

The good soil and abundance of good water are key to Iowa's agricultural productivity. There are numerous rivers and streams in the State. While Iowa ranks 30th in the United States by size of population and 23d in terms of size in land area, Iowa ranks 5th in the United States in the number of bridges needed to cross those rivers and streams. There are 24,844 bridges in Iowa.

Getting our products, both agricultural and nonagricultural, to market takes good roads. Iowa has more miles of road than 40 of the other States.

From the time the first official settlement began in Iowa in June 1833 to the present day, Iowans have proven themselves to be an industrious and blessed people. Our history is as rich as our land. We are proud to be Iowans, and we are proud to be Americans. During the upcoming days I will continue my talks on Iowa, hoping to impart to you and to the Nation a small part of something that is almost too big to describe—the Iowa spirit.

The PRESIDING OFFICER. The Senator from Utah, [Mr. HATCH], is now recognized to speak for up to 20 minutes.

The Senator from Utah.

#### PRESIDENT CLINTON'S CODDLE-A-CONVICTED-CRIMINAL CAMPAIGN

Mr. HATCH. Mr. President, an administration's law enforcement philosophy manifests itself in many ways. I have spoken several times about soft-on-crime Clinton administration judges. President Clinton has been AWOL—absent without leadership—in the war on drugs. After years of declining use the drug problem is on the rise—on President Clinton's watch. Today, I want to speak about the Clinton coddle-a-convicted-criminal program.

The President is responsible for protecting the constitutional rights of convicted criminals incarcerated in State prisons. This is pursuant to the Civil Rights of Institutionalized Persons Act, sometimes called CRIPA, an act that I cast the deciding vote on and was prime cosponsor of, along with Senator Birch Bayh, many years ago, in the 1970's.

Convicted criminals do have some constitutional rights; but, understandably, those rights are very sharply circumscribed. And, to my mind, the Clinton administration, takes a very liberal view of these rights, and reads the rights of the accused and of convicted criminals more favorably than many of the rest of us.

Mr. President, the Clinton administration has asserted a number of instances where the constitutional rights of some of the most vicious criminals at the Maryland Correctional Adjustment Center, known as Supermax, are allegedly being violated. I cite a letter of Assistant Attorney General for Civil Rights Deval L. Patrick, to Gov. Parris N. Glendening, May 1, 1996. I want to

focus on some of these alleged constitutional deprivations, or at least what the Clinton administration calls alleged deprivations of prisoners' rights.

I remind colleagues that Supermax was constructed to house inmates who by their own conduct create public safety justification for removal from traditional correctional facilities. Supermax inmates require close custody and a high level of supervision. Among the inmates at Supermax are 105 murderers, 19 rapists, and those who have histories of escape or attempted escape.

Mr. President, I hope my colleagues and others who are listening pause and brace themselves for the unconstitutional deprivations to which Maryland is allegedly subjecting these murderers, rapists, and other hardened criminals.

Now, is the Clinton administration citing the State of Maryland because it beats the convicts at Supermax? No. Is the Clinton administration citing Maryland because it tortures or starves these vicious criminals? No.

Mr. President, the Clinton administration is citing the State of Maryland, in part, because "food is served lukewarm or cold" to these murderers and rapists. Doesn't your heart just bleed for these murderers and rapists and other criminals? They are getting their food served lukewarm or cold. The Clinton administration makes a Federal case out of it. President Clinton is forcing Maryland taxpayers to defend against this ridiculous constitutional claim. This is the evolving standard of decency in the hands of liberals wielding the vast power of the all-mighty Federal Government. It is an abuse of Federal power on behalf of murderers and rapists; that is, the administration's position in this matter.

If you do not believe me, Mr. President, let me read you the relevant paragraph from page 5 of the Clinton administration's May 1 letter:

Food served to the prisoners at Supermax is prepared at the penitentiary across the street and brought to Supermax in bulk. At Supermax, the food is placed into individual compartmentalized thermal trays for distribution to the prisoners in their cells. Food placed in the trays is not promptly covered; trays brought to the housing units are not promptly served. As a result, food is served lukewarm or cold. Food must be served at temperatures that conform to accepted health standards.

