eagles of 101st U.S. Airborne Division, and its inhabitants—led by their parish priest—guided the paratroopers to the German sniper nests infesting the area.

He proudly pointed to the memorial plaques recounting diverse incidents in the town's liberation. Then, suddenly, he asked me to wait a few minutes. He had a souvenir for me. He returned with a small wine bottle which he had just filled with Utah sand: "This is a token of our appreciation. It will help you remember." (I didn't have the heart to tell him that I had already collected sand from each of the beaches—British, Canadian, and French, as well as American.)

AN INTERESTING DEBRIEFING

Perhaps our most curious encounter was with Owe Svenson, a used car salesman from Sweden. Born in December 1944, he had an obsessive interest in a war that neither he nor his country experienced first-hand. Now he was in France to see for himself systematically visiting the several beaches, ravenously exploring the monuments and memorials. Waiting for us at the exit from "La Madeleine" museum on Utah, he expressed outrage that I was asked to pay the (very modest) admission charge to the museum.

He asked permission to take my photograph—then another together with Pauline. Then he invited us for coffee and proceeded to debrief me as if he were a military intelligence officer. Did I land on Utah? With what unit? In how many major battles did I participate? How old was I at the time? What did each of the decorations on my uniform signify? And, finally, how difficult was it?

My division, the 83rd Infantry, I told him, relieved the 101st Airborne south of Carentan. Our first mission was to capture Periers (not the Perrier of sparkling water fame)—a village some 12 miles away. Fighting from hedgerowto hedgerow, literally yard by yard, it took us nearly a month to reach our objective.

The cost? Some 5,000 casualties, including killed, wounded, or captured. And after Normandy? Four other major campaigns: Northern France, the Rhineland, the Battle of the Bulge, and Germany. How many men of the 83rd Infantry survived from Utah to V-E Day, I couldn't tell him. Svenson was genuinely appealed. When we took our leave, as if to make amends, he gave us his address and telephone number: "Visit me any time you want. Don't worry about the cost. Everything will be on me."

TOUCHING, TELLING

These random, unplanned encounters were emotional—and revealing. To a wide variety of people, in different walks of life, the events of 1944 were more than stale history. There was a feeling among the many, almost exclusively European visitors to the beaches and little museums that something of transcendent importance had occurred there half a century ago.

Equally touching and telling were the memorials that are ubiquitous in the area. Every kilometer on the road from Utah to St. Lo to Avranches, the Voie de la Liberté 1944 (liberation route), displays a red-white-blue road marker indicating the distance from the landing area.

In the town square of Sainte-Mére-Eglise, in front of its famous church, stands a stone monument with the stark reminder: "On 6 June 1944, the paratroopers of the 82nd and 101st U.S. Airborne Divisions liberated this District." Near Ouistreham, on Sword Beach (British), the exploits of Commandant Kieffer, leader of 177 French Commandos, are commemorated:

"With their British brothers-in-arms, they conquered this beach to open the road for the liberation of Europe."

At Pointe du Hoc, on a sheer 200-foot cliff, which the 2nd U.S. Ranger Battalion had to climb with ropes and ladders (under withering fire) to knock out a 155 mm gun battery that commanded "bloody" Omaha, a stark granite stalagmite stands in mute tribute.

A nearby sign post records this "mission impossible":

"Pointe du Hoc

"Strongest German position on the invasion front in Normandy

"It had to be taken

"The success of the landings in the American sector depended on it."

GRIPPING MEMORIALS

Inevitably, there is a memorial to George "Blood and Guts" Patton, the Allied general most admired by the Europeans. It is a majestic obelisk, flanked by a pair of American flags, erected on soil brought over from every state in the Union. It stands in the middle of a major thoroughfare in Avranches, and records the exploits of the most brilliant tank commander on the Western front.

One of the most gripping memorials, perhaps, is the tribute to Major Thomas D. Howie (age 36), located in St. Lo, the crucial road junction that had to be captured before the Allies could break out of the deadly hedgerows of Normandy. Major Howie had wanted to be the first American to set foot in St. Lo, but was killed one day before the town was taken. His men of the 2nd Battalion, 116th Regiment, 29th Infantry Division, loaded his body on the first jeep to enter St. Lo and thus made his wish a sentimental (however macabre) reality. The memorial, erected by the French, stands in a square renamed in his honor.

THEY REST IN PEACE

Nothing, of course, can approach the emotional impact of Normandy's military cemeteries. On beautifully landscaped, meticulously tended tracts, designed in parade-perfect order, are the identical headstones that mark the graves of thousands of young men—men whose lives and hopes were prematurely terminated, men who today would be my age.

There is an air of tranquility, even serenity that exudes from their resting place—belying the violence and brutality that sent them to their deaths. The American markers include only name, rank, unit, home state, and date of death. The British and Canadian also contain age and a message from the family. On the Canadian cemetery at Beny-sur-Mer: "In memory of my dear husband and our only son. May he rest in peace," and "Bon Jesus, donnez lui le repos eternel." In the British cemetery at Ranville: "Deep in our hearts his memory is kept." and at Bayeux the all-too-frequent: "A soldier of the 1939–1945 war known unto God."

In these hallowed places, one gets a sense of intimate cameraderie, pervasive equality, and democratic unity. At Beny-sur-Mer, where all markers are imprinted with the Maple Leaf, and Anglo from the Winnipeg Rifles lies next to a Quebecois from the Regiment de la Chaudiére. At St. Laurent, my comrade from the 83rd Infantry Division, Lieutenant Eugene Zender from Wisconsin rests close to Private-first-class Lawrence Slutzker from New York. Killed in the same battle, one lies under a cross, the other under a Star of David. "E pluribus unum!"

There are 16 British cemeteries (19,137 graves) interspersed on Normandy's peaceful landscape, two Canadian (5,007 graves), and five German (58,172 graves). We did not visit all these sites. Most of our time was spent at St. Laurent, the American cemetery on the plateau overlooking the steep bluffs of bloody Omaha.

AMERICAN CEMETERY

The memorial structure consists of a semicircular colonnade with a loggia housing battle maps at each end and a large bronze statue in the open area formed by its arc. A circular chapel in the graves area contains the inscription "They endured all and gave all that justice among nations might prevail and that mankind might enjoy freedom and inherit peace."

Behind the memorial structure is the Garden of the Missing. Its semicircular wall records the names and particulars of 1,557 soldiers, sailors, and airmen from 49 States, the District of Columbia, and Guam. Their memory is preserved along with that of 9,072 servicemen, 4 women, 3 Congressional Medal of Honor recipients, and 307 Unknowns whose remains are interred at St. Laurent.

(At the request of their families, some 14,000 others were brought home for burial.) Remembering them is an obligation for those of us lucky enough to have survived. It is also a catharsis.

WHAT DID IT MEAN?

On the long flight home, I tried to assess the meaning of World War II.

Isn't the world still beset by tribalism, nationalism, and ideological conflict—in Asia, Africa, Latin America, and Eastern Europe? Has human nature been transformed? Have we learned to sublimate our instincts of aggression and bestiality? Or, as the cynics suggest, is war an inevitable part of the human condition that can be expected to recur with unfortunate regularity in one generation after another?

I like to believe that liberating Europe from Nazi oppression (and East Asia from Japanese hegemony) was not a sterile adventure. I like to believe that defeating a megalomaniac regime, intent on world domination and the extermination of peoples not belonging to the "master race"—a regime capable of perpetrating the holocaust—was an unavoidable necessity and obligation. I like to believe that keeping the hand of an Adolf Hitler away from the atomic trigger was an achievement of capital importance.

Assessing the impact of the war on my personal life was less problematic. It taught me, above all, the evil of ideological bigotry and racial hatred.

When I witnessed its consequences in the concentration camps we liberated—the most notorious at Mauthausen in Austria—I recalled, and never since forgot, the warning of Postor Martin Niemoeller: "When they came

to get the Jews, I said I was not a Jew. When they came to get the Communists, I said I wasn't a Communist. When they came to get the Socialists, I said I was not a Socialist. When they came to get me, it was too late."

After seeing—first-hand—the ultimate in man's inhumanity to man, I vowed that for the rest of my life I would stand up and speak up against injustice. Looking back, I hope I have been true to that pledge.

THE REQUEST FOR ARMOR FOR U.S. FORCES IN SOMALIA

Mr. D'AMATO. Mr. President, on October 6, Senator BROWN and I wrote a letter to Secretary Aspin asking a series of questions about his decision concerning reported requests for armored reinforcements by the United States commander in Somalia. We have yet to receive an answer to that letter.

What we asked were the following questions:

"Did you consult with any of your former colleagues in Congress before reaching such a conclusion?"

"Did the U.S. commander in Somalia ask for armored reinforcements?"

"What did he ask for, specifically?"

"Did his request reach your desk?"

"Did you make a decision on the request?"

"What was that decision?"

"If you denied the request, why did you deny the request?"

"If that was the U.S. commander's request then, how does deployment of a smaller force now, under clearly more dangerous circumstances, meet the force protection needs he identified?"

And, "Is it true that it took more than 10 hours from the beginning of the Rangers' raid to the time the relief force reached their position?"

While we have not received a response from the Secretary, we have read articles in the newspapers that answer most of those questions, presuming that the published reports are accurate.

Specifically, on Sunday, October 31, the Washington Post published an article by Barton Gellman on page A1 entitled "The Words Behind a Deadly Decision: Secret Cables Reveal Maneuvering Over Request for Armor in Somalia." Let us see what answers that article can provide us for the questions we asked.

It says nothing about whether the Secretary called any of his former colleagues here before concluding that there would be a backlash in Congress against providing armored reinforcements. The article does say, in regard to the request, that:

"It's just not going to happen," Aspin replied, according to two people who heard [General Colin] Powell's account of the conversation. Officials familiar with both men's recollections said the secretary told Powell that in terms of overall strategy in Somalia "the trend is all going the other way" and that Congress would be "all over" the administration if it raised the visibility of its presence there.

This tells me that the Secretary should have called his friends over here before allowing fears of floor speeches to influence a decision that ultimately cost the lives of American fighting men.

The second question is clearly answered. The article says that "[General] Montgomery faxed [General] Hoar a written request in the second week of August for a battalion task force of 28 Abrams tanks and 28 Bradley Fighting Vehicles." Later, the article says that "Montgomery sent the request Sept. 14," referring to a second request for a smaller armored force.

The third question is clearly answered. The article says that Montgomery originally asked for a battalion task force, but that "* * * [General] Hoar encouraged Montgomery to scale back his armor request to one reinforced company—4 tanks and 14 Bradleys." It later says that Hoar "* * * also removed Montgomery's request for six 105mm howitzers."

The fourth question is also answered. The article says that "Montgomery's message, a copy of which Powell handed Aspin on Sept. 23 * * *" and later, "Powell, days from retirement, spoke to Hoar and then reiterated the request at least once more."

The fifth and sixth questions are not clearly addressed in this article. Other media reports, however, have characterized Secretary Aspin's treatment of the request as deferring a decision. Well, as we all know, deciding not to decide can also be a decision. In fact, this article quotes Secretary Aspin as telling Powell that "[i]t's just not going to happen." This is clearly a decision, even if there is no "Les Aspin" signature on a piece of paper formalizing his denial of these vitally needed reinforcements.

The seventh question is answered by implication in the portions of the article I've already quoted—the initial media report was correct—Secretary Aspin was clearly afraid of a backlash.

In my earlier statements on this issue, I called Secretary Aspin's decision to deny our forces the armor they needed political. I think it was purely a political decision and it was also a grave mistake, one that cost the lives of American fighting men.

Why do we not have a more detailed and forthcoming answer to this question from the Secretary himself? Why do we have to read the Washington Post to find out what happened?

The eighth question was relevant when the letter was written, while the Secretary's response to the battle in Mogadishu was limited to the dispatch of the reinforced armor company that Montgomery had finally requested, and while the hunt for Aideed was still on. Now, of course, much larger forces have been dispatched and, so far as we can tell, Aideed has changed from a wanted mass-murder suspect to a respected negotiating partner.

Finally, we know the answer to the last question. I personally met with wounded veterans of the Mogadishu battle in Walter Reed Hospital. It was closer to 13 hours for one brave young man, a New Yorker, 1st Lt. James O. Lechner, from the time he was wounded to the time the relief force reached his position.

On October 7, I wrote a longer letter to the Secretary asking a number of detailed questions. I received a reply dated October 27, in both classified and unclassified form. In the response, Secretary Aspin chose what questions he would respond to and what questions he would ignore. Those he responded to were answered with the least amount of detail it was possible to provide. And the classified responses are not much more forthcoming.

Mr. President, what is going on here?

The answer is simple—the less factual information the Department has to put into the public record, the easier it will be to disguise the truth and deflect attempts to determine who was really responsible for this disaster.

In fact, Secretary Aspin himself appears to have started this effort to deny, deflect, and mislead. Let us look again at the article. Two separate instances of seriously misleading statements by the Secretary are reported in the article—one that is on the public record, and another that is inferred from President Clinton's public statement reporting what Aspin told him.

Let me quote from the article's report of the first instance:

Later, in explaining his decision to refuse the armor,Aspin said on ABC's "This Week With David Brinkley" that the request was "never put in terms of protecting troops; it was put in terms of [accomplishing] the mission of delivering humanitarian aid."

That was not correct. Montgomery's message, a copy of which Powell handed Aspin on Sept. 23, had this header: "Subject: U.S. Force Protection." In the body of the message Montgomery said the "primary mission" of the armor "would be to protect U.S. forces."

Mr. President, this is so important that I want to repeat it again—Secretary Aspin said the request was, and I quote, "never put in terms of protecting troops," when, according to this report, it was put in precisely those terms.

In fact, that passage of the article continued as follows:

In particular, Montgomery wrote, he would use the armor "to deter or defeat militia/bandit attacks on U.S. forces" and to "provide a critical roadblock clearing capability for our vulnerable thin-skinned vehicles." It was roadblock ambushes against Humvees and five-ton trucks that prevented rapid reinforcement of the pinned-down Ranger force Oct. 3.

"I am increasingly concerned by the timid behavior of the [U.N.] coalition with which the security of our force rests," Montgomery said at the close of his message to Hoar. "We must ensure our own security. . . . I believe that U.S. forces are at risk without it."

Mr. President, this could not be any clearer if it were written on that wall

in letters of fire—General Montgomery reportedly wrote that he needed the armor to "deter or defeat militia/bandit attacks on U.S. forces" and to "provide a critical roadblock clearing capability" and that he believed that "U.S. forces are at risk without it."

He did not get his armor. We got 18 dead American soldiers.

And when we ask how this happened and why this happened, we get statements from the man who made the decision, Secretary Les Aspin, that appear intended to deny, deflect, and mislead the search for the truth.

Now, on to the second instance. Let me again quote from the article:

Powell, days from retirement, spoke to Hoar and then reiterated the request at least once more. People who have heard his account said he expressed no ambivalence about his endorsement. Other officers, and senior civilians, said it is hard to imagine that Aspin would have resisted if Powell had told him firmly that lives were at stake.

It is clear that Secretary Aspin still has a few loyalists in the Department seeking to explain away his fatal mistake. Did the Secretary actually read General Montgomery's request? If he did, why would it have been necessary for General Powell to repeat what was already clearly there in writing? This is a poisonous argument, attempting to divert responsibility from Aspin and cast blame on General Powell for not havingpressed for the tanks. If the Chairman of the Joint Chiefs comes to you twice on an issue as small as deploying a reinforced company of tanks, you know it is important to him. But that is a separate issue. We are focusing on what Secretary Aspin said, in light of the facts he knew.

Back to the article:

On Oct. 6, when the first reports surfaced that Aspin had refused to send armor, Clinton "picked up the phone and called Les to find out what the hell was going on," according to a senior administration official. Two days later Clinton said that Aspin told him that there had been "no consensus among the Joint Chiefs" to send the armor.

In fact, neither Aspin nor Powell consulted the chiefs. Administration officials speculated that Clinton misunderstood Aspin's reference to the mixed signals he thought he was getting from Hoar. Reluctant to contradict the president, they never corrected him.

Here we have another instance of loyal staff trying to explain away a report that, if it is accurate, reflects another instance in which the Secretary and the truth were apparently strangers. In this case, because the source of the report was the President of the United States, it was harder for them to find an explanation. The apologists now say that the President misunderstood—suggesting that Aspin did not say what Clinton reported he said.

Well, what if Clinton was right? The President is a very smart man with a very good memory. If Aspin had told him that the commander of CENTCOM—CINCCENT—was opposed to the request, or had doubts about it, Clinton clearly would have understood the difference between that and the Joint Chiefs of Staff. Even without military experience, the President would not have made that mistake.

Mr. President, that leaves us with two instances—one clearly on the public record from Secretary Aspin's own mouth, and one as hearsay, but with the President of the United States as the source—in which Secretary Aspin said one thing when the facts said another, and there is very good reason to believe Secretary Aspin was fully familiar with the facts.

What conclusions are we to draw from this about the Secretary of Defense?

I have previously called for his resignation. All that this does is build the case that he lacks not only the judgment, but also the personal integrity, to be second in the military chain of command of the United States of America. Orders flow from President Clinton to Secretary Aspin to the uniformed commanders of the Nation's Armed Forces. Mr. Aspin is in the nuclear release chain. Mr. Aspin, in the event of disaster, is in the presidential chain of succession.

Should he be there? I answer that question "no!" and I once again call upon him to resign.

Mr. President, so the record is complete, I ask unanimous consent that my letters to Secretary Aspin of October 6 and October 7, 1993, his unclassified response to my October 7 letter, and the Washington Post article by Barton Gellman from which I have been quoting be printed in the CONGRESSIONAL RECORD at the end of my remarks.

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

U.S. SENATE,
Washington, DC, October 6, 1993.

Hon. LES ASPIN,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: We write today seeking information concerning a published report that the U.S. commander in Mogadishu was denied armor he requested to better protect his troops. This critical question demands a quick, clear, and forthcoming answer as soon as possible.

Specifically, *The Wall Street Journal* reported today that Army Major General Montgomery, the commander of U.S. forces in Somalia, had requested an additional battalion of armored troops, including 55 tanks or armored personnel carriers. The paper further states that you "* * * declined at the time to send the armored troops. * * *" Furthermore, the article notes that it was only after Sunday's fighting, which more than doubled total U.S. casualties in Somalia, that the Pentagon acted to fulfill the earlier request.

You reportedly denied the commander's request, fearing some kind of "backlash" from Congress or the public. If this report is accurate, did you consult with any of your former colleagues in Congress before reaching such a conclusion?

Did the U.S. commander in Somalia ask for armored reinforcements? What did he ask for, specifically? Did his request reach your desk? Did you make a decision on the request? What was that decision? If you denied the request, why did you deny the request?

If that was the U.S. commander's request then, how does deployment of a smaller force now, under clearly more dangerous circumstances, meet the force protection needs he identified?

Is it true that it took more than ten hours from the beginning of the Rangers' raid to the time the relief force reached their position?

We appreciate your kind attention to this important matter and look forward to receiving your written responses to these questions as soon as possible.

Sincerely,

HANK BROWN,
U.S. Senator,
ALFONSE D'AMATO,
U.S. Senator.

U.S. SENATE,
Washington, DC, October 7, 1993.

Hon. LES ASPIN,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: The debacle in Mogadishu on Sunday, October 3, 1993, in which 75 U.S. Army Rangers were wounded, 12 killed and perhaps as many as 6 captured, raises very serious questions that demand immediate, full, and forthcoming answers. As a member of the Subcommittee on Defense of the Appropriations Committee, I have some specific questions to which I request answers in writing.

I recognize that the U.S. Central Command and the Joint Task Force in Somalia are both working very hard in the aftermath of the debacle to rescue the detainees, recover the remains of our dead, and better protect the forces already there. Accordingly, I have divided my questions into two sets. The first set should be answered on an expedited basis.

The answers to the first set are vital to the course of the immediate debate on amendments likely to be proposed to prohibit the expenditure of any funds appropriated to the Department for any purpose in or related to Somalia except to withdraw all U.S. uniformed personnel as quickly as possible and defend them during that withdrawal.

Written responses to the second set of questions may be deferred not more than fourteen days from the date of this letter. I would appreciate having these responses before the conclusion of conference on the defense appropriations bill.

Finally, responses to these questions should be prepared in both classified and unclassified versions if some classified information is required for a full and convey your responses to me via the Select Committee on Intelligence, of which I am a member.

I appreciate your kind attention to this very important matter.

Sincerely,

ALFONSE D'AMATO,
U.S. Senator.

SET ONE—IMMEDIATE RESPONSE REQUESTED

1. What were the rules of engagement governing U.S. forces in Somalia on Sunday, October 3, 1993?

2. Were the rules of engagement drafted by U.S. commanders and approved by the U.S. chain of command?

3. When were the rules of engagement last modified?

4. In your view, did the rules of engagement accurately reflect the changed circumstances U.S. forces—particularly the

Rangers—found themselves in as a result of the increasing level of armed hostilities in Mogadishu?

5. What impact did the rules of engagement have on the employment of indirect fire weapons by U.S. forces or in support of U.S. forces?

6. What role did the UNOSOM, the United Nations command in Somalia, have in drafting and approving the rules of engagement?

7. What U.S. indirect fire weapons were available on Sunday, October 3, 1993, to support the Ranger force sent on the mission to raid a cluster of buildings near the Olympic Hotel in south Mogadishu?

8. Did the raiding force have the capability to call in air support and indirect fire support?

9. During the battle, did the raiding force actually call for air support? Please provide a full statement.

10. What air support did the raiding force and the forces sent to relieve them actually receive during the course of the battle?

11. During the battle, did the raiding force actually call for indirect fire support?

12. At any time during the battle, did U.S. forces call for, but were denied, air support or indirect fire support for reasons other than airspace deconfliction, danger to other U.S. forces in close proximity, or technical problems with the supporting weapons systems? Please be specific.

13. What indirect fire support did the raiding force and the forces sent to relieve them actually receive during the course of the battle?

14. At any time during the raid and the subsequent battle, were U.S. forces denied air support or indirect fire support as a result of the rules of engagement?

15. Are riot control gases available to U.S. forces in Somalia? If not, why not?

16. Do the rules of engagement permit U.S. forces to employ riot control gases? Under what circumstances?

17. Are obscurants (tactical smoke) available to U.S. forces in Somalia?

18. Do the rules of engagement permit U.S. forces to employ obscurants?

19. Were riot control gases and/or obscurants available to the Ranger forces conducting the raid and/or to the forces sent to relieve them or to support the raid or the relief?

20. Were riot control gases and/or obscurants called for by any of the forces engaged? Were they actually used?

21. What was the Ranger unit conducting the Sunday, October 3, 1993 raid's chain of command? Please provide both a narrative listing by name, rank, and position from the Ranger company command level through U.S. Central Command level, and a line and block chart displaying the same information in graphic form.

22. What was the chain of command of the United Nations forces who ultimately relieved the surrounded U.S. Army Ranger force? Again, please provide a narrative listing by name, rank, and position from the Malaysian unit and Pakistani unit level through the United Nations Secretary General level, and a line and block chart displaying the same information in graphic form.

SET TWO

1. Please provide a narrative discussion of the legal basis for placing U.S. forces under United Nations command in Somalia, including citations to applicable treaties, statutes, executive orders, Defense Department regulations, and including the actual text of orders given to U.S. commanders effecting that subordination.

2. Does a tape recording exist of radio transmissions from the commander of the Ranger force on the raid to other U.S. or U.N. forces in Mogadishu?

3. Has a transcript of that tape been prepared?

4. Please provide me a copy of the transcript of any tape recording of U.S. command radio transmissions during the course of the Ranger's battle on Sunday, October 3, 1993, and Monday, October 4, 1993.

5. Please provide me a copy of any notes that may have been made, including those forming entries in the command, operations, or intelligence logs of the units involved, of U.S. command radio transmissions during the course of the Ranger's raid and the subsequent battle, including the relieving forces' attacks, on Sunday, October 3, 1993, and Monday, October 4, 1993.

6. Who was responsible for preparing contingency plans to come to the aid of the Ranger force if it should meet unexpected resistance?

7. Were any plans prepared to call upon UNOSOM (non-U.S.) forces in the event that U.S. forces were outmanned, outgunned, or other wise in a tactically difficult positions from which U.S. forces could not unilaterally extract them?

8. How were such plans, if they existed, coordinated with UNOSOM commanders and staff?

9. If such plans existed, were they activated when the Ranger raiding force found itself trapped and decisively engaged in south Mogadishu on Sunday, October 3, 1993, and Monday, October 4, 1993?

10. Did the UNOSOM response to the activation of such a plan, if it existed, meet the requirements of the plan? Please specifically discuss forces committed and timelines for operations.

11. If such plans were not made, are they being made and coordinated now? When do you expect them to be effective?

12. Please describe the communications channels available to the Ranger force sent on the raid—radio, pyrotechnic, other visual signals, etc.

13. Please characterize the radio communications environment the Ranger force faced during the raid and following battle. Were radio transmissions from the raiding force able to be received by relieving forces, supporting forces, and the U.S. headquarters without difficulty?

14. Did the Ranger force—or any other component of U.S. forces deploy to Mogadishu—have indirect fire weapons available for employment during the October 3th and 4th raid and subsequent battle? (This includes 60 mm. mortars, 81 mm. mortars, 4.2 inch mortars, 105 mm. artillery, and 155 mm. artillery.)

15. Please describe the fire control procedures governing the employment of these indirect fire weapons.

16. What non-lethal weapons are available to U.S. forces in Somalia?

17. What delivery systems are available to U.S. forces in Somalia to employ:

a. Riot control gases; and

b. Obscurants?

18. The former U.S. Embassy compound in Mogadishu, the airport, and U.S. forces' bases have been receiving increasing quantities of incoming mortar fire, according to published reports. What counter-mortar and counter-battery radars, if any, do U.S. forces have available in the Mogadishu area?

19. Have counter-battery fires every been initiated by U.S. forces in response to any of these mortar attacks? If not, why not?

20. What steps have U.S. forces taken to prevent Aideed's forces from moving reinforcements and logistic support into Mogadishu from the outside?

21. What level of forces would be required to effectively isolate Aideed's forces from outside support?

23. Once isolated, what level of forces would be required to do a complete and detailed sweep of the ares of Mogadishu that Aideed and his allies control, in order to disarm his forces and apprehend Aideed and his top lieutenants, while minimizing risks to U.S. forces engaged?

a. How long would it take to deploy those forces?

b. How long would such an operation take?

c. How long would it take to withdraw those forces after such an operation were concluded?

d. How much, roughly, would such an operation cost? How much more would it cost than what we are doing now?

SECRETARY OF DEFENSE,
Washington, DC, October 27, 1993.

Senator ALFONSE M. D'AMATO,
U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: The attached information is in response to your recent letter concerning the October 3 Mogadishu military operation. As you requested, information pertaining only to your first set of questions is provided at this time. Additional information addressing your second set of questions is being researched and will be sent to you when available.

As you are aware, much of the information regarding our operations in Somalia is extremely sensitive. Premature disclosure of battlefield factors that led to the loss of life on October 3, without allowing sufficient time to prepare for potential future operations, could lead to further casualties. Military shortfalls, rules of engagement, and future plans all require extremely limited distribution. Your assistance in limiting the classified information to only those immediately requiring access is appreciated.

LES ASPIN.

RESPONSE TO SET ONE QUESTIONS
(UNCLASSIFIED)

RULES OF ENGAGEMENT (ROE)

U.S. forces were operating under U.S. developed and approved ROE on October 4, 1993. The ROE were adequate to allow U.S. commanders the ability to react to the situation they encountered. They did not interfere with the development of indirect fire weapons if the field commander had chosen to employ them.

INDIRECT FIRE WEAPONS

Indirect fire and air support were available to U.S. forces throughout the conduct of this operation. The skillful employment by the air crews undoubtedly saved many lives during the operation and allowed for the extraction of the force.

RIOT CONTROL AND OBSCURANTS

Riot control agents and obscurants are available to the field commanders in Somalia. They were not used during this operation due to tactical considerations not due to ROE.

U.S. CHAIN OF COMMAND

The chain of command for the Ranger forces is attached. A listing by name, rank and position is compartmented and can only be provided to specific individuals on your staff that have been in-briefed to the compartment.

U.N. CHAIN OF COMMAND

The operation was a U.S. commanded operation with UNOSOM authorization for participation by Malaysian and Pakistani units. Tactically the UNOSOM units were under the control of the QRF commander. The chain of command or the UNOSOM forces during the operation flowed from Commander UNOSOM II to Dep Commander UNOSOM II/Commander U.S. Forces to the QRF Commander and then to the attached UNOSOM units.

THE WORDS BEHIND A DEADLY DECISION

(By Barton Gellman)

At 7 p.m. on Sept. 14, Army Maj. Gen. Thomas M. Montgomery sat down in his battle-scarred headquarters in Mogadishu and transmitted a call for help.

Montgomery, the American commander in Somalia, asked for tanks and armored vehicles "at the earliest feasible date." "I believe that U.S. forces are at risk without it," his classified message said.

The urgency was somewhat rehearsed. Montgomery's superior and recipient of his message was Gen. Joseph P. Hoar knew what Montgomery would ask him for and, according to one knowledgeable official, thought he could sell the package in Washington.

But on Sept. 23, Defense Secretary Les Aspin turned down Montgomery's request. Ten days later, on Oct. 3, Somali militiamen killed 18 Americans who were trapped, in part for lack of armor, under enemy fire. The resulting uproar brought congressional calls for Apsin's resignation and forced President Clinton to promise withdrawal from Somalia by March 31.

The bare facts of the episode are public: What has not emerged until now is the context of Aspin's decision and the maneuvering that preceded it. A Washington Post examination of the secret cable traffic and interviews with key participants provide a portrait of a genuine dilemma for Aspin, more complicated than either the defense secretary or his harshest critics have acknowledge.

The text of Montgomery's message, which Aspin read and which has not been disclosed before made clear the general had pressing concerns for safety of his troops. Aspin and his top aides have been reluctant to acknowledge that, publicly describing Montgomery's aim as protection of logistical lines.

There is no evidence that any senior uniformed leader argued against Montgomery's request. Hoar, chief of the U.S. Central Command, endorsed it in a Sept. 22 memorandum. Gen. Colin L. Powell, in his last days as chairman of the Joint Chiefs of Staff, sought Aspin's approval on Sept. 23, and later asked Aspin to reconsider his decision.

But three other cables to Washington from Hoar at the same period show a man absorbed much less by the need for reinforcements than by the wish to encourage withdrawal from a humanitarian enterprise that had long since bogged down in guerrilla war.

Aspin already had good reason to worry about "mission creep" and what might be seen as a gradual escalation of U.S. combat presence just as the Clinton administration was looking for a graceful way out.

Three U.S. generals, in recent interviews, expressed admiration for Aspin's forthright public acceptance of responsibility for the consequences of his decision. But they said it is important that he understand, in their view, he made a serious mistake. The lesson Aspin should draw, they said, is that there is no middle ground in military operations, even "peace operations" as murky as the armed humanitarian rescue of Somalia.

"Once you give them the mission, you have to give them the assets," one officer said. "If you don't want to give the assets, you have to redefine the mission accordingly."

