We have a great deal to do, Mr. President, on the basic issue of crime control. It is something that we have to address for the present generation and succeeding generations.

I had the opportunity to serve as district attorney of Philadelphia for some 8 years after having been an assistant district attorney for 4 years where I tried many robbery cases, many rape cases, many burglary cases, and then as the district attorney ran an office which prosecuted 30,000 criminal cases a year including 500 homicide cases.

I believe that we have to tackle the problem of violent crime on many levels. I think to start with, this is a major problem in our criminal justice system in our failure to utilize capital punishment as an effective deterrent against violent crime. It is obvious that the critical aspect of a deterrent is its certainty and its swiftness. But that is not the case with the death penalty. At the present time there are more than 2,800 inmates on death row and in the last year only 38 cases where the judgment of sentence was carried out. The reason for that is the Federal appeals processes which allow the cases to go on virtually interminably forever; some as long as 20 years, on the average 8 years. We have the power to correct that.

My legislation was passed by the Senate in 1990 and has a good chance to be passed this year by the House and the Senate and signed into law if we would make a few basic changes. First, provide that the requirement ''upon exhaustion of State remedies'' is eliminated because that means the case has to be litigated in the State courts until every possible issue has been resolved before going to the Federal courts. And then there is a ping-pong effect where it goes back and forth.

My legislation provides that there would be Federal jurisdiction attaching as soon as the State supreme court had upheld the judgment of sentence of the death penalty. Then there would be one hearing in the Federal courts taking up all the issues without getting involved in what is a full and fair hearing in the State courts, which leads to interminable litigation, again with the State court taking it up and then coming to the Federal court as to whether there had been a full and fair hearing, which is an aspect of exhaustion of State remedies.

The Federal court ought to hear it once and once alone. If something then arises at a later time which warrants exceptional circumstances and unique Federal review again, that should happen only if the court of appeals approves it; that is, submission to Federal judges.

There also ought to be a time limit of 120 days in the Federal district court, unless the judge is able to put on the record factors which require a longer period of time, and that should be within the discretion of the trial judge. But I have handled these cases in the Federal court on habeas corpus, and 120 days is long enough, providing the judge puts it at the top of the list. That would not be an undue burden where only one of these cases would come before a judge every 18 months. There should be time limits in the court of appeals so that this appellate proceeding could be concluded within 2 years instead of 20 years.

Then, Mr. President, I think it is necessary to look at realistic rehabilitation. It is no surprise when someone leaves jail without a trade or a skill, as a functional illiterate, to go out into society, they are back to a life of crime and a revolving door. What I think we need to do is to have early intervention, especially with juveniles, for literacy and job training to give them a chance. But if they become career criminals—that is, three major offenses—then I think it is fair for society to impose a life sentence and to carry it out with adequate prison space.

Just the day before yesterday in the city of Philadelphia there was an atrocious murder a block and a half from the Philadelphia police station where a car was stopped. Apparently the individual was being followed on a robbery attempt, and a cold-blooded murder at 5:23 in the afternoon a block and a half from the police station at 7th and Vine in Philadelphia. A man was shot down in cold blood.

This happens again and again with drive-by shootings, with people being at risk. Violent crime could be curtailed if we really took the steps necessary to do that. That is something we ought to be looking at for this generation, the next generation, and those which follow.

There is also a major problem in international issues with national security. From the position that I have just taken on as chairman of the Intelligence Committee, there is a real need to do more in the area of nuclear nonproliferation. There is grave concern about the agreement which the administration has just made with North Korea where we will not be inspecting the spent fuel rods for some 5 years; whether this is the best way to protect against whether North Korea is in fact proceeding to build nuclear weapons. It has been disclosed recently that North Korea and Iran are working jointly on ballistic missiles and that North Korea currently has the capacity to send a missile as far as Alaska. When we asked the director of the Central Intelligence Agency in hearings a week ago Tuesday what the prognosis was for reaching the continental United States, there can be no assurance. A great deal more has to be done in that respect.

The issue of nutrition is of enormous importance. I was shocked more than a decade ago on my first occasion to see a 1-pound baby, a human being about as big as the size of my hand weighing 1 pound. That is a human tragedy because those children carry scars for a lifetime, and frequently the lifetime is not too long because of the intensity of the injuries carried. And it is a financial disaster with more than $150,000 in cost for each child and multibillion dollars in costs.

It is a matter which can be corrected with prenatal visits as outlined by Dr. Everett Koop, former Surgeon General, in part of a health care package which I have proposed in Senate bill 18.

As I think about the tragedy of low-birthweight babies or the tragedy of teenage pregnancies, as I think of my granddaughter, Silvi Morton Specter, who lives surrounded by love with her mother, Tracey Pearl Specter—a professional woman in her own right, but her daughter comes first—as I see them playing together—in effect, I say that Tracey is Silvi's best playmate—it is a sight to behold and really a tragedy that all children do not have the affection that Silvi has from her doting mother and doting father, my son Shanin Specter, and her grandparents, Carol and Alvin Pearl and Joan and myself.

