

Another matter. Many of my colleagues have indicated that our bill fails to provide sufficient prevention money. I would like to point out that according to the General Accounting Office, the Federal Government currently has 131 programs administered by 16 different departments and agencies that may be used to benefit at-risk and delinquent youth. In 1995, the total cost of these programs exceeded \$4 billion. We are already spending tremendous sums of Federal taxpayer money on prevention programs. I hope they work. Some of them do and some of them do not. We need to do a better job of oversight. And the States also are spending tremendous sums of money for prevention purposes. We have a juvenile justice system that is broken, and we need to fix it.

Here is a chart which shows the huge number of programs and the total dollars—\$4 billion—being spent right now with Government appropriated funds for at-risk and delinquent youth. This bill has prevention matters in it, but it is also focused primarily on changing our juvenile justice system from a state of collapse into an effective system that will actually work to deter crime.

There are 21 gang intervention programs, 35 mentoring programs, 42 job training assistance programs, 47 counseling programs, 44 self-sufficiency programs, 53 substance abuse intervention programs. Each of these programs is already being funded in an effort to help at-risk young people not get caught up in a life of crime. The penalty imposed for every act of wrongdoing, starting from that first offense, is in itself prevention.

Mr. President, 61 percent of the juveniles brought into the juvenile court system are 15 years of age or younger. These juveniles may still be amenable to discipline. However, there is currently little respect for our State juvenile system because the juvenile judges have little resources and almost no bed space to carry out the sanctions they would like to impose. S. 10 will assist the States in rectifying this deficit in resources.

So, Mr. President, I have mentioned only three provisions of the bill today but there are many more. There is a tough antigang provision that has great potential to crack down on gangs; historic reforms of Federal procedures to make cases more easily prosecutable in Federal court; elimination of unwise Federal mandates; requirements for local juvenile crime, advisory committee groups, and I just noticed the Senator from Delaware has arrived. This provision is modeled after a provision he put in the law a number of years ago to require the local court system to get together to discuss civil case processing.

We believe, and I think Senator BIDEN agrees, that if we are going to give money to a local juvenile court system, we ought to at least ask that the judge, the prosecutor, the sheriff,

and the police chief get together and discuss just how well their system is working and what they can do to make that system work better.

I appreciate the consistent leadership over the years that Senator BIDEN has provided. He is the ranking member of the Juvenile Justice Subcommittee, and his contributions were very valuable in putting together a bill that I believe eventually will be a historic step forward in juvenile justice. I believe that this is the most significant juvenile crime bill in over 20 years. Our juvenile justice system is broken. These are sound, thoughtful, practical and effective provisions that will help fix a broken system.

Mr. President, I urge my colleagues as time goes by to give the highest consideration to this legislation and urge their support of its passage.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent to be able to proceed for 20 minutes as if in morning business.

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

Mr. BIDEN. Mr. President, I will say at the outset I will cease if anyone comes to the floor. I am acting in a bit of a dual capacity here. I am comanaging the bill that is before us. We are waiting for some of our colleagues to come over with amendments. But in the meantime let me before the Senator from Alabama leaves the floor acknowledge and thank him for his acknowledgement of my efforts in this area and thank him for the knowledge he has brought to this body as a former prosecutor, an attorney general in his State, and as a former U.S. attorney running a Federal operation in his State as well, and for the vigor with which he has attacked the obvious problem. It is only of late that most people are acknowledging we should be focusing on juvenile crime. He in his capacity within his State both as a Federal official and a State official has been focused on it for some time. He and I have some outstanding disagreement on how to approach this, but we are substantially in agreement.

A LESSON FOR ALL OF US

Mr. BIDEN. Mr. President, with your permission, rather than immediately comment on the same subject matter, I ask, as we used to say in the Senate, a point of personal privilege. I would like to comment on a story that was published in my hometown newspaper that is the antithesis of problems relating to juvenile delinquency. It is a story about a family I am very close to.

I should say at the outset I am prejudiced in this regard. I have a very close relationship and high regard for the father and mother of this family, and three of the four children in this family have worked with me and are friends of

my children. One of them is in this Chamber today at my request as an employee of one of our colleagues from Florida.