The subject of new armor arose in August. An American-led hunt for Somali warlord Mohamed Farah Aideed had begun in June, after Aideed's forces killed 24 Pakistani soldiers who were part of a 32-country United Nations peace-keeping force. The U.S. retaliation had led in turn to attacks by Aideed on American troops.

Four Americans were killed Aug. 8 by a mine that detonated on command under their vehicle, the first use of such a weapon and, in terms of American lives, the most costly attack to that point. Aideed's forces became bolder in staging ambushes at roadblocks, and their mortar fire now guided by spotters equipped with radios, grew more accurate.

In Washington, the mounting casualty list led to congressional demands for withdrawal. In Mogadishu, it led Montgomery to make his request for armored reinforcements. His light infantry troops, equipped with Humvees and trucks, had few defenses against mine warfare and rocket-propelled grenades.

Montgomery faxed Hoar a written request in the second week of August for a battalion task force of 28 Abrams tanks and 28 Bradley Fighting Vehicles. That would have been a substantial increase in U.S. firepower, and Hoar took no immediate position. But the four-star Marine, an experienced player in the defense bureaucracy began "working the proposal" in his staff and exploring it informally in Washington, according to a knowledgeable official.

The armor proposal found high-ranking allies on the Joint Staff and an adversary in policy undersecretary Frank G. Wisner. Wisner, according to an official who knew his arguments, was "very troubled" at the thought of "increasing the amount of military punch out there" at a time when the Clinton administration was trying to renew its emphasis on a political solution.

Robert Gosende, the State Department's liaison officer in Mogadishu, believed a political solution was impossible with Aideed still at large. In a Sept. 6 cable entitled "Taking the Offensive," Gosende wrote that "any plan for negotiating a 'truce' with Aideed's henchmen should be shelved. WE should refuse to deal with perpetrators of terrorist acts."

Gosende went on to propose a major new infusion of U.S. troops and a "major sweep operation" to clear Mogadishu of Aideed's militia influence.

Hoar, never in favor of the hunt for Aideed and increasingly doubtful of a military solution, fired off what one senior civilian called "a corrosively critical" answer to Gosende at 8:30 that night.

"After four months of operations with extraordinary help from the U.S., the U.N.'s successes have been modest," Hoard wrote in a cable to Wisner and Powell. "A coherent plan which encompasses the political humanitarian and security needs for the country has yet to emerge. Control of Mogadishu has been lost."

Rejecting "facile solutions like 'get Aideed and all will be well,'" Hoar concluded, "if the only solution for Mogadishu is a large-scale infusion of troops and if the only country available to make this commitment is the United States, then it's time to reassess."

Hoar restated his argument more judiciously in a cable meant for wider readership, though still classified, on Sept. 8, "The U.N. is attempting too much too quickly in Somalia," he wrote. "It cannot carry through on current military plans without substantial additional U.S. support which may be both politically unacceptable and unwise."

That day, Hoar flew to Mogadishu on an unannounced two-day visit. Even as Hoar conferred with Montgomery about the need for armor to protect U.S. troops, the Senate voted in a nonbinding resolution that Clinton should obtain its consent for the Somalia mission by Nov. 15 or withdraw.

Sensitive to Senate pressure to wind down, and locked in bureaucratic struggle with Gosende and U.N. special envoy to Somalia Jonathan T. Howe, Hoar encouraged Montgomery to scale back his armor request to one reinforced company—four tanks and 14 Bradleys. Montgomery sent the request Sept. 14.

Later, in explaining his decision to refuse the armor, Aspin said on ABC's "This Week With David Brinkley" that the request was "never put in terms of protecting troops; it was put in terms of [accomplishing] the mission of delivering humanitarian aid."

That was not correct. Montgomery's message, a copy of which Powell handed Aspin on Sept. 23, had this header: "Subject: U.S. Force Protection." In the body of the message Montgomery said the "primary mission" of the armor "would be to protect U.S. forces."

In particular, Montgomery wrote, he would use the armor to "deter or defeat militia/bandit attacks on U.S. forces" and to "provide a critical roadblock clearing capability for our vulnerable thin-skinned vehicles." It was roadblock ambushes against Humvees and five-ton trucks that prevented rapid reinforcement of the pinned-down Ranger force Oct. 3.

"I am increasingly concerned by the timid behavior of the [U.N.] coalition with which the security of our force rests," Montgomery said at the close of his message to Hoar. "We must ensure our own security. . . . I believe that U.S. forces are at risk without it."

For reasons that remain unclear, Hoar waited until Sept. 22 to fax Montgomery's cable to Powell with a covering memorandum. He also removed Montgomery's request for six 105mm howitzers. When Aspin read Hoar's endorsement the next day, according to an authoritative official, he took it to be lukewarm.

"Concur that we must do a better job at protecting our local U.S. logistical traffic, the bypass road to the airfield and key installations, and to have more effective roadblock clearing capability," Hoar wrote. But he added there was a "political downside" to the proposal. Sending armor would expand the "U.S. footprint in Somalia," elevate "Aideed's stature" and increase "collateral damage in Somalia due to the increased firepower."

Powell, officials said, told Aspin he agreed with Hoar's request.

"It's just not going to happen," Aspin replied, according to two people who heard Powell's account of the conversation. Officials familiar with both men's recollections said the secretary told Powell that in terms of overall strategy in Somalia "the trend is all going the other way" and that Congress would be "all over" the administration if it raised the visibility of this presence there.

Powell, days from retirement, spoke to Hoar and then reiterated the request at least

once more. People who have heard his account said he expressed no ambivalence about his endorsement. Other officers, and senior civilians, said it is hard to imagine that Aspin would have resisted if Powell had told him firmly that lives were at stake.

On Oct. 6, when the first reports surfaced that Aspin had refused to send armor, Clinton "picked up the phone and called Les to find out what the hell was going on," according to a senior administration official. Two days later Clinton said Aspin told him there had been "no consensus among the Joint Chiefs" to send the armor.

In fact, neither Aspin nor Powell consulted the chiefs. Administration officials speculated that Clinton misunderstood Aspin's reference to the mixed signals he thought he was getting from Hoar. Reluctant to contradict the president, they never corrected him.

MIGUEL DEJESUS

Mr. DODD. Mr. President, yesterday I shared with my colleagues terrible news from New Britain, CT. Miguel DeJesus, an 18-year-old student at New Britain High School, was gunned down in front of the school at 7 a.m. on Thursday.

I am sad to report to my colleagues that Miguel died this morning at 11:03 a.m. Police are investigating whether the murder was gang-related.

As we continue debating the crime bill, I think it is important for us to remember that real people's lives are at stake here. Miguel DeJesus was a real person. He is now the latest casualty in the undeclared war on the streets of this Nation.

His teachers described Miguel as a bright boy with great potential. Every summer he participated in an intensive 5-week college preparation program at Central Connecticut State University. During last summer's session, he won an award for his accomplishments in English.

Miguel contributed a prose poem titled "The End of Innocence" for a literary magazine produced by the students participating in the summer program. In this essay, he bluntly yet eloquently described the lives of many of our country's young people today. I think this poem should be read as a cry for help. "Happiness in the streets," he wrote, "is to be able to survive another day; being able to leave your home and come back safely is happiness to us."

Miguel was not able to survive another day. He will not be able to fulfill the great potential those who knew him said he possessed. But his cry for help on behalf of the youth of today endures. I ask unanimous consent that the full text of Miguel's poem, "The End of Innocence," which appeared in today's Hartford Courant, appear in the RECORD at the conclusion of my remarks.

I believe the key to stopping the killing of our youth lies in forming partnerships between the Government and local communities. To this end, I plan to offer two amendments to the crime bill that I believe could help us address the terrible problem of youth violence.

The Safe Schools Act, which I introduced on behalf of the Clinton administration earlier this year, would help schools create a safe and secure environment for their students. This legislation, which was favorably reported by the Labor Committee this week, would hopefully help us prevent shootings like the one that took Miguel's life.

Another amendment, the Police Partnership for Children Act, would link police and child and family services agencies in an effort to help children deal with the psychological trauma of violence. For example, this bill would provide resources to counsel the students who witnessed Thursday's shooting.

We must stop the rampage of gangs and the senseless killing of our youngest citizens. We must prevent the kind of violence that has robbed Miguel DeJesus of his young life.

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

THE END OF INNOCENCE

(By Miguel De Jesus)

The end of innocence is here. No more do we hear about not saying this or that in front of this kid, because nowadays the kids know more than we do. They don't know the academics, but they know the streets, and they think that's all they need to know. They're wrong but they still don't realize that. They think if they beat some other little kid up, or steal a bike, they think that's how they gain respect. I don't blame them for thinking like that, because that's what they learn from their peers and parents. If you know nothing else other than drugs and violence, then that's all you do. It's all about morals, which are not your fault, but society tends to blame the fruit instead of the person who planted the seed.

The innocence is gone. Never again will kids be able to go outside and not be exposed to drugs, hunger, or to poverty. The youth of today have nothing to do. They have no place to go. Especially here in New Britain, it's dead out here. We don't even have a movie theater. Then you wonder why we have so many gangs out here. If you have nowhere to go and nothing to do you feel alone, and when you feel alone you need to belong to something. When we have nothing to do, some of us turn to drugs and alcohol. It helps us forget we have nothing to do. It relieves our problems, but on the other-hand, it causes more problems, because some of us get violent when we drink or do drugs. Therefore, when we do it and expose the kids to this way of life, and they no longer can call themselves innocent, because at an early age they become part of the problem, and the innocence is gone.

These kids do not grow up happy, because they know no happiness. How can you expect to learn how to be happy from people who don't know happiness themselves? Happiness in the streets is to be able to survive another day, being able to leave your house and come back safely is happiness to us. Leaving the house and coming back to find all your furniture and TV is happiness to us. That's how we lose our innocence, we don't care about nobody, just ourselves. In the street nobody cares if you've eaten, or if you have a place to stay. They don't care if you're mentally ill. Because they don't care, they have no time for sympathy, for nobody has sympathy for them.

The next generation is going to be very hard-core. Just think about it, you have babies having babies. The sad part about it is that these kids are not born healthy, some are born addicts. Some are addicted to dope, cocaine, and alcohol. This is not their fault, but that's the way it goes when innocence is lost.

SELECTIVE LEAKS OF CLASSIFIED INFORMATION ON HAITI

Mr. DECONCINI. Mr. President, during the last week there have been a series of newspaper articles containing allegations about CIA activities in Haiti and CIA reporting on President Aristide. As the chairman of the Senate Intelligence Committee, I have been very disturbed not only by the substance of the allegations, but the manner in which some members and staff have used classified information provided by the executive branch.

On October 31, the Los Angeles Times carried an article entitled, "CIA Aid Plan Would Have Undercut Aristide in 1987–'88." The article begins by saying,

The CIA once tried to intervene in Haiti's elections with a covert action program that would have undercut the strength of its current President, Jean-Bertrand Aristide—this according to congressional sources with first-hand knowledge of the incident."

According to a source identified as a former senior staff member of the Senate Intelligence Committee, "There were those in the CIA who were not pleased with him [Aristide] in the past and don't want him to be successful now."

The following day, the New York Times carried an article entitled, "Key Haiti Leaders Said to Have Been in the CIA's Pay." The lead paragraph of this article states,

Key members of the military regime controlling Haiti and blocking the return of its elected President, Jean-Bertrand Aristide, were paid by the Central Intelligence Agency for information from the mid-1980's at least until the 1991 coup that forced President Aristide from power, according to American officials.

The article quotes President Aristide's spokesman as having said,

Given what the CIA has done in the past two weeks, namely the attempted character assassination of Jean-Bertrand Aristide, it wouldn't be surprising to learn that the CIA had been working with his political enemies in Haiti for many years.

The article indicates that a member of the House Intelligence Committee confirmed the existence of payments to "* * * people in sensitive positions in the current situation in Haiti."

Following these articles, USA Today ran an op-ed entitled, "History Repeats in CIA Smear of Haiti's Aristide." The op-ed states that,

Aristide, like [Martin Luther] King is perceived as a threat to those who desire the status quo. King's death was preceded by character assassination from U.S. spy agencies. Could history repeat itself?"

Mr. President, these are very serious charges, and, based upon what the Intelligence Committee has been told to date, I think the CIA may be getting a bad rap. While we are continuing to investigate the allegations in question, we have no evidence that the CIA sought to prevent Mr. Aristide from coming to power. Similarly, we have no information suggesting any concerted effort by the CIA to weaken or discredit President Aristide since he was elected President of Haiti. We have examined, and are continuing to examine, the information supporting the CIA's classified analysis of the situation in Haiti and Mr. Aristide. While some of the conclusions reached in that analysis are debatable, there is no evidence that information has been fabricated or deliberately distorted. I think that most members of our committee, even those who may question some of theCIA's judgments, will agree that the analysts have acted in good faith. What is frankly more difficult to defend has been the conduct of congressional Members and staff who have been selectively leaking classified information.

Leaking classified information provided to this body violates the law and the standing rules of the Senate.

Selective leaks also create a highly distorted picture and do a disservice to the public. The reporting in this instance is a clear case in point. The facts are, in reality, quite complex, and those individuals who have chosen to leak information bearing on only one side of the story have created a distorted impression of the CIA's reports and activities.

Those who leak information in this manner also may put sensitive sources and methods at risk. The present circumstances in Haiti are a perfect case in point. There is absolutely no doubt that people's lives would be jeopardized if it were revealed that they had cooperated with CIA in the past. Whatever branch of Government we may serve in, we have a moral obligation to protect the lives of such individuals.

Continued leaks of classified information also inevitably undermine the executive branch's confidence in our ability to protect confidential information. This could ultimately make it harder to obtain classified information from the executive branch.

Finally, we need to consider the impact of selected leaks on the intelligence community. I recall that during the Gates nomination many Members, myself included, expressed concerns regarding the politicization of intelligence. Republicans and Democrats alike said that we wanted the CIA to give us their most candid views, regardless of how politically inconvenient such information might be. We agreed that we don't see any value in intelligence analysis if it is just going to be a lot of mush, or worse yet, reporting that is merely contrived to support the policies of the President and his administration.

The intelligence community under Jim Woolsey deserves credit for not ducking the tough calls. The intelligence reporting on Haiti, and other regions as well, has not always been convenient for this administration. Whether the analysts are right on this one may be debatable, but it is clear to me that they have been candid, as they should be, and the DCI is doing the right thing in encouraging them to call it like they see it. If members and staff continue to selectively leak classified information, however, I think that the candor we claim to want will dry up and disappear. If an analyst provides a briefing, and parts of it are then used by the media and Members of the Senate to publicly castigate the administration or the intelligence community, the lesson will be clear: Don't tell the Senator anything they don't want to hear; don't say anything that could be used to oppose current policies; just feed the Senators a spoonful of mush when they ask a tough question.

Mr. President, I want the intelligence community to be able to speak freely to us. I don't want intelligence analysts who come to Capitol Hill to be asking themselves, before they respond to a question, "How is this going to look tomorrow if it appears on the front page of the New York Times, or am I going to get myself in trouble with the administration?"

Mr. President, we all know that if a referee in a football game fails to throw a flag when flagrant penalties are occurring, the game can quickly get out of control. That's what I'm doing, Mr. President, throwing out a flag before this situation gets out of control. It is time for us to bring some discipline to the way we handle intelligence. In particular, we need to examine the procedures governing classified briefings outside the framework of the intelligence committees and how information provided in those briefings is subsequently controlled. If we do not clarify the rules on such matters, we are apt to have a repetition of the events that have transpired in the last couple of weeks which are not in the interests of the Senate, the executive branch, or the public. I will be asking the staff of the Intelligence Committee to review these issues and will work with the leadership of the Senate to address them. I also would welcome any ideas in this regard that my colleagues have to offer.

Mr. President, I ask that a series of articles pertinent to this issue be included in the RECORD at this point.

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

[From Newsclips, Nov. 1, 1993]

CIA'S AID PLAN WOULD HAVE UNDERCUT ARISTIDE IN 1987–88

(By Jim Mann)

WASHINGTON—The CIA once tried to intervene in Haiti's elections with a covert-action program that would have undercut the political strength of its current president, Jean-Bertrand Aristide, according to congressional sources with firsthand knowledge of the incident.

But the CIA's effort was stymied when the Senate Intelligence Committee ordered the CIA to halt the program, under which the agency tried to channel money for the use of some of the candidates in the 1987–88 Haitian elections.

Aristide was not a candidate at the time but assailed the military-controlled process, calling for radical change and apparently worrying some U.S. officials.

Two current and former U.S. intelligence officials acknowledged that the CIA developed a covert-action plan for intervention in Haiti's elections and that the plan was blocked in Congress. They insisted, however, that the purpose of the program had not been to oppose Aristide but to provide a free and open election and to help some candidates who didn't have enough money.

"We were engaged in covert action on behalf of the National Security Council," said one former high-level U.S. intelligence official who was directly involved in the covert-action plan and the dispute with Congress. "We were involved in a range of support for a range of candidates."

The story of the CIA's involvement in Haitian elections provides some of the backdrop for the episode earlier this month in which a senior U.S. intelligence official, Brian Lattell, characterized Aristide as mentally unbalanced. The comments were made in a closed-door briefing to member of Congress.

The CIA has made similar allegations in the past about Aristide, based on what officials say is a psychological profile of the Haitian leader. Aristide was elected Haiti's president by a landslide in December, 1990, but was ousted in a military coup after serving less than a year.

Asked last week about the CIA's involvement in Haiti and the dispute with Congress over covert actions there, Kent Harrington, CIA director of public affairs replied, "Our comment would be no comment on this one."

The CIA's negative assessment of Aristide's psychological stability complicated the Clinton Administration's Haiti policy by giving Republicans a rationale for trying to limit the extent of U.S. support for Aristide.

"It needs to be known that there is some history there" between the CIA and Aristide, said a source who was working in a senior position for the Senate Intelligence Committee at the time the CIA and Congress were fighting over covert operations in Haiti.

"There were those in the CIA who were not pleased with him [Aristide] in the past and don't want him to be successful now."

Aristide first came to prominence in Haiti as a proponent of liberation theology, which seeks to blend the teaching of Christ with a doctrine of political revolution by the poor against the established order. Liberation theology took hold not only in Haiti but among priests in poor parishes throughout many other Latin American countries.

Asked why the CIA might have sought to oppose Aristide, the congressional source

said: "Liberation theology proponents are not too popular at the agency. Maybe second only to the Vatican for not liking liberation theology are the people at [CIA headquarters in] Langley."

Aristide was not a candidate in Haiti's 1987–88 elections. At the time, he was a charismatic priest with a strong following in the poorest slums of Haiti. He denounced the military-dominated election and called upon Haitians for a "real revolution" against the entire process.

Aristide's activities figured prominently in the elections and the American response to them, in which U.S. officials showed a strong antipathy to Aristide.

In a letter to Time magazine during the elections, then-Assistant Secretary of State Elliott Abrams, the Ronald Reagan Administration's primary spokesman for Latin American policy, devoted most of his energies to attacking Aristide.

"The stark contrast between the Pope and the firebrand Aristide underscores the difference between responsible constructive effort and strident negativism." Abrams wrote.

Abrams did not return two phone calls last week to his office at the Hudson Institute. A secretary said he was out of town. In an article in the Washington Times two weeks ago, Abrams criticized the White House for supporting Aristide, saying that the Clinton Administration was "repeating every error committed by the Bush Administration."

Opposing Aristide would have been in line with the Reagan Administration's overall policy in Latin America. With active support from then-CIA Director William J. Casey, the Administration sought aggressively to combat left-wing regimes, parties and leaders in countries such as Nicaragua and El Salvador. The George Bush Administration took a less confrontational approach.

Intelligence and congressional officials gave the following account of the CIA's dispute with Congress over covert action during the 1987–88 elections:

At the beginning of the 1987 elections, the CIA may have already been operating in Haiti under an existing, previously approved covert-action program, according to a present and a former intelligence officer. Any CIA covert operation must be approved both by the President and the congressional intelligence committees.

As the campaign began, the CIA was supporting or preparing to support particular candidates.

"This sort of thing doesn't go on every day," a former high-ranking U.S. intelligence official said. "But there's nothing unusual about it. The idea was to enable some candidates to spend money on publicity and that sort of thing.

"The CIA didn't pick the candidates to support. These candidates were selected by the State Department. * * * There were multiple candidates. We didn't have any one candidate."

During the early stages of the election, some staff members of the Senate Intelligence Committee paid a visit to Haiti. After their return, the committee demanded to know exactly what the CIA was doing and which candidates it was supporting.

Then-CIA Director William H. Webster refused to give the committee the names of the CIA-supported candidates. Finally, a compromise was arranged in which the CIA director would give the names only to Sens. David L. Boren (D-Okla.) and William S. Cohen (R-Me.), then the chairman and ranking minority member of the Intelligence Committee.

But the deal fell through. "They killed the program," a former U.S. intelligence official said. "It was one of the few times they ever closed us down. It was a bruising battle."

One high-ranking source working for the Intelligence Committee said the reason the CIA's covert-action program was killed was that "there are some of us who believe in the neutrality of elections."

The Haitian elections were supposed to be held Nov. 29, 1987, but they collapsed in violence when 34 people died on election day—some as they were standing in line to vote. In early January 1988, a new ballot was held and the candidate favored by Haiti's military government won, but he was ousted later that year in a military coup.

Aristide had urged a boycott of the elections, saying, "The army is our first enemy." By helping to finance some of the candidates, the CIA apparently hoped to strengthen those candidates' position and to diminish Aristide's attempt to have a low turnout, which would have reduced the election's validity.

But in 1990, Aristide ran for president himself and won with about two-thirds of the popular vote.

Supporters of Aristide and some congressional sources have alleged that the CIA opposed the Haitian president and supported his principal opponent, Marc Bazin, in the 1990 elections.

But that allegation was denied by a present and a former U.S. intelligence official, each of whom knew of the covert-action plans in the 1987–88 elections.

In addition, a State Department official handling Haiti policy at the time of Aristide's election and a ranking staff member of the Senate Intelligence Committee at the time said they had no knowledge of any CIA effort to defeat Aristide in 1990. Both said that if there had been a CIA operation against Aristide that year, they would have known about it.

On Dec. 19, 1990, three days after Aristide's election, Bernard Aronson, the Bush Administration's assistant secretary of state for Latin America, congratulated Aristide on his victory and announced an increase in U.S. aid to Haiti.

After serving less than eight months as Haiti's president, Aristide was deposed in a military coup in September, 1991. Since that time, he has been living in the United States while waiting to return to Haiti.

HISTORY REPEATS IN CIA SMEAR OF HAITI'S ARISTIDE

(By Barbara Reynolds)

During a recent lunch I attended with Jean-Bertrand Aristide, the deposed Haitian president didn't climb onto the table and stomp through my mashed potatoes.

Yet if CIA reports are to be believed, Aristide's luncheon guests would have been smart to hide under the table in terror. The reports label the charismatic priest a violent fruitcake who has been treated in a mental hospital and has used drugs to calm his manic depression.

Aristide denies those CIA profiles circulating on Capitol Hill, saying the only time he was hospitalized was as a boy with hepatitis.

Shockingly enough, the CIA also describes Lt. Gen. Raoul Cedras, Haiti's cruel military dictator, as "one of the most promising Haitian leaders to emerge since the Duvalier dictatorship was deposed in 1986." How could Cedras be praised when the army has been blamed for thousands of murders since Aristide was ousted in a 1991 coup? What gives here?

Why is the CIA discrediting a man who is considered the Martin Luther King Jr. of Haiti, where on Dec. 16, 1990, he became the first president elected in free elections? Here is a priest who is a folk hero to Haiti's poor, who founded an orphanage for homeless street kids, confronted the murderous Macoutes and exposed U.S. policy that propped up the hated Duvaliers.

Here is a man who speaks six languages, has a doctorate in philosophy, has written six books, composed more than 100 songs sung in Haiti and plays six musical instruments.

Yet U.S. spy agencies depict him as crazy, something they never said of Ronald Reagan, whose presidency was guided by astrologers.

Something is screwy here.

Aristide, like King, is perceived as a threat to those who desire the status quo. King's death was preceded by character assassination from U.S. spy agencies. Could history repeat itself?

The smearing of Aristide is geared to discredit him in the public mind, which is stupid for a nation that should be begging him to continue the fight against drug trafficking, which has gained momentum since the coup.

"The drug war can't be won as long as Cedras and his corrupt, elite supporters are in power," says Patrick Elie, Haiti's drug czar in exile. "Haiti is the second-largest drug transshipment port, after Colombia, and coup leaders bring in more than $200 million yearly in illegal drugs, which are shipped to the USA. Why would the CIA discredit the first Haitian leader committed to fighting drugs?"

I don't think Aristide is crazy at all. But those trying to discredit him might be.

[From the New York Times, Nov. 1, 1993]

KEY HAITI LEADERS SAID TO HAVE BEEN IN THE CIA'S PAY—ARISTIDE AIDES ANGERED—SAY PAYMENTS PROVE AGENCY'S REPORTS CRITICAL OF LEADER HAVE BEEN ONE-SIDED

(By Tim Weiner)

WASHINGTON, October 31. Key members of the military regime controlling Haiti and blocking the return of its elected President, Jean-Bertrand Aristide, were paid by the Central Intelligence Agency for information from the mid-1980's at least until the 1991 coup that forced Mr. Aristide from power, according to American officials.

As part of its normal intelligence-gathering operations, the C.I.A. cultivated, recruited and paid generals and politicians for information about everything from cocaine smuggling to political ferment in Haiti, they said.

Without naming names, a Government official familiar with the payments said that "several of the principal players in the present situation were compensated by the U.S. Government." It was not clear when the payments ended or how much money they involved, although they were described as modest.

REPORTING CALLED ONE-SIDED

Supporters of Mr. Aristide said the payments proved that the C.I.A.'s primary sources of information in Haiti were Mr. Aristide's political enemies, and they criticized the agency's reporting on Haiti as one-sided.

Michael D. Barnes, a former member of Congress who is a spokesman for Mr. Aristide, said, "Given what the C.I.A. has done in the past two weeks, namely the attempted character assassination of Jean-Bertrand Aristide, it wouldn't be surprising

to learn that the C.I.A. had been working with his political enemies in Haiti for many years.

But Representative Robert G. Torricelli, a New Jersey Democrat who serves on the House Intelligence and Foreign Affairs Committees and who confirmed the payments, defended the intelligence relationships as crucial to United States policy-makers in trying to gain an understanding of Haitian politics.

"The U.S. Government develops relationships with ambitious and bright young men at the beginning of their careers and often follows them through their public service," he said. "It includes people in sensitive positions in the current situation in Haiti."

A member of Congress familiar with the recruiting of sources of information within the Haitian Government said the information received was a mixed bag. "There are things we should have been getting for the money which we didn't get—for example, on the narcotics side," he said. Members of the current regime are suspected of receiving lucrative payments from drug traffickers to protect shipments of cocaine passing through Haitian airfields en route to the United States.

The C.I.A's activities in Haiti also included a covert operation, authorized by President Ronald Reagan and the National Security Council, which involved an aborted attempt to influence an election held in January 1988, the officials said.

Haiti was then under the control of a military ruler, Lieut. Gen. Henri Namphy, who assured the Reagan Administration that the elections would be free and fair. But the ballot was widely perceived as rigged by the military, and the campaign was marked by killings of civilians.

ARISTIDE URGED BOYCOTT

Mr. Aristide, who was not a candidate, had urged a boycott of the election. The operation undertaken by the C.I.A. aimed at seeing the election go forward, the officials said, but it also involved plans to slip campaign money to candidates. In a rare action, the payments were blocked by the Senate Select Committee on Intelligence, the officials said. The attempt was first reported today by the Los Angeles Times.

In the 1980's, the United States undertook covert operations and military actions throughout the Caribbean and Latin America to support pro-United States and anti-Communist governments. Several prominent figures in the region were on the United States intelligence payroll during the decade.

The officials who described the payments to Haitian generals and politicians said they were not intended to install any one leader as the President of Haiti.

In 1990, in the first free election in 20th-century Haiti, Mr. Aristide won 67.5 percent of the vote in a field of 10 candidates. He was overthrown in a September 1991 coup. The military regime controlling Haiti has blocked his return—which was to have taken place Saturday under an accord negotiated by the Clinton Administration and signed by the military leaders last summer—with a widespread campaign of intimidation, violence and murder.

Supporters of Mr. Aristide say the C.I.A., which does not make policy but which can influence policy-makers through its reporting, has undermined the chances for his return. In recent briefings to Congress, Brian Latell, the C.I.A.'s chief analyst for Latin American affairs, has described Mr. Aristide as unstable and as having a history of mental problems.

In a 1992 report widely circulated in Washington, Mr. Latell described a meeting with Lieut. Gen. Raoul Cedras, Haiti's current military dictator, and praised him as one of "the most promising group of Haitian leaders to emerge since the Duvalier family dictatorship was overthrown in 1986."

The Clinton Administration, in turn, questioned the C.I.A.'s analyses and praised Father Aristide as a rational and reasonable man.

The officials who described the payments to generals and politicians in the current regime in exchange for information said they were a normal and necessary part of gathering intelligence in a foreign country.

"These relationships are crucial so that we can anticipate changes in volatile societies," Representative Torricelli said. He said the quality and quantity of information the C.I.A. provided on Haiti was generally praiseworthy.

But Robert Pastor, the chief National Security Officer for Latin American affairs from 1977 to 1981, said, "It appears that the portrait of Aristide is seriously flawed. Whether that is in part due to intelligence contacts that began as a result of these operations is a legitimate and important question that needs an answer."

TANKS FOR RUSSIA'S IMPERIAL INTENTIONS?

Mr. DECONCINI. Mr. President, lately this administration, and concerned westerners more generally, have seemed unable to adequately address the reassertion of imperial rights by Russia toward other former Soviet Republics. I would like to bring to the attention of this body one area in which we can make a difference—the amount of weaponry Russia is permitted to deploy against these republics. The Russian military, now with the support of the Foreign Ministry, has reintensified its pitch to alter the Treaty on Conventional Forces in Europe, which places strict limits on military equipment levels in various regions of Europe. They are focusing on the so-called flank provisions, which place extra limits on the numbers of tanks and armored personnel carriers that Russia can maintain in the Northern Caucasus and Leningrad military districts.

The North Caucasus are of interest not only because they border the unstable—and intensely Russian-penetrated—Republics of Georgia, Armenia and Azerbaijan, but because Russia's own Caucasian ethnic minorities are restive—the president of the Caucasian region of Chechnya announced earlier this week that, since Chechnya had been independent for 2 years, it had no reason to participate in Russia's parliamentary elections.

Around the northern Russian Leningrad military district, some elements of the Russian Government still have military interests in the Baltic States; Russia already has an immense amount of weaponry in the region. Russian ability and willingness to meet treaty-imposed deadlines for destruction of equipment are already questionable.

Until recently, Russian military personnel have presented the instability in the Caucasus as the justification for their request. Recently, however, Russia has succeeded in re-introducing its forces into both Georgia and Azerbaijan through coercing both countries back into the CIS. This would seem to alleviate the need for more heavy equipment inside Russia itself; in any case, the equipment already on the ground is quite sufficient for battles where the tide can be turned with five tanks, as was the case in Georgia this week. If Russia is concerned with flexing its muscles in the north, this has disturbing implications for the Baltic States.

