

on the great American culture and on our values, how many of them that I have entertained in Illinois or in Washington comment about the love affair America has with guns. They are puzzled—what is it about this great Nation that would allow so many people to own so many guns and so many to be used recklessly, causing such violent crime and death on a daily basis?

There are some things that are being done about it on a State basis that we should reflect on at this moment. Some States have decided that adults in possession of firearms have a responsibility to possess those firearms in a way that is safe and that protects members of their family as well as others from coming into contact with the firearms.

I recall a story that came about at a recent family reunion, because in my family in Illinois there are many gunowners. One of them was talking about the fact that one of my relatives, he was a father of a young boy, but he had his guns safely locked away, that that little boy could never get to those guns. And another older man in the family said, "Yes, I know, that's how I used to do it. I'd lock them away and my son could never find them." But his son was sitting there and he said, "Dad, I got into those guns all kinds of times." Guns and Christmas presents are going to be discovered by kids. And if they can be discovered, tragedy can happen.

So a number of States have decided to do something about it. They have assigned responsibility to the adults involved and said that they must be careful. If you want to own a handgun, a pistol, a rifle, a shotgun, you must own it responsibly so that gun does not become a weapon of violence and death and some innocent victim result.

Listen to what is happening in America with gun crimes:

The rate of firearm-related deaths among American children is 15 times greater than that in 25 other industrialized countries combined.

In a 1-year period, 86 percent of all gun-related deaths in the industrialized world occurred in the United States of America.

Every day in my home State of Illinois, a child is killed by gun violence.

At least one child in Illinois every month is unintentionally killed as a result of a gun accident.

In 1993, the Department of Justice issued a report that concluded street gang violence in Chicago is becoming increasingly lethal, primarily because of escalating gang firepower.

We took a survey for 1 month in the State of Illinois of gun crimes involving children. In 1 month in 1996 in a Chicago suburb, 15-year-old Ronald Walker was shot in the head as he left a grocery store.

That same month, police had to rush two 7-year-old boys, Donnell Ross and Kenyon Pope, to Cook County Hospital when they wounded each other while playing with a .38 pistol found in their apartment. One of the boys was shot in the chest.

Earlier in the same week that Donnell and Kenyon were shot, an 18-year-old boy handed a 9-year-old boy a loaded gun and told him the safety was on. It wasn't. That 9-year-old pulled the trigger. He shot 15-year-old Theunco Bell in the throat.

A day before that incident, a 10- and 12-year-old were playing with a gun. It went off and killed the 10-year-old whose name was Michael Fuller.

As former staff physician at Cook County Hospital said:

Whether intentional or unintentional . . . children have access to guns. Children are naturally curious, and a gun can be a very sexy toy for them.

So what can we do? Can we watch in horror as the stories come to us from Chicago, from Jonesboro, from Kentucky, from Mississippi? Can we lament the horror that has been visited on these children, their families, their teachers and the whole community? Can we say that this is just part of the price of doing business in America today, or do we act? Do we decide as a nation that it is time for us to come to grips with this challenge, to accept the reality that people, if they are to own guns, must own them responsibly?

Senator KOHL of Wisconsin has trigger-lock legislation, which I support, which would reduce the likelihood of gun violence among children and, as I mentioned, many States have passed legislation imposing responsibilities on gun owners so that they not let these guns go into the hands of children.

Are these laws in the States effective? Well, as a matter of fact, a study published in October in the *Journal of the American Medical Association* makes clear that children's lives have been saved when States have required gun owners to make guns inaccessible to children. The study found that accidental shooting deaths were reduced by 23 percent in States that passed child access prevention gun laws.

Mr. President, I will be preparing legislation to federalize child access prevention gun laws. There is no reason why every child in America shouldn't be protected at least in some small way by assuming that every owner of a gun has to own it responsibly, keep it in a safe manner, keep it in a way where it cannot be accessed by children.

I know this won't put an end to gun violence. There is just too much of it going on in America. But, in fact, it may slow down the carnage and it may reduce the horror of the stories that we heard just this evening and last night from Jonesboro, AR. As we reflect on these four children and their teacher and this terrible tragedy, keep in mind that gun violence every day claims the lives of children and adults alike across America, black and white and Hispanic. It is a scourge, a scourge on those who live not only in big cities but in small towns.

I hope that my colleagues on a bipartisan basis will join me in this effort to reduce the incidence of gun violence. I also hope that this tragedy in

Jonesboro, AR, will inspire us to do it and do it quickly. I yield back the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

SUPPLEMENTAL APPROPRIATIONS

Mr. KENNEDY. Mr. President, I will just take a few moments of time to revisit the proposal of the Senator from Oklahoma, Senator NICKLES, to strike the funding that would be available under this legislation to implement the Kassebaum-Kennedy bill. According to GAO that legislation benefited some 25 million Americans who change or lose their job every year and could face pre-existing condition exclusions or denial of coverage. That legislation passed 100-0 in the Senate; the conference report passed 98 to 0.

