mammography has been established. It requires that facilities use only properly trained personnel, establishes a control program to ensure the reliability, clarity, and accurate interpretation of the mammogram, and now each facility undergoes an annual inspection.

Breast cancer is currently the second leading cause of cancer deaths among American women. One woman in eight will develop breast cancer during her lifetime, and, during the nineties, it is estimated that 500,000 women will die from the disease. If breast cancer is detected early, however, the probability that a woman can survive is greater than 90 percent.

Currently, the most effective technique for early detection of breast cancer is mammography, an x ray procedure that can often locate small tumors and abnormalities up to 2 years before they can be detected by physical examination. However, mammography is one of the most technically challenging x ray procedures, and ensuring the quality of mammography services is difficult. To address concerns about variations in the quality of mammography service provided by the more than 10,000 facilities throughout the United States and its territories, the Congress passed the Mammography Quality Standards Act of 1992.

This reauthorization continues an important program that gives the women of America and their families an assurance that the quality of services for this vital test has improved, and will, hopefully, encourage even greater numbers to take advantage of this life saving diagnostic tool.●

NEW REPORT DOCUMENTING THE RISKS OF PRIVATIZING SOCIAL SECURITY

● Mr. REID. Mr. President, in the last several years a virtual cottage industry has sprung up in this city to promote the privatization of this Nation's Social Security system.

Phase out, partially privatize, or dismantle Social Security entirely, say the privatization advocates, and let each American citizen invest their payroll tax on Wall Street and become a millionaire by retirement. With Social Security requiring adjustments to maintain its long-term solvency, and the Dow Jones until recent days seeming to hit stratospheric highs almost every day, the notion of letting the private markets provide for retirement has had a certain appeal for privatizers.

Now a thoughtful and extremely sobering new economic analysis is warning us to plant our feet back on solid ground and take a hard look at the very considerable and too-little discussed risks of privatizing Social Security.

On October 21, 1997 I was pleased to sponsor a congressional staff briefing which unveiled a report written by economist John Mueller of the Lehrman, Bell, Mueller, Cannon, Inc. market-forecasting firm on behalf of the National Committee to Preserve Social Security and Medicare.

It is worth pointing out that this report is not the product of some anti-Wall Street or pro-big government partisan. John Mueller is a conservative, supply-side Republican who served for a number of years as the chief economist for Jack Kemp and the U.S. House Republican caucus.

After putting aside the usual optimistic rhetoric about privatization and actually examining the numbers, here's what John Mueller found:

That Social Security provides a measurably higher real return than all types of financial assets—including the stock market—when traditional calculations of risk are considered. In fact, financial asset returns, under the same economic conditions, are lower than the average return on a steady-state, pay-as-you-go Social Security system.

Social Security will be even more attractive, not less, than private investments in financial assets during the next 75 years, when actuarial projections contend that the U.S. economy is likely to slow to a 1.4 percent growth rate. The same economic and demographic factors that drove average, real stockmarket returns up by 10 percent annually in the past 20 years will drive Wall Street returns down to about 1.5 percent in the next 20 years.

Social Security, by financing a huge investment in human capital, has been an enormous engine for the growth of the U.S. economy. Privatization would result in lower investment, slower growth, and a smaller economy; the loss well could reach $3 trillion and cost the economy at least 4 percent in lost growth during the next 75 years.

Mr. President, I urge my colleagues to obtain a copy and read John Mueller's report: Three New Papers on ''Privatizing'' Social Security, One Conclusion: Bad Idea. I would be pleased to provide a copy to any colleague who may be interested.●

HONORING CONGREGATION B'NAI ABRAHAM ON THE OCCASION OF ITS 90TH ANNIVERSARY

● Mr. FEINGOLD. Mr. President, I want to offer my congratulations to congregation B'nai Abraham, located in Beloit, WI, as its members mark 90 years of service to the Jewish community in southern Wisconsin.

Mr. President, B'nai Abraham was founded on November 7, 1907, by a group of people who were collecting funds to help a destitute man. It was a highly appropriate beginning to a congregation dedicated to providing comfort, inspiration, solace, guidance, and support. Since then, the members of congregation B'nai Abraham have nurtured a strong sense of community responsibility, and the congregation has embraced the role of the synagogue, as with any house of religious faith, as a shelter and a center for renewal of the spirit.