Thus far, the United States has not given Russia any concrete encouragement but has not succeeded in closing the issue. Some of our allies—Germany—have also expressed interest in discussing the issue with the Russians; Turkey, on the other hand, has threatened not to observe the treaty itself if Russia does not comply fully.

The CFE Treaty provides both a baseline for Russian armament and also limited control over other regional arms buildups; allowing Russia to abrogate. It would be a clear symbol that we will allow or even welcome uncontrolled Russian hegemony in the former Soviet Republics. Far from being a show of support or understanding for a Russian Government obligated to its military, United States willingness to compromise the treaty provisions would indicate a weakening in our commitment to democracy and rule of law in all the former Soviet Republics, including Russia itself. Russia will need all its energies and resources to complete its own transition to democracy and a market economy, a fact I would urge this administration to contemplate before it encourages Russian adventures in the so-called near abroad.

NOMINATION OF MORTON HALPERIN

Mr. HATFIELD. Mr. President, the nomination of Morton Halperin as Assistant Secretary of Defense for Democracy and Peacekeeping has been stalled for too long. I believe that the President's confidence in selecting Dr. Halperin was well-placed, for he is a man of considerable intellect and skill.

I am well aware of the criticisms and charges levied against Dr. Halperin and know that some of my colleagues believe his nomination is not appropriate. It is time for these concerns to be aired in a hearing and on the Senate floor. The Senate has the responsibility to act on this nomination either affirmatively or negatively and it should move forward.

Former Secretaries of Defense Robert McNamara and Elliot Richardson have

written an opinion piece on this nomination and I ask that it be included in the RECORD.

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

[From the Washington Post, Nov. 5, 1993]

STOP THE INNUENDO

(By Robert S. McNamara and Elliot L. Richardson)

President Clinton's choice to be assistant secretary of defense for democracy and peacekeeping is Morton Halperin. He is a highly intelligent, capable and moral man. He has served the national interest for more than 30 years in Democratic and Republican administrations as well as outside government. He is widely respected and has been endorsed for the post by a vast array of former government officials, including former secretaries of state Cyrus Vance and Edmund Muskie, former defense secretary Harold Brown, former CIA directors William Colby and Stansfield Turner, top Reagan adviser Paul Nitze and retired four-star general W. Y. Smith.

But in a shocking turn of events, Halperin's nomination and reputation are on the verge of being wrecked by a smear campaign.

By tradition, the nominee is not allowed to defend himself publicly. There is only one way to restore rationality and fairness to the process: Give the man a hearing.

Both of us have known and worked with Halperin for decades, and we believe that the "case" against him is nothing more than a collection of false rumors, misapprehensions and distorted quotations. The Senate Armed Services Committee can continue to allow this dispute to be waged in the press, where Halperin foes have been aided by leaks that twist the facts. Or Chairman Sam Nunn (D-Ga.) can call a hearing where both sides can present and test the evidence.

Opponents brand Halperin as a collaborator and sympathizer with radical leftists. This is nonsense. Halperin, as a longtime defender of free speech and other constitutional protections, has simply acted to protect the rights of individuals without regard to their substantive views. When he was an official of the American Civil Liberties Union, he defended the constitutional freedoms not only of left-wing government critics but also of conservative Reagan officials like Lyn Nofziger and Oliver North. Instead of scoffing at the distinction, critics should test their suspicions—at a hearing. If opponents truly believe that a principled advocate of constitutional liberties is per se disqualified from service at the Defense Department, let them make that case.

Opponents imply that Halperin cannot be trusted with the nation's secrets—even though Pentagon investigators this year found nothing to disqualify Halperin from holding a top security clearance. If anyone has been scrutinized for trustworthiness and discretion, it is Halperin. The Nixon administration wiretapped his telephone for almost two years and sought to tar him with scandal. As our friend Henry Kissinger later admitted in apologizing for the tap, these efforts revealed no improper conduct on Halperin's part. Opponents continue to try to prove that he is a leaker, but they have found nothing. If they have anything other than innuendo, let them confront Halperin with it in a Senate hearing room.

Opponents say Halperin has intentionally tried to weaken U.S. defenses by calling for limits on CIA covert activities. But Halperin's concerns about clandestine action stem directly from his belief that, under our system of government, the people are sovereign. He recognizes the necessity for some covert activity but has worked to ensure that secret programs are consistent with our publicly declared foreign policies and that Congress is fully informed. Indeed, no one has tried harder than Halperin to fairly and effectively balance the competing requirements of national security and democratic government. Sen. David Boren (D-Okla.), who served six years as chairman of the Senate Intelligence Committee, has praised Halperin on this very score.

Opponents also contend that Halperin is a proponent of a radical multilateralism that would place U.S. troops under United Nations control. This is a total distortion of his views. Halperin has written thoughtfully about creating a new international structure to promote peace and democracy, but his views on peacekeeping and multilateral action in today's world are measured and cautious. We can hardly think of a person better suited to engage in serious public discussion on these matters and to do so persuasively.

Now opponents are reportedly attempting to tie Halperin to unspecified shady dealings in some foreign country. They search for an alleged CIA document, apparently the sole basis for the claim, but CIA can find no such record. Instead of focusing on an elusive document, why not question Halperin publicly? Why not question his accuser publicly?

A NEW RUSSIAN EMPIRE?

Mr. DECONCINI. Mr. President, throughout the last few weeks, I have seen an increasing number of commentaries in the media from experts expressing alarm about Russia's attempts—tacit and not-so-tacit—to reconstitute its empire and resubjugate its neighbors. Indeed, there appear to be growing indications that Russia, at a minimum, is expanding its sphere of influence in the other New Independent States through the use of rogue military units or economic blackmail. These actions call into question Russia's adherence to CSCE commitments, most notably the obligation of states to respect the territorial integrity of other states.

Moreover, Russian hegemony over its former empire would harm Russia itself, acting as a barrier to the development of genuine democracy there. The best guarantor of a democratic, stable Russia, is a Russia that respects the rights of her neighbors.

Any Russian moves to reestablish its empire are clearly dangerous and destabilizing, especially with respect to its largest European neighbor, Ukraine. A conflagration between Russia and Ukraine could have dire ramifications for peace and security in the entire world.

Mr. President, I believe that we need to start paying greater attention to Russian actions to reestablish control over the former Soviet Union—whether in the Caucasus, central Asia, or Ukraine. We need to know what Yeltsin owes the Russian military for supporting him in his battle with the Parliament. We need to think through the implications of Russia's apparent attempts to reintegrate its independent-minded neighbors. I admit that this is not a straightforward issue, but that is all the more reason for us to start zeroing in on it.

I would like to commend two recent op-ed pieces to the attention of my colleagues—one by John P. Hannah, titled "The (Russian) Empire Strikes Back" that appeared in the October 27 New York Times, and one by former National Security Agency Director William Odom in the October 23 Washington Post, called "Yeltsin's Deal With the Devil"—and request that they be submitted into the RECORD.

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

[From the Washington Post, Oct. 23, 1993]

YELTSIN'S DEAL WITH THE DEVIL

(By William E. Odom)

President Boris Yeltsin's bold action in closing down the Russian parliament has won high praise from President Clinton. Yet Yeltsin's new course carries ominous implications having nothing to do with the legal basis for it.

There is no Russian constitution to violate. A constitution exists only when there is an elite consensus on the rules for deciding who rules. There is no such consensus in Russia. Whether one can be achieved without further violence is an open question, but Yeltsin's action at least makes progress toward it possible, and for that he deserves tempered Western support.

He defeated the parliament because the military supports him, but Yeltsin is paying a price for it. When the Commonwealth of Independent States proved unwilling to create a joint armed forces in the spring of 1992, Yeltsin authorized a purely Russian military establishment. By June 1992, the Russian Defense Ministry had produced a draft "military doctrine," later submitting it as a draft law to the parliament.

The thrust of this doctrine, enthusiastically supported by the Vice President Alexander Rutskoi, is to reestablish Russian military control over the former Soviet Union, the so-called "near abroad." Yeltsin has yet to take a clear public stand on it, but recently he has backed its de facto implementation in the "near abroad," a step wholly at odds with the Foreign Ministry's policy toward the "far abroad"—i.e., the rest of the world. This includes supporting Abkhazian rebels against the Georgian government, being an accomplice in Gaidar Aliyev's coming to power after a military coup in Azerbaijan, using Russian forces to keep the old Communists in power in Tajikistan, where civil war has claimed more than 50,000 lives, issuing threats and causing quarrels aimed at destabilizing Ukraine, letting the rogue Russian 14th Army in eastern Moldova carve out an independent Trans-Dneister republic and dragging its feet on troop withdrawals from the Baltic states.

Until last summer, Yeltsin kept his distance from most of these operations. Even Gen. Pavel Grachev occasionally pleads innocence as his forces are carrying them out. In the spring of 1993, Grachev announced that the "first echelon" of Russia's military posture in the south would be on the north side of the Caucasus. Now that Russian meddling has helped turn Georgia into warring

factions against Eduard Shevardnadze's regime, Grachev insists on Russia's "first echelon" extending to the Turkish border, requiring indefinite Russian military basing in Georgia.

In Central Asia, Yeltsin has gone along with Grachev's insistence on controlling the Tajik border with Afghanistan and using Russian troops in the civil war there. A few Russian parliamentarians warned that this could lead Russia back into another Afghanistan fiasco, but they were ignored.

Given the Russian public resistance to military conscription, Yeltsin has authorized more than 150,000 "contract" soldiers who receive very high pay for voluntary service in "dangerous places." Only thus can these "peace-making" Russian forces be manned. The Defense Ministry's debt to military industry is now more than 1 trillion rubles, in part, because its manpower costs for foreign deployments are growing.

Military industrial bureaucrats also like these policies because they promise to restore much of the old military-industrial complex. In Belarus, they conspire against the government with Russian military industrialists to keep their factories producing arms, selling some of them to Tajikistan. Similar industrialist sentiments for ties to Russia are now manifest in Kazakhstan and Ukraine.

In a word, a new Russian empire is in the making. To get a military constituency for routing the parliament, Yeltsin supports the "near abroad" foreign policy of the Defense Ministry and the military industrialists. As that imperial policy succeeds, Russia's military requirements will go up, its incentives for converting much of its military industry will decline, and eventually its domestic policies must become repressive to contain popular objections to costs of the new empire. This is hardly the road to constitutionalism and market reforms.

Little wonder that the parliament is politically isolated. As Disraeli "dished the Whigs" by stealing their program in 19th century Britain. Yeltsin is "dishing the parliament," which supports Rutskoi and other proponents of restoring the empire.

Let us suppose that the December elections produce a new parliament that is committed to economic reform and cooperation with Yeltsin. Will that be compatible with Grachev's foreign policy toward the "near abroad"? Military expenditures, already a large factor in the uncontrolled budget deficit, will be difficult to reduce. And the economic entanglements with the other republics will give new life to the old economic nomenklatura and resistance to market reforms.

Yeltsin at last has a political coalition that can break the political paralysis in Moscow. At the same time, he is restoring political forces that will make liberal economic and political reform difficult if not impossible.

Perhaps he will be equally skilled in breaking the power of the constituency that helped him close the parliament. That is the gamble the United States is taking with Yeltsin.

[From the New York Times, Oct. 27, 1993]

THE (RUSSIAN) EMPIRE STRIKES BACK

(By John P. Hannah)

WASHINGTON.—The hand-wringing that accompanied Boris Yeltsin's crushing of the neo-fascist uprising in Moscow this month deflected attention from an issue that really should keep U.S. policymakers awake nights: Russia's attempt to resurrect an exclusive sphere of influence across the former Soviet Union.

Like so many dominoes, the former Soviet republics are succumbing to Moscow's reassertion of imperial prerogatives. The process is now hurtling toward its logical conclusion, with Moscow's sights set on Ukraine—52 million people strategically situated in the heart of Central Europe.

President Yeltsin had many differences with his former Vice President, Aleksandr Rutskoi. But a conviction that Russia should exercise hegemony over its former empire was not one of them. True, the two men had vastly opposing strategies. Mr. Rutskoi wanted to challenge the West by asserting Russia's imperium through direct military confrontation. He would have wiped out all vestiges of the new states' independence and reestablished the Soviet Union's borders.

In contrast, Mr. Yeltsin has sought to safeguard Russia's relations with the West by more subtle muscle-flexing. Economic blackmail and "rogue" army units have been his weapons to coerce the former republics into the Moscow-dominated Commonwealth of Independent States. He seems willing to allow Russia's neighbors to retain the trappings of sovereignty, provided Moscow has the final say on important policy questions.

Recent events in Georgia provide a textbook case of this strategy. The devastating defeat inflicted on Georgian troops in September by Abkhazian rebels would have been impossible without support from Russia's army. Subsequently, the Georgian leader, Eduard Shevardnadze, was forced to beg Mr. Yeltsin for membership in the C.I.S. The endgame is obvious: a bilateral treaty providing Russia's military with permanent bases in Georgia, including control over its strategic Black Sea coast.

In short, Georgia's re-integration into Russia's security orbit involves about as much mutual consent as a Mafia shakedown. Russia had cowed its independence-minded neighbors with tacit threats of dismemberment before. In the former republics of Moldova and Azerbaijan, an undeniable pattern has emerged. Secessionist rebels, abetted by rogue Russian forces, score impressive military successes. Miraculously, when these states relent and agree to join the C.I.S., Russia's ability to impose a lasting cease-fire soars.

All this, however, has been a prelude to the final act: Ukraine. Moscow seeks to short-circuit its largest neighbor's drive for independence. Economically, it has exacerbated Ukraine's internal crisis by withholding vital energy supplies. Politically, it has waged a successful diplomatic campaign to isolate Kiev internationally in a dispute over former Soviet nuclear weapons.

On the brink of chaos, Ukraine has already made major concessions to Moscow. An original, though reluctant, member of the C.I.S., it has agreed to tighter economic coordination within the Commonwealth, and has surrendered the entire Black Sea Fleet to the Russian Navy. Now, special Russian access to Ukraine's Black Sea ports and Ukraine's acceptance of the Russian-dominated C.I.S. security treaty seem only a matter of time.

With Ukraine's resubjugation, Russia—Boris Yeltsin's democratic Russia—will have gone far toward reconstituting its old empire. In so doing, it will have decisively, and unilaterally, determined the geo-strategic alignment of post-cold-war Europe. Is the West paying attention?

CONGRATULATING ZOË BAIRD ON THE BRANDEIS AWARD SHE WILL BE RECEIVING

Mr. SIMON. Mr. President, I would like to congratulate Zoë Baird on a distinguished award she will be receiving, the Brandies Award. This award, given by the American Jewish Congress, was developed in memory of Justice Louis Brandeis. It is presented every year to honor one member of the legal community who strives to achieve the same high standards and ideals for civil rights and civil justice that Justice Brandeis achieved in his lifetime.

Zoë Baird has demonstrated a special commitment to civil rights and civil justice throughout her career. As Aetna's general counsel, she has provided outstanding leadership in the company's exemplary pro bono legal program. Ms. Baird has been an active member of her community as well. For years, she has served as a board member of the Science Park Development Corp. Located in one of New Haven's poorest communities, the corporation seeks to improve the community by promoting local economic development. Currently, Ms. Baird is working in coordination with Attorney General Reno to create a national network of lawyers to provide pro bono legal services to children.

Zoë Baird's outstanding work led to her nomination for U.S. Attorney General. While some unfortunate mistakes led her to withdraw her nomination, her contributions to the legal community deserve our praise.

Ms. Baird has proven herself to be a person of unusual capability, and I am pleased that she will be receiving this important award. I would also like to acknowledge the fine work of her husband, Paul Gewirtz. He, too, is a truly gifted individual who deserves recognition for his outstanding work.

I would like to extend my congratulations to Zoë Baird for her recent success and to thank her for a life dedicated to public service. I wish Zoë Baird continued success.

REGARDING THE SITUATION IN KASHMIR

Mr. DOLE. Mr. President, I want to comment on the recent bloodshed in the Kashmir Valley, which is located along the India-Pakistan border.

Since 1989, the predominantly Muslim people of Kashmir have endured a violent campaign waged by separatists fighting for independence from India's mainly Hindu Government. In response, the Government of India dispatched troops to establish order and control in the area. However, there have been reports in the news media and by credible human rights organizations which allege that India's military forces have committed human rights violations, ranging from summary executions of detainees to torture, rape,

and reprisal attacks which left hundreds of innocent civilians dead. Many reports also allege the Muslin separatists have conducted similar actions. The war between the separatists and the Indian Government does not excuse killing innocent people.

Mr. President, for the past several weeks a serious conflict has been developing in the city of Srinagar, India. Srinagar, located in the state of Kashmir, was the site of a violent confrontation between India's military forces and citizens of the town, angered that troops had besieged the Hazratbal Mosque—Kashmir's holiest mosque. Reports out of Srinagar indicate that separatist leaders were peacefully demonstrating near the mosque when they were attacked by Indian troops.

An even bloodier incident occurred in the nearby town of Bijbehara. The people organized a march intended to end at the mosque in Srinagar. Military troops reportedly opened fire on the marchers, leaving 34 people dead and over 100 injured. These confrontations have been two of the more serious since the start of the insurgency in 1989.

The issue of Kashmir has important regional implications, and has increased tension between India and Pakistan. A conflict between these two countries threatens to erupt. The Indian Government accuses the Pakistani Government of supporting Kashmir "terrorists" while Pakistan views India's military actions as "anti-Muslim" campaigns. Needless to say, a fourth war between these two governments would be devastating to the region and has catastrophic potential for the rest of the world.

Both India and Pakistan are believed to have the ability to produce and deliver nuclear weapons. The United States must address this issue before it escalates further.

Mr. President, India is the world's largest democracy, with a population fast approaching the 1 billion mark. Great opportunities for improved diplomatic and economic relations between our two nations are jeopardized by human rights violations in Kashmir and possible conflict with Pakistan. I urge the Indian Government to take the necessary steps to defuse the situation, and to ensure that human rights violations by their forces cease.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOX SCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,429,229,286,675.85 as of the close of business yesterday, November 4. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,243.82

COMPREHENSIVE CHILD IMMUNIZATION ACT

The text of the bill (S. 732) to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes, as passed the Senate on November 4, 1993, is as follows:

S. 732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, REFERENCES AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Child Immunization Act of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) PURPOSE.—It is the purpose of this Act to ensure that children in the United States are appropriately immunized against vaccine preventable infectious diseases at the earliest appropriate age.

SEC. 2. MONITORING OF CHILDHOOD IMMUNIZATIONS.

Title XXI of the Public Health Service Act (42 U.S.C. 300aa–1 et seq.) is amended by adding at the end thereof the following new subtitle:

"Subtitle 3—Improved Immunization Delivery and Monitoring Systems

"Part A—List of Vaccines and Administration

"SEC. 2141. LIST OF PEDIATRIC VACCINES; SCHEDULE FOR ADMINISTRATION.

"(a) RECOMMENDED PEDIATRIC VACCINES.—

"(1) IN GENERAL.—The Secretary shall establish a list of the vaccines that the Secretary recommends for administration to all children for the purpose of immunizing the children, subject to such contraindications for particular medical categories of children as the Secretary may establish under subsection (b)(1)(D). The Secretary shall periodically review the list, and shall revise the list as appropriate.

"(2) RULE OF CONSTRUCTION.—

"(A) The list of vaccines specified in subparagraph (B) is deemed to be the list of vaccines maintained under paragraph (1).

"(B) The list of vaccines specified in this subparagraph is the list of vaccines that, for purposes of paragraph (1), is established (and periodically reviewed and as appropriate revised) by the Advisory Committee on Immunization Practices, an advisory committee established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention.

"(b) RECOMMENDED SCHEDULE FOR ADMINISTRATION.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of a pediatric vaccine, the Secretary shall establish (and periodically review and as appropriate revise) a schedule of nonbinding recommendations for the following:

"(A) The number of immunizations with the vaccine that children should receive.

"(B) The ages at which children should receive the immunizations.

"(C) The dose of vaccine that should be administered in the immunizations.

"(D) Any contraindications regarding administration of the vaccine.

"(E) Such other guidelines as the Secretary determines to be appropriate with respect to administering the vaccine to children.

"(2) VARIATIONS IN MEDICAL PRACTICE.—In establishing and revising a schedule under paragraph (1), the Secretary shall ensure that, in the case of the pediatric vaccine involved, the schedule provides for the full range of variations in medical judgment regarding the administration of the vaccine, subject to remaining within medical norms.

"(3) RULE OF CONSTRUCTION.—

"(A) The schedule specified in subparagraph (B) is deemed to be the schedule maintained under paragraph (1).

"(B) The schedule specified in this subparagraph is the schedule that, for purposes of paragraph (1), is established (and periodically reviewed and as appropriate revised) by the advisory committee specified in subsection (a)(2)(B).

"(c) GENERALLY APPLICABLE RULES OF CONSTRUCTION.—This section does not supersede any State law or requirements with respect to receiving immunizations (including any such law relating to religious exemptions or other exemptions under such State laws).

"(d) ISSUANCE OF LIST AND SCHEDULES.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish the initial list required in subsection (a) and the schedule required in subsection (b).

"Part B—State Registry System for Immunization Information

"SEC. 2145. PURPOSE.

"It is the purpose of this part to authorize the Secretary, in consultation with State public health officials, to establish State registry systems to monitor the immunization status of all children.

"SEC. 2146. GRANTS FOR IMMUNIZATION REGISTRIES.

"(a) IN GENERAL.—For the purpose described in section 2145, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall make an allotment each fiscal year for each State in an amount determined in accordance with section 2151. The Secretary shall make a grant to the State of the allotment made for the State for the fiscal year if the State submits to the Secretary an application in accordance with section 2150 on behalf of the chief executive officer of such State.

"(b) DESIGN OF STATE REGISTRIES.—To carry out the purpose described in section 2145, a State registry established under this part shall be designed to—

"(1) provide accurate and up to date surveillance data regarding immunization rates at the State and local levels;

"(2) assist in identifying localities with inadequate immunization rates to target for necessary remedial assistance;

"(3) assist in the effective administration and management of immunization programs

at State and local levels by providing data to guide immunization program efforts;

"(4) assist the State in providing and receiving information on the immunization status of children who move across geographic boundaries that are covered by different State or local registries; and

"(5) facilitate the linkage of vaccine dosage information to adverse events reported to the Centers for Disease Control and Prevention under section 2125(b) and disease outbreak patterns, for the purpose of monitoring vaccine safety and effectiveness.

"(c) ELIGIBLE USE OF FUNDS.—The Secretary may make a grant under subsection (a) only if the State agrees to expend the grant for the purpose of—

"(1) collecting the data described in section 2147;

"(2) operating registries to maintain the data (and establishing such registries, in the case of a State that is not operating such a registry);

"(3) utilizing the data to monitor the extent to which children have received immunizations in accordance with the schedule established under section 2141;

"(4) notifying parents, as appropriate, if children have not received immunizations in accordance with such schedule;

"(5) coordinating and exchanging information with other State registries to allow the monitoring of the immunization status of children changing State of residence; and

"(6) such other activities as the Secretary may authorize with respect to achieving the objectives established by the Secretary for the year 2000 for the immunization status of children in the United States.

"(d) REQUIREMENT REGARDING STATE LAW.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved—

"(A) provides assurances satisfactory to the Secretary that, not later than October 1, 1996, the State will be operating a registry in accordance with this part, including having in effect such laws and regulations as may be necessary to so operate such a registry;

"(B) agrees that, prior to such date, the State will make such efforts to operate a registry in accordance with this part as may be authorized in the law and regulations of the State; and

"(C) has in effect such laws and regulations as may be necessary to ensure the following safeguards for the rights of parents:

"(i) An exemption for the parent, upon the request of the parent, from the requirements established by the State, pursuant to this part, for the collection of data described in subsections (b) and (c) of section 2147, or the collection of any other data regarding any child of the parent that the State may require for incorporation in the State immunization registry.

"(ii) Restrictions ensuring that no information relating to a child or to the parent or guardian of a child that is collected or maintained by the State immunization registry pursuant to this part, or the national immunization surveillance program established under section 2153, will be used as a basis for the criminal prosecution or the commencement of a criminal investigation of a parent or guardian.

"(2) RULES OF CONSTRUCTION.—

"(A) With respect to the agreements made by a State under this part, other than paragraph (1)(B), the Secretary may require compliance with the agreements only to the extent consistent with such paragraph.

"(B) The provisions of this part do not authorize the Secretary, as a condition of the receipt of a grant under subsection (a) by a State, to prohibit the State from providing any parent, upon the request of the parent, with an exemption from the requirements established by the State pursuant to this part for the collection of data regarding any child of the parent.

"SEC. 2147. REGISTRY DATA.

"(a) IN GENERAL.—For purposes of section 2146(c)(1), the data described in this section are the data described in subsection (b) and the data described in subsection (c).

"(b) DATA REGARDING BIRTH OF CHILD.—With respect to the birth of a child, the data described in this subsection is as follows:

"(1) The name of each child born in the State involved after the date of the implementation of the registry (in no event shall such date be later than October 1, 1996).

"(2) Demographic data on the child.

"(3) The name of one or both of the parents of the child. If the child has been given up for adoption, any information regarding the identity of the birth parent or parents of the child may not be entered into the registry, or if entered, shall be deleted.

"(4) The address, as of the date of the birth of the child, of each parent whose name is received in the registry pursuant to paragraph (3).

"(c) DATA REGARDING INDIVIDUAL IMMUNIZATIONS.—With respect to a child to whom a pediatric vaccine is administered in the State involved, the data described in this subsection is as follows:

"(1) The name, age, and address of the child.

"(2) The date on which the vaccine was administered to the child.

"(3) The name and business address of the health care provider that administered the vaccine.

"(4) The address of the facility at which the vaccine was administered.

"(5) The name and address of one or both parents of the child as of the date on which the vaccine was administered, if such information is available to the health care provider.

"(6) The type of vaccine.

"(7) The lot number or other information identifying the particular manufacturing batch of the vaccine.

"(8) The dose of vaccine that was administered.

"(9) A notation of the presence of any adverse medical reactions that the child experienced in relation to the vaccine and of which the health care provider is aware, in accordance with section 2125.

"(10) The presence of contraindications noted by the health care provider with respect to administration of the vaccine to the child.

"(11) Such other data regarding immunizations for the child, including identifying data, as the Secretary, in consultation with State public health officials, may require consistent with applicable law (including social security account numbers furnished pursuant to section 205(c)(2)(E) of the Social Security Act).

"(d) LIMITATION.—The Secretary may not establish information reporting requirements in addition to those described in subsection (c) if such requirements are unduly burdensome.

"(e) DATE CERTAIN FOR SUBMISSION TO REGISTRY.—The Secretary may make a grant under section 2146 only if the State involved agrees to ensure that, with respect to a child—

"(1) the data described in subsection (b) are submitted to the registry under such section as soon as possible but in no event later than 8 weeks after the date on which the child is born; and

"(2) the data described in subsection (c) with respect to a vaccine are submitted to such registry as soon as possible but in no event later than 4 weeks after the date on which the vaccine is administered to the child.

"(f) UNIFORMITY IN METHODOLOGIES.—The Secretary shall, in consultation with State public health officials, establish standards regarding the methodologies used in establishing and operating registries under section 2146, and may make a grant under such section only if the State agrees to comply with the standards. The Secretary shall provide maximum flexibility to the States while also retaining a reasonable degree of uniformity among the States in such methodologies for the purpose of ensuring the utility, comparability, and exchange of the data maintained in such registries.

"(g) COORDINATION AMONG STATES.—The Secretary may make a grant under section 2146 to a State only if, with respect to the operation of the registry of the State under such section, the State agrees to transfer that information contained in the State registry pursuant to section 2146 to other States upon the request of such States for such information.

"SEC. 2148. FEDERAL STANDARDS ON CONFIDENTIALITY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, in consultation with the States, shall by regulation establish standards providing for maintaining the confidentiality of the identity of individuals with respect to whom data are maintained in registries under section 2146. Such standards shall, with respect to a State, provide that the State is to have in effect laws or regulations regarding such confidentiality, including appropriate penalties for violation of the laws. The Secretary may make a grant under such section only if the State involved agrees to comply with the standards.

"(2) USE OF DISCLOSURE.—

"(A) No personally identifiable information relating to a child or to the parent or guardian of such child that is collected or maintained by the State registry may be used or disclosed by any holder of such information except as permitted for—

"(i) the monitoring of a child's immunization status;

"(ii) oversight, audit, and evaluation of the immunization delivery and registry systems;

"(iii) activities relating to establishing and maintaining a safe and effective supply of recommended childhood vaccine;

"(iv) processing of insurance claims for payment for vaccine administration (but only to the extent necessary for processing claims); and

"(v) administration of the National Vaccine Injury Compensation Program under subtitle 2.

"(B) Information regarding immunizations provided as described in subparagraph (A)(i) may be used or disclosed only with the written authorization of the individual to whom it refers or to the parent with custody of such individual.

"(b) USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Any usage or disclosure of data in registries under section 2146 that consists of social security account numbers and related information which is otherwise permitted under this part may be exercised only to the extent permitted under section 205(c)(2)(E) of the Social Security Act. For purposes of the

preceding sentence, the term 'related information' has the meaning given such term in clause (iv)(II) of such section.

"SEC. 2149. PROVIDER PARTICIPATION.

"(a) IN GENERAL.—The State shall monitor and enforce compliance by health care providers with the requirements of sections 2147 and 2148 and section 2155(b) for all doses of pediatric vaccine administered in the State. The State shall establish procedures satisfactory to the Secretary for discontinuing the distribution of federally purchased or State purchased vaccine for any health care provider who fails to comply with the requirements of section 2147 and for reinstating such vaccine supply to such provider upon receiving from such provider—

"(1) the reports necessary to make current and complete the information that would have been furnished to the State registry between the dates of the provider's termination and reinstatement; and

"(2) satisfactory assurances regarding the provider's future compliance.

"(b) REPORTS TO SECRETARY.—The Secretary may make a grant under section 2146 only if the State involved agrees to submit to the Secretary such reports as the Secretary determines to be appropriate with respect to the activities of the State under this part.

"SEC. 2150. APPLICATION FOR GRANT.

"An application by a State for a grant under section 2146 is in accordance with this section if the application—

"(1) is submitted not later than the date specified by the Secretary;

"(2) contains each agreement required in this part;

"(3) contains any information required in this part to be submitted to the Secretary; and

"(4) is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"SEC. 2151. DETERMINATION OF AMOUNT OF ALLOTMENT.

"The Secretary shall determine the amount of the allotments required in section 2146 for States for a fiscal year in accordance with a formula established by the Secretary that allots the amounts appropriated under section 2152 for the fiscal year on the basis of the costs of the States in establishing and operating registries under section 2146.

"SEC. 2152. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, other than section 2153, there are authorized to be appropriated $152,000,000 for fiscal year 1994, $125,000,000 for fiscal year 1995, and $35,000,000 for each of the fiscal years 1996 through 1999.