We know there are gaps in terms of the implementation for providing these critical protections to those in the disability community and really for any American who has a condition that could make it difficult for them to get or keep insurance. HCFA asked the Appropriations Committee to reallocate resources to give them the ability to hire the necessary skilled staff, primarily with expertise in the insurance business, who would be able to assist them to carry forward these protections for the disabled community, the mental health community, and for all Americans. That is very, very important, Mr. President. We had some debate and discussion about this earlier today.

At this time, I want to read into the RECORD a very fine letter from Nancy-Ann Min DeParle, who is the head of HCFA. She writes:

DEAR SENATOR KENNEDY: I am writing to request your assistance in securing funding for HCFA to implement the insurance reform provisions of HIPAA. The \$6 billion and 65 FTEs that we have requested for this purpose will allow us to implement the HIPAA provisions as well as those enacted subsequently in the Newborns' and Mothers' Health Protection Act and the Mental Health Parity Act in those states that have not fully implemented HIPAA. As you know, currently, 5 states are not implementing HIPAA. HCFA is requesting these resources to guarantee these protections to the 54 million people—or one in five Americans—that live in these five states where under HIPAA, HCFA is the backup federal enforcement agency.

Moreover, we understand that as many as 30 states may not have standards that comply with the Mental Health Parity Act and as many as 10 states may not have standards that comply with the Newborns' and Mothers' Health Protection Act. We don't have precise numbers because states are not required to notify HCFA about their intentions to implement these two laws. In addition, we believe that many states may not have implemented other parts of HIPAA. For example, some states have not implemented guaranteed availability in the group market or certificates of creditable coverage. Moreover, HCFA also has enforcement authority over non-Federal governmental plans.

Mr. President, I ask unanimous consent to have printed in the RECORD this

letter from Nancy-Ann Min DeParle, Administrator of HCFA.

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

DEPARTMENT OF
HEALTH & HUMAN SERVICES,
Washington, DC, March 25, 1998.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to request your assistance in securing funding for HCFA to implement the insurance reform provisions of HIPAA. The \$6 million and 65 FTEs that we have requested for this purpose will allow us to implement the HIPAA provisions as well as those enacted subsequently in the Newborns' and Mothers' Health Protection Act and the Mental Health Parity Act in those states that have not fully implemented HIPAA. As you know, currently 5 states are not implementing HIPAA (CA, RI, MI, MA, MO). HCFA is requesting these resources to guarantee these protections to the 54 million people—or one in five Americans—that live in these five states where under HIPAA, HCFA is the backup federal enforcement agency.

Moreover, we understand that as many 30 states may not have standards that comply with the Mental Health Parity Act and as many as 10 states may not have standards that comply with the Newborns' and Mothers' Health Protection Act. We don't have precise numbers because States are not required to notify HCFA about their intention to implement these two laws. In addition, we believe that many other states may not have implemented other parts of HIPAA. For example, some states have not implemented guaranteed availability in the group market or certificates of credible coverage. Moreover, HCFA also has enforcement authority over non-federal governmental plans (e.g., state and local governments).

Sincerely,

NANCY-ANN MIN DEPARLE.

Mr. KENNEDY. Mr. President, I will also have printed in the RECORD the various letters that support our position in opposition to the Nickles amendment:

Families USA hopes that the Nickles amendment will be defeated;

The Consortium for Citizens with Disabilities, more than 20 different organizations that have been in the vanguard of protecting and advancing the cause of those disabled Americans. They are in strong opposition to the Nickles amendment;

The National Alliance for the Mentally Ill is in strong opposition to the Nickles amendment.

These are only some of the organizations, but they represent the leading organizations that have over the past years been the most involved and active in protecting the rights of the disabled and of consumers—all in opposition to the Nickles amendment. We are not talking about adding more money. We are talking about reprogramming existing money.

I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONSORTIUM FOR
CITIZENS WITH DISABILITIES,
March 25, 1998.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: The Consortium for Citizens with Disabilities, which represents almost 100 national disability organizations, strongly opposes the Nickles Amendment which would deprive the Health Care Financing Administration (HCFA) of sufficient funds to enforce the Health Insurance Portability and Accountability Act (P.L. 104-191). The HIPAA legislation—also known as the Kassebaum-Kennedy Act—is a stellar example of bipartisan legislation that would benefit individuals of all ages, including people with disabilities.

The provisions in HIPAA related to pre-existing condition exclusions and portability of health insurance are working to open the doors to many individuals with disabilities and their families who could not previously access appropriate health insurance or who were imprisoned by "job lock".