But faith, like the body that carries it, only grows stronger with exercise, and by that I mean its application in our daily lives. The values I learned in my community, including diligence, compassion a sense of justice and feeling of responsibility to my community, have been cornerstones of my career in public service, and I have tried to apply those values in my work, including my efforts on bipartisan congressional reform, my support of Israel and the Middle East peace process, and my commitment to civil rights.

As with so many other Americans, the people who founded B'nai Abraham came from a culture whose members sought these shores to escape oppression, and they relied on one another for support even as the whole new world of challenge and opportunity spread itself out before them.

Mr. President, I grew up among the members of that community, and I counted on my congregation to provide the grounding in values and traditions every young person needs as he or she is growing up, as well as a sense of spiritual and cultural refreshment. It is particularly important for people of faith who find themselves in the minority to have a place to worship and to pass along their values and traditions to their children.

B'nai Abraham places a very strong emphasis on education, and congregations like B'nai Abraham also serve to represent their members to others and promote the awareness of Jewish heritage in our communities.

In that way, B'nai Abraham's members not only educate their neighbors but also show how people of diverse backgrounds still share experiences, histories and concerns, which can be a powerful encouragement to the continued efforts of so many Americans to promote understanding, tolerance, and cooperation.

Mr. President, I am a member of many communities America, the State of Wisconsin and the town of Middleton, but without this community of faith that has done so much to guide and support me, I would be a poorer man.

So, Mr. President, let me offer my warmest congratulations to congregation B'nai Abraham, and may its members enjoy good health and good fortune as they prepare to celebrate 100 years.●

WIRELESS TELEPHONE PROTECTION ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 167, which is S. 493.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 493) to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wireless Telephone Protection Act''.

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

''(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

''(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured for altering or modifying a telecommunications instrument so that such instrument may be used to obtain unauthorized access to telecommunications services; or''.

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

''(c) PENALTIES.—The punishment for an offense under subsection (a) section is—

''(1) in the case of an offense that does not occur after a conviction for another offense under this section that has become final and that was committed on a separate prior occasion.

''(A) if the offense is under paragraph (2), (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

''(B) if the offense is under paragraph (1), (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both; and

''(2) in the case of an offense that occurs after a conviction for another offense under this section, that has become final and that was committed on a separate prior occasion, that has a fine under this title or imprisonment for not more than 20 years, or both.''.

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking ''punished as provided in subsection (c) of this section'' and inserting ''subject to the same penalties as those prescribed for the offense attempted''.

(c) DEFINITION OF SCANNING RECEIVER.—Section 1029(e) of title 18, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7)—

(A) by striking ''The'' and inserting ''the''; and

(B) by striking the period at the end and inserting a semicolon; and

(3) in paragraph (8), by striking the period at the end and inserting ''or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument; and''.

(d) APPLICABILITY OF NEW SECTION 1029(a)(9).—

(1) IN GENERAL.—Section 1029 of title 18, United States Code, is amended by adding at the end the following:

''(g) It is not a violation of subsection (a)(9) for an officer, employee, or agent of, or a person under contract with, a facilities-based carrier, for the purpose of protecting the property or legal rights of that carrier, to use, produce, have custody or control of, or possess hardware or software configured as described in that subsection (a)(9).''.

(2) DEFINITION OF FACILITIES-BASED CARRIER.—Section 1029(e) of title 18, United States Code, as amended by subsection (c) of this section, is amended by adding at the end the following:

''(9) the term 'facilities-based carrier' means an entity that owns communications transmission facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission under the authority of title III of the Communications Act of 1934.''.

(e) AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR WIRELESS TELEPHONE CLONING.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones (including offenses involving an attempt or conspiracy to clone a wireless telephone).

(2) FACTORS FOR CONSIDERATION.—In carrying out this section, the Commission shall consider, with respect to the offenses described in paragraph (1)—

(A) the range of conduct covered by the offenses;

(B) the existing sentence for the offenses;

(C) the extent to which the value of the loss caused by the offenses (as defined in the Federal sentencing guidelines) is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offenses;

(E) the extent to which the Federal sentencing guideline sentences for the offenses have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guildlines for the offenses adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offenses to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factor that the Commission considereds to be appropriate.

AMENDMENT NO. 1634

(Purpose: To make an amendment relating to forfeiture to the United States of any real or personal property used or intended to be used to commit, facilitate, or promote the commission of certain offense.)

Mr. LOTT. Senator HATCH has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HATCH, proposes an amendment numbered 1634.

The amendment is as follows:

On page 6, line 1, strike ''The punishment'' and insert the following:

''(1) IN GENERAL.—The punishment''.

On page 6, line 2, strike ''section''.