"SEC. 2153. NATIONAL IMMUNIZATION SURVEILLANCE PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish a national immunization surveillance program for the purpose of assessing the effects of the programs and activities provided for in this subtitle towards appropriately immunizing children and facilitating State immunization registries. The national immunization surveillance program shall—

"(1) provide technical assistance to States for the development of vaccination registries and monitoring systems; and

"(2) receive aggregate epidemiologic data (that is in a format that is not person specific) collected by States as provided for in section 2147 at intervals determined appropriate by the Secretary for the purpose of—

"(A) compiling accurate and up-to-date surveillance data regarding immunization rates at the State level in order to assess the progress made towards achieving nationally established immunization goals;

"(B) assisting in the effective administration and management of immunization programs at the State level by providing technical assistance to guide immunization program efforts at the request of the State;

"(C) providing technical assistance to States and localities to facilitate monitoring the immunization status of children who move across geographic boundaries that are covered by different State or local registries at the request of such States or localities; and

"(D) monitoring the safety and effectiveness of vaccines by linking vaccine dosage information with adverse events reporting under section 2125(b) and disease outbreak patterns.

"(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to authorize the release of person specific information to the Secretary for the purpose of immunization surveillance.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section in each of the fiscal years 1994 through 1999.

"SEC. 2154. REPORT.

"Not later than January 1, 1995, and biennially thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the planning, development, operation and effectiveness of the national immunization surveillance program and the State immunization registries.

"Part C—Distribution of Vaccines, Public Outreach and Education

"SEC. 2155. DISTRIBUTION OF VACCINES.

"(a) IN GENERAL.—

"(1) HEALTH CARE PROVIDERS.—The Secretary shall provide for the distribution, without charge, of recommended pediatric vaccines (in accordance with section 2141) purchased by the Secretary to health care providers who serve children and who—

"(A) are members of a uniformed service, or are officers or employees of the United States;

"(B) are health centers (as defined in section 2162(2)); or

"(C) provide services under section 503 of the Indian Health Care Improvement Act or pursuant to a contract under section 102 of the Indian Self Determination Act.

"(2) STATES.—The Secretary shall provide for the distribution, without charge, of those recommended pediatric vaccines that are purchased by the Secretary and provided to States for the purposes of immunizing medicaid-eligible children, and additional vaccines that may be purchased by the Secretary for children within those States.

"(b) DUTIES OF HEALTH CARE PROVIDERS.—

"(1) FREE PROVISION TO CHILDREN.—A health care provider or entity receiving vaccine under this section may use such vaccine only for administration to children and may not impose a charge for such vaccine. A provider or health care entity may impose a fee that reflects actual regional costs as determined by the Secretary for the administration of such vaccine, except that a provider may not deny a child a vaccination due to the inability of the child's parent to pay an administration fee.

"(2) REPORTING REQUIREMENTS.—A health care provider receiving vaccine under this section shall report the information required under section 2147 to the applicable State registry operated pursuant to a grant under section 2146 if such State registry exists. The provider shall additionally report to such State registry any occurrence reported to the Secretary pursuant to section 2125(b). The provider shall also provide regular and periodic estimates to the State of the provider's future dosage needs for recommended childhood vaccines distributed under this section. All reports shall be made with such frequency and in such detail as the Secretary, in consultation with State public health officials, may prescribe.

"SEC. 2156. IMPROVED IMMUNIZATION DELIVERY, OUTREACH AND EDUCATION.

"(a) FEDERAL EFFORTS.—The Secretary, acting through the Centers for Disease Control and Prevention and in conjunction with State health officials and other appropriate public and private organizations, shall conduct the following activities to improve Federal, State and local vaccine delivery systems and immunization outreach and education efforts:

"(1) NATIONAL PUBLIC AWARENESS CAMPAIGN.—

"(A) IN GENERAL.—The Secretary, in conjunction with State health officials and other appropriate public and private organizations, shall develop and implement a National Immunization Public Awareness Campaign to assist families (through bilingual means if necessary) of children under the age of 2 years, and expectant parents, in obtaining knowledge concerning the importance of having their children immunized and in identifying the vaccines, schedules for immunization, and vaccine provider locations, appropriate with respect to their children.

"(B) IMPLEMENTATION.—In implementing the Campaign under subparagraph (A), the Secretary shall ensure that—

"(i) new and innovative methods are developed and utilized to publicly advertise the need to have children immunized in a timely manner;

"(ii) print, radio and television media are utilized to convey immunization information to the public; and

"(iii) with respect to immunization information, efforts are made to target pregnant women and the parents of children under the age of 2.

"(2) INTERAGENCY COMMITTEE ON IMMUNIZATION.—The Secretary, in conjunction with the Secretary of Agriculture, the Secretary of Housing and Urban Development, and the Secretary of Education, shall carry out activities through the Interagency Committee on Immunization to incorporate immunization status assessments and referral services as an integral part of the process by which individuals apply for assistance under—

"(A) the food stamp program under the Food Stamp Act of 1977;

"(B) section 17 of the Child Nutrition Act of 1966;

"(C) the Head Start Act;

"(D) part A of title IV of the Social Security Act;

"(E) title XIX of the Social Security Act;

"(F) any of the housing assistance laws of the United States; and

"(G) other programs determined appropriate by any of the Secretaries described in this paragraph.

"(3) EXPANDED OPPORTUNITY FOR NATIONAL SERVICE.—The Secretary, in conjunction with the Commission on National and Community Service and other independent agencies, is encouraged to develop opportunities for participants in national and community service programs to contribute to local initiatives for the improvement of immunization services, including public outreach and education efforts.

"(b) GRANTS TO STATES.—

"(1) IN GENERAL.—

"(A) The Secretary may award grants to States to enable such State to develop, revise and implement immunization improvement plans as described in paragraph (2).

"(B) To be eligible to receive a grant under subparagraph (A), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) DESIGN.—A State immunization improvement plan shall be designed to improve immunization delivery, outreach, education and coordination within the State. Such plan shall provide for the creation of—

"(A) a vaccine provider education campaign and the distribution of any other materials determined to be appropriate by State health officials—

"(i) to enable such providers to make the best use of vaccination opportunities; and

"(ii) to educate such providers concerning their obligation to report immunization information with respect to their patients to State registries;

"(B) expanded capacity for the delivery of immunizations through—

"(i) increasing the number or type of facilities through which vaccines may be made available and the capacity of such facilities to immunize more children;

"(ii) developing alternative methods of delivering vaccines, such as mobile health clinics;

"(iii) increasing the number of hours during which vaccines are made available by providers within the State; or

"(iv) coordinating with federally qualified health centers to reach and immunize underserved children through education, outreach, tracking, and the provision of services;

except that, the Secretary may waive any specific requirement of this subparagraph if the Secretary determines that State immunization delivery efforts are sufficient without the imposition of such requirement;

"(C) population-based assessment criteria through which the State is able to assess the effectiveness of immunization activities in the State, which may be fulfilled through the implementation of a State immunization registry under section 2146;

"(D) a public awareness campaign, in conjunction with the National Campaign established under subsection (a)(1), to provide parents with information about the importance of immunization, the types and schedules for the administration of vaccines, and the locations of vaccines providers;

"(E) coordinated community outreach activities among public or private health programs, including local health departments and health centers, and other public or private entities, to encourage and facilitate the ability of parents to obtain immunization services for their children; and

"(F) other activities that are not inconsistent with the purposes of this subtitle, subject to the approval of the Secretary.

"(3) IMMUNIZATION IMPROVEMENT PLAN APPROVAL.—

"(A) GOALS.—As part of the immunization improvement plan of a State, the State shall establish immunization rate goals for children residing within the State.

"(B) APPROVAL.—The immunization improvement plan developed by a State under this subsection shall be submitted to the Secretary for approval prior to the distribution of grant funds to the States under this subsection. The Secretary shall periodically review the progress that the State has made under such plan in achieving the goals established under subparagraph (A).

"(C) DISTRIBUTION OF GRANTS.—In awarding grants under this section, the Secretary shall ensure that grant awards will be equitably distributed between rural and urban areas. In determining such distribution, the Secretary shall take into account the added costs of supporting the health care delivery infrastructure in sparsely populated areas. The Secretary shall give special consideration to those States that have low childhood immunization rates and that submit plans that demonstrate the State's substantial effort and commitment to improving such rates.

"(D) REPORTING.—A State shall annually prepare and submit to the Director of the Centers for Disease Control and Prevention a report concerning the implementation of the State immunization improvement plan.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $250,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1999.

"SEC. 2157. PERFORMANCE BASED GRANT PROGRAM.

"(a) ANNUAL REPORT.—Not later than July 1 of each year, a State shall prepare and submit to the Director of the Centers for Disease Control and Prevention a report that contains an estimate (based on a base population sample) of the percentage of 2 year old residents of the State who have been fully immunized as described in subsection (c).

"(b) PAYMENTS TO STATES.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide to a State that has submitted an annual report under subsection (a) that demonstrates that the State has fully immunized at least 50 percent of the 2 year old residents of that State, with respect to the year for which the report was prepared, a payment in an amount equal to—

"(A) with respect to a State that has demonstrated the full immunization of at least 50 and less than 64 percent of all 2 year old residents of the State, $50 multiplied by the number of fully immunized 2 year old resident children in excess of the number of children equaling such 50 percent amount;

"(B) with respect to a State that has demonstrated the full immunization of at least 65 and less than 70 percent of all 2 year old residents of the State, $75 multiplied by the number of fully immunized 2 year old resident children in excess of the number of children equaling such 65 percent amount; and

"(C) with respect to a State that has demonstrated the full immunization of at least 70 and less than 91 percent of all 2 year old residents of the State, $100 multiplied by the number of fully immunized 2 year old resident children in excess of the number of children equaling such 70 percent amount.

"(2) USE OF FUNDS.—

"(A) CONDITION.—As a condition of receiving amounts under this section a State that uses a combination of Federal and State funds in achieving the immunization goals described in paragraph (1) shall agree to reinvest, in activities related to improving immunization services, that percentage of the payments to the State under paragraph (1) that is equal to the amount of Federal contributions to immunization services in the State as compared to the amount of the State contributions to such services.

"(B) DISCRETIONARY USE.—A State that has demonstrated that the use of State-only funds was responsible for the increase in the immunization rate which qualified such State for payments under paragraph (1), may use amounts awarded under this section for other purposes, at the discretion of the State.

"(3) VERIFICATION.—Prior to making a payment to a State under this subsection, the Secretary shall, in collaboration with the Centers for Disease Control and Prevention, verify the accuracy of the State report involved.

"(c) DEFINITION.—For purposes of this section, the term 'fully immunized' means a 2 year old child that has received four doses of DTP vaccine (diphtheria, tetanus, pertussis), three doses of polio vaccine, and one dose of MMR (measles, mumps, rubella) vaccine.

"Part D—General Provisions

"SEC. 2161. REPORT.

"Not later than October 1, 1995, and biennially thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the costs, efficiency, and effectiveness of procedures established to deliver vaccine to health care providers.

"SEC. 2162. NATIONAL VACCINE PROGRAM.

"The Secretary shall authorize a report to be prepared by the National Academy of Sciences concerning the role of the National Vaccine Program established under this title in achieving progress towards the nationally established immunization goals for the year 2000, and recommendations with respect to the changes in such Program that would facilitate greater progress towards achieving such goals.

"SEC. 2163. DEFINITIONS.

"For purposes of this subtitle—

"(1) HEALTH CARE PROVIDER.—The term 'health care provider', with respect to the administration of vaccines to children, means an entity that is licensed or otherwise authorized for such administration under the law of the State in which the entity administers the vaccine, subject to section 333(e).

"(2) HEALTH CENTER.—The term 'health center' means—

"(A) a federally qualified health center, as defined in section 1905(l)(2) of the Social Security Act; or

"(B) a public or nonprofit private entity receiving Federal funds under—

"(i) section 329, 330 or 340;

"(ii) section 340A (relating to grants for health services for residents of public housing); or

"(iii) section 501(a)(2) of the Social Security Act (relating to special projects of regional and national significance).

"(3) IMMUNIZATION.—The term 'immunization' means an immunization against a vaccine-preventable disease.

"(4) PARENT.—The term 'parent', with respect to a child, means a legal guardian of the child.

"(5) PEDIATRIC VACCINE.—The term 'pediatric vaccine' means a vaccine included on the list established under section 2141.

"(6) STATE.—The term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, the Republic of the Marshall Islands, Micronesia, the Northern Mariana Islands, and Palau.".

SEC. 3. NATIONAL VACCINE INJURY COMPENSATION PROGRAM AMENDMENTS.

(a) AMENDMENT OF VACCINE INJURY TABLE.—

(1) ADDITION OF VACCINES.—Section 2114 (42 U.S.C. 300aa-14) is amended by adding at the end thereof the following new subsection:

"(f) ADDITION OF VACCINES TO TABLE.—

"(1) IN GENERAL.—The Vaccine Injury table contained in subsection (a) shall also include

any recommended childhood vaccine included in the list promulgated by the Secretary under section 2141.

"(2) REVIEW OF INFORMATION AND REVISION.—Not later than 2 years after the addition of a new vaccine to the table contained in subsection (a), and on a regular basis thereafter, the Secretary shall review information obtained under sections 2125 and part B of subtitle 3, and based on such review (and other relevant information) shall, as appropriate, develop with respect to such new vaccine—

"(A) revisions with respect to illnesses, disabilities, injuries or conditions covered by such table;

"(B) appropriate specifications of the time period for the first symptom or manifestation of onset or of significant aggravation of such illnesses, disabilities, injuries or condition after vaccine administration, for purposes of receiving compensation under the Program; and

"(C) recommendations as to the amount of tax that should be imposed under section 4131 of the Internal Revenue Code of 1986 for each dose of vaccine.

"(3) LIMITATION.—The Secretary may modify the table contained in subsection (a) pursuant to paragraphs (1) and (2) only in accordance with subsection (c).

"(4) REVISION.—For purposes of section 2116(b), the addition of vaccine to the table contained in subsection (a) by operation of this subsection shall constitute a revision of the table.".

(2) ATTORNEYS' FEES.—Section 2115(e) (42 U.S.C. 300aa-15(e)) is amended by adding at the end thereof the following new paragraph:

"(4) The special master may award reasonable attorneys' fees whether or not an election has been made under section 2121(a) to file a civil action concerning such petition.".

(3) CONSENT FOR ANNUITY.—Subparagraphs (A) and (B) of section 2115(f)(4) are amended by striking ", with the consent of the petitioner," each place that such appears.

(4) TIME PERIODS FOR FEES AND COSTS.—

(A) IN GENERAL.—Section 2115(e) (42 U.S.C. 300aa-15(e)) (as amended by paragraph (3)) is further amended by adding at the end thereof the following new paragraph:

"(5) With respect to a petitioners' application for attorneys' fees and costs—

"(A) if the respondent enters no objection to such application within 21 days of the date on which the application was filed (unless such time period is extended by the special master with the consent of the petitioner) the special master shall enter a decision on such application within 30 days of such filing;

"(B) if the respondent files an objection to such application and the special master does not enter a decision with respect to the application within 60 days after the date on which the objection is filed, the special master involved shall, upon the written request of the petitioner, enter a decision within 15 days after the filing of such request; and

"(C) if the respondent files an objection to such application and the petitioner moves to reduce costs and fees as provided for in the objection, the special master shall enter a decision within 5 days after the receipt of the petitioner's motion.

The chief special master, upon the request of a special master, may waive the time limitations applicable to the special master under this paragraph if the special master demonstrates that complicating factors exist with respect to the issues involved to which the time limitation applies.".

(B) APPLICATION.—The amendment made by subparagraph (A) shall apply to all petitioners' applications for attorneys' fees and costs filed under section 2115(e) of the Public Health Service Act which are pending on the date of enactment of this Act.

(5) AUTHORIZATION OF APPROPRIATIONS.—Section 2115(j) (42 U.S.C. 300aa-15(j)) is amended by striking "$80,000,000 for each succeeding fiscal year" and inserting in lieu thereof "$110,000,000 for each succeeding fiscal year".

(6) LIMITATION OF ACTIONS.—Section 2116(b) (42 U.S.C. 300aa-16(b)) is amended by striking "such person may file" and inserting "or to significantly increase the likelihood of obtaining compensation, such person may, notwithstanding section 2111(b)(2), file".

(b) EXTENSION OF TIME FOR DECISION.—

(1) JURISDICTION.—Section 2112(d)(3)(D) (42 U.S.C. 300aa-12(d)(3)(D)) is amended by striking "540 days" and inserting "30 months (but for not more than 6 months at a time)".

(2) REPORT ON COLLECTIONS.—Section 2117 (42 U.S.C. 300aa-17) is amended by adding at the end thereof the following new subsection:

"(c) REPORT.—The Attorney General shall, on January 1 of each year, prepare and submit to the appropriate committees of Congress a report concerning amounts collected under this section.".

(3) INCREASED RESPONSIBILITIES OF COMMISSION.—Section 2119(f) (42 U.S.C. 300aa-19(f)) is amended—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ", and"; and

(C) by adding at the end thereof the following new paragraph:

"(6) monitor the balance of the Vaccine Injury Trust Fund established by section 9510 of the Internal Revenue Code and, as appropriate, recommend changes in the tax per dose of vaccine imposed under section 4131 of such Code.".

(c) SIMPLIFICATION OF VACCINE INFORMATION MATERIALS.—

(1) INFORMATION.—Section 2126(b) (42 U.S.C. 300aa-26(b)) is amended—

(A) by striking "by rule" in the matter preceding paragraph (1);

(B) in paragraph (1), by striking "90" and inserting "30"; and

(C) in paragraph (2), by striking ", appropriate health care providers and parent organizations".

(2) REQUIREMENTS.—Section 2126(c) (42 U.S.C. 300aa-26(c)) is amended—

(A) in the matter preceding paragraph (1), by inserting "shall be based on available data and information," after "such materials"; and

(B) by striking out paragraphs (1) through (10) and inserting in lieu thereof the following new paragraphs:

"(1) a concise description of the benefits of the vaccine;

"(2) a concise description of the risks associated with the vaccine;

"(3) a statement of the availability of the National Vaccine Injury Compensation Program;

"(4) a statement of the availability from the Secretary of more detailed written information concerning the information required under paragraphs (1), (2), and (3), that shall be made available to the parent, legal guardian, or other responsible person upon request; and

"(5) such other relevant information as determined appropriate by the Secretary.".

(3) OTHER INDIVIDUALS.—Subsections (a) and (d) of section 2126 (42 U.S.C. 300aa-26 (a) and (d)) are amended by inserting "or to any other individual" immediately after "to the legal representative of any child" each place that such occurs.

(4) PROVIDER DUTIES.—Subsection (d) of section 2126 (42 U.S.C. 300aa-26(d)) is amended—

(A) by striking all after "subsection (a)," the second place it appears in the first sentence and inserting "supplemented with visual presentations or oral explanations, in appropriate cases."; and

(B) by striking "or other information" in the last sentence.

(d) AUTHORIZATION OF APPROPRIATIONS.—Part A of subtitle 2 of title XXI (42 U.S.C. 300aa-10 et seq.) is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2120. (a) SECRETARY.—For purposes of administering this part, there are authorized to be appropriated from the Vaccine Injury Compensation Trust Fund established under section 9510(c) of the Internal Revenue Code of 1986, to the Secretary, $3,000,000 for each of the fiscal years 1994, 1995, and 1996.

"(b) ATTORNEY GENERAL.—For purposes of administering this part, there are authorized to be appropriated from the Vaccine Injury Compensation Trust Fund described in subsection (a), to the Attorney General, $3,000,000 for each of the fiscal years 1994, 1995, and 1996.

"(c) COURT OF FEDERAL CLAIMS.—For purposes of administering this part, there are authorized to be appropriated from the Vaccine Injury Compensation Trust Fund described in subsection (a), to the Court of Federal Claims, $3,000,000 for each of the fiscal years 1994, 1995, and 1996.".

SEC. 4. MISCELLANEOUS PROVISIONS.

Section 317(k) (42 U.S.C. 247b(k)) is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) and (4), respectively.

SEC. 5. AMENDMENTS TO THE FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1992.

(a) CLARIFICATION OF COVERAGE OF OFFICERS AND EMPLOYEES OF CLINICS.—The first sentence of section 224(g)(1) of the Public Health Service Act (42 U.S.C. 233(g)(1)) is amended by striking "officer, employee, or contractor" and inserting the following: "officer or employee of such an entity, and any contractor".

(b) COVERAGE FOR SERVICES FURNISHED TO INDIVIDUALS OTHER THAN PATIENTS OF CLINIC.—Section 224(g) of such Act (42 U.S.C. 233(g)(1)), as amended by paragraph (1), is further amended—

(1) in the first sentence of paragraph (1), by inserting after "Service" the following: "with respect to services provided to patients of the entity and (subject to paragraph (7)) to certain other individuals"; and

(2) by adding at the end the following new paragraph:

"(7) For purposes of paragraph (1), an officer, employee, or contractor described in such paragraph may be deemed to be an employee of the Public Health Service with respect to services provided to individuals who are not patients of an entity described in paragraph (4) only if the Secretary determines—

"(A) that the provision of the services to such individuals benefits health center patients and general populations that could be served by the health center through community-wide intervention efforts within the communities served by such health center, and facilitates the provision of services to health center patients; or

"(B) that such services are otherwise required to be provided to such individuals under an employment contract (or other similar arrangement) between the individual and the entity.".

(c) DETERMINING COMPLIANCE OF ENTITY WITH REQUIREMENTS FOR COVERAGE.—

(1) IN GENERAL.—Section 224(h) of such Act (42 U.S.C. 233(h)), as added by section 2(b) of the Federally Supported Health Centers Assistance Act of 1992, is amended by striking "the entity—" and inserting the following: "the Secretary, after receiving such assurances and conducting such investigation as the Secretary considers necessary, finds that the entity—".

(2) FINDING.—Section 224 of such Act (42 U.S.C. 233) is amended by adding at the end thereof the following new subsection:

"(l) With respect to subsection (h), the finding of the Secretary that an entity meets all of the requirements under such subsection shall apply for the period specified by the Secretary, and shall be binding for all parties unless the Secretary reverses such finding for good cause shown at a later date.".

(d) PAYMENT OF JUDGMENTS.—Section 224(k)(2) of such Act (42 U.S.C. 233(k)(2)), as added by section 4 of the Federally Supported Health Centers Assistance Act of 1992, is amended by adding at the end thereof the following new sentence: "Appropriations for purposes of this paragraph shall be made separate from appropriations made for purposes of sections 329, 330, 340 and 340A.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Federally Supported Health Centers Assistance Act of 1992.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF AN AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA—MESSAGE FROM THE PRESIDENT—PM 67

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823(b), to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement Between the Government of the United States of America and the Government of the Republic of Korea Extending the Agreement of July 26, 1982, Concerning Fisheries off the Coasts of the United States, as extended and amended. The agreement, which was effected by an exchange of notes at Washington on June 11, 1993, and October 13, 1993, extends the 1982 agreement to December 31, 1995. The exchange of notes together with the 1982 agreement constitute a governing international fishery agreement within the requirements of section 201(c) of the Act.

In light of the importance of our fisheries relationship with the Republic of Korea, I urge that the Congress give favorable consideration to this agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 5, 1993.*

MESSAGES FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2202) to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and appoints Mr. DINGELL, Mr. WAXMAN, Mr. KREIDLER, Mr. MOORHEAD, and Mr. BLILEY as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2205) to amend the Public Health Service Act to revise and extend programs relating to trauma care; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. SYNAR, Mr. MOORHEAD, and Mr. BLILEY as managers of the conference on the part of the House.

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-1725. A communication from the Acting Director of the Office of Thrift Supervision, transmitting, pursuant to law, a report relative to changes in district offices; to the Committee on Banking, Housing and Urban Affairs.

EC-1726. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on head injuries in motor vehicle crashes; to the Committee on Commerce.

EC-1727. A communication from the Deputy Associate Director for Compliance of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1728. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, the annual report of the Corporation for 1992; to the Committee on Energy and Natural Resources.

EC-1729. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the nondisclosure of safeguards information, for the quarter ending September 30, 1993; to the Committee on Environment and Public Works.

EC-1730. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to worker adjustment assistance training funds; to the Committee on Finance.

EC-1731. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a report relative to audit reports issued during fiscal year 1993; to the Committee on Governmental Affairs.

EC-1732. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, a notice of proposed rulemaking; to the Committee on Governmental Affairs.

EC-1733. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, a report relative to internal management and audit plans; to the Committee on Governmental Affairs.

EC-1734. A communication from the Director, Division of Commissioned Personnel, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Public Health Service Commissioned Corps Retirement System for fiscal year 1992; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1182. A bill to amend the Arms Control and Disarmament Act to strengthen the Arms Control and Disarmament Agency and to improve congressional oversight of the activities of the Agency (Rept. No. 103-172).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Frederick F.Y. Pang, of Hawaii, to be an Assistant Secretary of the Navy, vice Barbara Spyridon Pope, resigned.

(The above nomination was approved subject to the nominee's commitment to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report

favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of September 14, October 4 and October 19, 1993, at the end of the Senate proceedings.)

*In the Naval Reserve there are 8 promotions to the grade of rear admiral (lower half) (list begins with James Wayne Eastwood) (Reference No. 128).

*Lt. Gen. Gary H. Mears, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 445).

*In the Naval Reserve there are 4 promotions to the grade of rear admiral (list begins with Grant Thomas Hollett, Jr.) (Reference No. 472).

**In the Air Force there are 598 promotions to the grade of colonel (list begins with Richard A. Aceto) (Reference No. 649).

**In the Army there are 69 promotions to the grade of colonel (list begins with Robert E. Abodeely) (Reference No. 703).

*Gen. Jimmy D. Ross, USA to be placed on the retired list in the grade of general (Reference No. 709).

*Maj. Gen. Johnnie E. Wilson, USA to be lieutenant general (Reference No. 712).

*Vice Adm. Jerry O. Tuttle, USN to be placed on the retired list in the grade of vice admiral (Reference No. 724).

*In the Army there are 38 promotions to the grade of brigadier general (list begins with Edwin P. Smith) (Reference No. 729).

*In the Army Reserve there are 26 promotions to the grade of major general and below (list begins with Donald F. Campbell) (Reference No. 741).

**In the Air Force there is 1 promotion to the grade of colonel (Robert G. Worthington) (Reference No. 742).

**In the Air Force and Air Force Reserve there are 22 appointments to the grade of colonel and below (list begins with Samar K. Bhowmick) (Reference No. 743).

**In the Army Reserve there are 44 promotions to the grade of colonel and below (list begins with Thomas N. Bordner) (Reference No. 744).

**In the Marine Corps there are 33 appointments to the grade of captain and below (list begins with Jeffrey A. Baumert) (Reference No. 745).

**In the Air Force there are 2,165 appointments to the grade of captain (list begins with Kenneth F. Abel) (Reference No. 746).

**In the Army Reserve there are 95 promotions to the grade of colonel (list begins with Patricia A. Affe) (Reference No. 747).

**In the Marine Corps Reserve there are 68 appointments to the grade of colonel (list begins with Stephen S. Adams) (Reference No. 748).

**In the Marine Corps there are 197 appointments to the grade of lieutenant colonel (list begins with Joseph A. Alexander, Jr.) (Reference No. 749).

**In the Marine Corps Reserve there are 107 appointments to the grade of lieutenant colonel (list begins with James C. Andrus) (Reference No. 750).

**In the Marine Corps there are 299 appointments to the grade of major (list begins with Timothy C. Abe) (Reference No. 751).

**In the Naval Reserve there are 280 promotions to the grade of captain (list begins with Jon Christian Abeles) (Reference No. 752).

**In the Naval Reserve there are 573 promotions to the grade of commander (list begins with Ronald David Abate) (Reference No. 754).

**In the Naval Reserve there are 455 promotions to the grade of commander (list begins with Lee Thomas Baker) (Reference No. 755).

**In the Navy there are 245 appointments to the grade of captain and below (list begins with Charles L. Aley III) (Reference No. 756).

*Vice Adm. William A. Owens, USN for appointment to the grade of admiral (Reference No. 759).

*Vice Adm. Thomas J. Lopez, USN for reappointment to the grade of vice admiral (Reference No. 760).

Total: 5,333.

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 Ms. MOSELEY-BRAUN (for herself, Ms. MIKULSKI, Mr. KENNEDY, Mr. LEVIN, Mrs. MURRAY, Mr. REID, Mr. SHELBY, and Mr. SIMON):

S. 1629. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN (for himself, Mr. PRYOR, and Mr. DODD):

S. 1630. A bill to require the withholding of Federal highway funds for States that do not require the immediate revocation of the drivers license of an individual who is found in possession of a handgun on the premises of an elementary or secondary school located in the State, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 1631. A bill to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. BRADLEY, and Mr. LIEBERMAN):

S. Res. 162. A resolution relating to the treatment of Hugo Princz, a United States citizen by the Federal Republic of Germany; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. SARBANES, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. MACK, and Mr. MOYNIHAN):

S. Con. Res. 50. A concurrent resolution concerning the Arab boycott of Israel; to the Committee on Foreign Relations.

By Mr. PRESSLER:

S. Con. Res. 51. A concurrent resolution to express the sense of Congress in support of consumer labeling utilizing an American and foreign flag program, labeling all goods and services; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN (for herself, Ms. MIKULSKI, Mr. KENNEDY, Mr. LEVIN, Mrs. MURRAY, Mr. REID, Mr. SHELBY, and Mr. SIMON):

S. 1629. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus, and for other purposes; to the Committee on Labor and Human Resources.

LUPUS RESEARCH AMENDMENTS OF 1993

Ms. MOSELEY-BRAUN. Today, I am introducing the Lupus Research Amendments of 1993. This bill would provide vital funding to NIH to increase current education, prevention, and treatment efforts.

Systemic lupus erythematosus, Lupus, is a potentially devastating, chronic, inflammatory, autoimmune disease that occurs mostly in young women of childbearing age. Lupus causes the body's defense system to malfunction, and to attack its own healthy cells. The areas most often impacted by Lupus involve not only the skin and joints, but also the blood, heart, lungs, and kidneys.

It has been estimated that over 500,000 Americans have been diagnosed with the disease. Lupus affects women of childbearing age at a ratio of nine women to each man. Currently, the cause is not understood. Treatments can be effective, but may lead to damaging side effects, and many victims suffer from severe and sometimes debilitating pain, making it difficult to maintain jobs and live normal lives. The best hope for the prevention and control of lupus and its related disabilities is increased intensive research.

The Lupus Research Amendments of 1993 expands basic research concerning the causes of lupus; encourages the development of improved screening techniques; expands clinical research for the development and evaluation of new treatments, and improves information and education programs for health care professionals and the public.

The bill authorizes funding of $20 million for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995–96.

This legislation can make a real difference to thousands of Americans afflicted with lupus and millions of Americans particularly women, who are at risk of contracting the disease. I urge my colleagues to join me in supporting this important legislation.

Mr. President I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1629

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 "Lupus Research Amendments of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women 9 times more often than men;

(3) there are 3 main types of lupus: systemic lupus, a serious form of the disease that affects many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women in 3 times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that over 500,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatments of the disease can be effective, but may lead to damaging side effects; and

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives.