We urge all Senators to oppose the Nickles' Amendment.

Sincerely,

The Arc; National Association of Protection and Advocacy Systems; National Easter Seal Society; American Association on Mental Retardation; Association for Persons in Supported Employment; LDA, the Learning Disabilities Association of America; RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America; National Alliance for the Mentally Ill; Bazelon Center for Mental Health Law; NISH; Paralyzed Veterans of America; Inter-National Association of Business, Industry & Rehabilitation; Council for Exceptional Children; National Association of Developmental Disabilities Councils; United Cerebral Palsy Association; American Congress of Community Supports and Employment Services; American Network of Community Options and Resources; National Association of People with AIDS; Center for Disability and Health.

DISABILITY RIGHTS EDUCATION AND
DEFENSE FUND, INC.,
March 25, 1998.

Senator EDWARD M. KENNEDY,
Russell Senate Building
Washington, DC.

DEAR SENATOR KENNEDY: The Disability Rights Education and Defense Fund (DREDF) strongly opposes the Nickles Amendment to S. 1716, the Emergency Supplemental Appropriations Bill.

Passage of the Nickles Amendment would stop the civil rights protections guaranteed by the Health Insurance Portability and Accountability Act (PL 105-191) and the only accountability left would be the fox guarding the chickens.

Without these provisions in HIPAA, the doors to health insurance for millions of people with disabilities will be forever locked.

Please, as you have done so many times before, oppose the Nickles Amendment and open the doors to employment, vote no on the Nickles Amendment.

Sincerely,

PATRISHA WRIGHT,
Director of Governmental Affairs.

NATIONAL ALLIANCE FOR THE
MENTALLY ILL,
Arlington, VA, March 25, 1998.

Senator EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: As you know, the National Alliance for the Mentally Ill

(NAMI) has been a leading voice in advocating for parity coverage in health insurance policies for people who suffer from schizophrenia, manic-depressive illness or other severe mental illnesses. Enactment of the Domenici-Wellstone Mental Health Parity Act of 1996 was a significant but incomplete step towards ending pervasive discrimination against people with these severe brain disorders in health insurance and other aspects of their lives.

Because of the importance we attach to parity and other protections for vulnerable consumers in health care, we have been concerned that the Health Care Financing Administration (HCFA) may not have sufficient resources to carry out adequately its important role in enforcing mental health parity and other consumer protections embedded in the Health Insurance Portability and Accountability Act (HIPAA). Consequently, on behalf of NAMI's 172,000 members nationwide, I am writing to express my strong appreciation of your leadership in advocating for adequate funding to support HCFA's enforcement responsibilities under HIPAA. We stand ready to work with you and HCFA to ensure that the mental health parity provisions and other consumer protections contained in HIPAA are aggressively and effectively enforced.

Please do not hesitate to call upon us if we can provide further assistance to you on this important effort.

Sincerely,

LAURIE M. FLYNN,
Executive Director.

CONSUMERS UNION,

Washington, DC, March 25, 1998.

Hon. EDWARD KENNEDY,
Ranking Minority Member, Committee on Labor & Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: We are writing in opposition to the Nickles' amendment which would strip \$16 million allocated to enforcement efforts by the Department of Health and Human Services of the Health Insurance Portability and Accountability Act (HIPAA).

As you know, HIPAA was enacted in 1996 to help make health insurance more accessible to people who lose their employment-based coverage. Implementation is still at its early stages. The legislation spells out important functions for the Department of Health and Human Services. In addition, several states (including California) have opted for federal enforcement instead of state enforcement. This necessitates federal funding level to ensure that consumers in these states are protected by the legislation.

Only through adequate funding, will people with pre-existing health conditions be assured they can change jobs without facing new pre-existing condition exclusions from coverage. Only through adequate funding, will people who leave group coverage for the individual market be assured that health insurance will be accessible to them.

Consumers Union urges the Senate to oppose the Nickles' amendment.

Sincerely,

GAIL SHEARER,
Director, Health Policy
Analysis.

ADRIENNE MITCHEM,
Legislative Counsel.

FAMILIES USA FOUNDATION,
Washington, DC, March 25, 1998.

Senator KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: Families USA supports the Administration's request for supplemental enforcement money for the "Health Insurance Portability and Accountability Act of 1996."

HIPAA provides needed protection to Americans who otherwise could not purchase health insurance when they change or lose jobs. Approximately one in four Americans are caught in "job lock," afraid to change jobs or start their own businesses because of preexisting conditions that could prevent them from obtaining new health insurance coverage. Americans like these who lose their jobs involuntarily often find themselves in an even more serious predicament: They join the growing number of individuals without health insurance coverage.