On page 6, line 3, strike ''(1)'' and insert ''(A)'' and indent accordingly.

On page 6, line 7, strike ''(A)'' and insert ''(i)'' and indent accordingly.

On page 6, line 11, strike ''(B)'' and insert ''(ii)'' and indent accordingly.

On page 6, line 14, strike ''and''.

On page 6, line 15, strike ''(2)'' and insert ''(B)'' and indent accordingly.

On page 6, line 19, strike the punctuation at the end and insert ''; and''.

On page 6, between lines 19 and 20, insert the following:

''(C) in any case, in addition to any other punishment imposed or any other forfeiture required by law, forfeiture to the United States of any personal property used or intended to be used to commit, facilitate, or promote the commission of the offense.

''(2) APPLICABLE PROCEDURE.—The criminal forfeiture of personal property subject to forfeiture under paragraph (1)(C), any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (c) and (e) through (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853).''.

Mr. HATCH. Mr. President, I rise to urge my colleagues to support S. 493, the Wireless Telephone Protection Act. This important bill will close a glaring gap in the protection afforded by federal law to cellular telephone communications.

Law enforcement is alarmed by the increasingly prevalent practice of ''cloning'' cellular phones. Essentially, criminals operating scanners from the roadside or from buildings near urban freeways, copy identifying numbers for cellular phones. Using the data they obtain, these criminals alter other phones to access the accounts tied to the phone whose data was scanned, thus creating so-called ''clone phones''. They then either sell these phones, or use the clone phones themselves for criminal purposes. These phones are used for several weeks or months, until the legitimate customer notices the fraud when he or she gets the bill for phone service accessed by the clone phone.

The effects of these criminal schemes are twofold. First, this crime steals cellular service from the phone companies, which typically credit legitimate customers' accounts when alerted to the fraud. Second, the use of clone phones masks other criminal conduct by making criminal's calls difficult, if not impossible, to trace. S. 493, sponsored by Senator KYL, helps close this gap in the law by making it a federal crime to own or use the software or hardware needed to clone cell phones.

I also urge my colleagues to support an amendment to this bill, to ensure the confiscation of the equipment used to violate this law, and commit other frauds related to access devices. Presently, persons convicted of committing access device fraud under section 1029 of title 18 forfeit to the government the proceeds of their crime. However, there is no provision ensuring that the computers, hardware, software, and other equipment used to commit the crime is forfeited, as well. My amendment to this bill corrects this.

My amendment includes in the penalties for a violation of 18 U.S.C. 1029, the forfeiture of any personal property

used to commit, facilitate, or promote the commission of the violation. I note for my colleagues that my amendment only addresses criminal forfeiture, so there must be a conviction for the assets to be seized. Second, my amendment only permits the forfeiture of personal property used to commit the offense—mainly, equipment. Houses, other buildings, or land could not be subject to forfeiture under this provision.

Mr. President, it is important that we close the gaps in the law that permit criminals to brazenly sell and use equipment to steal cellular phone service and evade law enforcement. It is equally important to get this equipment off the streets. I urge my colleagues to support my amendment and the underlying bill.

Mr. LOTT. I ask consent that the amendment be considered as read and agreed to.

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

The amendment (No. 1634) was agreed to.

AMENDMENT NO. 1635

(Purpose: To make technical amendments)

Mr. LOTT. I understand Senator KYL has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. KYL, proposes an amendment numbered 1635.

The amendment is as follows:

On page 6, line 5, strike ''that has become final and that was committed on a separate prior occasion,'' and inert '', which conviction has become final—''.

On page 6, line 7, strike ''(2),''.

On page 6, line 11, strike ''(1),'' and insert ''(1), (2),''.

On page 6, beginning on line 16, strike ''that has become final and that was committed on a separate prior occasion, that has'' and insert ''which conviction has become final,''.

On page 7, line 24, after ''subsection (a)(9)'' insert '', provided that if such hardware or software is used to obtain access to telecommunications service provided by another facilities-based carrier, such access is authorized''.

Mr. LOTT. I ask unanimous consent the amendment be considered as read and agreed to.

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

The amendment (No. 1635) was agreed to.

Mr. LOTT. I ask unanimous consent the committee amendment, as amended, be agreed to, the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment, as amended, was agreed to.

The bill (S. 493), as amended, was considered read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

S. 493

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wireless Telephone Protection Act''.

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

''(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

''(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured for altering or modifying a telecommunications instrument so that such instrument may be used to obtain unauthorized access to telecommunications services; or''.