CRIPA, or the Civil Rights of Institutionalized Persons Act, requires only enforcing the constitutional minimum. Instead, the Clinton administration makes a Federal case out of it, advancing a constitutional right for hardened, convicted murderers and rapists, so vicious and dangerous as to need special supervision, to have their hot food served hot, not lukewarm or cold.

This is nothing but a Clinton coddle-a-convicted-criminal approach. I might say a convicted-vicious-criminal approach. The Clinton administration is forcing the taxpayers of Maryland to

pay the cost of responding to its ridiculous demand.

That is not all. The Clinton administration insists that Maryland provide these killers and rapists 1 hour of out-of-cell time daily. At least five times per week, this out-of-cell activity should occur outdoors, weather permitting. Again, from the letter of Mr. Patrick. That is right Mr. President, the hardened criminals who are the worst of the worst, who require special supervision, have a constitutional right to fresh air, to go outdoors. This does not represent law and order. This is the coddling of vicious criminals.

Here is how the Clinton administration describes general conditions at Supermax:

Inmates at Supermax are subjected to extreme social isolation. Inmates are confined to single person cells 24 hours a day, except for a brief period (less than an hour) every 2 to 3 days when they are permitted, one at a time, out of their cells to shower and walk around a dayroom area. Inmates are not permitted outdoors due to staff shortages. Inmates eat all of their meals in their cells. Food trays are passed through a narrow food port in a cell door, solid except for a vision window. Inmates are not allowed to participate in any prison job opportunities or any other prison recreational or educational programs. No recreational equipment is provided. Inmates in adjoining cells can hear but not see each other. The sole opportunity for socialization occurs during the out-of-cell time, when the inmate released from his cell may socialize with other inmates on his block, who are locked behind their cell doors.

They go on to say:

Supermax' failure to provide sufficient out-of-cell time on a daily basis as well as its failure to provide any opportunity to go outdoors is unconstitutional, especially given the highly restrictive regimen of daily life at Maryland Supermax.

Is it any wonder Supermax inmates are isolated? These prisoners have been removed from traditional maximum security prisons as a result of their own conduct.

But the Clinton administration's heart just bleeds for these hardened, convicted criminals. Pity the inmates at Supermax. Joe the murderer does not have enough time to socialize, schmooz, and compare notes with Harry the murderer and rapists Ben and John. Does your heart not just bleed for these criminals, Mr. President? These model citizens do not get to jump on an exercise bike. So let us sue Maryland. Let us establish a constitutional right for convicted murderers and rapists to socialize with one another. Again, I stress, these are not merely maximum security prisoners. These prisoners at Supermax are the worst people in the Maryland prison system.

It is true that some courts, including the fourth circuit decision the Clinton administration relies upon, have ruled that "generally a prisoner must be provided some opportunity to exercise" under the eighth amendment, but that is in general. *Mitchell v. Rice*, 954 F.2d 187, 192]. Even the total deprivation of

all exercise does not always violate the cruel and unusual punishment clause. According to the cited fourth circuit precedent, there is no per se rule requiring a minimum of exercise time in all cases. The issue turns on the particular circumstances.

Moreover, the Clinton administration's misleading reading of fourth circuit precedent favorable to the murderers and rapists of Supermax notwithstanding, the Mitchell versus Rice case does not suggest that there is a constitutional right for these prisoners to go out of doors.

Under the circumstances at Supermax; namely, the nature of the dangerous criminals locked up there, and their need for close supervision, the Clinton administration should let Supermax afford these inmates the brief time out of their cells every second or third day that the administration finds constitutionally objectionable. If Maryland correctional authorities want to provide more out of cell time, that should be in their discretion.

And I certainly believe the Clinton administration ought to drop its position that these particular murderers, rapists, and other closely supervised criminals, have a constitutional right to fresh air. Many, if not all, of the murderers in this group are lucky to be breathing indoor air at all, which is more than their victims are doing right now, I might add.

With respect to hot food, out-of-cell exercise time, and access to fresh air, the Clinton administration is seeking extraconstitutional conveniences and comforts for convicted criminals who do not deserve them.

The lesson is this: an administration's crime policies are a web of many factors. They include, for example, the kind of judges a President will appoint. They include the prosecutorial policies of an administration, its outlook on the drug problem and how to combat it. And they include the manner in which the constitutional rights of the accused and of convicted criminals are assessed.