Implementing HIPAA requires the Health Care Financing Administration to assume new responsibilities. If HCFA lacks the resources to carry out its duties, HIPAA is meaningless. Without the funds to enforce HIPAA, millions of Americans will be deprived of these important protections. Therefore, we urge the defeat of the Nickles Amendment to strike the President's request for HIPAA enforcement funds.

Sincerely yours,

RON POLLACK,
Executive Director.

Mr. KENNEDY. Mr. President, I will also mention a direct quote from the testimony of the National Association of Insurance Commissioners. They are the State commissioners. They appeared before the Ways and Means Committee last September. When they were talking about enacting HIPAA—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I ask unanimous consent for 5 more minutes.

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

Mr. KENNEDY. Mr. President, this is the exact quote:

Moreover, in enacting HIPAA, Congress may not have anticipated that certain States would choose not to implement and enforce its provisions and would instead place that responsibility in the hands of the federal government. This is now the situation in Missouri, Rhode Island and California. The Federal Government has new and significant responsibilities to protect consumers in these States. Fulfilling these responsibilities will require significant Federal resources.

This is not HCFA, this is not the Senator from Massachusetts. These are the commissioners of the States that have indicated that HCFA would need additional funding to make sure that the Kassebaum-Kennedy legislation to protect portability for those individuals who have preexisting conditions would be implemented.

Wisely, the chairman of our committee asked the GAO to do a report on how this program was going. The GAO report made the recommendations which the Appropriations Committee has followed in terms of the allocation of resources. It is only \$16 million, Mr. President—and the most important aspect of that provision is the \$6 million which HCFA has related to the enforcement provisions. The others, I think, are desirable to make the program of Administration proceed more efficiently, effectively. We are going to be faced tomorrow, or at least sometime, with the amendment of the Senator from Oklahoma to effectively wipe out that Federal enforcement.

Mr. President, I think that is unacceptable. That is unacceptable.

I have in my hand—and I will get into this more tomorrow—but the National Association of Insurance Commissioners, as of December 3, 1997, indicated that 30 States have failed to implement the mental health provisions. Thirty States as of December have failed to implement the mental health protections.

We were arguing out here, debating whether they had, and Senator NICKLES said, "Oh, they have implemented." We have the GAO report and through the afternoon we have been able to come up with this information, Mr. President.

What about the maternity provisions? Remember we had the drive-by deliveries just a few years ago where expectant mothers were in the hospital for 24 hours and then out the door they went and the tragedies that ensued. We took action in order to protect those mothers.

Through the legislative process, that became a part of the HIPAA program. We find out that, with regard to the States that have not enacted the provisions in terms of protecting mothers, eight States have not provided those protections—eight States. Eight States have not done that.

We were all around here at the time, Republicans and Democrats alike, commending ourselves about how we enforced that and protected the mothers, and we have this. The list goes on. We will have more of a chance to go into this in greater detail on the morrow.

But I hope that our colleagues will at least take the time to review the excellent letters that have been sent to them this afternoon that indicate strong opposition to the Nickles amendment by the leaders in the mental health community, in the disability community, as well as in other groups that are most affected. We will have others to refer to tomorrow, Mr. President.

I hope that we will, if we are serious about this issue—and I believe that we are—at least give the opportunity for the enforcement of these rights and protecting these families from the kinds of discrimination which has taken place.

I will go through tomorrow again briefly some of these stories, real life stories with real life families that had some tragic experiences that motivated us into making this change with Senator Kassebaum. I will go through those tomorrow, Mr. President. We were trying to remedy the kinds of harsh experiences that took place and devastatingly wiped out different families. I will have an opportunity to go through them in some detail on tomorrow.

So, Mr. President, we are looking forward to the continued debate on this issue. This is a very, very important matter. We are not going to take it lightly. We are all in favor of moving this legislation forward and having a

final conclusion, but not with this unacceptable amendment that would break the promise we have made to millions of American families.

I thank the Chair and yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

CORRECTING ENROLLMENT OF S. 419

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 87 submitted earlier by Senator JEFFORDS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 87) to correct the enrollment of S. 419.

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

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

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

The concurrent resolution (S. Con. Res. 87) was agreed to as follows:

S. CON. RES. 87

Resolved by the Senate (the House of Representatives concurring). That, in the enrollment of the bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 1 of the bill, strike "1997" and insert "1998".

(2) In section 2 of the bill:

(A) In subsection (d) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike "1998" and insert "1999".

(B) In subsection (f) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike "1998" and all that follows through "2001" and insert "1999, \$40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002".

ORDER FOR STAR PRINT—S. 1638

Mr. ENZI. Mr. President, I ask unanimous consent that S. 1638 be star printed with the changes now at the desk.

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

ORDERS FOR THURSDAY, MARCH 26, 1998

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on