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

''(c) PENALTIES.—(1) IN GENERAL.—The punishment for an offense under subsection (a) is—

''(A) in the case of an offense that does not occur after a conviction for another offense under this section, which conviction has become final—

''(i) if the offense is under paragraph (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

''(ii) if the offense is under paragraph (1), (2), (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both;

''(B) in the case of an offense that occurs after a conviction for another offense under this section, which conviction has become final, a fine under this title or imprisonment for not more than 20 years, or both; and

''(C) in any case, in addition to any other punishment imposed or any other forfeiture required by law, forfeiture to the United States of any personal property used or intended to be used to commit, facilitate, or promote the commission of the offense.

''(2) APPLICABLE PROCEDURE.—The criminal forfeiture of personal property subject to forfeiture under paragraph (1)(C), any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (c) and (e) through (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853).''.

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking ''punished as provided in subsection (c) of this section'' and inserting ''subject to the same penalties as those prescribed for the offense attempted''.

(c) DEFINITION OF SCANNING RECEIVER.—Section 1029(e) of title 18, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7)—

(A) by striking ''The'' and inserting ''the''; and

(B) by striking the period at the end and inserting a semicolon; and

(3) in paragraph (8), by striking the period at the end and inserting ''or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument; and''.

(d) APPLICABILITY OF NEW SECTION 1029(a)(9).—

(1) IN GENERAL.—Section 1029 of title 18, United States Code, is amended by adding at the end the following:

''(g) It is not a violation of subsection (a)(9) for an officer, employee, or agent of, or a person under contract with, a facilities-based carrier, for the purpose of protecting the property or legal rights of that carrier, to use, produce, have custody or control of, or possess hardware or software configured as described in that subsection (a)(9): *Provided,* That if such hardware or software is used to obtain access to telecommunications service provided by another facilities-based carrier, such access is authorized.''.

(2) DEFINITION OF FACILITIES-BASED CARRIER.—Section 1029(e) of title 18, United States Code, as amended by subsection (c) of this section, is amended by adding at the end the following:

''(9) the term 'facilities-based carrier' means an entity that owns communications transmission facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission under the authority of title III of the Communications Act of 1934.''.

(e) AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR WIRELESS TELEPHONE CLONING.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones (including offenses involving an attempt or conspiracy to clone a wireless telephone).

(2) FACTORS FOR CONSIDERATION.—In carrying out this subsection, the Commission shall consider, with respect to the offenses described in paragraph (1)—

(A) the range of conduct covered by the offenses;

(B) the existing sentences for the offenses;

(C) the extent to which the value of the loss caused by the offenses (as defined in the Federal sentencing guidelines) is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offenses;

(E) the extent to which the Federal sentencing guideline sentences for the offenses have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offenses adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offenses to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factors that the Commission considers to be appropriate.

Mr. KYL. Mr. President, I am gratified that S. 493, the Cellular Telephone Protection Act, which would make it easier for Federal law enforcement to stop cell phone cloning, has unanimously been approved by the Senate. I expect that the bill will soon pass the House of Representatives, and be

signed into law by the President. S. 493 is the first in a series of anticrime initiatives I introduced that are aimed at modernizing U.S. law to reflect changes in technology.

It is estimated that the cellular telecommunications industry lost $650 million due to fraud in 1995, much of it as a result of cloning. Cloned phones are popular among the most vicious criminal element. The feature story from the July/August edition of Time Digital, ''Lethal Weapon: How Your Cell Phone Became Gangland's Favorite Gadget'' quotes James Kallstrom, head of the FBI's New York office as describing cloners as ''hard-core criminals, child pornographers and pedophiles * * * violent criminals who use technology to avoid the law.''

On September 11, Representative BILL MCCOLLUM, chairman of the House Judiciary Crime Subcommittee, held a very useful hearing on cellular phone cloning. The hearing discussed legislative proposals to combat cellular phone fraud. Representatives of the Secret Service, FBI, and DEA all testified that legislation resembling S. 493 would be helpful in thwarting cell phone cloning.

The hearing revealed that cloned phones have become a staple of the major drug trafficking organizations. Anthony R. Bocchichio, of the DEA stated that, ''[International drug trafficking organizations] utilize their virtually unlimited wealth to purchase the most sophisticated electronic equipment available on the market to facilitate their illegal activities. We have begun to see that this includes widespread use of cloned cellular telephones.''