Mr. President, I want to tell this story because we rarely get a chance to share with our colleagues the kind of story I am about to share and, I might add, that in my almost 25 years in the Senate I have only done this on one other occasion, but I think it is just remarkable.

The story is about a family named Kimmel, the Kimmel family. Going way back, I didn't practice law with but practiced law in adjoining suites to Mort Kimmel and knew his wife Marsha. We go back now about 30 years.

Mr. President, it is the kind of story which I rarely share but my reluctance to discuss this in a public forum was increased initially because the individuals involved were such close personal friends, Mort and Marsha Kimmel and their family. I have known Mort and Marsha, as I said, for 30 years and the children have worked with me on my campaigns and have been friends with my children as well. They are among the most giving and caring people I know.

A story appeared on the front page of our largest statewide newspaper entitled "Triumph of the Heart." I will ask at the appropriate time it be printed in the RECORD. It is a picture of my buddy, Mort Kimmel, and his wife and his four children. I will explain that in a minute. It is focused on a young man named Larry Spiller who is, in fact, the nephew of Mort and Marsha Kimmel.

It is really a story about Larry Spiller and his aunt and uncle and his cousins who welcomed Larry into their home and into their hearts after a severe family tragedy. I think it holds some lessons for what we all say we value but few of us practice. It is a story of selflessness, of sacrifice, and, most of all, of what being family, in my opinion, is all about.

On New Year's Eve, in 1987, the Spiller family got on an airplane—mother, father, and three children—to head to a ski trip in Vermont. Larry's father had a commercial pilot's license. He was instrument-rated but got caught while flying the family up to Vermont, after one stop and then taking off again, in a wind shear 90 feet before the runway as they were landing and the plane crashed. Larry's mother and father both died in the crash, and Larry's two brothers were mortally injured. This young man, Larry Spiller, was then 8 years old. He was the only survivor. And because he happened to have switched seats with his mom just before they attempted to land—he had been riding in the copilot seat, and his mom wanted to get up front to help his dad because of the weather—and he was seated in a seat where his back was to the pilot, I expect and most people think that is the reason why he survived.

Well, what happened was, on that awful day, there was a meeting shortly

thereafter that took place in another family, and that is in the family of the brother-in-law, the family of the partner, because Larry's father and my friend, Mort Kimmel, were law partners. But Larry's father happened to have a mother who was the sister of my friend, Mort Kimmel. And so Mort and Marcia Kimmel and their three young children—Wayne, who is now 27, Michelle, who works here in Washington, who is now 24, and Karen, 18—held a family meeting and they made a very fateful decision. They made a decision to bring Larry into their home as another son, another sibling—no holds barred, absolute, total, equal.

Karen, who is now 18 years old, on her own volition gave up her bedroom for her cousin. That was her idea. And many other personal, what appeared to be sacrifices were made through the selfless acts of the three children and the mother and father. It is the kind of selfless family decision that is so often talked about, that we see in the movies and we see glorified, but so seldom do we know of it occurring. Because we all have a tendency to rationalize when that kind of thing happens, even though it is your sister's child who survived. I can picture thousands of good people rationalizing, "Well, wait, we only have so much. If we bring in Larry, then what about our three children? And maybe it is best for * * *" and so on and so forth. As the Presiding Officer knows, the ability of the human mind to rationalize is mind-boggling. But they made no rationalization. They, in a genuine family decision involving all three of their children, decided that there was only one course of action.

There were adjustments and sacrifices for everyone involved. But for the Kimmels, that is all part of being a family. You hear a lot of talk these days about family values, but the Kimmels and Larry Spiller, that young 9-year-old boy at the time, have lived out what in reality is an old-fashioned notion, that families are there for one another.

We have an expression in my family. After my wife and daughter were killed, I came home from the hospital, my two sons were in the hospital, and my sister had already moved into my house. She didn't ask anything—my younger sister and her husband. We have an expression in our family: If you have to ask, it's too late. Well, they didn't have to ask; they just decided and they acted.

Whether it involves taking in an orphaned child or bringing in an elderly parent or grandparent in your home, providing a sibling or an aunt or an uncle a place to get back on their feet on solid ground after a period of rough going or ill health, these sacrifices are all examples of what we mean by family. Make no mistake about it: These decisions are not easy. But family values, real, practice-what-you-preach family values, don't always make it easy for us to make decisions. And they are not always convenient.