SEC. 3. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING LUPUS.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following new section:

"LUPUS

"SEC. 441A. (a) IN GENERAL.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

"(c) PROGRAMS FOR LUPUS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include research to determine the reasons underlying the elevated prevalence of the disease among African-American and other women. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(1) basic research concerning the etiology and causes of lupus;

"(2) epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among racial and ethnic groups with respect to the disease;

"(3) the development of improved screening techniques;

"(4) clinical research for the development and evaluation of new treatments, including new biological agents; and

"(5) information and education programs for health care professionals and the public.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1994 through 1996. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriations that is available for such purpose.".

By Mr. BINGAMAN (for himself, Mr. PRYOR and Mr. DODD):

S. 1630. A bill to require the withholding of Federal highway funds for States that do not require the immediate revocation of the drivers license of an individual who is found in possession of a handgun on the premises of an elementary or secondary school located in the State, and for other purposes; to the Committee on Environment and Public Works.

HANDGUNS IN SCHOOLS ACT

• Mr. BINGAMAN. Mr. President, during the past few days of debate on the Violent Crime Control Act of 1993, many of my colleagues have come to the Senate floor to discuss the epidemic of violence that is plaguing our Nation and killing our children.

My colleagues have proposed a number of measures to address this terrifying problem and make our streets, our homes, and our schools safer. Today, I join my colleagues in introducing a bill that I believe could be part of the solution our Nation so desperately needs.

My bill, unlike the measures offered by many of my colleagues, does not involve the criminal justice system or require a lengthy and expensive prosecution. It will not toughen prison sentences or increase jail space. Instead, my bill attempts to prevent violence by posing a penalty that is so immediate and so real it will deter handgun-related crime among our Nation's fastest growing group of offenders and victims: Our youth.

The Handguns in School Act, which I introduce today on behalf of myself and my distinguished colleagues, Senator PRYOR and Senator DODD, will help school administrators and State and local law enforcement officials keep handguns out of our Nation's elementary and secondary schools. Our bill encourages States to impose an immediate penalty—the instantaneous revocation of a drivers license—on anyone who brings a handgun to school. In my view, this penalty may be our most effective tool for keeping many children and teens away from handguns. After all, the one thing they want from government is a license to drive.

This measure is not the total solution to the very serious problem we face, and to teenagers who are immersed in a life of crime, this additional penalty will mean little. We need the tough prison sentences and strong penalties contained in the Youth Handgun Safety Act. I am proud to cosponsor this measure, authorized by the Senator from Wisconsin, Senator KOHL. We also need to give our children alternatives to crime, and we need to support our schools as outlined in Senator DODD's Safe School Act, which I am also proud to cosponsor.

But I believe we can—and must—do more. It is simply unrealistic, in my mind, to think that the criminal justice system can solve all the problems of crime in America. Our prisons are overcrowded, our courts are backlogged, our police are overworked; and still 14 children will die today in suicides, homicide, or accidental shootings and between 90,000 and 135,000 guns will be brought into our Nation's schools.

These statistics are almost too high to believe, but they give us a clear indication of the effectiveness of current laws creating safe school zones, which rely entirely on the criminal justice system for enforcement and punishment.

As a nation, we need to admit that violence, particularly gun-related violence, is more than our criminal justice system can handle. Earlier this week, the Surgeon General of the U.S. Public Health Service, Dr. Jocelyn Elders, discussed the extent of the problem during testimony before the House Committee on Government Operations.

Dr. Elders stated that since the 1950's, suicide rates among our youth have almost quadrupled. She reported that homicide rates among young men are 20 times as high as most other industrialized countries and 40 times higher in young African-American males. According to the Department of Justice, the 50,000 juvenile weapons arrests in 1991 accounted for more than 1 in 5 weapons arrests. The Department also reports that 16,000 violent acts occur in our Nation's schools every day.

These tragic statistics are hard to believe; but unfortunately, they are all too familiar in my home State of New Mexico. New Mexico ranks worst in the country in violent teendeaths, with 121 deaths per 100,000 compared to the national average of 71 deaths per 100,000. More than twice as many New Mexico youth between 15 and 25 commit suicide than the national average.

It is as clear in my mind as it is in Dr. Elder's statement: the criminal justice approach simply is not enough. It comes too late—it treats the problem after it occurs. We must, as Dr. Elders says, couple prevention with our criminal justice system of treatment. Prevention is the cornerstone of my bill. It

will encourage States to enact laws that:

First, require the immediate revocation of an individual's drivers license if he or she brings a handgun into an elementary or secondary school zone; and

Second, stipulate for an individual under the State's legal driving age, that the period of revocation will be 5 years or until the age of 18, whichever is longer.

As I mentioned earlier, this revocation would be in addition to—not a substitute for—any other applicable penalties under State or Federal law. The revocation would be automatic, 5 years for the first offense, 10 years thereafter, upon notification by the school's principal to the State.

To encourage swift adoption by the States of this law, the Department of Transportation will withhold 5 percent of a State's Federal formula highway funds if the State does not adopt an instant license revocation law in the first fiscal year after enactment. In later years, 10 percent will be withheld. States adopting the law would immediately receive, without limitation on use, any funds then currently being withheld.

That is the extent of my amendment. It is simple and straightforward. It focusses on a penalty that is very real to most of our youth. All kids, at one point or another, anticipate the day they will get their drivers license. To them, 5 years without a license is forever, but criminal penalties are often little more than a far-off maze of courts, delays, and loopholes.

Mr. President, we need to use every tool available to us in our effort to control crime and reduce violence. We need to discourage our children from choosing crime as a way of life. We need to help our teachers, principals, and school counselors make schools a safer place in which to learn and grow. We need to be better parents and better role models for our children. In short, we need to help our children find the hope and desire to fulfill the potential that lives within each one of them.

I believe this bill is one of the tools needed to accomplish these objectives. I urge my colleagues to read the bill and to lend it their support.●

By Mr. GRAHAM (for himself and Mr. MACK):

S. 1631. A bill to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes; to the Committee on Energy and Natural Resources.

EVERGLADES NATIONAL PARK PROTECTION ACT

Mr. GRAHAM. Mr. President, I rise today to introduce legislation with my colleague from the State of Florida [Mr. MACK]. This bipartisan bill has been endorsed by the administration, the State of Florida, Dade County, the South Florida Water Management District, and by the entire Florida congressional delegation.

Our legislation will grant the National Park Service greater flexibility in the use of flood control funding under the Everglades Expansion Act of 1989. The bill will expand the current authorized use of this funding to include land acquisition in the Taylor Slough Area of the East Everglades. By acquiring these lands and raising canal stages and groundwater levels, the four partners involved—the Department of the Interior, the State, the county, and the South Florida Water Management District—hope to improve the hydrology and restore the natural sheetflow of water in this area and into Florida Bay.

Mr. President, the Everglades restoration settlement has attempted to address many of the water quality problems threatening the Florida Everglades—and work remains to be done on the settlement. But this legislation will begin to take the next step in restoring the Everglades ecosystem through addressing the water quantity issues facing the area.

It is important to note that this legislation does not grant the Federal Government condemnation authority over these lands, nor does it preclude the Federal Government from continuing to use the funds for flood control. This legislation simply gives the four partners involved greater flexibility in determining how to best manage the restoration efforts in the East Everglades.

I would also like to thank my colleagues on the Senate Energy Committee for their willingness to hold a hearing on this bill, and I look forward to working with them on this proposal. Mr. President, I would like to submit for the RECORD a letter of endorsement from the Secretary of the Interior, Bruce Babbitt.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION.

Section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8) is amended by adding at the end the following new subsection:

"(k)(1) Notwithstanding any other provision of this Act, the Secretary is authorized to use funds appropriated pursuant to this Act, including any available funds appropriated to the National Park Service for construction in the Department of the Interior and Related Agencies Appropriations Acts for fiscal years 1991 through 1994 for project modifications by the Army Corps of Engineers, in such amounts as determined by the Secretary, to provide Federal assistance to the State of Florida (including political subdivisions of the State) for acquisition of lands described in paragraph (4).

"(2) With respect to any lands acquired pursuant to this subsection, the Secretary may provide not more than 25 percent of the total cost of such acquisition.

"(3) All funds made available pursuant to this subsection shall be transferred to the State of Florida or a political subdivision of the State, subject to an agreement that any lands acquired with such funds will be managed in perpetuity for the restoration of natural flows to the Park or Florida Bay.

"(4) The lands referred to in paragraph (1) are those lands or interests therein adjacent to, or affecting the restoration of natural water flows to the Park or Florida Bay which are located east of the Park and known as the Frog Pond, the Rocky Glades Agricultural Area, and the Eight-and-One-Half Square-Mile Area.".

THE SECRETARY OF THE INTERIOR,
Washington, DC, November 4, 1993.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: I have been advised that you and Senator Mack are jointly sponsoring a bill to amend the Everglades Expansion Act, to allow the Interior Department to explore a partnership with Florida officials for possible acquisition of lands east of Everglades National Park.

I understand the majority of the state Congressional delegation considers this an important initiative. I am happy to offer my support for this delegation effort.

Sincerely,

BRUCE BABBITT.

STATEMENT BY SENATOR MACK ON EAST EVERGLADES LEGISLATION

Mr. President, today Senator Graham and I are introducing legislation to provide some flexibility for the use of funds appropriated for the benefit of the Everglades National Park. In the 101st Congress we passed the Everglades National Park Protection and Expansion Act of 1989 in order to improve the historic water flows to the Everglades in an attempt to save this ailing ecosystem.

Included in the original act was funding for construction of a flood control project to protect landowners adjacent to the park from the increased water flows to the Everglades. The Department of Interior, the Park Service, and the Army Corps of Engineers have agreed that acquiring the lands and flooding them is a better alternative at this time. This legislation provides the flexibility to the Department of Interior to use these funds to purchase these adjacent lands. This legislation, however, does not prohibit the Corps from using the funds for the flood control project if ultimately deemed necessary.

Restoring the natural sheet flow of water to the Everglades is essential to reviving the health of this national treasure. The quality, quantity, timing and distribution of water is critical not only to the survival of the Everglades but also to the health of Florida Bay, whose sea grass beds are the prime habitat for a multimillion dollar commercial fishing industry. This bill will provide the Secretary of Interior with the flexibility to move forward in protecting these valuable national resources.

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. MURKOWSKI, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 327, a bill to amend the Internal

Revenue Code of 1986 to permit rollovers into individual retirement accounts of separation pay from the Armed Services.

S. 720

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 720, a bill to clean up open dumps on Indian lands, and for other purposes.

S. 1098

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1098, a bill to amend title XIX of the Social Security Act to provide for optional coverage under State Medicaid plans of case-management services for individuals who sustain traumatic brain injuries, and for other purposes.

S. 1125

At the request of Mr. DODD, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1125, a bill to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

S. 1329

At the request of Mr. D'AMATO, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1486

At the request of Mr. HARKIN, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Illinois [Mr. SIMON], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1486, a bill to provide relocation assistance in connection with flooding in the Midwest, and for other purposes.

S. 1596

At the request of Mr. SIMON, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1596, a bill to provide for application of the sentencing guidelines for certain nonviolent offenses in which a mandatory minimum term of imprisonment would otherwise be required.

S. 1618

At the request of Mr. MCCAIN, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 1618, a bill to establish Tribal Self-Governance, and for other purposes.

SENATE JOINT RESOLUTION 41

At the request of Mr. SIMON, the names of the Senator from Washington [Mr. GORTON] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE CONCURRENT RESOLUTION 35

At the request of Mr. WOFFORD, the names of the Senator from Indiana [Mr. COATS], the Senator from Arkansas [Mr. BUMPERS], the Senator from Oregon [Mr. HATFIELD], the Senator from Arizona [Mr. DECONCINI], the Senator from Michigan [Mr. LEVIN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Missouri [Mr. BOND], the Senator from Idaho [Mr. CRAIG], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Concurrent Resolution 35, a concurrent resolution to express the sense of the Congress with respect to certain regulations of the Occupational Safety and Health Administration.

SENATE CONCURRENT RESOLUTION 36

At the request of Mr. RIEGLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of Senate Concurrent Resolution 36, a concurrent resolution expressing the sense of the Congress that U.S. truck safety standards are of paramount importance to the implementation of the North American Free-Trade Agreement.

AMENDMENT NO. 1105

At the request of Mr. DOLE, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of amendment No. 1105 proposed to S. 1607, a bill to control and prevent crime.

SENATE CONCURRENT RESOLUTION 50—RELATING TO THE ARAB LEAGUE BOYCOTT OF ISRAEL

Mr. LAUTENBERG (for himself, Mr. GRASSLEY, Mr. SARBANES, Mr. LIEBERMAN, Mr. MACK and Mr. MOYNIHAN) submitted the following concurrent resolution which was referred to the Committee on Foreign Relations:

S. CON. RES. 50

Whereas the signing on September 13, 1993, of the Declaration of Principles between the Palestine Liberation Organization and the Government of Israel signals a new era of cooperation in the Middle East;

Whereas a true peace in the Middle East can only be established and remain in effect if there is economic stability and cooperation in the region;

Whereas adherence to the Arab League boycott of Israel is a source of economic instability in the Middle East;

Whereas the members of the Arab League instituted a primary boycott against Israel in 1948;

Whereas in the early 1950's the Arab states instituted a secondary and tertiary boycott against United States and other firms because of their commercial ties to Israel;

Whereas the boycott attempts to use economic blackmail to force United States firms to comply with boycott regulation;

Whereas the boycott was cited by the United States Trade Representative in the 1992 National Trade Estimate Report on Foreign Trade Barriers as an "additional legal restraint to U.S. trade in the region";

Whereas hundreds of United States firms have been blacklisted and barred from doing business with members of the Arab League under the secondary and tertiary boycott;

Whereas the total damage caused by the boycott is unknown because the number of United States firms that conduct business with Israel and have not attempted commercial transactions with members of the Arab League due to the boycott is uncertain; and

Whereas the United States has a policy of prohibiting United States firms from providing Arab states with the requested information about compliance to boycott regulation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Anti-Boycott Resolution of 1993".

SEC. 2. EXPRESSION OF CONGRESSIONAL VIEWS.

The Congress—

(1) believes the continuation of the Arab League boycott of Israel will be a severe impedimentto the economic prosperity of all participating nations and to the establishment of a lasting peace and prosperity in the Middle East;

(2) believes the secondary and tertiary boycott cause substantial economic losses to United States firms;

(3) welcomes the actions by those members of the Arab League that have begun dismantling the secondary and tertiary boycott, and urges them to continue their efforts until a complete dissolution of the primary, secondary, and tertiary boycott is achieved;

(4) hopes that the indefinite postponement of the October 24, 1993, meeting of the Central Boycott Committee signals an end to the placement of more United States firms on the boycott list and a willingness to dismantle the boycott in its entirety;

(5) urges those states that have begun to or are considering dismantling all forms of the boycott to proceed promptly with such dismantlement;

(6) urges those states that are still enforcing the boycott to dismantle the boycott in all its forms and to issue the necessary laws, rules, and regulations to ensure that United States firms have free and open access to Arab markets regardless of their business relationship with Israel;

(7) urges those states, in addition, to cease enforcing and requiring participation in the boycott in its primary, secondary, and tertiary forms;

(8) urges the United States Government to continue to raise the boycott as an unfair trade practice in every appropriate international trade forum; and

(9) expresses the sense of the Congress that the end of the Arab League boycott of Israel is of great urgency to the United States Government and will continue to be a priority issue in all bilateral relations with participating states until its complete dissolution.

Mr. LAUTENBERG. Mr. President, today I am introducing a resolution calling for an end to the Arab League

boycott of Israel and American companies that do business with Israel. I am pleased that Senators SARBANES, GRASSLEY, LIEBERMAN, MACK, and MOYNIHAN are original cosponsors of this resolution.

The resolution expresses the sense of Congress that ending the boycott is a matter of great urgency for our Nation. It makes clear that the boycott is a priority issue in our bilateral relations with each Arab State.

The resolution is in line with a letter that I along with Senator GRASSLEY and 75 of our colleagues in the Senate recently sent to the head of the Arab League calling for an end to the boycott.

Since the establishment of the Jewish state in 1948, the Arab countries have, in addition to striking Israel militarily, declared economic war against her, and those that do business with her. They do this by boycotting Israel and companies that do business within Israel.

A few weeks ago, the world hoped and expected that the Arab League would publicly renounce the boycott. We had just witnessed a breathtaking signing ceremony which laid the groundwork for Israeli-Palestinian reconciliation. The conditions were ripe for a renunciation of the boycott.

After decades of conflict, Prime Minister Rabin and Chairman Arafat concluded that cooperation—rather than conflict—holds the greatest promise for attaining peace and prosperity for the Israeli and Palestinian people. The PLO finally renounced terrorism and recognized Israel's right to exist. Despite the history of bloodshed and battle, they recognized each other. They shook hands and courageously agreed to work together for peace between Israel and the Palestinians.

Because the Arab League has linked progress on the Palestinian issue to a renunciation of the boycott, I expected the Arab countries to agree to lift the boycott after the Israeli-Palestinian agreement was signed. I expected the Arab nations to support the peace process with an appropriate confidence building measure.

But they did not.

Instead, the Arab League took a series of decisive steps backward. The league formally reaffirmed its commitment to the boycott policy. Indeed, Arab representatives began discussing methods to step up rather than dismantle the boycott of American companies. And in a demonstration that their ideology had not changed and their intransigence had not altered, they scheduled an Arab League meeting to discuss adding more American firms to the list of blacklisted companies. Fortunately, the meeting was cancelled, which is a step in the right direction.

Mr. President, we already know that the economic boycott undermines Israel's economy. Now, in the wake of the Israeli-Palestinian agreement, a failure to lift it will harm the economies in Gaza and the West Bank too.

Why? Because a significant emphasis is now being placed on economic development in the West Bank and Gaza—development that will be inextricably linked to Israel's economy. The international community has already pledged development assistance, and economic cooperation has been in the forefront of discussion between the Israelis and Palestinians.

Given the monumental changes that have taken place between Israel and the Palestinians, clinging to the boycott no longer makes sense. The boycott will hurt the same people the Arab League has, in the past, vigorously claimed it wants to help—the Palestinians. It will make it that much harder to create a viable and stable economy in the West Bank and Gaza.

Secretary of State Warren Christopher commented on this point recently when he said that the Arab boycott "hurts not only the Israelis but also the Palestinians because they will be partners in many endeavors."

What the Arab League has demonstrated is that it has taken the tactics of terrorism to heart. Terrorists have always been willing to place hostages at risk as part of a strategy to achieve their goals. The Arab League has now demonstrated, again, that it is willing to hold the Palestinians hostage—to put them at risk—in order to achieve the goal of harming Israel. The cynicism of this strategy reveals the relative low priority the Arab League places on helping the Palestinians and the high priority it places on harming the Israelis.

But it is not just the Israelis and the Palestinians who suffer from the Arab League's economic blackmail. Importantly, Mr. President, the secondary and tertiary boycott—the refusal to do business with companies doing business with Israel—imposes harmful and unnecessary burdens on the United States economy as well.

Hundreds of businesses have been officially blacklisted by the Arab League. Because of the Arab League economic blackmail, they lose business. And that costs American jobs.

U.S. policy unalterably opposes the boycott. The United States has been seeking its end for many years. Our laws reflect that policy by barring U.S. companies from acquiescing in the boycott. American businesses should not be asked to violate U.S. law to conduct business in the Middle East.

But they are.

We know that in 1992, almost 10 thousand documents containing requests to take boycott related actions were reported to the Department of Congress' Bureau of Export Administration. That means our businesses were asked nearly 10 thousand times to break the law and acquiesce in the boycott.

We know that according to the Commerce Department's most recent preliminary statistics, 314 of the boycott compliance requests from July through September came from Saudi Arabia. This is the highest number from Saudi Arabia in any quarter in the last year and a half.

Because the boycott harms America's economy, the U.S. Trade Representative has, at my urging, included the boycott in its annual report outlining major barriers to U.S. trade. I ask unanimous consent that a copy of a portion of the report be included in the RECORD at the end of my remarks.

It is also why the U.S. Trade Representative, Micky Kantor, will soon ask the International Trade Commission to conduct an economic analysis of the boycott on U.S. industry and jobs. I ask unanimous consent that a copy of a letter I along with Senators MOYNIHAN and GRASSLEY sent to Ambassador Kantor addressing this and other issues as well as his response be inserted in the RECORD at the end of my remarks.

Additionally, given the harm to our own economy, continuation of the boycott undermines U.S. support for the peace process. The American people may question why the United States takes a political and economic leadership role in the effort to achieve peace while the Arab States penalize American companies doing business in and with Israel.

Mr. President, it is time for the boycott to go.

To its credit, the administration has been forcefully seeking an end to the boycott. At the United Nations last month, Secretary of State Warren Christopher attempted to seek a call for an end to the Arab boycott.

And President Clinton recently proclaimed: "I am confident that in the course of time, we will get the ban lifted."

I hope the President is right. But, for now, the Arab League stands in the way.

Perhaps it would be different if the Arab League adopted the view of the editor of a Saudi weekly who recently suggested "that we reconsider the boycott and ponder the benefits of establishing an economic relationship that makes the Jewish state want to foster and improve it."

Perhaps it would be different if the Arab League acted on the words of the Omani Foreign Minister, who recently stated "the boycott is a matter of the past and should remain in the past."

But the Arab League countries are not adopting this attitude. They refuse to move away from their intransigent position. They claim their citizens are not ready for a renunciation of the boycott. Syria is trying to turn back the diplomatic clock by calling for a tightening of the boycott. Consequently, the Arab League is digging in its heels.

69-059 O—97 Vol. 139 (Pt. 19) 26

Mr. President, the game has gone on long enough. It is time for the Arab League to put its money where its mouth is and abandon the boycott.

Now that the Palestinians have courageously entered into productive dialogue with Israel and significant progress has been made, the Arab League needs to step up to the plate. It should not create new conditions for lifting the boycott. For too long, the Palestinians have been used by the Arab League as pawns in the game of Middle Eastern politics.

It's time for the Arab League to put the diplomatic chess board away, take a confidence-building step, and support the peace process by dismantling the boycott.

Mr. President, I ask unanimous consent that additional material be placed in the RECORD following my remarks.

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

1993 NATIONAL TRADE ESTIMATE REPORT ON FOREIGN TRADE BARRIERS

(By the Office of the U.S. Trade Representative)

CORPORATE TAX POLICIES

Saudi Arabia, Oman, and Kuwait tax foreign companies at a higher rate than they tax domestic companies. Additionally, several GCC countries tax royalties as if they were 100 percent profit, and maintain a variety of other tax policies considered unfair to foreign companies.

THE ARAB LEAGUE BOYCOTT OF ISRAEL

The Arab League Boycott of the State of Israel is an additional legal restraint to U.S. trade in the region. While the primary level of the Boycott prohibits import of Israeli-origin goods and services into boycotting countries, the Boycott has been applied at "secondary" and "tertiary" levels which act as a barrier to U.S. exports. The "secondary" level prohibits U.S. and other firms that contribute to Israel's military or economic development from doing business with boycotting countries, and places these firms on a blacklist. The "tertiary" level prohibits U.S. and other firms that do business with blacklisted companies from doing business with boycotting countries.

U.S. law prohibits U.S. firms from taking certain actions that boycotting countries frequently request as part of commercial transactions, such as refusing to do business with a blacklisted company. However, noncompliance with the Boycott by U.S. companies often leads to their being blacklisted and prevented from doing business with boycotting countries. Enforcement of the "secondary" and "tertiary" levels of the Boycott varies from country to country (and extends beyond the GCC to include Algeria, Djibouti, Iraq, Jordan, Lebanon, Libya, Mauritius, Morocco, Somalia, Sudan, Syria, Tunisia, and the Republic of Yemen). Most of these countries have an Israel Boycott Office which enforces the Boycott of companies or individuals who appear on their particular blacklist. But there appears to be wide variation in how companies are put on the blacklists, and how rigorously the Boycott is enforced.

Where enforced, the Boycott serves as a ban or zero quota on the products of a blacklisted firm. However, given that the boycott is unevenly applied, that it results in lost and foregone opportunities, and that it may serve to distort investment decisions by firms, it is difficult to accurately quantify the economic harm done to U.S. firms by the policy.

U.S. SENATE,
Washington, DC, April 1, 1993.

Hon. MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR MICKEY: Enclosed is a letter urging you to negotiate aggressively an end to the Arab boycott of companies that do business with or invest in Israel and laying out some recommendations for including a more comprehensive review of the boycott in future National Trade Estimate Reports. As you can see, Senators Moynihan and Grassley have joined me in sending this letter.

In light of the fact that the 1993 NTE report has been completed, I would appreciate receiving a supplementary report from the United States Trade Representative's office on these issues no later than September 30, 1993.

The boycott is an important barrier to trade for U.S. business and should be ended. I look forward to hearing from you on this important issue.

Sincerely,

FRANK R. LAUTENBERG.

U.S. SENATE,
Washington, DC, April 1, 1993.

Hon. MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR MR. AMBASSADOR: The time has come to press forward with negotiations to remove a very significant impediment to American exports: the Arab boycott of companies doing business with Israel. We urge you to make these negotiations a top priority.

The American leadership role in the anti-boycott issue was recently evidenced by the settlement in the Baxter International case. We believe that our trading partners' companies should be prevented from complying with the Arab boycott as Baxter International and all American companies are currently prohibited. The Office of the United States Trade Representative should aggressively work toward that goal.

The National Trade Estimate (NTE) report, released earlier this week, acknowledges that the boycott is a barrier to trade. At our urging, the NTE now includes a brief discussion of the Arab League's secondary boycott (through a blacklist of companies doing business with Israel) and its tertiary boycott of companies that do business with the blacklisted companies.

We urge you, Mr. Ambassador, to take the next logical step and actively pursue negotiations both with the boycotting countries and with those trading partners that encourage or permit their companies to comply with the secondary and tertiary boycotts. The boycott is costly to American firms. These trade barriers need to be dismantled, and we urge you to give this issue the highest priority in negotiations.

To support negotiating efforts, we believe a more comprehensive analysis of the boycott should be included in the NTE report. Including this information would send a strong signal to our trading partners and the boycotting countries that the United States is serious about securing an end to the boycott. It would also provide the United States Trade Representative with important information for negotiations on the boycott.

To that end, we would encourage you to respond to the following recommendations in future NTE reports.

First, the NTE Report should include a country-by-country analysis of the extent to which Arab League and other countries encourage and permit compliance with the secondary and tertiary boycott of American companies as well as the extent to which our major trading partners permit and encourage compliance. The United States has the strongest anti-boycott laws in the world. Although U.S. law prohibits American companies from complying with the Arab boycott, many of their competitors are not similarly constrained. As a result, some of our competitors have prospered while U.S. firms have lost substantial sales.

Second, the NTE Report should analyze how countries blacklist companies and enforce the boycott. To date, very little is known about the list of companies blacklisted by Arab League countries. We know that the office of Boycott Compliance is headquartered in Damascus, Syria and have read reports that thousands of companies are blacklisted by the Arab League if they do business with or invest in Israel. We also know that once a company is included on the blacklist, all companies are urged not to do business with the blacklisted company or with any business trading with the blacklisted company. In fact, the Wall Street Journal recently reported that Kuwait is still blacklisting American companies. Clearly, any effort to negotiate an end to the secondary and tertiary boycott must include an effort to eliminate the practice of blacklisting American companies and the NTE Report should address this issue.

Third, the NTE Report should include a quantitative analysis of the loss to U.S. business resulting from enforcement and compliance with the secondary and tertiary boycott. We would encourage you to conduct a survey of American businesses to estimate the lost revenues resulting from the secondary and tertiary boycotts and from the failure of other countries to prohibit compliance with the boycott. Including this type of quantitative analysis in the NTE Report would help underscore the lost opportunities and revenues for American companies.

Ultimately, the Office of the United States Trade Representative should work to complement other U.S. agency efforts to seek an end to the enforcement of, and compliance with, the secondary and tertiary Arab Boycott in all international trade negotiations and meetings. Including a comprehensive analysis would provide the United States Trade Representative with the necessary tools during negotiations and demonstrate a commitment to ending this barrier to trade for American companies.

We look forward to hearing from you on this important matter.

Sincerely,

CHARLES E. GRASSLEY,
DANIEL PATRICK MOYNIHAN,
FRANK R. LAUTENBERG.

OFFICE OF THE U.S. TRADE REPRESENTATIVE, EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, August 9, 1993.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: Thank you very much for your letter of April 1 concerning the Arab League boycott of Israel. I apologize for the delay in responding. As we explained to your staff, we wanted to take sufficient time to prepare a comprehensive response to your letter.

I agree with you that the boycott is an impediment to U.S. exports. Ending the secondary and tertiary aspects of the boycott,

which impact directly on U.S. business, is a high-priority goal of this administration, endorsed personally by President Clinton. I intend to involve USTR in a significant way in support of the Administration's efforts towards this end.

First, I intend to raise the issue directly with my counterparts in many of the boycotting countries. With those countries with whom we have significant trading relationships, I will press their representatives in person to end immediately the secondary and tertiary aspects of the boycott as applied to the U.S.

Second, I intend to raise this issue personally with many of our largest trading partners. I will urge them to either institute or strengthen anti-boycott rules, as appropriate, and to enforce these rules at least as vigorously as we enforce ours.

Third, I will expand substantially the section of our National Trade Estimate that addresses the boycott. The section will describe in greater detail the operation of the boycott and the impact it has on U.S. businesses. Where appropriate, we will discuss the specific actions of individual boycotting countries.

Fourth, I will request the ITC to commence a study of the boycott's impact on U.S. businesses. This study should provide us for the first time with a carefully researched estimate of the impact of the boycott on the U.S.

Finally, I am pleased to report that we were successful in developing a statement at the Tokyo Economic Summit meeting expressing the opposition of the Summit countries to the boycott.

In the Summit Political Declaration, the G–7 countries unconditionally called for an end to the Arab boycott and stressed their determination to apply continuing pressure on Iraq and Libya to implement all relevant UN Security Council resolutions in full.

I should note that the actions I am undertaking only complement the substantial efforts undertaken by my colleagues at the State, Commerce and Treasury departments. You noted in your letter the settlement of the Baxter International case, which I believe is an indication of the seriousness with which we enforce our anti-boycott compliance laws.

The State Department has conducted an active diplomatic campaign to convince Arab League countries that the time to end the boycott is now. We have had substantial success in this regard over the past year, the most recent example of which was the public announcement by Kuwait that it was ending the "indirect boycott" of Israel. We have welcomed this development, as we have other recent moves by the Saudis and other Gulf states that suggest that the demise of the boycott's enforcement against U.S. firms is an achievable goal.

I greatly appreciate your letter, and the constructive suggestions you have made. I look forward to reporting to you the progress we make over the coming months.

Sincerely,

MICHAEL KANTOR.