A more liberal administration such as the incumbent administration will wind up, on balance, softer on crime. A conservative administration will be tougher on crime. And a conservative administration will not abuse its power by trying to coerce States into coddling convicted murderers and rapists.

Mr. President, the criminal justice system in this country has not been run very well. We should do everything in our power—the first time people are convicted—for people we really can rehabilitate, whose lives we can change. Rehabilitation is a very important part of this.

But, by gosh, we have no room for coddling these convicted murderers and rapists. We have no room for that. And to have this administration start to demand that they coddle these criminals and file lawsuits against States and have the taxpayers pay for the coddling

of criminals—I am not just talking about criminals, but the most hardened criminals in America—I think is not only highly unusual with regard to the way I look at things, and I think most people in this country look at things, but it is typical for some of these more liberal thinkers who basically never blame the criminals for what they do, always blame society for not having helped them enough in these formative years.

The fact of the matter is, there is a word called "responsibility." We have to start requiring people to be responsible in our society even though they may have come from the wrong side of the tracks. Many people grew up on the other side of the tracks, in extremely difficult circumstances, and overcame those circumstances without turning to crime.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair, in its capacity as a Senator from the State of Ohio, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### HEALTH INSURANCE REFORM LEGISLATION

Mr. KENNEDY. Mr. President, the Senate and House of Representatives have an excellent chance to complete action this week on the Health Insurance Reform Act—if Senators and Representatives are willing to put aside partisanship and Presidential politics and act in the public interest.

This legislation is what the American people need and deserve. If it were sent to the President today it would be signed into law tomorrow. But it has been languishing in Congress for several weeks, primarily because some Republicans insist that the bill must also include a highly controversial provision on medical savings accounts.

Senator DOLE has said on several occasions that he would like to achieve final action on this legislation before he leaves the Senate. If Senator DOLE is serious about such action, it is difficult to believe he cannot make it happen. We can break the logjam this week and pass a bill that both Republicans and Democrats can be proud of.

The consensus reforms in this legislation are essential and long overdue. Twenty-five million Americans a year will benefit from its provisions. The legislation eliminates the worst abuses of the current health insurance system. Under the current system, millions of Americans are forced to pass up jobs that would improve their standard of living or offer them greater opportunities, because they are afraid they will lose their health insurance. Many

other Americans abandon the goal of starting their own business, because health insurance would be unavailable to them or members of their families. Still other Americans lose their health insurance because they become sick or lose their job or change their job, even when they have paid their insurance premiums for many years.

With each passing year, the pitfalls in private health insurance become more serious. More than half of all insurance policies impose exclusions for preexisting conditions. As a result, insurance is often denied for the very illnesses most likely to require medical care. No matter how faithfully people pay their premiums, they often have to start over again with a new exclusion period if they change jobs or lose their coverage. Some 81 million Americans have illnesses that could subject them to exclusions for preexisting conditions if they lose their current coverage. Sometimes, the exclusions make them completely uninsurable.

The reforms that passed the Senate 100 to 0 last April deal with each of these problems. Insurance companies are limited in their power to impose exclusions for preexisting conditions. No exclusion can last for more than 12 months. Once persons have been covered for 12 months, no new exclusion can be imposed as long as there is no gap in coverage, even if they change their job, lose their job, or change insurance companies.

The bill requires insurers to sell and renew group health policies for all employers who want coverage for their employees. It guarantees renewal of individual policies. It prohibits insurers from denying insurance to those who move from group to individual coverage. It prohibits group health plans for excluding any employee based on health status. Individuals with coverage under a group plan will not be locked into their job for fear they will be denied coverage or face a new exclusion for a preexisting condition.

The bill will also help small businesses provide better and less expensive coverage for their employees. Purchasing cooperatives will enable small groups and individuals to join together to negotiate lower rates. As a result, they can obtain the kind of clout in the marketplace currently available only to large employers.

There is nothing radical or extreme about these provisions. They were included in every proposal, Republican or Democratic, introduced in the last Congress, including Senator DOLE'S. When it became clear in 1994 that President Clinton's comprehensive health reform bill could not be enacted into law, Senator DOLE said that we should simply pass the things we all agree on. As he stated in August 1994 on the floor of the Senate.

We will be back . . . And you can bet that health care will be near the top of our agenda. There are a lot of plans and some have similarities. Many of us think we ought to take all the common parts of these plans, put them together and pass that bill.