Family is, rather, about commitment. And the Kimmel family is a living testament to that commitment.

Let me tell you what the article was about. I will not go on much longer. The article is focused on how this young man, Larry Spiller, who is now graduating from one of the finest high schools in Delaware, about how well he has done in this family. He has excelled both academically and athletically. This young man made all State in both baseball and basketball, did incredibly well in school, and will be attending Cornell University. Like so many other great schools, it is very difficult to get into, and his family has every right to be proud of this young man.

It would have been easy for a 9-year-old child, I can tell you from experience, having been tragically robbed, in this case of his entire immediate family, to let that tragedy define his life. No one would have begrudged him that. That happens to a lot of people whose lives have been scarred by tragedy. And it would have been equally understandable had Mort and Marcia Kimmel and their children allowed Larry to slip into that kind of thinking or allowed Larry to slip through their fingers and allowed the tragedy to be the focal point of their lives. But that did not happen. They all grieved, of course, and still do. But they have been able to move on, to live their lives as a dynamic family, each of them involved in school and sports and civic activities. They proved that while bad things do happen to good people, good things happen, too, especially when you make up your mind not to let the bad experiences define and dominate your life.

Last summer, young Larry turned 18 and received the bulk of his parents' estate. It was a substantial sum of money for a young man just beginning to make his way in the world. It could make Larry's life a lot easier in the coming years. But, instead, Larry Spiller and the Kimmels have used the money to establish the Kimmel-Spiller Charitable Foundation to help sick children and those facing injuries and disabilities.

In the newspaper interview that I will submit for the RECORD, he, young Larry, who was graduating, as I said, was asked what he had to say about this. He said, "There is really no need for me to have all that. I want to work for my own money as a lawyer, which I will probably do, and my parents"—he refers to Mort and Marcia as his parents—"will support me through college. It could help other people."

How many young kids, with that kind of a capability, that kind of money, would say, "You know, there is really no need for me to have it; I'll work for my own money; I'll be able to do it"?

Larry goes on to say in that article, "I'm lucky to be here. I'm lucky I could just move into another family and be so stable. I was always happy to have a second chance."

Larry Spiller and Wayne and Michelle and Karen Kimmel, the other

children, and their parents, Mort and Marcia Kimmel, are a very special family, and in their story lie some valuable lessons for all of us. It is not easy to be a family. The decisions aren't always painless decisions. Sacrifice almost always goes with love. But when love is there, anything can be overcome.

Mr. President, I ask unanimous consent that an article from the Wilmington News Journal about Larry Spiller and his family be printed in the RECORD.

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

[From the News Journal, June 11, 1997]

TRIUMPH OF THE HEART

ORPHANED AT 9 AND TAKEN IN BY HIS UNCLE AND FAMILY, LARRY SPILLER IS A STORY OF ACADEMIC, ATHLETIC AND PERSONAL SUCCESS

(By Kevin Tresolini)

Your heart wants to ache for Larry Spiller, but he will not let it.

He is a young man who could have withdrawn, cursing the fates—and the wind shear—that orphaned him almost 10 years ago.

Instead, he radiates happiness.

"I consider myself lucky," Spiller said. "It's not as if nothing has happened, but I'm very comfortable with who I am."

Now 18, he is poised to move into the next phase of life with his graduation tonight from Tower Hill School. He has excelled academically—earning admission to Cornell University beginning this fall—as well as athletically, making All-State in basketball and baseball.

Spiller almost didn't live to see this day.

He was 9 years old, traveling with his parents and two brothers on Dec. 31, 1987, when the six-seat Piper Lance airplane carrying the family crashed 10 feet short of the runway at Burlington (Vt.) International Airport.

Spiller's father, Paul, a 39-year-old Wilmington attorney who was piloting the plane he co-owned, and mother, Judith, 35, were killed instantly. His brothers, Harvey, 14, and David, 5, suffered severe spine and head injuries and died within two weeks.

A National Transportation Safety Board investigation concluded that wind shear—a sudden, violent, vertical burst of wind—brought the plane down.

Spiller, who suffered a broken leg and concussion, survived. And he has become an inspiration to others around him.