SENATE CONCURRENT RESOLUTION 51—RELATING TO FLAG LABELING OF PRODUCTS

Mr. PRESSLER submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science and Transportation:

S. CON. RES. 51

Whereas it is important to secure American growth in a competitive global economy;

Whereas many Americans would prefer to buy American goods and services;

Whereas a program labeling all goods and services with American flags and foreign flags, provides accessible consumer information to enable citizens to identify products that are made by Americans with parts that are made in America in companies that are American owned;

Whereas providing this information by utilizing American and foreign flags, enables Americans to buy American products, promotes American enterprises, and helps protect American jobs;

Whereas a program of American and foreign flag labeling empowers industries in the United States by emphasizing the importance of United States product integrity in relation to the future of the economic survival of the United States;

Whereas over two dozen major American companies have begun labeling their products with American flags and foreign flags; and

Whereas the South Dakota and Iowa legislatures have endorsed the concept of consumers utilizing flags: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress supports consumer labeling utilizing an American and foreign flag program for labeling all goods and services.

Mr. PRESSLER. Mr. President, on February 20, 1992, the South Dakota House of Representatives passed a resolution endorsing the F.L.A.G.S. Foundation and its effort to have all goods and services labeled with the flag of the country in which they are produced. The resolution I am introducing today recognizes this idea.

This concept was born in Rapid City, SD. The idea is to label products with a flag over each of the words "owned," "made," and "parts." For example, if a company is American owned, the first flag is American. If the product is made in Mexico, the second flag is Mexican. If the product contains a majority of American parts, the third flag is again, American.

While this system of labels does not exclusively promote the purchase of American goods, it will help eliminate confusion over the origin of products. A 1992 USA Today poll showed that 85 percent of U.S. consumers say they make an effort to buy American whenever possible. But often consumers are unclear what products are American made. With better origin identification, American consumers would be better informed, resulting in increased sales for U.S. companies.

SENATE RESOLUTION 162—RELATING TO THE TREATMENT OF HUGO PRINCZ

Mr. LAUTENBERG (for himself, Mr. BRADLEY, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 162

Whereas Hugo Princz and his family were United States citizens residing in Europe at the outbreak of World War II;

Whereas as civilians, Mr. Princz and his family were arrested as enemy aliens of the German Government (not prisoners of war) in early 1942;

Whereas the Government of Germany, over the protests of Mr. Princz's father, refused to honor the validity of the Princz family's United States passports on the grounds that the Princz family were Jewish Americans and failed to return to Princz family to the United States as part of an International Red Cross civilian prisoner exchange;

Whereas the Princz family was instead sent to Maidanek concentration camp in Poland, after which Mr. Princz's father, mother and sister were shipped to Treblinka death camp and exterminated;

Whereas Mr. Princz and his two younger brothers were transported by cattle car to Auschwitz to serve as slave laborers, where Mr. Princz was forced to watch as his two siblings were intentionally starved to death while they lay injured in a camp hospital;

Whereas Mr. Princz was subsequently transferred to a camp in Warsaw and, then, by death march, to the Dachau slave labor facility;

Whereas in the closing days of the war, Mr. Princz and other slave laborers were selected for extermination by German authorities in an effort to destroy incriminating evidence of war crimes;

Whereas hours before his scheduled execution, Mr. Princz's death train was intercepted and liberated by United States Armed Forces, and Mr. Princz was sent to an American military hospital for treatment;

Whereas although the actions of the United States Army saved Mr. Princz's life, he was sent to an American facility and was never processed through a "Center for Displaced Persons", a development which would later affect his eligibility to receive reparations for his suffering;

Whereas following his hospitalization, Mr. Princz was permitted to enter then-Communist-occupied Czechoslovakia to search for family members, and, after determining that he was the sole survivor, Mr. Princz traveled to America where he was taken in by relatives;

Whereas in the early 1950s, the Federal Republic of Germany (FRG) established a reparations program for "survivors", to which Mr. Princz made timely application in 1955;

Whereas Mr. Princz's application was rejected, and Mr. Princz has argued that his rejection was based on the grounds that he was a United States national at the time of his capture and later rescued and not a "stateless" person or "refugee";

Whereas Mr. Princz has not received relief from the Federal Republic of Germany in the intervening 40 years;

Whereas Mr. Princz's diplomatic remedies were exhausted by late 1990, forcing him to sue the Federal Republic of Germany in the Federal District Court for the District of Columbia in 1992;

Whereas the Court denied Germany's dismissal motion and determined Mr. Princz's situation to be sui generis, given Germany's concurrence with the material facts in the case and its simultaneous failure to accept financial responsibility with respect to Mr. Princz, when it has distributed billions of dollars in compensation to other Nazi death camp survivors, simply because of his American citizenship at the time of Mr. Princz's capture and later rescue;

Whereas the trial is now stayed pending Germany's appeal to the District of Columbia Circuit to require the case to be dismissed on grounds of sovereign immunity; and

Whereas Germany's refusal to redress Mr. Princz's unique and tragic grievances and to provide him a survivor's pension undercuts its oft-voiced claims to have put its terrible past behind it: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President and Secretary of State should—

(1) raise the matter of Hugo Princz with the Federal Republic of Germany, including the Chancellor and Foreign Minister, and take all appropriate steps necessary to ensure that this matter will be expeditiously resolved and that fair reparations will be provided Mr. Princz; and

(2) state publicly and unequivocally that the United States will not countenance the continued discriminatory treatment of Hugo Princz in light of the terrible torment he suffered at the hands of the Nazis.

Mr. LAUTENBERG. Mr. President, today I am introducing a resolution calling on the German Government to provide fair reparations to Mr. Hugo Princz. I am pleased that Senator BRADLEY is an original cosponsor of the resolution.

Hugo Princz is a constituent from Highland Park. His story is tragic. Sadly, because he is an American citizen he has been unable to collect fair reparations for his suffering during the Second World War.

Mr. Princz and his family lived in Europe at the outbreak of World War II. Although U.S. citizens and civilians at the time, Mr. Princz and his family were arrested as enemy aliens of the German Government in early 1942.

Despite the protests of Mr. Princz' father, the Government of Germany refused to honor the validity of the Princz family's United States passports.

Mr. President, the Princz family were Jewish Americans. Consequently, the Government of Germany refused to return them to the United States although a civilian prisoner exchange program was available through the International Red Cross.

Instead, the Pricz family was sent to the Maidanek concentration camp in Poland. Mr. Princz' father, mother, and sister were shipped to Treblinka death camp and exterminated.

Mr. Princz and his two younger brothers were transported by cattle car to Auschwitz to serve as slave laborers. At Auschwitz, Mr. Princz was forced to watch as his two brothers were starved to death while they lay injured in a camp hospital. Mr. Princz was subsequently transferred to a camp in Warsaw and then, by death march, to the Dachau slave labor facility.

In the closing days of the war, Mr. Princz and other slave laborers were selected for extermination by Germany in an effort to destroy incriminating evidence of war crimes. Fortunately, hours before Mr. Princz' scheduled execution, his death train was intercepted and liberated by U.S. Armed Forces personnel.

U.S. personnel recognized Mr. Princz as an American by the designation "USA" stenciled by the Germans on his concentration camp garb, and he was sent to an American military hospital for immediate treatment.

The actions of the U.S. Army were commendable. They saved Mr. Princz' life. However, because Mr. Princz was given immediate medical treatment, he was never processed through a center for displaced persons. This process would later affect his eligibility to receive reparations for his suffering.

Following his hospitalization, Mr. Princz was permitted to enter then-Communist-occupied Czechoslovakia to search for family members. After determining that he was the sole survivor, Mr. Princz traveled to America.

In the early 1950's, the Federal Republic of Germany established a reparations program for survivors. Mr. Princz' application was rejected because he had not been classified as a stateless person or refugee.

Had he been processed through the Center for Displaced Persons instead of receiving immediate medical care in a U.S. facility, Mr. Princz would have received this designation. Instead, he has been considered a U.S. national and, therefore, ineligible for fair reparations.

Although the Federal Republic of Germany has provided reparations to thousands of Holocaust survivors, Mr. Princz hasn't received a dime.

Mr. President, it's time for the Federal Republic of Germany to recognize its injustice against Mr. Princz. Mr. Princz has suffered enough. He should receive fair reparations.

This resolution urges the President and the Secretary of State to raise this case with the Federal Republic of Germany. It also urges them to take all appropriate steps necessary to ensure that this matter will be expeditiously resolved and that fair reparations will be provided Mr. Princz.

Mr. President, the Federal Republic of Germany cannot bring back Hugo Princz' family or erase the painful memories of the tragic years he spent in slave labor camps. But, the Federal Republic of Germany can and should acknowledge Mr. Princz' tragic story and provide him with fair reparations which are long overdue.

AMENDMENTS SUBMITTED

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT

COHEN (AND OTHERS) AMENDMENT NO. 1107

Mr. COHEN (for himself, Mr. DOLE, Mr. REID, and Mr. SASSER) proposed an amendment to the bill (S. 1607) a bill to control and prevent crime, as follows:

At the appropriate place insert the following:

TITLE —ENHANCED PENALTIES FOR ANTI-FRAUD ENFORCEMENT EFFORTS

SEC. 00. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "National Health Care Anti-Fraud and Abuse Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

Subtitle A—Amendments to Criminal Law

SEC. 01. HEALTH CARE FRAUD.

(a) IN GENERAL.—

(1) FINES AND IMPRISONMENT FOR HEALTH CARE FRAUD VIOLATIONS.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

§ 1347. Health care fraud

"(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

"(1) to defraud any health care plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person shall be imprisoned for life or any term of years.

"(b) For purposes of this section, the term 'health care plan' means a federally funded public program or private program for the delivery of or payment for health care items or services.".

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1347. Health care fraud.".

SEC. 02. FORFEITURES FOR FEDERAL HEALTH CARE OFFENSES.

Section 982(a) of title 18, United States Code, is amended by inserting after paragraph (5) the following:

"(6)(A) If the court determines that a Federal health care offense is of a type that poses a serious threat to the health of any person or has a significant detrimental impact on the health care system, the court, in imposing sentence on a person convicted of that offense, shall order that person to forfeit property, real or personnel, that—

"(i)(I) is used in the commission of the offense; or

"(II) constitutes or is derived from proceeds traceable to the commission of the offense; and

"(ii) is of a value proportionate to the seriousness of the offense.".

"(B) For purposes of this paragraph, the term 'Federal health care offense' means a violation of, or a criminal conspiracy to violate—

"(i) section 1347 of this title;

"(ii) section 1128B of the Social Security Act;

"(iii) sections 287, 371, 664, 666, 1001, 1027, 1341, 1343, or 1954 of this title if the violation or conspiracy relates to health care fraud;

"(iv) section 501 or 511 of the Employee Retirement Income Security Act of 1974, if the violation or conspiracy relates to health care fraud; and

"(v) section 301, 303(a)(2), or 303 (b) or (e) of the Federal Food, Drug and Cosmetic Act, if the violation or conspiracy relates to health care fraud.".

SEC. 03. INJUNCTIVE RELIEF RELATING TO FEDERAL HEALTH CARE OFFENSES.

Section 1345(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" at the end of subparagraph (B); and

(3) by adding at the end the following:

"(C) committing or about to commit a Federal health care offense (as defined in section 982(a)(6)(B) of this title);".

SEC. 04. RACKETEERING ACTIVITY RELATING TO FEDERAL HEALTH CARE OFFENSES.

Section 1961 of title 18, United States Code, is amended by inserting "section 982(a)(6) (relating to Federal health care offenses)," after "sections 891–894 (relating to extortionate credit transactions),".

Subtitle E—Amendments to Civil False Claims Act

SEC. 11. AMENDMENTS TO CIVIL FALSE CLAIMS ACT.

Section 3729 of title 31, United States Code, is amended—

(1) in subsection (a)(7), by inserting "or to a health care plan," after "property to the Government,";

(2) in the matter following subsection (a)(7), by inserting "or health care plan" before "sustains because of the act of that person,";

(3) at the end of the first sentence of subsection (a), by inserting "or health care plan" before "sustains because of the act of the person.";

(4) in subsection (c)—

(A) by inserting "the term" after "section,"; and

(B) by adding at the end the following: "The term also includes any request or demand, whether under contract or otherwise, for money or property which is made or presented to a health care plan."; and

(5) by adding at the end the following:

"(f) HEALTH CARE PLAN DEFINED.—For purposes of this section, the term 'health care plan' means a federally funded public program for the delivery of or payment for health care items or services.".

DORGAN AMENDMENT NO. 1108

Mr. DORGAN proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CREDITING OF "GOOD TIME".

Section 3624 of title 18, United States Code, is amended—

(1) by striking "he" each place it appears and inserting "the prisoner";

(2) by striking "his" each place it appears and inserting "the prisoner's";

(3) in subsection (d) by striking "him" and inserting "the prisoner"; and

(4) in subsection (b)—

(A) in the first sentence by inserting "(other than a prisoner serving a sentence for a crime of violence)" after "A prisoner"; and

(B) by inserting after the first sentence the following: "A prisoner who is serving a term of imprisonment of more than 1 year for a crime of violence, other than a term of imprisonment for the duration of the prisoner's life, may, at the discretion of the Bureau, receive credit toward the service of the prisoner's sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term, if the Bureau of Prisons determines that, during that year, the prisoner has displayed exemplary compliance with such institutional disciplinary regulations.".

EXON (AND OTHERS) AMENDMENT NO. 1109

Mr. EXON (for himself, Mr. D'AMATO, Mr. CRAIG, Mr. GRASSLEY, Mr. BURNS, Mr. HELMS, Mr. SIMPSON, Mr. BRYAN, Mr. ROTH, Mr. GRAHAM, Mrs. MURRAY, Ms. MOSELEY-BRAUN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DECONCINI, and Mr. BROWN) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PAYMENT OF FEDERAL BENEFITS TO ILLEGAL ALIENS.

(a) DIRECT FEDERAL FINANCIAL BENEFITS.—Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, on or after the date of enactment of this Act, to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act.

(b) UNEMPLOYMENT BENEFITS.—No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment compensation under an unemployment compensation law of a State or the United States.

(c) DEFINITION.—In this section, "person not lawfully within the United States" means a person who at the time the person applies for, receives, or attempts to receive a Federal financial benefit is not a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status for purposes of the immigration laws.

HATCH (AND OTHERS) AMENDMENT NO. 1110

Mr. HATCH (for himself and Mr. BRYAN) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following new title:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Citizens Against Marketing Scams Act of 1993".

SEC. 2. FINDINGS AND DECLARATION.

The Congress makes the following findings and declaration:

(1) Unprecedented Federal law enforcement investigations have uncovered a national network of illicit telemarketing operations.

(2) Most of the telemarketing industry is legitimate, employing over 3,000,000 people through direct and indirect means.

(3) Illicit telemarketers, however, are an increasing problem which victimizes our Nation's senior citizens in disproportionate numbers.

(4) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Department of Justice are not sufficient to ensure that there is adequate investigation of, and protection from, such fraud.

(5) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact. Telemarketers can also be very mobile, easily moving from State to State.

(6) It is estimated that victims lose billions of dollars a year as a result of telemarketing fraud.

(7) Consequently, Congress should enact legislation that will—

(A) enhance Federal law enforcement resources;

(B) ensure adequate punishment for telemarketing fraud; and

(C) educate the public.

SEC. 3. ENHANCED PENALTIES FOR TELEMARKETING FRAUD.

(a) OFFENSE.—Part I of title 18, United States Code, is amended—

(1) by redesignating chapter 113A as chapter 113B; and

(2) by inserting after chapter 113 the following new chapter:

"CHAPTER 113A—TELEMARKETING FRAUD

"Sec.

"2325. Definition.

"2326. Enhanced penalties.

"2327. Restitution.

"§ 2325. Definition

"In this chapter, 'telemarketing'—

"(1) means a plan, program, promotion, or campaign that is conducted to induce—

"(A) purchases of goods or services; or

"(B) participation in a contest or sweepstakes,

by use of 1 or more interstate telephone calls initiated either by a person who is conducting the plan, program, promotion, or campaign or by a prospective purchaser or contest or sweepstakes participant; but

"(2) does not include the solicitation of sales through the mailing of a catalog that—

"(A) contains a written description or illustration of the goods or services offered for sale;

"(B) includes the business address of the seller;

"(C) includes multiple pages of written material or illustration; and

"(D) has been issued not less frequently than once a year,

if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls take orders without further solicitation.

"§ 2326. Enhanced penalties

"An offender that is convicted of an offense under 1028, 1029, 1341, 1342, 1343, or 1344 in connection with the conduct of telemarketing—

"(1) may be imprisoned for a term of 5 years in addition to any term of imprisonment imposed under any of those sections, respectively; and

"(2) in the case of an offense under any of those sections that—

"(A) victimized a significant number of persons over the age of 55; or

"(B) targeted persons over the age of 55,

may be imprisoned for a term of 10 years in addition to any term of imprisonment imposed under any of those sections, respectively.

"§ 2327. Restitution

"In sentencing an offender under section 2326, the court shall order the offender to pay restitution to any victims and may order the offender to pay restitution to others who sustained losses as a result of the offender's fraudulent activity.".

(b) TECHNICAL AMENDMENTS.—

(1) PART ANALYSIS.—The part analysis for part I of title 18, United States Code, is amended by striking the item relating to chapter 113A and inserting the following:

"113A. Telemarketing fraud 2325
"113B. Terrorism ..... 2331".

(2) CHAPTER 113B.—The chapter heading for chapter 113B of title 18, United States Code, as redesignated by subsection (a)(1), is amended to read as follows:

"CHAPTER 113B—TERRORISM".

SEC. 4. FORFEITURE OF FRAUD PROCEEDS.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) The Court, in sentencing an offender under section 2326, shall order that the offender forfeit to the United States any real or personal property constituting or derived from proceeds that the offender obtained directly or indirectly as a result of the offense.".

SEC. 5. INCREASED PENALTIES FOR FRAUD AGAINST OLDER VICTIMS.

(a) REVIEW.—The United States Sentencing Commission shall review and, if necessary, amend the sentencing guidelines to ensure that victim related adjustments for fraud offenses against older victims over the age of 55 are adequate.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Sentencing Commission shall report to Congress the result of its review under subsection (a).

SEC. 6. REWARDS FOR INFORMATION LEADING TO PROSECUTION AND CONVICTION.

Section 3059 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) In special circumstances and in the Attorney General's sole discretion, the Attorney General may make a payment of up to $10,000 to a person who furnishes information unknown to the Government relating to a possible prosecution under section 2325 which results in a conviction.

"(2) A person is not eligible for a payment under paragraph (1) if—

"(A) the person is a current or former officer or employee of a Federal, State, or local government agency or instrumentality who furnishes information discovered or gathered in the course of government employment;

"(B) the person knowingly participated in the offense;

"(C) the information furnished by the person consists of an allegation or transaction that has been disclosed to the public—

"(i) in a criminal, civil, or administrative proceeding;

"(ii) in a congressional, administrative, or General Accounting Office report, hearing, audit, or investigation; or

"(iii) by the news media, unless the person is the original source of the information; or

"(D) when, in the judgment of the Attorney General, it appears that a person whose illegal activities are being prosecuted or investigated could benefit from the award.

"(3) For the purposes of paragraph (2)(C)(iii), the term 'original source' means a person who has direct and independent knowledge of the information that is furnished and has voluntarily provided the information to the Government prior to disclosure by the news media.

"(4) Neither the failure of the Attorney General to authorize a payment under paragraph (1) nor the amount authorized shall be subject to judicial review.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1994 for the purposes of carrying out this Act and the amendments made by this Act—

(1) $10,000,000 for the Federal Bureau of Investigation to hire, equip, and train no fewer than 100 special agents and support staff to investigate telemarketing fraud cases;

(2) $3,500,000 to hire, equip, and train no fewer than 30 Department of Justice attorneys, assistant United States Attorneys, and support staff to prosecute telemarketing fraud cases; and

(3) $10,000,000 for the Department of Justice to conduct, in cooperation with State and local law enforcement agencies and senior citizen advocacy organizations, public awareness and prevention initiatives for senior citizens, such as seminars and training.

SEC. 8. BROADENING APPLICATION OF MAIL FRAUD STATUTE.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SEC. 9. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.

Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (3); and

(B) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly and with intent to defraud effects transactions, with 1 or more access devices issued to another person or persons, to receive payment or any other thing of value during any 1-year period the aggregate value of which is equal to or greater than $1,000;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;";

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 10. INFORMATION NETWORK.

(a) HOTLINE.—The Attorney General shall establish a national toll-free hotline for the purpose of—

(1) providing general information on telemarketing fraud to interested persons; and

(2) gathering information related to possible violations of this Act.

(b) ACTION ON INFORMATION GATHERED.—The Attorney General shall work in cooperation with the Federal Trade Commission to ensure that information gathered through the hotline shall be acted on in an appropriate manner.

ROBB AMENDMENT NO. 1111

Mr. ROBB proposed an amendment to the bill S. 1607, supra; as follows:

On page 368, between lines 2 and 3, insert the following:

Subtitle D—Commission on Violence in Schools

SEC. 1731. ESTABLISHMENT SCHOOLS.

There is established, subject to appropriations, a commission to be known as the "National Commission on Violence in America's Schools" (referred to in this subtitle as the "Commission").

SEC. 1732. PURPOSES.

The purposes of the Commission are—

(1) to develop comprehensive and effective recommendations to combat the national problem of national scale and prepare a report including an estimated cost for implementing any recommendations made by the Commission;

(2) to study the complexities, scope, nature, and causes of violence in the Nation's schools;

(3) to bring attention to successful models and programs in violence prevention and control;

(4) to recommend improvements in the coordination of local, State, and Federal agencies in the areas of violence in schools prevention; and

(5) to make a comprehensive study of the economic and social factors leading to or contributing to violence in schools and specific proposals for legislative and administrative actions to reduce violence and the elements that contribute to it.

SEC. 1733. DUTIES.

The Commission shall—

(1) define the causes of violence in schools;

(2) define the scope of the national problem of violence in schools;

(3) provide statistics and data on the problem of violence in schools on a State-by-State basis;

(4) investigate the problem of youth gangs and their relation to violence in schools and provide recommendations as to how to reduce youth involvement in violent crime in schools;

(5) examine the extent to which weapons and firearms in schools have contributed to violence and murder in schools;

(6) explore the extent to which the school environment has contributed to violence in schools; and

(7) review the effectiveness of current approaches in preventing violence in schools.

SEC. 1734. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall consist of 25 members, as follows:

(A) PRESIDENT.—Five persons appointed by the President.

(B) SENATE.—Five persons appointed by the majority leader of the Senate and five persons appointed by the minority leader of the Senate.

(C) HOUSE OF REPRESENTATIVES.—Five persons appointed by the Speaker of the House of Representatives, and five persons appointed by the minority leader of the House of Representatives.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing individuals as members of the Commission, the President and the majority and minority leaders of the House of Representatives and the Senate shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) law enforcement; and

(v) ethnography and urban poverty, including health care, housing, education, and employment.

(b) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed within 60 days after the date of the enactment of this Act for the life of the Commission.

(c) MEETINGS.—The Commission shall have its headquarters in the District of Columbia, and shall meet at least once each month for a business session that shall be conducted by the Chairperson.

(d) QUORUM.—Thirteen members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—No later than 15 days after the members of the Commission are appointed, such members shall designate a Chairperson and Vice Chairperson of the Commission.

(f) CONTINUATION OF MEMBERSHIP.—If a member of the Commission later becomes an officer or employee of any government, the individual may continue as a member until a successor is appointed.

(g) VACANCIES.—A vacancy in the Commission shall be filed not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(h) COMPENSATION.—

(1) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 1735. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—The Chairperson shall appoint a director after consultation with the members of the Commission, who shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the director may appoint personnel as the director considers appropriate.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this Act.

(f) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, as well as agencies and elected representatives of the executive and legislative branches of government. The Chairperson of the Commission shall make requests in writing where necessary.

(g) PHYSICAL FACILITIES.—The General Services Administration shall find suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 1736. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devices of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devices shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1737. REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) REPORTS.—

(1) INTERIM REPORT.—The Commission shall submit an interim report to the President and the Congress not later than one year before the termination of the Commission. The interim report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative and administrative action based on the Commission's activities to date. A strategy for disseminating the report to Federal, State, and local authorities shall be formulated and submitted with the formal presentation of the report to the President and the Congress.

(2) FINAL REPORT.—Not later than the date of the termination of the Commission, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, and recommendations, including an assessment of the extent to which recommendations of the Commission included in the interim report under paragraph (1) have been implemented.

(c) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public upon request.

SEC. 1738. TERMINATION.

The Commission shall terminate on the date which is two years after the members of the Commission have met and designated a Chairperson and Vice Chairperson.

SEC. 1739. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to enable the Commission to carry out its duties under this subtitle.

HATCH AMENDMENT NO. 1112

Mr. HATCH proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

SEC. . AWARDS OF ATTORNEY'S FEES.

Section 526 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1)(A) A current or former Department of Justice attorney; agent; or employee who supervises an agent who is the subject of a criminal or disciplinary investigation, instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in prosecuting or investigating a criminal matter, who is not provided representation under Department of Justice regulations, shall be entitled to reimbursement of reasonable attorney's fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

"(B) A current or former attorney; agent; or employee who supervises an agent employed as or by a Federal public defender who is the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in defending or investigating a criminal matter in connection with the public defender program, who is not provided representation by a Federal public defender or the Administrative office of the United States Courts is entitled to reimbursement of reasonable attorney's fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

"(2) For purposes of paragraph (1), an investigation shall be considered not to result in adverse action against an attorney, agent, or employee if—

"(A) in the case of a criminal investigation, the investigation does not result in indictment of, the filing of a criminal complaint against, or the entry of a plea of guilty by the attorney, agent, or supervising employee; and

"(B) in the case of a disciplinary investigation, the investigation does not result in discipline or results in only discipline less serious than a formal letter of reprimand finding actual and specific wrong-doing.

"(3) The Attorney General shall provide notice in writing of the conclusion and result of an investigation described in paragraph (1).

"(4) An attorney, agent, or supervising employee who was the subject of an investigation described in paragraph (1) may waive his or her entitlement to reimbursement of attorney's fees under paragraph (1) as part of a resolution of a criminal or disciplinary investigation.

"(5) An application for attorney fee reimbursement under this subsection shall be made not later than 180 days after the attorney, agent, or employee is notified in writing of the conclusion and result of the investigation.

"(6) Upon receipt of a proper application under this subsection for reimbursement of attorney's fees, the Attorney General and the Director of the Administrative Office of the United States Courts shall award reimbursement for the amount of attorney's fees that are found to have been reasonably incurred by the applicant as a result of an investigation.

"(7) The official making an award under this subsection shall make inquiry into the reasonableness of the amount requested, and shall consider—

"(A) the sufficiency of the documentation accompanying the request;

"(B) the need or justification for the underlying item;

"(C) the reasonableness of the sum requested in light of the nature of the investigation; and

"(D) current rates for equal services in the community in which the investigation took place.

"(8)(A) Reimbursements of attorney's fees ordered under this subsection by the Attorney General shall be paid from the appropriation made by section 1304 of title 31, United States Code.

"(B) Reimbursements of attorney's fees ordered under this Act by the Director of the Administrative Office of the United States Courts shall be paid from appropriations authorized by section 3006A(i) of title 18, United States Code.

"(9) The Attorney General and the Director of the Administrative Office of the United States Courts may delegate their powers and duties under this subsection to an appropriate subordinate.".

SPECTER AMENDMENT NO. 1113

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1607, supra; as follows:

At the end of subtitle G of title XXIX, add the following:

SEC. 2972. INTERSTATE WAGERING.

Section 1301 of title 18, United States Code, is amended by inserting "or, being engaged in the business of procuring for a person in 1 State such a ticket, chance, share, or interest in a lottery, gift, enterprise or similar scheme conducted by another State (unless that business is permitted under an agreement between the States in question or appropriate authorities of those States), knowingly transmits in interstate or foreign commerce information to be used for the purpose of procuring such a ticket, chance, share, or interest;" after "scheme;".

GRAHAM (AND BRYAN) AMENDMENT NO. 1114

Mr. GRAHAM (for himself and Mr. BRYAN) proposed an amendment to amendment No. 1109 proposed by Mr. EXON to the bill S. 1607, supra; as follows:

In lieu thereof, insert the following:

The Congress directs the Attorney General and the heads of all relevant Federal departments or agencies to analyze and report to Congress within 2 years on the impact of participation in Federal financial benefit or social insurance benefit programs by persons not lawfully present within the United States and the impact of denial of such benefits on State and local units of government and other service providers. In this section, "persons not lawfully within the United States" means persons who at the time they applied for, receive, or attempt to receive a Federal financial benefit are not either a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a non-immigrant in status for purposes of the Immigration and Nationality Act.

GRAHAM AMENDMENT NO. 1115

Mr. GRAHAM proposed an amendment to amendment No. 1109 proposed by Mr. EXON to the bill S. 1607, supra; as follows:

At the end of the pending amendment, add this following:

(e) PUBLIC HEALTH.—Nothing in the section shall affect or be construed to prohibit direct federal financial benefits for purposes of public health.

GRASSLEY (AND OTHERS) AMENDMENT NO. 1116

Mr. GRASSLEY (for himself, Mr. MCCONNELL, Mr. NICKLES and Mr. BURNS) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

SEC. . CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "ninety days" and inserting "180 days"; and

(B) in paragraph (2), by inserting before the period at the end the following: "or are otherwise fair and effective"; and

(2) in subsection (c)—

(A) in paragraph (1) by inserting before the period at the end the following: "or are otherwise fair and effective"; and

(B) in paragraph (2) by inserting before the period at the end the following: "or is no longer fair and effective".

(b) PROCEEDINGS IN FORMA PAUPERIS.—Section 1915(d) of title 28, United States Code, is amended to read as follows:

"(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

MOSELEY-BRAUN (AND BOND) AMENDMENT NO. 1117

Ms. MOSELEY-BRAUN (for herself and Mr. BOND) proposed an amendment to the bill S. 1607, supra; as follows:

On page 127, line 3, strike "16- and 17-year-olds" and insert "juveniles 13 years of age and older."

On page 127, between lines 15 and 16, insert the following:

Subtitle A—Federal Prosecutions

SEC. 631. PROSECUTION AS ADULTS OF VIOLENT JUVENILE OFFENDERS.

Section 5032 of title 18, United States Code, is amended by adding at the end the following new paragraph:

(A) Notwithstanding any other provision of this section or any other law, a juvenile who was 13 years old or older on the date of the commission of an offense under section 113(a), (b), or (c), 1111, 1113, 2111 or 2113 (if the juvenile was in possession of a firearm during the offense), or 2241 (a) or (c) (if the juvenile was in possession of a firearm during the offense) shall be prosecuted as an adult in Federal court. No juvenile prosecuted as an adult under this paragraph shall be incarcerated in an adult prison.

(B) If a juvenile prosecuted under this paragraph is convicted, the juvenile shall be entitled to file a petition for resentencing pursuant to applicable sentencing guidelines when he or she reaches the age of 16.

(C) The United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, if necessary, to carry out the purposes of this section. For resentencing determinations pursuant to subsection (b), the Commission may promulgate guidelines, if necessary to permit sentencing adjustments which may include adjustments which provide for supervised release, for defendants who have clearly demonstrated (i) an exceptional degree of responsibility for the offense and (ii) a willingness and ability to refrain from further criminal conduct.