The Secret Service—the Federal agency charged with investigating cloning offenses—has doubled the number of arrests in the area of wireless telecommunications fraud every year since 1991, with 800 individuals charged for their part in the cloning of cellular phones last year. While the cell phone law (18 U.S.C. 1029) has been useful in prosecuting some cloners, the statute has not functioned well in stopping those who manufacture and distribute cloning devices.

In testimony before Mr. MCCOLLUM's Crime Subcommittee, Michael C. Stenger of the U.S. Secret Service stressed the need to revise our current cell phone statute:

> Due to the fact that the statute presently requires the proof of ''intent to defraud'' to charge the violation, the distributors of the cloning equipment have become elusive targets. These distributors utilize disclaimers in their advertising mechanisms aimed at avoiding a finding of fraudulent intent. This allows for the continued distribution of the equipment permitting all elements of the criminal arena to equip themselves with free, anonymous phone service.

Consistent with Mr. Stenger's recommendation, the Cellular Telephone Protection Act provides that—except for law enforcement and telecommunications carriers—there is no lawful purpose for which to possess, produce, or sell the ''copycat boxes'' for cloning a wireless telephone or its electronic serial number.

For S. 493 to apply, a prosecutor would need to prove that an individual ''knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured for altering or modifying a telecommunications instrument so that such instrument may be used to obtain unauthorized access to telecommunications services.'' Someone who does not know that a telecommunications device has been altered to modify a telecommunications instrument would not be criminally liable under this section.

To be clear, except for law enforcement and telecommunication carriers, there is no legitimate purpose for which to possess equipment used to modify cellular phones. Representatives from the Secret Service, DEA, and FBI testified to this point at the cellular fraud hearing. As Special Agent Stenger put it, ''There is no legitimate use for the equipment such as that designed to alter the electronic serial numbers in wireless telephones.''

The removal of the ''intent to defraud'' language in 18 U.S.C. 1029 only applies to the possession and use of the hardware and software configured to alter telecommunications instruments. This narrowly targeted proposal does not apply to those who are in the possession of cloned phones. Nor does it apply to those in the possession of scanning receivers, which do have some legitimate uses.

The Senate bill enjoys broad bipartisan support. Senators CLELAND, DEWINE, DORGAN, DURBIN, GORTON, HELMS, LOTT, MIKULSKI, and THURMOND have cosponsored S. 493. And a bipartisan House companion bill (H.R. 2460) has been introduced by Representatives SAM JOHNSON, BILL MCCOLLUM, and CHARLES SCHUMER.

I am hopeful that my colleagues will join in supporting this important piece of legislation.

LAW ENFORCEMENT TECHNOLOGY ADVERTISEMENT CLARIFICATION ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 1840 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 1840) to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1840) was considered read the third time and passed.

ALLOWING REVISION OF VETERANS BENEFITS DECISIONS BASED ON CLEAR AND UNMISTAKABLE ERROR

Mr. LOTT. I ask unanimous consent that the Veterans Committee be discharged from further consideration of H.R. 1090, and, further, the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 1090) to amend title 38, United States Code, to allow the revision of Veterans benefits decisions based on clear and unmistakable error.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mrs. MURRAY. Mr. President, I rise to encourage the Senate to adopt H.R. 1090. This legislation is identical to my bill, S. 464, to address the issue of clear and unmistakable error. S. 464 was unanimously reported by the Veterans' Affairs Committee on which I proudly serve. I want to extend my thanks to both the chairman and ranking member of our committee for moving this important legislation in a timely and bipartisan manner .

Importantly, this legislation has been adopted by the House in three consecutive Congresses. Congressman LANE EVANS has long championed this legislation; I commend him for his persistent and determined leadership. This legislation has also long been a priority issue to the Disabled American Vetetans. It has been a pleasure for me to work with the DAV here in Washington, DC and with local DAV representatives in Washington State.

Clear and unmistakable errors are errors that have deprived and continue to deprive veterans of benefits for which their entitlement is undeniable. The status quo denies benefits to a small number of veterans who are legally entitled to the benefits in question. To deny a veteran a legally entitled benefit due to a bureaucratic error or other mistake is beyond comprehension in my mind.

In recent months, I've handled several cases with the Department of Veterans Affairs that directly involved clear and unmistakable error. In one case, a veteran with a serious shoulder injury dating back to the Vietnam war was rated incorrectly for more than 20 years. In another case, a veteran with PTSD also dating to service in Vietnam was misdiagnosed for a lengthy period affecting his disability rating and benefits and the treatment he received. My legislation seeks to correct