"What he's done is unbelievable," said David Glazier, a Brandywine High School senior who is a close friend. "He's the opposite of what you think might happen. I've never seen him upset."

"He is an absolutely outstanding individual," said Steve Hyde, his baseball coach at Tower Hill, "in every sense of the word."

THE PLANE CRASH THAT CHANGED HIS LIFE

Paul Spiller was an experienced pilot with a commercial pilot's license, a flight instructor's certificate and 734 hours of flying time when the Piper Lance left Greater Wilmington Airport at 1:30 p.m. bound for Rutland, Vt.

The Spillers were going to meet friends for a quick vacation at the Killington ski resort.

According to federal transportation officials, the plane landed in Binghamton, N.Y., at 2:47 p.m. to wait out bad weather. At 4:01, the plane left Binghamton.

About an hour later, the Spillers' plane was cleared for approach to Rutland. But the plane began to accumulate ice, and Paul

Spiller asked to be diverted to clearer weather. He was informed that Burlington, the picturesque college town straddling Lake Champlain 67 miles to the north, had radar contact and 15 miles visibility. He headed there.

At 5:20 p.m., when he couldn't maintain 5,500 feet altitude because of ice, Spiller declared an emergency. He was given permission to descend to 2,000 feet, where ice began coming off the windshield. Then it iced up again, and the Burlington control tower turned the runway lights up.

"I was in the front seat with my dad when he called an emergency," Larry Spiller remembered. "My mom said, 'Switch seats with me. I want to be up front to help your father.'"

Larry moved to the second row of seats, which pointed backward. His brothers were facing him. Behind them was the luggage compartment.

At 5:40 p.m., the pilot radioed again. "The runway is clear now. I can see it clearly. Thank you."

All seemed fine. One minute later, Paul Spiller radioed again and was cut off midword.

"I just experienced what I think to be wind sh—"

The plane plummeted 200 feet to the ground and slid another 100 feet. It briefly caught fire, but emergency workers—stationed nearby because of the emergency call—quickly extinguished the flames.

Workers found Larry, conscious, with the luggage. They took him and his unconscious brothers to the Medical Center Hospital of Vermont.

Spiller could not recall the crash when he woke up in the hospital and saw his mother's brother, Morton Kimmel.

"When I told him, [about the accident] he didn't believe it," Kimmel said. "I said, 'It's true.'"

Larry visited his brothers, who never regained consciousness.

"I think about [my family] pretty much every day, even if it's just for a second," Larry said. "They're * * *."

SPILLER GETS A NEW FAMILY

With the crash, Morton Kimmel lost his sister, two nephews and a brother-in-law who was his law partner.

But he gained a son, when he took Spiller into his family.

Kimmel and wife, Marcia, eventually became Spiller's legal guardian. His cousins—Wayne, now 27, Michell, 24, and Karen, also 18—became his new siblings.

"They took me in and I was just part of their family," Spiller said. "Ever since then, I've been calling them my parents and my brothers and sister."

"It's really a very normal life. I didn't change schools. I didn't change sports."

"My first father coached me in every sport. My present father now coaches everything, too. Few things changed except the people I was living with."

Larry's grandparents, Benjamin and Bebe Spiller, now living in Pompano Beach, Fla., lost their son, daughter-in-law and two grandsons. Larry gave them a lifeline, Benjamin Spiller said.

"We survived because of him."

"CAN I CALL YOU MOM?"

On his first night with his new family, 9-year-old Larry Spiller, a boy with his whole life ahead of him but the lives of his immediate family members behind him, tentatively asked his aunt, Marcia, "Can I call you mom?"

Feeling it was too soon, and not wanting Larry to forget his real parents, she responded, "Let's just wait."

The following New Year's Eve, one year to the day after the crash, he asked again.

"I was tucking him into bed," she said, "and he said, 'It's been a year', and asked again. We have family meetings every week. I said, 'This would be a big change,' but I knew it would be all right. We talked about it at our next family meeting and said, 'We'd love to do this.'"

Stripped of the security of his immediate family, Larry had every reason to feel alone. He never did.

"Our families were so close," said Spiller, who was a Tower Hill third-grader at the time of the crash. "We were together all the time anyway before the crash. I never felt alone at all, there were so many people around me."