JOHNSTON (AND OTHERS) AMENDMENT NO. 1118

Mr. BIDEN (for Mr. JOHNSTON for himself, Mr. LOTT, Mr. BREAUX, Mr. HEFLIN, Mr. DECONCINI, Mr. GRASSLEY, Mr. CHAFEE, Mr. PACKWOOD, Mr. BURNS, Mr. JEFFORDS, Mr. HARKIN, and Mr. GRAHAM) proposed an amendment to the bill, S. 1607, supra; as follows:

On page 196, between lines 6 and 7, insert the following:

Subtitle C—Senior Citizens

SEC. 921. SHORT TITLE.

This subtitle may be cited as the "National Triad Program Act".

SEC. 922. FINDINGS.

The Congress finds that—

(1) senior citizens are among the most rapidly growing segments of our society;

(2) currently, senior citizens comprise 15 percent of our society, and predictions are that by the turn of the century they will constitute 18 percent of our Nation's population;

(3) senior citizens find themselves uniquely situated in our society, environmentally and physically;

(4) many senior citizens are experiencing increased social isolation due to fragmented and distant familial relations, scattered associations, limited access to transportation, and other insulating factors;

(5) physical conditions such as hearing loss, poor eyesight, lessened agility, and chronic and debilitating illnesses often contribute to an older person's susceptibility to criminal victimization;

(6) senior citizens are too frequently the victims of abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games;

(7) studies have found that senior citizens that are victims of violent crime are more

likely to be injured and require medical attention than are younger victims;

(8) victimization data on crimes against senior citizens are incomplete and out of date, and data sources are partial, scattered, and not easily obtained;

(9) although a few studies have attempted to define and estimate the extent of abuse and neglect of senior citizens, both in their homes and in institutional settings, many experts believe that this crime is substantially underreported and undetected;

(10) similarly, while some evidence suggests that senior citizens may be targeted in a range of fraudulent schemes, neither the Uniform Crime Report nor the National Crime Survey collects data on individual- or household-level fraud;

(11) many law enforcement agencies do not have model practices for responding to the criminal abuse of senior citizens;

(12) law enforcement officers and social service providers come from different disciplines and frequently bring different perspectives to the problem of crimes against senior citizens;

(13) those differences, in turn, can contribute to inconsistent approaches to the problem and inhibit a genuinely effective response;

(14) there are, however, a few efforts currently under way that seek to forge partnerships to coordinate criminal justice and social service approaches to victimization of senior citizens;

(15) the Triad program, sponsored by the National Sheriffs' Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP), is one such effort; and

(16) recognizing that senior citizens have the same fundamental desire as other members of our society to live freely, without fear or restriction due to the criminal element, the Federal Government should seek to expand efforts to reduce crime against this growing and uniquely vulnerable segment of our population.

SEC. 923. PURPOSES.

The purposes of this subtitle are—

(1) to support a coordinated effort among law enforcement and social service agencies to stem the tide of violence against senior citizens and support media and nonmedia strategies aimed at increasing both public understanding of the problem and the senior citizens' skills in preventing crime against themselves and their property; and

(2) to address the problem of crime against senior citizens in a systematic and effective manner by promoting and expanding collaborative crime prevention programs, such as the Triad model, that assist law enforcement agencies and senior citizens in implementing specific strategies for crime prevention, victim assistance, citizen involvement, and public education.

SEC. 924. NATIONAL ASSESSMENT AND DISSEMINATION.

(a) IN GENERAL.—The Director of the National Institute of Justice shall, subject to the availability of appropriations, conduct a qualitative and quantitative national assessment of—

(1) the nature and extent of crimes committed against senior citizens and the effect of such crimes on the victims;

(2) the numbers, extent, and impact of violent crimes and nonviolent crimes (such as frauds and "scams") against senior citizens and the extent of unreported crime;

(3) the collaborative needs of law enforcement, health, and social service organizations, focusing on prevention of crimes against senior citizens, to identify, investigate, and provide assistance to victims of those crimes; and

(4) the development and growth of strategies to respond effectively to the matters described in paragraphs (1), (2), and (3).

(b) MATTERS TO BE ADDRESSED.—The national assessment made pursuant to subsection (a) shall address—

(1) the analysis and synthesis of data from a broad range of sources in order to develop accurate information on the nature and extent of crimes against senior citizens, including identifying and conducting such survey and other data collection efforts as are needed and designing a strategy to keep such information current over time;

(2) institutional and community responses to elderly victims of crime, focusing on the problems associated with fear of victimization, abuse of senior citizens, and hard-to-reach senior citizens who are in poor health, are living alone or without family nearby, or living in high crime areas;

(3) special services and responses required by elderly victims;

(4) whether the experience of senior citizens with some service organizations differs markedly from that of younger populations;

(5) the kinds of programs that have proven useful in reducing victimization of senior citizens through crime prevention activities and programs;

(6) the kinds of programs that contribute to successful coordination among public sector agencies and community organizations in reducing victimization of senior citizens; and

(7) the research agenda needed to develop a comprehensive understanding of the problems of crimes against senior citizens, including the changes that can be anticipated in the crimes themselves and appropriate responses as the society increasingly ages.

(c) AVOIDANCE OF DUPLICATION.—In conducting the assessment under subsection (a), the Director of the National Institute of Justice shall draw upon the findings of existing studies and avoid duplication of efforts that have previously been made.

(d) DISSEMINATION.—Based on the results of the national assessment and analysis of successful or promising strategies in dealing with the problems described in subsection (b) and other problems, including coalition efforts such as the Triad programs described in sections 922 and 923, the Director of the National Institute of Justice shall disseminate the results through reports, publications, clearinghouse services, public service announcements, and programs of evaluation, demonstration, training, and technical assistance.

SEC. 925. PILOT PROGRAMS.

(a) AWARDS.—The Director of the Bureau of Justice Assistance shall, subject to the availability of appropriations, make grants to coalitions of local law enforcement agencies and senior citizens to assist in the development of programs and execute field tests of particularly promising strategies for crime prevention services and related services based on the concepts of the Triad model, which can then be evaluated and serve as the basis for further demonstration and education programs.

(b) TRIAD COOPERATIVE MODEL.—(1) Subject to paragraph (2), a pilot program funded under this section shall consist of the Triad cooperative model developed by the organizations described in section 922(15), which calls for the participation of the sheriff, at least 1 police chief, and a representative of at least 1 senior citizens' organization within a county and may include participation by general service coalitions of law enforcement, victim service, and senior citizen advocate organizations.

(2) If there is not both a sheriff and a police chief in a county or if the sheriff or a police chief do not participate, a pilot program funded under this section shall include in the place of the sheriff or police chief another key law enforcement official in the county such as a local prosecutor.

(c) APPLICATION.—A coalition or Triad program that desires to establish a pilot program under this section shall submit to the Director of the Bureau of Justice Assistance an application that includes—

(1) a description of the community and its senior citizen population;

(2) assurances that Federal funds received under this part shall be used to provide additional and appropriate education and services to the community's senior citizens;

(3) a description of the extent of involvement of each organizational component (chief, sheriff (or other law enforcement official), and senior organization representative) and focus of the Triad program;

(4) a comprehensive plan including—

(A) a description of the crime problems facing senior citizens and need for expanded law enforcement and victim assistance services;

(B) a description of the types of projects to be developed or expanded;

(C) a plan for an evaluation of the results of Triad endeavors;

(D) a description of the resources (including matching funds, in-kind services, and other resources) available in the community to implement the Triad development or expansion;

(E) a description of the gaps that cannot be filled with existing resources;

(F) an explanation of how the requested grant will be used to fill those gaps; and

(G) a description of the means and methods the applicant will use to reduce criminal victimization of older persons; and

(5) funding requirements for implementing a comprehensive plan.

(d) DISTRIBUTION OF AWARDS.—The Director of the Bureau of Justice Assistance shall make awards—

(1) to 17 Triad programs in counties with a population of less than 50,000;

(2) to 17 Triad programs in counties with a population of at least 50,000 but less than 100,000; and

(3) to 16 Triad programs in counties with a population of 100,000 or more.

(e) POST-GRANT PERIOD REPORT.—A grant recipient under this section shall, not later than 6 months after the conclusion of the grant period, submit to the Director of the Bureau of Justice Assistance a report that—

(1) describes the composition of organizations that participated in the pilot program;

(2) identifies problem areas encountered during the course of the pilot program;

(3) provides data comparing the types and frequency of criminal activity before and after the grant period and the effect of such criminal activity on senior citizens in the community; and

(4) describes the grant recipient's plans and goals for continuance of the Triad program after the grant period.

SEC. 926. TRAINING ASSISTANCE, EVALUATION, AND DISSEMINATION AWARDS.

In conjunction with the national assessment under section 924—

(1) the Director of the Bureau of Justice Assistance shall make awards to organizations with demonstrated ability to provide training and technical assistance in establishing crime prevention programs based on

the Triad model, for purposes of aiding in the establishment and expansion of pilot programs under this section; and

(2) the Director of the National Institute of Justice shall make awards to research organizations, for the purposes of—

(A) evaluating the effectiveness of selected pilot programs; and

(B) conducting the research and development identified through the national assessment as being critical; and

(3) the Director of the Bureau of Justice Assistance shall make awards to public service advertising coalitions, for the purposes of mounting a program of public service advertisements to increase public awareness and understanding of the issues surrounding crimes against senior citizens and promoting ideas or programs to prevent them.

SEC. 927. REPORT.

The Director of the Bureau of Justice Assistance and the Director of the National Institute of Justice shall submit to Congress an annual report (which may be included with the report submitted under section 102(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(b)) describing the results of the pilot programs conducted under section 925.

SEC. 928. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $2,000,000 to the Bureau of Justice Assistance for the purpose of making Triad pilot program awards in that amount under section 925;

(2) $1,000,000 to the Bureau of Justice Assistance for the purpose of funding the national training and technical assistance effort under sections 924 and 926;

(3) $1,000,000 to the Bureau of Justice Assistance for the purpose of developing public service announcements under sections 924 and 926;

(4) $2,000,000 to the National Institute of Justice for the purposes of conducting the national assessment, evaluation pilot programs, and carrying out the research agenda under sections 924 and 926; and

(5) to the extent that funds are not otherwise available for the purpose, such sums as are necessary to pay the administrative costs of carrying out this subtitle.

AKAKA AMENDMENT NO. 1119

Mr. BIDEN (for Mr. AKAKA) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . TASK FORCE AND CRIMINAL PENALTIES RELATING TO THE INTRODUCTION OF NONINDIGENOUS SPECIES.

(a) TASK FORCE.—

(1) IN GENERAL.—The Attorney General is authorized to convene a law enforcement task force in Hawaii to facilitate the prosecution of violations of Federal laws, and laws of the State of Hawaii, relating to the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species.

(2) MEMBERSHIP.—(A) The task force shall be composed of representatives of—

(i) the Office of the United States Attorney for the District of Hawaii;

(ii) the United States Customs Service;

(iii) the Animal and Plant Health Inspection Service;

(iv) the Fish and Wildlife Service;

(v) the National Park Service;

(vi) the United States Forest Service;

(vii) the Military Customs Inspection Office of the Department of Defense;

(viii) the United States Postal Service;

(ix) the office of the Attorney General of the State of Hawaii;

(x) the Hawaii Department of Agriculture;

(xi) the Hawaii Department of Land and Natural Resources; and

(xii) such other individuals as the Attorney General deems appropriate.

(B) The Attorney General shall, to the extent practicable, select individuals to serve on the task force who have experience with the enforcement of laws relating to the wrongful conveyance, sale, or introduction of nonindigenous species.

(3) DUTIES.—The task force shall—

(A) provide mutual assistance to Federal and State law enforcement agencies in the prosecution of violations of laws relating to the conveyance, sale, or introduction of nonindigenous species into Hawaii; and

(B) make recommendations on ways to strengthen Federal and State laws and law enforcement strategies designed to prevent the introduction of nonindigenous species.

(4) REPORT.—The task force shall report to the Attorney General and to the Judiciary Committees of the Senate and House of Representatives on—

(A) the progress of its enforcement efforts; and

(B) the adequacy of existing Federal laws and laws of the State of Hawaii which relate to the introduction of nonindigenous species.

Thereafter, the task force shall make such reports as the task force deems appropriate.

(5) CONSULTATION.—The task force shall consult with Hawaii agricultural interests and representatives of Hawaii conservation organizations about methods of preventing the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species into Hawaii.

(b) CRIMINAL PENALTY.—

(1) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716C the following new section:

"§ 1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife and plants

"A person who knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that section 3015 of title 39 declares to be nonmailable matter shall be fined under this title, imprisoned not more than 1 year, or both.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 83 of title 18, United States Code, is amended by inserting after the item relating to section 1716C the following new item:

"1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife, and plants.".

ROTH AMENDMENT NO. 1120

Mr. BIDEN (for Mr. ROTH) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE ROLE OF THE UNITED NATIONS IN INTERNATIONAL ORGANIZED CRIME CONTROL.

(a) FINDINGS.—The Senate finds that—

(1) international criminal activity has increased dramatically over the past decade and has been facilitated by modern developments in transportation and communications, relaxed travel restrictions, and the greatly increased volume of international trade;

(2) the expansion of international criminal activity is reflected in the growth of requests for mutual legal assistance and extradition made between the United States and other countries, the number of such requests having increased from 535 in 1984 to 2,238 in 1992;

(3) the global reach of organized crime constitutes a serious threat to the security and stability of sovereign nations;

(4) the expanding scope of international organized crime necessitates greater cooperation among nations to prosecute and eliminate organized criminal groups;

(5) there is an urgent need for new approaches designed to allow the international law enforcement community to pursue international criminals across national boundaries;

(6) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances has helped bring about improved international cooperation with respect to narcotics;

(7) the current role of the United Nations with respect to international organized crime is limited by the lack of a binding international convention dealing with the broad range of organized criminal activity beyond narcotics;

(8) the United Nations Commission on Crime Prevention and Criminal Justice has successfully facilitated the negotiation and implementation of mutual legal assistance and extradition treaties between certain nations, and has helped train nations to effectively execute the terms of such treaties; and

(9) the United Nations Commission on Crime Prevention and Criminal Justice currently has limited authority and resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should encourage the development of a United Nations Convention on Organized Crime; and

(2) the United Nations should—

(A) provide significant additional resources to the Commission on Crime Prevention and Criminal Justice;

(B) consider an expansion of the Commission's role and authority; and

(C) seek a cohesive approach to the international organized crime problem.

LIEBERMAN AMENDMENT NO. 1121

Mr. BIDEN (for Mr. LIEBERMAN) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

SEC. . TASK FORCE ON PRISON CONSTRUCTION STANDARDIZATION AND TECHNIQUES.

(a) TASK FORCE.—The Director of the National Institute of Corrections shall, subject to availability of appropriations, establish a task force composed of Federal, State, and local officials expert in prison construction, and of at least an equal number of engineers, architects, and construction experts from the private sector with expertise in prison design and construction, including the use of cost-cutting construction standardization techniques and cost-cutting new building materials and technologies.

(b) COOPERATION.—The task force shall work in close cooperation and communication with other State and local officials responsible for prison construction in their localities.

(c) PERFORMANCE REQUIREMENTS.—The task force shall work to—

(1) establish and recommend standardized construction plans and techniques for prison and prison component construction; and

(2) evaluate and recommend new construction technologies, techniques, and materials, to reduce prison construction costs at the Federal, State, and local levels and make such construction more efficient.

(d) DISSEMINATION.—The task force shall disseminate information described in subsection (c) to State and local officials involved in prison construction, through written reports and meetings.

(e) PROMOTION AND EVALUATION.—The task force shall—

(1) work to promote the implementation of cost-saving efforts at the Federal, State, and local levels;

(2) evaluate and advise on the results and effectiveness of such cost-saving efforts as adopted,broadly disseminating information on the results; and

(3) to the extent feasible, certify the effectiveness of the cost-savings efforts.

ROTH AMENDMENT NO. 1122

Mr. BIDEN (for Mr. ROTH) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

SEC. . REPORT ON SUCCESS OF ROYAL HONG KONG POLICE RECRUITMENT.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in concert with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Agency, the Commissioner of the Immigration and Naturalization Service, and the Commissioner of the Customs Service, shall report to Congress and the President on the efforts made, and the success of such efforts, to recruit and hire former Royal Hong Kong Police officers into Federal law enforcement positions. The report shall discuss any legal or administrative barriers preventing a program of adequate recruitment of former Royal Hong Kong Police officers.

NOTICES OF HEARING

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on Thursday, November 18, 1993, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee:

S. 316, to expand the boundaries of the Saguaro National Monument, and for other purposes; and

S. 472, to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-8115.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH CONSERVATION FORESTRY AND GENERAL LEGISLATION

Mr. BUMPERS. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation will hold a hearing on the Federal Meat Inspection Programs. The hearing will be held on Monday, November 22, 1993, at 9:30 a.m. in SR-332. Senator TOM DASCHLE will preside.

For further information, please contact Tom Buis at 224-2321.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Friday, November 5, 1993, at 9 a.m. to hold a nomination hearing on Robert Gelbard, to be Assistant Secretary of State for International Narcotics Matters.

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

GUN VIOLENCE

• Mr. SIMON. Mr. President, all of us know only too well that gun violence continues to plague our cities and our rural communities as well. Despite the rise in violence and the growing concern among Americans for the safety of their families, the number of gun dealers grows every day. We now have close to 300,000 dealers in our country. Unfortunately, most of these dealers acquire their dealer license to skirt State laws and to buy firearms at wholesale prices. The majority of these dealers sell less than 10 guns a year and use their home or car as their place of business.

The Bureau of Alcohol, Tobacco and Firearms [BATF] has been unable to address this problem efficiently because it simply does not have the resources. Nonetheless, with the help of an Executive order issued by President Clinton this summer, BATF was able to join forces with local law enforcement in some cities to weed out those dealers who are not in compliance with State and local laws.

I am pleased that in Chicago, in conjunction with the Chicago Police and the mayor, BATF was able to force 197 of the 212 federally licensed dealers to surrender their licenses as they were not in compliance with State and local laws.

This is an extremely important step in our effort to curb gun violence. I am hopeful that Chicago will continue its good work and that other cities will follow its excellent lead.

I would like to enter a copy of the Chicago Tribune report on this effort into the RECORD. I urge my colleagues to work within their States on similar efforts.

The report follows:

[From the Chicago Tribune, Oct. 10, 1993]

INVESTIGATION TARGETS GUN DEALERS AS CROWDS RALLY AGAINST VIOLENCE

(By Penny Roberts)

The majority of Chicago's gun dealers are no longer licensed to operate, after an 8-month investigation found they were doing business in violation of city ordinances, federal and city officials said Saturday.

On the same afternoon that hundreds of people rallied in the Loop against handgun violence, Mayor Richard Daley announced that 197 of the 212 people with federal licenses to sell firearms in Chicago had failed to comply with local ordinances regulating the sale of guns. Nearly 150 of them surrendered their licenses since the investigation began in February, authorities said. The rest of the licenses are being revoked, officials said.

The investigation was carried out by Chicago and the federal Bureau of Alcohol, Tobacco and Firearms. It targeted "kitchen table" gun dealers—those who sell weapons from their residences. Nationwide, they account for more than 70 percent of all dealers.

With $30 and a satisfactory criminal background check, anyone can obtain a 3-year federal firearms license from the Bureau of Alcohol, Tobacco and Firearms to buy an unlimited number of firearms. In Illinois, there are 11,000 federally licensed gun dealers. Nationwide, there are about 250,000.

A person granted a license is required to comply with local regulations for selling firearms as well. In Chicago, that means he or she must obtain a deadly weapons license, which also covers knives and to date is held by fewer than 15 dealers in the city, according to ATF officials. Zoning ordinances also prohibit the sale of firearms from a residence. ATF spokesman Jerry Singer said he could not supply the number of Chicago gun dealers operating from residences.

The probe was led by ATF agents, Chicago police officers and state Department of Revenue license inspectors, who went door to door to the dealers to ensure that they were complying with local ordinances.

Those who were not in compliance were asked to surrender their licenses, essentially closing their businesses. If they refused, ATF initiated efforts to revoke them. Agents were trying to contact a few of the dealers.

"We're trying to lessen and reduce the accessibility and availability of weapons to streetgang members," said James Reilly, assistant to the mayor. "The vast majority of guns that end up in their hands are not stolen, but legitimately purchased from dealers."

The victory heralded by city officials could be only temporary. A dealer can reapply for a license, and the fact that it had been surrendered or revoked would not make it any

more difficult to obtain, if the dealer complies with local ordinances, Reilly said.

National gun control legislation introduced by Sen. Paul Simon (D-Illinois) would require that dealers doing business for the first time show proof that they have complied before being given the federal license.

"Chicago is a magnet for illicit gun trade," said ATF Special Agent Jerry Singer. "I think we're going to see a lot more of federal and local agencies working together on this kind of thing."

The disclosure of the investigation came as hundreds attended an Illinois Council Against Handgun Violence rally at Daley Plaza. Most marched 2 miles to show their support for handgun control.

Rainy weather forced the crowd inside the Daley Center, but it did not lessen their enthusiasm. Many carried signs with pictures of relatives and friends who have fallen victim to gunfire. Others held up written messages such as, "Handguns are not child's play" and "How many more must die?"

The gathering was attended by a phalanx of politicians proposing anti-handgun legislation.

U.S. Rep. Bobby L. Rush (D-Chicago) announced his intention to introduce in Congress this week a bill that would make it unlawful for anyone to possess or transfer a handgun except for military and law enforcement personnel. He said it also would call for increasing the $10 annual federal firearm license fee paid by gun dealers to $3,000 a year.

"Some of us are tired of going to funerals on a day-to-day basis," Rush said. "We've got to do something about these guns."

U.S. Rep. Mel Reynolds (D-Chicago) expressed support for the Brady Bill—a measure pending before Congress that would require a five-day wait for gun purchasers.

Said Reynolds, "We've got to have the courage to stand up to the National Rifle Association."

But most were there because in some way their lives have been touched by tragedy.

Among them was Sarah Yoon, a 14-year-old Lincoln Park High School student whose best friend, Rolanda Marshall, was killed last month in a drive-by shooting.

She carried a picture of Marshall as she began the 2-mile march from Daley Plaza.

"I just want people to stop the shooting," Yoon said. "I want to get rid of the guns."•

OPPOSITION TO INCREASING CUSTOMS USER FEES ON CRUISE TRAVELERS

• Mr. MACK. Mr. President, the administration has proposed a funding package to offset an estimated $2.8 billion in lost revenues expected to result from implementation of the North American Free-Trade Agreement. One provision of the package would increase the Customs user fees paid by cruise and airline passengers and would remove the existing exemption for passengers arriving from Canada, Mexico, and the Caribbean. The administration claims this tax increase will raise more than $1.1 billion over the next 5 years.

Why is the administration asking cruise passengers to pay for the NAFTA? Neither cruise passengers on vacation nor the cruise industry itself are expected to receive any extraordinary benefits from enactment of the NAFTA. I can see no reason they should be forced to make up such shortfall in revenues as may result from lower tariff rates on commodities shipped across our borders.

The administration considers the increase a minor one. Yet charging passengers who arrive from Canada, Mexico, and the Caribbean an additional $6.50 will raise over 40 times the revenue necessary to cover the costs of the Customs inspections currently being provided to the cruise industry. This is no user fee, this is a tax on average Americans traveling on vacation: Americans who are already overburdened with an endless list of travel-related user fees and taxes.

Imposing a $6.50 Customs user fee on cruise passengers would reportedly collect over $175 million from a growing industry which has a major presence in my State. The cruise industry provides thousands of jobs to Americans, and has as its passengers average people who save their hard-earned money for cruise vacations. Why ask these citizens to subsidize the cost of a program which is unrelated to any benefits they receive?

I also find it puzzling that while the countries of the Caribbean Basin do not directly benefit from the NAFTA, its passengers are being asked to fund it. Even stranger, this comes at the same time that we are working to foster economic development in the region through tourism via the Caribbean Basin Initiative. Instead, the administration has chosen to delete the current exemption which would have lessened the impact of the NAFTA funding proposal on the Caribbean.

Apparently, this administration learned nothing from the luxury tax of 1990, which was reportedly intended to impact only the rich. While supporters of the tax called it merely a minor increase on those most able to pay, it had the immediate effect of putting companies out of business and Americans out of work. In the end, hard working boatbuilders, not the wealthy, paid the price for the luxury tax through lost jobs.

Once again, we are going to lose revenue by discouraging economic activity. In 1992, the cruise industry was responsible for generating over 450,000 American jobs. We should encourage the continued growth of this industry, not formulate policies which discourage its economic contribution.•

IMPORTANCE OF HEALTH SECURITY—HOW DIFFERENT HEALTH REFORM PLANS STACK UP

• Mr. DASCHLE. Mr. President, the introduction last week of the Health Security Act of 1993 signals a new era of possibility for every American, an era where, for the first time in history, our citizens have within their grasp the possibility of guaranteed health coverage. Of health care that is always there.

Health security. It's a simple principle, but one that packs a lot of punch.

What makes it so important? Why does the President insist it is one of the principles upon which he refuses to compromise?

Because the President understands a fundamental reality of our health care system: That we cannot achieve savings, simplicity, responsibility, and many of the other goals we value until we guarantee that every American has health insurance that can never be taken away.

Unfortunately, the importance of this simple principle has escaped the authors of most of the major health care plans that have been introduced to date. Health plans that their congressional sponsors claim are serious reform measures that address our system's major problems.

Despite these claims, with the exception of the McDermott-Wellstone single payer plan, none of the major alternative health plans guarantees coverage of all Americans.

For this reason, I have deep reservations about the viability of these plans.

IMPORTANCE OF HEALTH SECURITY

Certainly we cannot contain costs unless everyone is under the same system, and all costs are explicit and accounted for.

How can we assure that businesses, for example, pay only their fair share of health expenses until we put an end to the cost shifting that is crippling those companies and individuals who pay now for their health coverage?

How do we begin to simplify our complex, patchwork system if people continue to move in and out of the mainstream health care system, asking others to subsidize their care because they fail to purchase their own coverage?

How do we ensure that we have healthy children, an efficient and productive work force, and that cost-effective preventive care is utilized so that costly illnesses are avoided if all Americans do not have access to primary and preventive care?

Finally, how do we ensure that Americans no longer have to make decisions about where they work and live, whether and if they will marry, and if they should have a family based on their health coverage?

Mr. President, in my State alone, 6,000 people every month lose their health coverage. These are not just the poor. Many of them are people who work hard, pay their taxes, save their money, and have held health insurance for most of their lives.

So how do they lose something as basic as their health insurance? Perhaps they lost their job, or their employer decided to drop the business's health coverage, or they had a child diagnosed with diabetes and their company refused to renew their contract.

These are the faces of the uninsured in my State and across the Nation.

How can we expect these people to be productive, healthy citizens if we do not ensure them a basic protection afforded the citizens of every other western nation?

HOW ALTERNATIVE PLANS COMPARE

What do the major alternative health plans do to guarantee everyone has health coverage? Unfortunately, very little.

At least Senator CHAFEE has publicly recognized the importance of universal coverage. Unfortunately, the details of his bill betray this recognition. Under his pay-as-you-go plan, coverage would not be expanded unless savings are achieved.

There is one fatal flaw to this strategy: Serious savings will never be achieved unless everyone is under the same system and accounted for. Patchwork coverage simply does not lead to simplicity and cost containment.

Still, I commend Senator CHAFEE for taking the goal seriously with a plan that strives for universal coverage by the 21st century.

On the other hand, it is disappointing that all the other health reform proposals acknowledge that guaranteed coverage is not on the immediate agenda.

None of these plans mandates coverage in any way; they don't require anyone—not employers, not individuals, not the Government—to take responsibility for health care. Instead, the authors of these bills hope to expand access to care almost solely through competition and shifting more responsibility to consumers. This will certainly result in a high number of uninsured Americans.

In fact, a July 1993 Congressional Budget Office analysis of the Cooper approach projected that it would result in 22 million uninsured.

And Senator GRAMM's bill actually puts more Americans at risk by leaving insurance companies free to drop people and raise their rates for reasons beyond the consumers control.

Under any of these plans, employers could continue to drop costly workers from coverage, or not cover their work force at all, adding to the rising number of uninsured Americans.

Under all of these plans, job lock would continue, since employees will be unwilling or unable to change jobs if they fear losing coverage.

Under all of these plans, we would see the continued negative effects of high numbers of uninsured patients:

Cost shifting would continue, since individuals could still decide that health care isn't their responsibility, thus shifting their expenses to those who purchase insurance.

The uninsured will continue to forgo preventive and primary care, and will instead receive expensive emergency room treatment.

In economic terms, this hurts individuals, it hurts businesses, and it hurts the Nation.

CONCLUSION

As we analyze different reform plans, we must sort out the fact from the fiction, the rhetoric from the reality. We must ensure that the claims that are made hold up under scrutiny.

The issue of health care reform is too critical to all of our futures to allow us to enact a bill that does not fulfill the goals that we value.

So, as we consider the health reform plans that are touted as viable alternatives to the President's proposal, let's be sure these measures provide us with health security, so that every other goal we value can be achieved.

Let's ensure that health coverage is no longer a fringe benefit. That health security is no longer just something to which the rich are entitled.

Isn't it about time that we join the rest of the industrialized world and give to our citizens health coverage as a basic right of citizenship?

As we write a new chapter in history, let's be sure we enact a plan that gives us no less.●

FACES OF THE HEALTH CARE CRISIS

● Mr. RIEGLE. Mr. President, I rise again today in my continuing effort to put a face on the problems of unmet health care needs across our country. Today I want to share the story of Lynda Maillet, from Ann Arbor, MI. Lynda has had difficulties finding a comprehensive health insurance policy that she can afford.

Lynda is a 29-year-old independent consultant. Because she is self-employed, she has been unable to obtain health insurance at a group rate. Lynda is also single, so she can't get coverage under anyone else's policy. She has had no choice but to buy an expensive individual policy which only covers major medical expenses—not doctors visits.

In October 1990, after finishing graduate school, Lynda subscribed to a health insurance policy through Benefit Trust Life. The policy guaranteed no premium increases for 2 years. In October 1992, exactly 2 years after she bought the policy, her premium went up from $129.80 per month to $180.42 per month. In other words, her premium increased nearly 40 percent even though she had never filed a claim. Only 7 months later—in April of this year—Lynda received notification that her premium would rise again—this time to $243.57 per month, another 35-percent increase. Lynda had still not made any claims against her policy.

Lynda's early salary varies, but it usually totals less than $10,000. If she had stayed with the policy she had, the cost of her health insurance premiums would have totaled almost 30 percent of her income. Lynda could not afford to keep this policy, so she began an exhausting search for more affordable insurance.

In May, Lynda was able to obtain another individual policy through Time insurance Co. She is currently paying $105 per month for this policy, but with a higher deductible and cost sharing than her previous policy. Lynda is particularly concerned that maternity expenses will not be covered by her new insurer. While becoming pregnant is not in her plans for the immediate future, Lynda is only 29 and hopes to have a family someday. With her current policy, she would have to buy a rider to cover any maternity costs.