So I take a few moments on this Friday afternoon to talk about Silvi Morton Specter's generation and the obligations we have here on personal safety from violent crime at home, the problem of nuclear attack abroad, and the issue of not spending to burden Silvi's generation on the problems which children face everywhere. It is a real burden that we face and a real obligation that we have to do a better job as Senators and Members of Congress as we look forward to the 21st century. It is my own personal view that America has not seen its best and brightest days.

I think of my father, who came to this country as an immigrant from Russia at the age of 18 in 1911 without any formal education, and my mother, who came with her parents from Poland in 1905 at the age of 5, and how much better it has been for my brother, my two sisters and me, and how much better it has been for my two sons, Shanin and Steve, and how much better it can be for Tracey and for Silvi Specter's generation if we do our jobs in the U.S. Congress.

I thank the Chair. I yield the floor.

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 11, 1995, the Committee on Indian Affairs held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a copy of the rules of the Senate Committee on Indian Affairs.

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

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the committee shall be open to the public except when the committee by majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee at least one week in advance of such hearing unless the Chairman of the committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the committee shall file with the committee, at least 48 hours in advance of the hearing, a written statement of his or her testimony with 25 copies.

(c). Each Member shall be limited to five (5) minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness unless the committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the Ranking Majority and Minority Members present at the hearing may each appoint one committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman or Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the committee if a written request for such inclusion has been filed with the Chairman of the committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the committee to include legislative measures or subjects on the committee agenda in the absence of such request.

(b). The agenda for any business meeting of the committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the committee. The Clerk shall promptly notify absent Members of any action taken by the committee on matters not included in the published agenda.

QUORUMS

Rule 6(a). Except as provided in subsections (b) and (c) six (6) members shall constitute a quorum for the conduct of business of the committee. Consistent with Senate rules, a quorum is presumed to be present, unless the absence of a quorum is noted.

(b). A measure may be ordered reported from the committee unless an objection is made by a Member, in which case a recorded vote of the members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only on the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Members, any other witness shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the committee unless the committee, in executive session, determines that special circumstances require a full or partial exception to this rule.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by or confidential material presented to the committee or any report of the proceedings of a closed committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the Members of the committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open committee hearing tends to defame him or otherwise adversely affect his reputation may file with the committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all the Members of the committee in a business meeting of the committee. Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the committee agenda for such meeting at least seven (7) days in advance of such meeting.

MEDICAL SAVINGS ACCOUNTS

Mr. FRIST. Mr. President, I rise today to discuss the issue of health care in America and, specifically, the concept of medical savings accounts, sometimes called medical IRA's.

I speak today as an elected official, but also as a practicing physician, having devoted the last 20 years of my life to caring for patients. I have witnessed first hand the unequalled quality of care that we have in the United States, but also the problems which include skyrocketing costs, uneven access, and inadequate emphasis on prevention.

Last year, President Clinton addressed the problems in our health care system, but his proposed solution was fatally flawed. He favored monopolization, not competition. He sought to empower bureaucrats, not individuals. And, in the end, he relied on Government, not the private sector. Fortunately, once the American people heard the truth about the administration's plan, they rejected it.

Nevertheless, the problems with our health care system have not disappeared. And make no mistake, there are problems with our health care system. But instead of scrapping the whole system, we must target and fix what is broken. Mr. President, I believe the use of medical savings accounts is an important first step in this process.

A fundamental problem which characterizes every interaction between patient and health care provider is that the provider is paid not by the patient, but by a third party. On average, every time a patient in America receives a dollar's worth of medical services, 79 cents is paid for by someone else—usually the Government or an insurance company. The result is that we grossly over-consume medical services. Imagine if we were all required to pay out of our own pockets only 20 cents of every dollar spent on food, clothing, and transportation. We would over-consume—we would buy more than we need. And that's what happens in medicine. Since they don't feel they are paying for it, everyone wants the most and the best—at any price—whether it's the deluxe hospital room, the latest in nuclear medical imaging, or the MRI scan for a headache. We must become more cost-conscious consumers of medical services.

Mr. President, there are two methods of doing this. First, as the Clinton administration urged, we can limit medical technology and ration care, thereby limiting choice of physician and ultimately access. The American people rejected this alternative—and with good reason. It would have severely reduced the quality of patient care. I saw this happen first-hand during the year I spent in England as a registrar in heart and lung surgery. I watched over and over again as patients waited months for medical procedures which they would have obtained in days or weeks in the United States. And sadly, in some instances, I watched patients die while they waited.