One of the most important was Karen, a cousin eight months younger than Larry.

"Everybody was walking on eggshells," Mort Kimmel said of Larry's first fragile days with his "new" family. "Except Karen. Karen gave him her room. Karen brought him back into reality."

At Tower Hill, classmates marveled at Spiller's strength.

"I remember when he came back to school," said longtime pal Chip Goodman. "His leg was in a cast and part of his head was shaved. But that was all there was to tell you what had happened."

As Spiller developed into an athlete, his new family cheered him on. He would up scoring more than 1,100 points as a Tower Hill basketball player, the third-highest total in school history.

A pitcher and infielder in baseball, he batted .375 as a junior and .351 this spring, securing All-State recognition both years. He'll play in Saturday's annual Blue-Gold Senior All-Star Game, and made the Delaware South roster for this month's Phillies-sponsored Carpenter Cup tri-state tournament at Veterans Stadium. This summer, he's again playing for the defending state champion R.C. du Pont American Legion baseball team.

GIVING AWAY HIS INHERITANCE

On Aug. 5 last summer, Larry's 18th birthday, his biological parents' financial holdings and life insurance benefits, which had been held in trust, became Spiller's. The amount, he said, "is substantial."

He's giving it away. Along with his present parents, Larry has set up the Kimmel Spiller Charitable Foundation. The first grant will likely be worth \$30,000 Mort Kimmel said.

"It's a fund for sick kids or people injured or with disabilities," Spiller said. "There's really no need for me to have it. I want to work for my own money as a lawyer, which I'll probably do, and my parents will support me through college. It could help other people."

"I definitely consider myself lucky," Spiller said again. "Just switching seats with my mom. If I hadn't done that, there's no way I would have had a chance to survive."

"I'm lucky to be here. I'm lucky I could just move into another family and be so stable. I was always happy to have a second chance."

Mr. BIDEN. Mr. President, let me conclude by saying that I know there are thousands of other families who made the same kind of sacrifices. When we talk about family values, this is what I mean by family values, family values that reflect a common consensus about sacrifice to make things better for everyone else in the family.

Mr. President, I am proud to know the entire Kimmel family, and I am proud that one of the young children in that family—not quite so young anymore, she is still very young by our

standards—is down here making her contribution to her Nation by working on the staff of one of our colleagues from Florida.

Mr. President, with the Chair's permission, I would like to move onto a different subject, the subject spoken to by my friend from Alabama. If my friend, Senator DURBIN, is ready to move on his, I will withhold that until the next lull we have and respond to my friend from Alabama on the issue he raised regarding youth violence.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. DURBIN. Mr. President, it is my understanding we are considering the foreign affairs bill. I have several amendments to offer in reference to that legislation.

The PRESIDING OFFICER. The Senator is correct. The Senate is on S. 903.

AMENDMENT NO. 377

(Purpose: To express the sense of Congress regarding United States citizens imprisoned in Peru)

Mr. DURBIN. Mr. President, I offer an amendment for consideration by the Senate which I have discussed with Senator BIDEN's staff as well as Senator HELMS' staff.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 377:

The amendment is as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly):

SEC. . SENSE OF CONGRESS REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

(a) FINDINGS.—Congress finds the following:

(1) The Government of Peru has made substantial progress in the effort to restrict the flow of illicit drugs from Peru to the United States.

(2) The Government of Peru has cooperated greatly with the United States Government to stop individuals and organizations seeking to transport illicit drugs from Peru to the United States and to jail such drug exporters.

(3) Any individual engaging in such exporting of illicit drugs and convicted in a court of law should face stiff penalties.

(4) Any such individual should also have a right to timely legal procedures.

(5) Two United States citizens, Jennifer Davis and Krista Barnes, were arrested in Peru on September 25, 1996, for attempting to transport illicit drugs from Peru to the United States.

(6) Ms. Davis and Ms. Barnes have admitted their guilt upon arrest and to an investigative judge.

(7) Ms. Davis and Ms. Barnes have volunteered to cooperate fully with Peruvian judicial authorities in naming individuals responsible for drug trafficking and several have been arrested.

(8) More than 7 months after their arrest, Ms. Davis and Ms. Barnes have not been formally charged with a crime.