Lynda considers herself lucky. She enjoys good health, and has had to pay little out-of-pocket for basic health care, even though she has never been covered for anything but major medical expenses. Lynda worries, however, about people who are not in good health whose premiums must rise even faster than hers.

Mr. President, we must do something to control the skyrocketing cost of health insurance premiums. And we must prevent insurers from being able to charge exorbitant rates to individuals when they provide the same policies to large groups for significantly less. All Americans deserve the security that guaranteed affordable coverage can bring.

I will continue to do everything I can to work with my colleagues and ensure that affordable health care coverage is available to every American.●

SCREEN VIOLENCE: IT'S KILLING US

● Mr. SIMON. Mr. President, Dean Shahinian, the executive director of the Ararat Foundation, heard me speak about television violence at the National Press Club recently and sent me an article by David Barry, a journalist and screenwriter from Los Angeles, who is a member of the Writers Guild of America. The article from Harvard magazine is titled "Screen Violence: It's Killing Us." The subtitle is "There's no question that violence on-screen leads to violence off-screen. The question is, What will we do about it? Studio heads are already talking about their first amendment rights."

Among the items that Mr. Barry mentions is this bit of history:

Thirty-five years later America is in the grip of a violence epidemic that has transformed the country from one of the safest to one of the most dangerous nations on earth. The national homicide rate, corrected for population growth, increased almost exactly 100 percent from 1950 to 1990. In major cities the increase has been much higher.

But everyone does not agree. He quotes TV writer/producer Barbara Hall:

"You can find a study to support any theory you have," says TV writer-producer Barbara Hall. "I think these theories linking violence to TV watching are very specious. They don't prove anything."

Hall's viewpoint is widely shared by writers and producers inboth the TV and the

movie industries, where the claim is often made that the studies are inconclusive and that the research community is divided on the issue. This opinion flies in the face of the written record.

He talks about a consensus that has developed on television violence. He writes:

The consensus includes the American Medical Association, the National Institute of Mental Health, the Surgeon General's Office, the American Academy of Pediatrics, the American Academy of Child Psychiatry, the American Psychiatric Association, and the Centers for Disease Control. Nevertheless, the report goes on to say that evidence of the effects of TV violence has "for decades been actively ignored, denied, attacked and even misrepresented in presentation to the American public, and popular myths regarding the effects have been perpetuated."

Slaby describes it as a major education gap. "In most research areas," he says, "when there's new evidence developed, the practitioners learn of it, incorporate it, and do something about it. But in the area of screen violence, there is a greater education gap than in almost any area. You could compare it to the tobacco industry's reaction to studies showing the disease risk of cigarette smoking.

"Still, with tobacco," Slaby continues, "you can count on Mike Wallace to be there to ask embarrassing questions of cigarette makers. But you can't count on the TV industry to examine itself. You can count on it to ignore, redirect, or smokescreen the issue when it comes to their own industry."

He also quotes TV and movie writer Michael Graham, who once was an officer in the Wayne County Prosecutor's Office in Detroit:

Graham, a one-time officer of the Wayne County Prosecutor's Office in Detroit, got his fill of violent crime before becoming a screenwriter. "I've watched kids die from bullet holes," he says. "When violence is shown on-screen, it should be horrible, the way it really is—not slick and superficial, the way some movies show it."

I ask that the full article be placed into the RECORD at this point.

The article follows:

[From the Harvard Magazine, November–December 1993]

SCREEN VIOLENCE: IT'S KILLING US

(By David Barry)

There's no question that violence on-screen leads to violence off-screen. The question is, what will we do about it? Studio heads are already talking about their First Amendment rights.

The films "Blackboard Jungle" and "Rebel Without a Cause," so shocking in 1955, seem almost quaint today, especially in Los Angeles where they were made and where teenage-gang killings now make the front page only if they're unusual.

Unless you lived through the Eisenhower era, it may be hard to imagine the impact of the on-screen sight of sneering high-school students challenging adults with switchblades. But in '50s America, killing was still seen as something rare and horrible, something done by soldiers in battle, by lawmen, by gangsters, or by the occasional psychopath.

Homicides in movies, even those considered violent, were infrequent. "On the Waterfront," for example, had only two killings, "Rebel Without a Cause" had one, and "Blackboard Jungle" had none. Those films presented juvenile delinquency more as the threat of rebellion and disobedience than of outright violence. The idea of American teenagers as killers was beyond comprehension.

That changed in 1957 when a wave of teen-street-gang killing in New York City (22 in the first six months of the year) spurred the emergency deployment of six hundred Police Academy cadets in a war on teen street crime. Though teen violence soon lost its place in news headlines to other crises, it did not go away.

Thirty-five years later America is in the grip of a violence epidemic that has transformed the country from one of the safest to one of the most dangerous nations on earth. The national homicide rate, corrected for population growth, increased almost exactly 100 percent from 1950 to 1990. In major cities the increase has been much higher.

Detroit's homicide tally climbed from 130 in 1953 to 726 in 1992, while the population declined. That's a five-fold increase. New York City recorded 321 homicides in 1953, compared with 1,665 in 1993, again, with a population decline—an increase of close to 500 percent. In Los Angeles County the 1953 homicide total was 82. In 1992, with a population almost exactly doubled, the total was 2,512—an increase of over 1,000 percent. These are staggering increases by any measure, with the one-year toll for L.A. County exceeding the deaths in over fifteen years of conflict in Northern Ireland.

Youth crime accounts for a disproportionate number of these killings, with eight hundred of the L.A. County killings listed as gang related. That's more than twice the number recorded a decade earlier, reflecting the fact, according to FBI reports, that the number of youths who committed murder with guns was up 79 percent in one decade.

Clearly something has gone horribly wrong. In looking for a root cause, one of the most obvious differences in the social and cultural fabric between post-World War II and pre-World War II America is the massive and pervasive exposure of American youth to television. Since the 1950s, behavioral scientists and medical researchers have been examining screen violence as a possible causative element in America's spiraling violent crime rate. There is compelling evidence of a direct, demonstrable link.

You've seen statistics about national TV-viewing habits and the violence quotient—children aged 2 to 11 log an average of 28 hours per week, which means they've seen more than five thousand murders by the end of elementary school. These viewing habits go on in a country where homicide has become the second leading cause of death of all persons 15 to 24 (auto crashes are the first) and the leading cause among African-American youth. In 1992 the U.S. surgeon general cited violence as the leading cause of injury to women ages 15 to 44, and the U.S. Centers for Disease Control consider violence a public health issue, to be treated as an epidemic.

These issues were brought into public view during hearings held last June by Senator Paul Simon in Washington, and later in Beverly Hills, on the effects of screen violence on behavior. With the veiled threat of possible federal regulation, TV-network heads promised to make reduction of violence a high priority.

At both conferences TV spokespeople made the claim that the networks had already cleaned up the violence content considerably. Statistics show the claim is true. Nevertheless, TV executives, producers, and writers at the Beverly Hills conference were openly skeptical of the evidence presented by researchers and behavioral scientists linking TV violence to violent behavior.

"You can find a study to support any theory you have," says TV writer-producer Barbara Hall. "I think these theories linking violence to TV watching are very specious. They don't prove anything."

Hall's viewpoint is widely shared by writers and producers in both the TV and the movie industries, where the claim is often made that the studies are inconclusive and that the research community is divided on the issue. This opinion flies in the face of the written record.

A recent study authored by Ron Slaby of the Harvard Education Development Center; Ed Donnerstein of the School of Communications, University of California; and Leonard Eron, professor emeritus at the University of Illinois, specifically addressed those charges, examining the research work in roughly thirty years of study and mapping out what has been done with it.

One project studied was a thirty-year tracking of a rural school from 1960 by Leonard Eron, producing the finding that TV viewing at age 8 was an accurate predictor of violent behavior in adolescents and adults. Eron found a 150 percent increase in conviction for criminal behavior among those who preferred and regularly watched violent TV shows.

Another study cited was by George Comstock at Syracuse University's Center for Research on Aggression. Comstock concluded that 188 research studies from 1957 to 1990 showed clearly that exposure to violent images is associated with antisocial and aggressive behavior.

Slaby, Donnerstein, and Eron reported the finding of a clear consensus in more than one thousand studies done over a thirty-year period. The 1968 National Commission on the Causes and Prevention of Violence, for example, cited screen violence as a major component of the problem. The 1972 Surgeon General's Report on TV and Behavior cited clear evidence of a causal link between TV violence and aggressive behavior by viewers. A ten-year follow-up to the Surgeon General's Report by the National Institute of Mental Health stated unequivocally, "The opinion held by most of the research community is that TV violence does lead to aggressive behavior by children and teenagers who watch the programs."

The consensus includes the American Medical Association, the National Institute of Mental Health, the Surgeon General's Office, the American Academy of Pediatrics, the American Academy of Child Psychiatry, the American Psychiatric Association, and the Centers for Disease Control. Nevertheless, the report goes on to say that evidence of the effects of TV violence has "for decades been actively ignored, denied, attacked and even misrepresented in presentation to the American public, and popular myths regarding the effects have been perpetuated."

Slaby describes it as a major education gap. "In most research areas," he says, "when there's new evidence developed, the practitioners learn of it, incorporate it, and do something about it. But in the area of screen violence, there is a greater education gap than in almost any area. You could compare it to the tobacco industry's reaction to studies showing the disease risk of cigarette smoking.

"Still, with tobacco," Slaby continues, "you can count on Mike Wallace to be there to ask embarrassing questions of cigarette

makers. But you can't count on the TV industry to examine itself. You can count on it to ignore, redirect, or smokescreen the issue when it comes to their own industry."

Slaby takes encouragement from the industry's recent pledge to tone down violence, but he thinks the pledge was a long, long time coming. "This is two decades after the surgeon general pointed out the problem," Slaby says, "and four decades after research indicated a problem. That's quite a long time. And during that time, there has been an active campaign to distort the issues."

TV writers and producers, in their turn, feel persecuted and wrongly held responsible for a situation they believe is itself gravely misrepresented. In fact, the most recent research indicates that prime-time TV programming is not the culprit in the violence problem.

Last April a Washington, D.C., nonprofit activist group—the Center for Media and Public Affairs—monitored the violence in eighteen hours of TV programming. Their survey, which included cable and pay channels, showed an average of one hundred acts of violence per hour, for a total of nearly two thousand acts of violence overall. Most of the violence involved a gun, with murder making up one tenth of the total. Cable proved to be far more violent than network broadcasting: WTBS clocked in at nineteen violent acts per hour; USA had fourteen; and MTV, the youth-oriented music video channel, and HBO each had thirteen.

The networks (except for CBS, whose violence content was skewed by the reality show "Top Cops") were almost as low in violence content as PBS, which had two violent acts per hour. (ABC showed three per hour, NBC two.)

Since almost no one would accuse PBS of excess violence, clearly prime-time network programming is no longer the source of violence activists believed it to be. In fact, only one eighth of the violence occurred in prime-time TV programming. That's the good news.

The bad news is that the bulk of the violence occurred in children's programming, with cartoons and toy commercials registering a staggering 25 violent acts per hour. TV writers and programming executives defend cartoon violence as fantasy not likely to be confused with reality. But Deborah Prothrow-Stith, M.D. '79, assistant dean of the Harvard School of Public Health, says cartoons teach children to laugh at violence.

From their very first cartoon all the way through the latest super-hero movie," Prothrow-Stith said at a forum on violence in Los Angeles last May, "we teach our children that violence is funny, is entertaining, is successful, is the hero's first choice, is painless, is guiltless, is rewarded. . . . If you watch little children watch their first cartoon, they literally learn when to laugh. It's not a natural response to violence to laugh. But they learn, because the other children around them laugh. Because there's a laugh track, because there is music that tells them when to laugh." The effect, Prothrow-Stith says, is that children see violence as the way to solve problems.

Prothrow-Stith, who became involved in the cause of violence prevention through her work in the emergency room at Boston City Hospital, does not single out media violence as the sole or even prime offender. Rather, she sees it as one of several interlocked causative factors.

Barbara Hall counters by saying that responsibility for screen violence has to be shared by the people who create it and the public that supports it by paying to see it. "If the public wants good TV programming," she says, "then it should support the good shows that come on." Similarly, Hall believes that the public's enthusiasm for violent films is an endorsement of them. "It's a consumer society," she continues. "The studio heads are just business people."

True. But what about children in low-income, inner-city families with only one parent, or no parent, at home? Studies show that such children watch significantly more television (including cable and movies via VCR) than children in more advantaged households. Who takes responsibility for what those children watch?

Paul Juarez, of the Department of Family Medicine at Martin Luther King Hospital in Los Angeles, believes screenwriters need to share the responsibility. "I think there's the danger that film producers and writers, who are in a position to really shape attitudes, may not recognize their role," he says. "For those who live on the West Side [an affluent sector of L.A.], the reality may be that screen violence doesn't affect their children much. But for kids in disadvantaged homes, the media has a much stronger impact."

In fact, Juarez says, "with what's going on in our society—the changing nature of families, class differences, income disparity, less church attendance, deterioration of schools—the traditional social institutions are not responsive to the needs of youth." So, he says, young people increasingly rely on TV to set standards. "The media has come to fill a void in terms of shaping attitudes and opinions," says Juarez. "TV and movies have replaced church and schools in the sense of shaping the way kids are developing, in terms of presenting reality and the way things are supposed to be."

Studies examined in the report by Slaby, Eron, and Donnerstein describe immediate behavioral changes in children who watch violent TV shows: they become aggressive. Los Angeles TV and movie producer Alan Marcil had precisely that experience with his three-year-old son and the cartoon series "Teenage Mutant Ninja Turtles," which is heavy on exaggerated, karate-style, nonlethal violence.

"My son is a sweet guy," Marcil says. "But right after watching 'Ninja Turtles', he punched his sister. He'd never done that before, He began kicking, too, and he attacked the piano with a hammer. Now all kinds of toys have become weapons and have to be locked away. The wiffle bat—watch out; it's now a Ninja sword."

To Marcil, the gloomiest aspect of the situation is the change in his son's TV-watching appetite. "He used to like Mister Rogers and 'Sesame Street,'" he says, "but he's not interested in those shows anymore. I turn them on and he wants something futuristic, with lots of violent action."

There is a report mentioned in the Washington hearings that goes far beyond other studies in terms of postulating a causal link between TV and real-life violence. The report, by Dr. Brandon Centrewall of the University of Washington Department of Epidemiology and Psychiatry, appeared in the June 1992 Journal of the American Medical Association.

Treating violence in the United States as an epidemic, Centrewall sought its causes as he would any medical epidemic, looking for statistical connections between the change in homicide rates following the introduction of TV in three countries. He studied the United States and Canada, where TV was introduced in 1945, and the Republic of South Africa, where it was introduced thirty years later. Centrewall sees the three countries as having similar cultural bases, with strong Christian religious influences.

Canada serves as a control on the study of homicide rates in the United States in that it was spared the upheavals of anti-war protests and civil rights struggles that may be thought to have influenced U.S. statistics. To rule out the effect of South Africa's racial tension, Centrewall used only white homicide statistics throughout his study.

What he found is this: homicide rates in Canada and the United States increased almost 100 percent between 1945 and 1970. In both countries TV-set ownership increased in almost the same proportion as the homicide rate. In South Africa, he found that the (white) homicide rate had been in gradual decline between 1945 and 1970. When the government allowed TV in 1975, the homicide rate (again, white only) exploded, increasing 130 percent by 1983 after decades of decline.

There are other controls in Centrewall's study to rule our firearms, alcohol, drug abuse, and urban population shifts as prime causative factors in the homicide rate increase. The statistical implication is that TV is a cause of violence.

"Given that homicide is primarily an adult activity," Centrewall says,"if television exerts its behavior-modifying effects primarily on children, the initial "television generation" would have had to age ten to fifteen years before they would have been old enough to affect the homicide rate. If this were so, it would be expected that, as the initial television generation grew up, rates of serious violence would first begin to rise among children, then several years later it would begin to rise among adolescents, then still later among young adults, and so on. And that is what is observed."

Centrewall's study shows TV as the prime causative agent in the doubling of the American homicide rate over the past forty years. That means, he says, that without TV, we would have had 50 percent fewer homicides over the past four decades. "People who commit murder are a very small fraction of the population," Centrewall says, referring to the 1950 murder rate: about four and a half per hundred thousand people. "By 1990 the rate was twice that. Still a tiny fraction of the population, but twice as large a fraction as before."

Although action films like "Total Recall" and "Die Hard" have a huge impact on audiences (judged by ticket sales alone), they represent only a small piece of annual movie production. Activists concerned about screen violence tend to be equally concerned with the high body counts of such film: "Total Recall" boasts 74 deaths; "Robocop II," 81; "Rambo III," 106; and "Die Hard 2,264.

What's the responsibility to the public of writers and movemakers? "I think writers have a responsibility to write honestly and write well," says Barbara Hall. "In terms of the effects it might have, it's almost impossible to predict that." Harlan Ellison voices a similar opinion. "You can't feel a responsibility for the effect of what you write. You have to be true to the art. You have no allegiance to producers, editors, or audiences."

Other writers disagree. "TV and widescreen movies combine into the greatest influential force in the history of the human race," says TV and movie writer Michael Graham. "We as writers have an awesome responsibility in how we use that force, and there should be a collective examination of conscience about it."

Graham, a one-time officer of the Wayne County Prosecutor's Office in Detroit, got

his fill of violent crimes before becoming a screenwriter. "I've watched kids die from bullet holes," he says. "When violence is shown on-screen, it would be horrible, the way it really is—not slick and superficial, the way some movies show it."

Although writer Robert King worries about the notion of movie or TV story content being analyzed or graded for violence, he believes it's obvious that screenwriting affects people. "Writers can't just throw up their hands and say we have no effect, because to do so would be to say our writing didn't mean anything," King says. "I think the minimum of what we should be doing as writers is talking about this issue. But when I try to get a conversation started with other writers, I hear the argument that just talking about it is putting yourself in the hands of censors."

Some might consider that to be an odd escape route from a discussion of the subject, since movies and television are the most heavily self-censored industries in the world. Networks exercise absolute veto power over the scripts of their TV writers, with any element, including the entire story, subject to rejection on almost any basis at all. Feature film scripts, often created under a development contract to a studio or production company, are written to the taste of the producer, who writes the checks and who has veto power on any issue, including aesthetics, conscience, taste, or anything else.

That's the nature of the business of writing for hire, yet it doesn't get called censorship. What does bring that cry is the request for a discussion of writers' responsibilities. Similarly, when asked about their responsibility on the issue of violence, studio heads take cover behind the issue of artistic freedom for their moviemakers. "The issue is not one of freedom of speech," says TV and movie writer Ben Stein. "It's freedom to make a lot of money. I think it's been proven beyond any doubt that screen violence affects children," Stein adds. "Now TV violence seems to have diminished, but violence in movies is totally out of control. I believe moviemakers have a responsibility to consider the consequences of their work. People who make the culture have as much responsibility to think about its effect as people who make cars have to think about the effect of their product."

Nevertheless, Stein continues, "it's wrong to blame studio heads for the violence; they don't write the material. Writers write it. But the people who make tens of millions of dollars each year increasing the level of youth violence should really be ashamed. There's no difference between them and people who sell guns."

Stein is probably on safe ground when he tosses the argument into the pit of profits, since the returns from the most violent pictures—"Total Recall," "Robocop," "Terminator," and "Die Hard"—run into the hundreds of millions of dollars.

But if violence in prime-time TV programming has already been addressed as a problem (and I think it has), the violence in children's TV programming and in the feature films that make their way into America's homes via cable TV or VCR remains relatively unexamined.

How to sway the minds of those who make violent films? The heads of movie studios, unlike the heads of TV networks, have so far refused to credit the evidence of a link between screen violence and violent behavior. Furthermore, they invariably cite artistic freedom as an absolute right to be enjoyed by filmmakers.

That position, like the anti-censorship argument of TV writers, ignores the fact that there's no constitutional violation in a studio head rejecting a film project out of concern for its possible harmful effect on society, Studio executives reject film projects all the time, usually because they fear the movie won't make a profit. Without even hinting at anything so odious as a regulatory body, it's not hard to imagine activist groups exercising their First Amendment rights by bringing pressure on corporate heads of studios to examine the possible harm done by extremely violent films.

Although many writers see the availability and proliferation of guns as the culprit in America's escalating violence, Jeff Silverman, a screenwriter and journalist, is convinced that screen violence is related to criminal violence. "Guns on-screen lead to guns off-screen; and a gun that's loaded has a way of going off," says Silverman. He sees the cinematic use of firearms defining character on-screen and fashion on the street. "Guns have become lethal and illegal versions of Air Jordans," he says. "There's a reason that Los Angeles—the capital of the movie industry—is the capital of kids getting caught with guns in school."•

U.N. PROTECTION FORCES

• Mr. DECONCINI. Mr. President, I rise today to express the most profound concern over a news report published this week in New York Newsday regarding the participation of U.N. Protection Forces—UNPROFOR—in war crimes in Bosnia and Herzegovina. The journalist who prepared this report, Roy Gutman, first broke the story last year of concentration camps under Serb control and subsequently won a Pulitzer Prize for his dispatches on this war.

Today, Roy Gutman adds another grisly chapter to the mounting documentation of war crimes. According to his report, which is based on a 6-month long investigation, U.N. peacekeepers from perhaps as many as a half dozen different countries actually took part in rapes of Moslem and Croat women being held by Serb forces. The attacks occurred at a Serb-run brothel known as Sonja's and at the Park Hotel outside of Sarajevo. Men as well as women were subjected to sexual abuse and Gutman's interviews with camp survivors suggest that many of the rape victims did not survive their ordeal or were purposely killed.

What has been the response of U.N. officials to these allegations of complicity in war crimes? For the most part, it seems to consist of two perspectives: Denial from some quarters, and a so-what-if-we-did attitude from others. Although local sources have apparently been reporting on these allegations for nearly a year, Secretary-General Boutros Boutros-Ghali has only recently appointed a special U.N. Commission of Inquiry to examine these, and other longstanding charges levied against UNPROFOR, including blackmarketeering and violating the United Nation's economic sanctions on Serbia.

It seems to me, Mr. President, that the allegations of war crimes by U.N. personnel already falls within the scope of authority of the U.N. Commission of Experts, which is mandated to investigate war crimes. In any case, the U.N. should respond to these allegations by launching an exhaustive probe into these claims by independent investigators. Equally important, each of the national governments implicated in these charges should likewise begin their own investigations. Those governments are, in the first instance, responsible for the actions of their officials. If these allegations are found to have merit, the individual soldiers involved should be brought to trial before their own domestic courts or, if necessary, before the United Nation's own International Tribunal for War Crimes in the former Yugoslavia.

Representative STENY HOYER and I, as the Cochairmen of the Helsinki Commission, have repeatedly said that holding war criminals personally accountable for their actions is not only consistent with the standards we have struggled for 50 years to establish, but is essential for any long-term prospects of peace in this region. Without giving the victims of war crimes in this conflict both the satisfaction and deterring example of justice, we can be virtually assured that there will be more violence in the future. This standard must apply not only to the belligerents directly engaged in combat, but to the military forces placed in the former Yugoslavia under U.N. auspices.

Moreover, this issue goes beyond just the pressing and immediate crisis in Yugoslavia. Where will U.N. peacekeepers ever be welcomed again, if they become associated in people's minds with the very forces that have perpetrated genocide? If U.N. peacekeeping is to regain any of its sorely tarnished credibility, U.N. member states must credibly demonstrate that they are capable of policing their own house. This is exactly what the United States did earlier this year, when several American soldiers were held to account before United States military authorities for excessive use of force in Somalia, resulting in at least one conviction, and I understand that Canadian authorities have made similar investigations into cases involving their troops in Somalia. If those countries participating in U.N. peacekeeping operations cannot demonstrate their ability to bring alleged war criminals from within their own ranks to answer for their actions, efforts to bring others to answer before the international community will appear hypocritical and shallow.•

GUN TAXES

• Mr. BURNS. Mr. President, there has been a lot of talk in Washington, DC, regarding gun taxes. I would like to rise today to express my opposition to this idea.

Montana has a deep tradition in hunting. And increasing taxes on guns and gun related equipment will put an unfair tax on hunters in Montana.

There are a number of areas in which gun and gun equipment taxes have been discussed. The White House and Members of this body, have indicated that they want this type of tax to help underwrite the cost of the health care plan. Already the White House says that 30 percent of the Nation will pay more to cover this plan, why should hunters be expected to pay even more than this. The real issue is not a tax on guns, the real issue is gun control.

Also, there is a bill pending in this body, S. 868, which would increase this gun tax. What proponents of this bill do not realize that there already is about an 11-percent tax on guns and gun related equipment. This tax goes straight to the Pittman-Robertson Fund, which then goes directly to the States. In Montana, these funds pay for hunter education classes and wildlife restoration funds.

Mr. President, gun taxes are wrong. Montana's lawful hunters should not be expected to pay the bill on the health care plan, and the Pittman-Robertson Fund should not be raided.•

ILLINOIS IS PROUD OF MARCA BRISTO

• Mr. SIMON. Mr. President, 14 years ago, I chaired a House subcommittee field hearing at the Rehabilitation Institute of Chicago on the implementation of Public Law 94–142. Following the hearing, the institute director, Dr. Henry Betts, an outstanding leader himself, introduced me to a remarkable young woman named Marca Bristo. That introduction was the beginning of a friendship that has rewarded and educated me, and given me reason to take great pride in the leadership coming from our State.

Just a couple of years prior to our meeting, Marca had received a spinal cord injury in a swimming accident that put her into a wheelchair. But she was already well on the way to making a success of access living, a program that would enable not just her, but thousands of persons with disabilities in the Chicago area, to live independent, productive lives.

President Clinton has nominated Marca to chair the National Council on Disability. I was pleased to nominate her for this position and hope we will confirm her soon. And this week Marca was honored with the Henry B. Betts Award, which recognizes an American who significantly improves the quality of life for persons with disabilities.

Marca realized early on that the difficulties she faced as a person with a disability were the community's problems, not her own. Rather than focusing on her own situation, she determined to tackle the larger hurdles, and to fight to give every person with a disability control over his or her own life. In working to make life better for people with disabilities, Marca has demonstrated how each of us can improve the world around us, and for ourselves at the same time.

Marca is highly deserving of the recognition she received this week, and of the responsibility she will have with the Council on Disability. I expect her to continue to challenge and inspire us in the days ahead, and I look forward to her leadership.•

BILLY TAYLOR SUMMER LEAGUE

• Mr. CHAFEE. Mr. President, I would like to take this opportunity to recognize a program in my home State of Rhode Island. The Billy Taylor Summer League, established in Providence 3 years ago, provides an opportunity for inner-city children to participate in an innovative writing and recreational program.

Each year, nearly 200 youngsters between the ages of 9 and 17 take part in the three facets of this program.

The first facet teachers teamwork and organization by providing children with an opportunity to play basketball, thus providing youngsters with a positive alternative to the streets on long summer nights. A 1991 study of police records showed a 50-percent decrease in the number of police calls to the area since the establishment of the Billy Taylor Summer League.

Second, the league conducts mandatory health education programs in conjunction with Providence's Miriam Hospital, one of the league's sponsors. Hospital staff hold weekly seminars on sport and nutrition, sports injuries, and HIV and sports. The president of Miriam Hospital, Steve Baron, has taken a personal interest in the league, dedicating his own time and energy in addition to the more than $15,000 and numerous summer jobs offered to the league and its participants by the hospital.

The third, and most impressive segment of the league is a program designed to improve basic writing skills. Each athletic team meets with two instructors for an hour-long program each week, and each youngster is required to complete creative writing projects ranging from short stories to poetry.

A requirement that children attend the writing program in order to play basketball has contributed to an impressive rate of success. The writing program is funded by Fleet Bank's Youth Initiative Program, and is administered by Max Hyppolite, a senior at Virginia State University; and Nicole Clement, a senior at Brown University.

Boston Celtics forward Ed Pickney serves as the honorary commissioner of the Billy Taylor League. League Commissioner Kenneth Brown has spent nearly every summer evening for the past 3 years providing leadership and continuity to a group of youngsters in desperate need of these qualities, both on and off the basketball court.

The league's success, however, depends on the dedication of volunteers who provide hundreds of hours each summer making possible the basketball and writing portions of the program. Sidney Lima, a retired Providence firefighter, is one such volunteer. He spends countless hours each summer acting as a positive role model and helping youngsters to succeed.

Providence City Council member Joshua Fenton founded the league and currently serves as an organizer, coach, and fundraiser. His efforts help to ensure a continued commitment to the futures of these children.

Mr. President, I hope that Senators will join me and the people of Rhode Island in paying tribute to the organizers and volunteers of the Billy Taylor Summer League, which has helped so many youngsters who are in desperate need of guidance and assistance.•

ORDERS FOR MONDAY, NOVEMBER 8, 1993

Mr. WELLSTONE. 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 9 a.m., Monday, November 8, that, following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10 a.m., with Senators permitted to speak therein, with the entire period of morning business under the control of Senator BYRD; that, at 10 a.m., as previously ordered, the Senate resume consideration of S. 1607; further, that the previous order governing the Wellstone amendment be modified to specify that the time for debate on the Wellstone amendment be 40 minutes, that relevant second-degree amendments thereto be limited to 40 minutes, and that the remaining provisions of the agreement relating to the Wellstone amendment remain in effect.

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

RECESS UNTIL MONDAY, NOVEMBER 8, 1993, AT 9 A.M.

Mr. WELLSTONE. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate now stand in recess, as previously ordered.

There being no objection, the Senate, at 5:50 p.m., recessed until Monday, November 8, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 5, 1993:

DEPARTMENT OF STATE

EDMUND T. DEJARNETTE, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

DEPARTMENT OF JUSTICE

DON CARLOS NICKERSON, OF IOWA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS VICE GENE W. SHEPARD, RESIGNED.

STEPHEN JOHN RAPP, OF IOWA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS VICE CHARLES W. LARSON, RESIGNED.

DONALD KENNETH STERN, OF MASSACHUSETTS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF 4 YEARS VICE WAYNE A. BUDD, RESIGNED.

G. RONALD DASHIELL, OF WASHINGTON, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF 4 YEARS VICE PAUL R. NOLAN.

NANCY J. MCGILLIVRAY-SHAFFER, OF MASSACHUSETTS, TO BE U.S. MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF 4 YEARS VICE ROBERT T. GUINEY.

DONALD R. MORELAND, OF FLORIDA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS VICE RICHARD L. COX, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JOSEPH W. PRUEHER, U.S. NAVY, [redacted]

DEPARTMENT OF DEFENSE

JOE ROBERT REEDER, OF TEXAS, TO BE UNDER SECRETARY OF THE ARMY, VICE JOHN W. SHANNON, RESIGNED.

TOGO DENNIS WEST, JR., OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF THE ARMY, VICE MICHAEL P.W. STONE, RESIGNED.

RICHARD DANZIG, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF THE NAVY, VICE J. DANIEL HOWARD, RESIGNED.

COMMODITY FUTURES TRADING COMMISSION

JOHN E. TULL, JR., OF ARKANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 1998, VICE WILLIAM P. ALBRECHT, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate November 5, 1993:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JUNE GIBBS BROWN, OF HAWAII, TO BE INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES.