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## Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:31 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we thank You for a different kind of continuing resolution. You resolve to continue to be with us, to bless us with Your grace and Your goodness. You have promised Your continued providential care for us as a beloved Nation. You have guided us through the years. We resolve to trust You to help us now when we need to overcome our differences and unite to lead the Nation. So our real continuing resolution is to call on You, seek Your solutions, end the power struggle, and complete the business of this Congress.

So I sense that Republicans and Democrats would express their yeas and nays to a continuing resolution to praise You for being sovereign of our beloved Nation. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The acting Senate majority leader.

### SCHEDULE

Mr. CRAIG. Mr. President, today the Senate will vote on a continuing resolution that funds Government through tomorrow. I understand that the House will be voting on that resolution at approximately 10 or 10:30. However, it was our hope that we would have the Senate vote on the joint resolution immediately this morning. We will be unable to reach an agreement to allow that to occur earlier. Therefore, the Senate

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman*.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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will vote as soon as the continuing resolution is received from the House.

The Senate will also convene on Sunday at 4 p.m. to consider another continuing resolution with a vote scheduled to occur at 7 p.m. A vote will also occur on Monday to continue Government funding and the vote will occur at a time to be determined. Senators will be notified as Monday votes are scheduled.

I thank my colleagues for their consideration as we work these different issues out.

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. Mr. President, the House is right now voting on approval of the Journal. They should vote on the CR momentarily. We should have that shortly. I know a number of people have asked when we will complete that.

On Sunday, they are supposed to vote on their CR at 6 o'clock that night. I hope that is the case. Senator STEVENS and a number of the members of the Appropriations Committee are meeting. They met yesterday, hoping to wind up negotiations on Labor-HHS, which will be the last train moving out of the station. With the compromise that is in the air, I hope we can wrap up the tax package and the Labor-HHS bill maybe as early as Monday and Tuesday at the latest. I hope that is the case.

The PRESIDING OFFICER. The acting majority leader.

Mr. CRAIG. Mr. President, we had put the continuing resolution on the desk hoping we could get agreement with the other side to move immediately to accommodate Senators' schedules. That is not going to happen. As I have said, we will wait for the House to vote.

#### MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business until 10 a.m. and the time be divided in the usual form.

Mr. REID. Reserving the right to object, if the CR gets here sooner than that, would the Senator agree that we should begin the vote before 10, because there are people who have come to me indicating they have schedules to meet. I am sure he has the same on his side.

Mr. CRAIG. I see no objection to that. I think we are here purely dependent on the House's ability to act as quickly as they can. When it arrives at the desk, my guess is there is going to be a large number on our side who would wish the same consideration.

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

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO THE HONORABLE DANIEL PATRICK MOYNIHAN

Mr. BENNETT. Mr. President, the session is winding down. We are at a point where we are doing pro forma things.

I have neglected to do something I think is important to do and that I have wanted to do. I will take the time available to us at the moment to fulfill my obligation.

I wish to pay appropriate tribute to the senior Senator from New York, Mr. MOYNIHAN, on the occasion of his retirement. I have already done this within the committee on which we jointly sit, but I think at a more formal setting it is also appropriate.

I first met PAT MOYNIHAN when I was serving in the Nixon administration. He was then a member of the White House staff. I was serving in the Department of Transportation. He was the President's primary enforcer, if you will, of improvements and efficiencies in the executive branch, particularly in domestic departments. We at the Department of Transportation were a little bit in awe, if not in terror, of the thought of PAT MOYNIHAN showing up and checking on us to make sure we were doing things right.

I remember one meeting in the White House where we were outlining what we wanted to do, that which I considered to be fairly bold, and listening to MOYNIHAN saying: Well, in a Republican administration, this is probably about the best you could expect. He wanted us to be considerably bolder than we were. He wanted to go into directions of new initiatives that would have been very good for the country.

In addition to this, he was one of the architects of Nixon's program of family maintenance which, had it been enacted over the objections of the Democrats, probably would have solved many of our welfare problems.

Mr. MOYNIHAN was well respected then. President Nixon later used him as Ambassador to the United Nations and Ambassador to India. When he was running for a seat in the Senate, even though he was a Democrat, I, for one, was rooting for him to win.

I have just finished reading a book called "The Trust," which is the history of New York City. I was interested to find that the editorial board of the New York Times almost unanimously decided that in that primary they were going to endorse Bella Abzug for the Senate seat in New York. Fortunately, the publisher of the New York Times, Punch Sulzberger, came to his senses long enough to dictate a New York Times endorsement of PAT MOYNIHAN, and this body was spared the experience of having Mrs. Abzug as the Senator from New York.

Senator MOYNIHAN and I have disagreed about a number of issues since we have been here. We have debated on many issues and clashed many times, but we have served together in many areas. He was a member of the Senate Y2K committee, a committed, active member who scheduled hearings in his home State of New York. We went there often. I was always impressed and uplifted by the amount of bipartisan support he gave to that effort. He was always well informed and completely without guile or without bitterness.

He now goes on to a career he loves, which is teaching. I have read some of his books and wish I could be one of his students.

This country will hang on to PAT MOYNIHAN as a major resource and a national treasure for the remainder of his life. But we in the Senate have been well served by having him here as our colleague.

One last thing I will say about PAT MOYNIHAN, which is little known but which demonstrates the man, there is a story going around in Washington that says when John F. Kennedy went down Pennsylvania Avenue in his inaugural parade, he saw how shabby the avenue was, and with that vision often attributed to the Kennedy clan, he said we must do something to clean up Pennsylvania Avenue, and the restoration of Pennsylvania Avenue then occurred. Well, in fact, from the scholarly writings of PAT MOYNIHAN, we find that it was not John F. Kennedy at all; it was Arthur Goldberg, who was in that parade and saw that shabbiness of Pennsylvania Avenue, who pointed it out to President Kennedy and, to his credit, the President said, "Yes, let's do something about it." But he probably gave it no more thought than that.

The assignment of seeing that something was done to the Nation's most monumental avenue ultimately fell to a young staffer named PAT MOYNIHAN. It was he who drove the effort to see to it that Pennsylvania Avenue was cleaned up from the pawnshops and the other shabby architectural edifices that were there to the monumental avenue that it is today. Interestingly enough, it was while he was chairman of the Senate Environment and Public Works Committee, leaning on the public works side of that environment, where he led the effort within the Congress to see to it that the necessary money was appropriated to build the monumental buildings of which we are all so proud.

So we have a lasting architectural legacy to the public career of PAT MOYNIHAN right here in the District of Columbia. I, for one, shall miss him. But I look forward to staying in touch with him as he tells me that he is going to stay in the Washington area and teach. I hope that at some point, when my career in the Senate ends, he is still teaching and I can take one of his classes. It has been a great privilege to

serve in the Senate with the senior Senator from New York.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

#### THE WORK OF CONGRESS

Mr. SPECTER. Mr. President, I have sought recognition to comment on the pending status of the work of the Congress. Yesterday, Senator STEVENS took the floor and outlined the work of the Appropriations Committee, making it plain that nothing could be done on the last bill on appropriations for Labor, Health, Human Services, and Education, until Tuesday because there had to be a reading of the bill and the other procedural matters which had to be attended to, even if the conferees came to agreement on Friday.

Senator STEVENS suggested that there was no point in having the Senate and the House in session on Saturday and Sunday and Monday. Notwithstanding that, and notwithstanding Senator STEVENS' contacts with the President and the President's men, we are here. We are here for absolutely no reason. I chair the subcommittee which has jurisdiction over that appropriations bill and we have been in negotiations with the White House for weeks. We have not been able to come to an agreement because of the intransigence of the White House. They may say it is the intransigence of the Congress. We have a way of saying the other party is intransigent. But there is no doubt that they are at least 50 percent responsible for the fact that we have not been able to come to terms on this bill.

On this bill, the subcommittee that I chair met the President's figure of \$106 billion. It was hard to do. My colleagues in this body and the Republicans in the House didn't like that figure; they thought it was too much money. But the chairman of the House committee and I prevailed to meet the President's figure so we can come to terms and have an accommodation and get the bill passed. We put \$600 million in that bill—more for education than the President did. And the President asked for \$2.7 billion for school construction and teachers. It was the view of many colleagues that that was not a Federal responsibility, but we gave this figure. We put an addendum on that if the local school boards decided they wanted it for something else, they could use it for something else, so that there would be local control, which is the essence of education in America, contrasted with the Washington, DC, bureaucratic straitjacket.

Notwithstanding that, the White House, his negotiators, wanted every semicolon their own way. So that bill is still languishing in negotiations. But it is certainly not the fault of the Congress.

We are here today and we will be here tomorrow. The Members—535 of us—had thought we would have concluded our business a long time ago. I can tell the American people—if anybody

watches C-SPAN II—that the fault is not that of the Congress that we are still here. The President has decided that we will be in session on 1-day continuing resolutions, as his way of trying to make a political point. He is not making a governmental point, he is making a political point. He is making a political point to try to blame the Congress as a "do-nothing" Congress, when that is not the fact. He is trying to blame the Congress for a situation the White House is really responsible for—at least 50 percent responsible.

We have come to a situation where the quality and parity between the Congress and the executive branch has long since evaporated. When the Government was closed down at the end of 1995, that was an enormous shift of power, so that now the Congress is really over a barrel to yield to whatever the President has to say.

Being aware of that, we structured this final bill on Labor, Health, Human Services, and Education to finish it so that it could be presented to the President in September. The Senate acted on it on June 30, which established a record, going back to 1976 for the earlier set of action on this bill. Then we finished the conference report on July 27. It should have been presented to the President in September, and that projection was made so that we would be able to present it to the President and, if he vetoed it, have a national debate; and we thought we would be in a position to make our priorities stand up because the Constitution does give the Congress the responsibility and authority to establish the priorities.

Mr. President, the essential point that I am coming to is that if we were not over a barrel in our relations with the President, we would submit to the President a continuing resolution for 3 or 4 days. But we are not doing that because it would be unseemly. We are not doing that because we don't want to engage in what might be viewed by the American people as a childish food fight.

If we sent him a continuing resolution for 4 days, which would be reasonable under the circumstances, since we can't get anything done until Tuesday, and there was a stalemate and there was a closing of the Federal Government, the American people would say a plague on both of your houses. But the reality is that the Congress is being intimidated by the President and we are, in fact, being humiliated by what the President is doing. There needs to be some semblance of good will and comity between the Congress and the President. It doesn't exist and hasn't existed.

This Senator has gone out of his way to try to work with the White House and try to find accommodations. But when you have this intimidation and what is really humiliation, it lingers. It has to be a factor considered, as we have so many delicate relationships with the executive branch of the Government. Frankly, I would like to see

us submit a continuing resolution for 4 days and lay down the gauntlet to the President, if he wants to keep us around here doing nothing. But the parity between the branches has been lost and we are here wasting the time of 535 Members of Congress.

We are wasting the time of the Congressmen, and we are also putting the people of America to a disadvantage because we have responsibilities to our constituents that will not be attended to today, or tomorrow, or Monday, or thereafter. I think it is high time that the Congress stood up and confronted the President because of this situation, which is simply intolerable.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, first of all, I certainly understand the frustration of the Senator from Pennsylvania. He does a good job of chairing that subcommittee. But his facts are wrong.

Here it is 9 days until the election, and we are still in session. We are here because the leadership of the majority has simply refused to move this Congress along like it is supposed to. Since the first of September, we have passed only three or four appropriations bills. We struggled through the month of September, and nothing happened.

Mr. SPECTER. Will the Senator from Nevada yield?

Mr. REID. I yield for a question.

Mr. SPECTER. What facts are wrong?

Mr. REID. I was just laying those facts out.

Mr. SPECTER. Does the Senator from Nevada deny the fact that the President and the White House, or at least the people in question, are responsible for the failure to come to agreement on the one outstanding appropriations bill?

Mr. REID. We have 13 appropriations bills. This debate cannot relate around one appropriations bill. The Senator from Pennsylvania worked hard on the Labor-HHS appropriations bill. A number of us have worked on it. But the Republicans have left this bill to the last bill so they can attach everything to it that has not been done and that should have been done previously.

Mr. SPECTER. Will the Senator yield for a question?

Mr. REID. No. I will not.

I say to the Chair and to those Members listening that the President doesn't need to take any blame for what is taking place here in Congress. We have a constitutional framework that gives him separate but equal power with the Congress. He is exerting that now. Thank goodness he is able to exert that because what has gone on here, according to pundits and according to what I believe having been here for almost 20 years, is a travesty.

Here we are trying to work our way through Congress 8 days before an election. This should have been completed a long time ago. We have not been able to have debates on issues in this Congress. Why? Because the majority has

taken the position they don't want to have to take any difficult votes. As a result of that, we don't take any votes. We don't have debates.

It is interesting to note that we haven't done anything on a Patients' Bill of Rights. We have done nothing on prescription drugs. On education, for the past 2 years in this Congress, we only have spent parts of 6 days dealing with education. The American people say it is the most important issue facing the American people. Members of Congress say it is the most important issue. It seems to me that we could spend more than 6 partial days talking about education.

We need help with school construction. In Las Vegas, we have the sixth largest school district in America. We have to build one new school every month to keep up with growth.

In the small State of Nevada, last year we spent \$112 million just on interest on the money we borrowed to build schools. We need help with school construction and modernization. Schools all over America need help. The average age of schools in America is over 40 years. We also need to reduce class size. Unfortunately, we haven't had a meaningful debate that has allowed us to discuss how important and successful class size reduction is for our schools.

A year and a half ago, following the Columbine massacre, we passed what we felt was minimal gun safety legislation. Nothing has happened since then to move that forward. We have not had a conference. The result is that we still have pawnshop loopholes where just anyone can go in and buy guns. They can be felons. The same happens not only in pawnshops but at gun shows. We need that legislation cleared for further action. We have been unable to do that.

I say to my friend from Pennsylvania that, again, I appreciate his frustration. I appreciate his hard work.

But the fact is that constitutionally the President has a role, and he is fulfilling that role. I repeat that I am glad he is fulfilling that role.

We have so many things that we need to do in this Congress that we have simply been unable to do.

As a result of our friend, Paul Coverdell, having unexpectedly passed away, the composition of the Senate changed. As such, we felt there should be another vote on the Patients' Bill of Rights. We were denied that.

There are so many things that have been taking place here that has prevented the Senate from operating as the Senate.

My friend from Pennsylvania is frustrated as a result of his dealings with the subcommittee.

I am frustrated as a Member of the Senate that we are not able to talk about issues that I think are important. We have been prevented from being able to talk about those issues.

In America today there are 3,000 children dropping out of school every day.

Shouldn't we be allowed to talk about that? The answer has been no. We haven't been able to have a meaningful debate about the serious problem of children dropping out of school.

The fact is the President is concerned about this \$250 billion tax bill. The minority has been shut out of all negotiations. The ranking member of the Finance Committee has not been involved in anything, let alone any other members of the Finance Committee.

We have conferences that are uniquely held with only one party.

There is a lot of frustration to go around.

I want to reassert and reemphasize that the President is doing the right thing. I believe he is doing the right thing, which is supported totally by the minority. He is doing the right thing by having us work every day.

What good does it do? We should have been having 24-hour continuing resolutions 2 weeks ago. If so, we would have already completed our work 2 weeks ago. So, we are doing 24-hour continuing resolutions right now. If, in fact, we had a 4-day continuing resolution, people would fly out of here and back to their parades and campaigning and leave the work that needs to be done here in Congress undone.

I am supportive of what the President is doing. It is good for Congress. It is good for the American people.

Does the Senator from Pennsylvania have any questions of the Senator from Nevada?

Mr. SPECTER. No. I can have some time of my own.

Mr. President, may I inquire of the majority leader if I may have 5 minutes at this time?

The PRESIDING OFFICER. The majority leader.

#### EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I think the way to adjust this is we had hoped we could go ahead and get a vote notwithstanding the receipt of the papers from the House. But that is not going to be possible. I think the way to be fair to everybody is to ask unanimous consent that the period for morning business be extended until 10:30 under the same provisions as earlier agreed to. The Senator would then be able to get time in his own right.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Mr. President, reserving the right to object, will Senators be allowed a few minutes to speak on an unrelated matter?

Mr. LOTT. Mr. President, we would alternate back and forth, and other Senators certainly would be able to speak.

The time limit under the earlier agreement was the time would be equally divided between now and 10:30.

Ms. LANDRIEU. Would that allow enough time? I am not sure how many want to speak.

Mr. LOTT. The only one I know of who seems to be anxious to speak on that side is the Senator from Louisiana.

I ask unanimous consent that after Senator SPECTER speaks that the Senator from Louisiana be recognized.

Mr. REID. Reserving the right to object, how long is the Senator from Pennsylvania going to speak?

Mr. LOTT. Not more than 15 minutes. I yield the floor.

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

The Senator from Pennsylvania.

#### SENATE BUSINESS

Mr. SPECTER. Mr. President, if I may have the attention of the Senator from Nevada, I listened very carefully to what the Senator from Nevada said and was looking for something which the Senator from Nevada said that factually disputed my representation of what has happened here. I did not hear anything disputed about what I have said.

The facts are, No. 1, that there is one bill outstanding to finish the work of the Senate; that is the appropriations bill on Labor, Health and Human Services, and Education.

All of the other complaints which the Senator from Nevada made—the litany that has been repeated day after day after day about what is wrong with the Republican Senate—is all prologue.

We are standing here today on a Saturday session—we are going to have a Sunday session and we are going to have a Monday session—and nothing is going to be done because the President wants to gain political advantage.

Mr. REID. Will my friend yield for a question?

Mr. SPECTER. No.

He wants to gain political advantage by trying to make a representation that it is a do-nothing Congress.

I will tell you what he is in effect doing. He is creating a do-nothing Congress on Saturday, Sunday, and Monday because we can't do anything in Washington.

But there is a lot we could do in our States where we have a lot of meetings and a lot of constituent business and a lot of legislative business.

But it is going to be a do-nothing Congress today, tomorrow, and Monday because right now the appropriations bill on Labor, Health and Human Services, and Education has to be read, has to be printed, and has to be completed. So we are not doing anything.

When the Senator from Nevada says that we ought to be working every day, I replied to the Senator from Nevada that he works every day. I have seen him work. He works every day. I would say to the Senator from Nevada and the other 98 Senators that I, too, work every day. So do the other 98 Senators.

But we don't work at the direction of the President. We don't work for the President. We work for the American people. I work for 12 million Pennsylvanians. I don't work for the President.

The Constitution has separation of powers. When the Founding Fathers organized the Constitution, they put Congress in article I. They didn't get around to the executive branch until article II. But today the system is inverted.

Since the Government was closed down in 1995 and our business has gone over into October and sometimes into November, there is no way for the Congress to do anything—at least we think so—but to yield to the President. That is why, as I have said earlier, we structured this bill on Labor, Health and Human Services, and Education so it could be finished and be presented to the President in September.

The mistake we made, quite candidly, was that we were negotiating with the President. We have undertaken in recent years nonconstitutional proceedings. The Constitution says that Congress will present a bill to the President after the Congress decides what the legislation should be, and then the President either signs it or vetoes it. But that has been turned around.

Now we have members of the President's executive branch sitting in our legislative conferences. We ought not have that. We ought to present our bill and let the President sign it or veto it. This Senator tried mightily to get that bill presented to the President in September. Then if the President wanted to veto it, so be it, that is his constitutional prerogative. But he doesn't have a constitutional prerogative to sit in on the legislative process and the Congress accede to it. We ought to change that.

I think if the American people had seen this bill, they would have preferred the congressional priorities to the President's priorities. The Congress gave the President 90 percent of what he wanted—more than 90 percent. We have a bill which is \$40.2 billion for education. The President's staff objected to \$3.3 million, less than 10 percent of \$40.2 billion. But we had some other priorities we wanted. We wanted special education. We also wanted money for the National Institutes of Health, where they have made enormous strides in conquering Parkinson's disease, Alzheimer's disease, breast cancer, ovarian cancer, heart ailments, and a whole range of medical problems.

We had different priorities. I think if we had presented those priorities to the American people, the American people would have sided with the Congress. So September went by the board. There were negotiations in September. And I make the representation that it was the intransigence of the White House which resulted in those negotiations not moving forward. I make that representation because our priorities were as good as theirs or better.

But having given the President 90 percent, he should have been willing to accommodate to the 10-percent change in our priorities without demanding to control every semicolon in the bill. I

think we met him more than halfway when we gave him \$2.7 billion for school construction and for teachers, but we said this ought to be local control if the local district needed something more.

I was interested to hear what the Senator from Nevada had to say about the Las Vegas school system, its expanded school system and its need for schools. I can understand the need in Las Vegas for schools. However, I have a hard time understanding why Las Vegas schools ought to be paid for from Washington by the American taxpayers.

If there is one area in the country which has a tax base to support their local needs, it is Las Vegas. Las Vegas is the gambling capital of the world, and I say that with respect. I have been there. I haven't gambled, but I have been there. They have an enormous tax base. If we are putting up \$1.4 billion for school construction in the big bond issue for American cities such as Las Vegas where they can afford it themselves, I have grave questions as to whether we ought to be doing that. But we did it.

We presented it for the President. The President's men wouldn't come to a compromise. So what has happened is all the bills are finished except one bill. That bill can't be acted upon until Tuesday at the earliest. And the President is keeping us here to make a political point.

My preference would be, as Senator STEVENS said yesterday on the floor, he was considering amending the continuing resolution to provide for a 4-day continuing resolution which would carry us to Tuesday just to send to the President; then let the President sign it or veto it.

The difficulty with that is that the Government of the United States, the executive and legislative branches, are not exactly held in high esteem by the American people. And my instinct is that if we got into that sort of a situation, a game of chicken, a game which resembles a childish food fight, the people of America would say a plague on both of your Houses. It reminds me just a little bit of the confrontation that Piazza had with the Yankee pitcher. Piazza decided not to confront the Yankee pitcher after he threw a bat at Piazza. I think Piazza did the right thing, although people criticized him for not confronting the Yankee pitcher.

We are in a situation where the President is keeping us here so he can make a political point to try to have a democratically controlled Senate and a democratically controlled House and win the Presidency. We are not here doing the business of the people. We would be doing the business of the people if we attended our regular schedules and were free to do constructive work instead of sit around here on Saturday, Sunday, and Monday.

I do believe, Mr. President—speaking to the President of the Senate, Senator BENNETT, who is presiding—we have

been intimidated. The President is doing this as a form of punishment, a form of humiliation. We have a lot of very delicate relationships with the executive branch. It has to linger in the background among some minds as to just what the executive branch is doing, whether they are operating in good faith.

I say bluntly, keeping the Congress in session without any purpose is the worst of bad faith. We will do our job notwithstanding the executive branch and the President's men and women exercising the worst of bad faith, but we won't forget about it.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Nevada.

#### WORK OF THE SENATE

Mr. REID. Mr. President, first of all, the President, I repeat, is doing the right thing. The right thing is having Congress do its work. This is all a game.

Now if we could complete our work by Tuesday, it seems to me if people hung around here and did their work now—they said they have to start reading the bill—let them read it now. I also say if people want to expedite matters and challenge the President's authority, I am standing right where I am today and yesterday. I said we will agree on a voice vote to the tax bill and send it to the White House this afternoon. Nope, objections from the other side. They wouldn't let us do that. They wouldn't let us do that. They are here stalling for reasons that some of us are having a little trouble determining, but they are stalling. They have continued to stall. That is why we wouldn't get any appropriations bills passed until very recently.

My friend from Pennsylvania said there is no factual variance. I was going to run through some of those, but the analogy is something like this. He says we gave the President 90 percent of what he wanted. Whether that is right or not, the point is, it is like a football game. You go to the 10-yard line and you almost make a touchdown; does that mean you should get the score? The answer is no. The score should not be given to the majority because they have not done their work. They haven't even gotten to the 10-yard line.

I say Members should be here working. The President is saying we should work. We don't need to go home. Some of us have a long way to go to go home. We should be here doing our work. I think the American people understand that the President is equal to the Congress.

I don't know why the framers of this Constitution had article I the legislative branch, article II the executive branch, article III the judicial branch. They could have been reversed. It doesn't matter. They are separate but equal.

I am so thankful that the President recognizes his ability to take a look at what is going on here and say, "I don't like it." That is what he said. He doesn't like it and 46 of us over here, we don't like it either.

Because of that, we are in the position we are now in. No one is being humiliated. The word was used twice by the Senator from Pennsylvania. But, no one is being humiliated. The Constitution has been in effect for over 200 years. The President has an absolute right to do what he has done. If, in fact, the majority does not think the President will veto these bills, send them down and we will find out.

The problem is really that the bills are unfair. We have had very little input. We will let the American people decide who is right, whether President Clinton is right in doing what he is doing or the Republicans are right, doing what they are doing. I think the American people will resoundingly proclaim that what has gone on over here has been not only procedurally unfair, it has been substantively unfair.

I also say, using Nevada as a State that doesn't need help—no one is asking that local control of schools be taken away. This is something the majority always uses. Only about 7 percent of what any school district in America gets comes from Washington. There is not a person on the Democratic side who says they want to take control away from local schools. We are saying that schools need some help in helping pay the interest on the bonds. The illustration I used was that the State of Nevada spends \$112 million in interest without paying a single penny on the principal. We are a small State, 2 million people. His State is 12 million people. We believe the people of America realize the school problems we have, the education problems in America are national in scope and Congress has to take a look at some of the national problems. Schools are crumbling, classes are too large, too many kids are dropping out of school. The solution the majority has is to take control away from public schools and put all the money in private schools; do what you can to damage and destroy public schools. We are not willing to do that. We believe that because the vast majority, in fact almost 95 percent, of kids go to public schools, we should do what we can to improve public schools.

Again, I think the Senator from Pennsylvania does an excellent job as chairman of that subcommittee. I understand his frustration. A lot of the control has been taken away from the subcommittee chairs and ranking members in these last days of Congress. The majority leadership is calling a lot of the shots. That is what we read about. The Democrats can only read about it because we are not in many of these negotiations. But the Senator's frustration does not take away from the fact that the President of the United States has done the right thing in saying Congress should be

working this weekend, every day, until Congress completes it work.

The PRESIDING OFFICER. The Senator from Louisiana.

#### TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS

Ms. LANDRIEU. Mr. President, I would like to begin by commending the Senator from Nevada for his remarks, and to say that I agree with him and urge the President to veto the upcoming tax package. As written, the tax bill allocates tax breaks and tax benefits to many different interests and entities throughout America. While there are some good provisions in this bill, it could be more fair, more just and could give greater tax relief to those who need it the most. As it stands now, the package fails to demonstrate our commitment to many of the principles that we claim to stand for here on this floor.

That is why I have come to this floor a number of times over the last couple of days, to just raise awareness about one small, but I think very important, part of the tax bill. I am happy to note that yesterday our majority leader, the Senator from Mississippi, Mr. LOTT, and one of the leaders on this issue, our colleague from Idaho, Senator CRAIG, came to the floor and recognized that there had been, perhaps, a mistake made or a phrase not included, that if left out, could have some dire consequences for some of the children in this Nation—quite a large group, I might add, about 100,000 of them and potentially several hundred thousand more—who are really the most vulnerable among us.

These are children who no longer have parents. They are the orphans of living, if you will. They are the children who are in foster care. These are the children who have already been abandoned once by an adult who was supposed to be taking care of them.

I say to the Members on this floor—I see my good friend, Senator GRASSLEY, who has been an outspoken advocate on this issue—that we have the opportunity because when this bill is presented to the President, he has said he will veto it because it is not distributing these benefits as equally across the board as they should be. I am hoping we can come to a bipartisan agreement, with Republicans and Democrats and the President himself, to fix what is missing in this tax credit.

Let me explain a little bit about that. In 1996, there was for the first time a credit put in our Tax Code to advance adoption. I am the proud mother of two adopted children. They have brought my husband and me the greatest joy. In fact, when he was 5 years old my husband was adopted from an orphanage in Ireland. We talk publicly about the great joy of adoption. We want people to know it is a wonderful way to build a family.

There are Members in this Senate, Republicans and Democrats, who have

adopted children and who speak regularly about the choice of building families through adoption. The benefits to a birth mother, the benefits to the adoptive family, and most certainly the benefits to children, young and old. Some people think you don't need a family when you are 18, you just sort of age out of the system and with a good education and diploma in your hand you can go on.

I am 45. I am looking forward to going home to Thanksgiving dinner with my mother and father. My husband is 50. He is looking forward to going home for Christmas with his family. You are never too old to need a mother and father, and that is what this is about, changing attitudes in America to say every child deserves a family.

We have a provision in this bill that is a good provision in that it proposes to increase and extend this very important adoption tax credit. It is now \$5,000. In this bill, it would be doubled from \$5,000 to \$10,000 for adoptions because, as we all know, the expense associated with adoption can be high. There are legal expenses. There are expenses associated with home study, agency fees. In fact, those expenses can range anywhere from a low of \$2,000 to a high of \$30,000, depending on what agencies you use or whether you are going through a domestic or an international adoption.

So far all is good because we have a tax credit in place and we are about ready to double it. It could not be at a better time because the number of adoptions are up in America. Last year we had 130,000 adoptions, 130,000 families. That is a lot of people affected, if you think about happy grandmothers and grandfathers and aunts and uncles and siblings. It is quite a number of happy Americans whose lives were made better through adoption.

But there is a problem. I have tried to keep raising this issue until it is fixed. In the current bill, although the special needs adoption is being doubled to \$12,000, this Treasury report which was issued this month and other letters and reports that have been written over the last several years, have indicated that the credit is not working for the special needs children. Because of the language in the law, not—let me underline "not" because of a wrong interpretation by IRS—but because of our inability to write the proper phrase in the law—either our inability or our unwillingness—the tax credit is related to adoption-related expenses. We need to remove that phrase so the act of adoption itself of special needs children can get the credit.

I wish to show you pictures of a couple of the children who are going to be left out if we do not make this fix. There are 100,000 children in foster care. Jennifer is one of them. Because Jennifer has been in foster care for some time, her adoption will not be handled by a private agency. Her adoption, if a family would come forward to

adopt her—and as you can see she is a beautiful and lovely child—if someone would come forward to adopt Jennifer, they would probably go through a public agency.

There would be minimum home study expenses. The agency might actually pay for those.

There would really be no “qualified adoption expenses” because the public agency, wanting to have Jennifer adopted, would minimize the expenses to the adopting family. So this adoption could potentially go through with less than \$1,000 of direct expenses to the family. Therefore, if a family adopted Jennifer, the expenses they had would not qualify for a \$5,000 tax credit or for a \$10,000 tax credit because they do not fit into the bill’s definition. Yet adopting a child such as Jennifer can bring much added expense to a family, particularly a working family, a middle-class family, perhaps having children already of their own but thinking God would like them to make room in their homes for another child.

It is a tremendous financial responsibility, as all of us with children know, to raise a child. Much less, a child with special needs. A family who adopts a child with special needs does have additional expenses, they just are not covered under the very narrow definition of the code. Unless we change the law, they will not be able to get the tax credit. That is not what we intended.

They say Jennifer is very sweet and has a great sense of humor. She likes to play outside, ride bikes, and swim. She is a very active child. She has some emotional disorders. Anyone would have emotional disorders if they were abandoned as a baby, abused, and grossly neglected. These children need healing, and we need to do everything we can to support that.

This is Joshua and Jonathan. They are 5-year-old twins. As a sibling group, the hope is that they will be placed together. Therefore, a family who adopts them must have room in their hearts and homes for two children. Joshua is described as well-mannered, sneaky, and babyish. He enjoys school and its challenges. He has a nice smile and likes to cuddle. Jonathan is described as eager and easygoing. He likes to be helpful around the house. He likes talking about his feelings and explaining himself. Both are in excellent physical and mental condition. These are children we hope a family will identify and bring into their home and love.

There are many examples. If we do not fix the tax credit, the families who adopt Jennifer, Joshua, and Jonathan will not get the full benefit of the tax credit.

Some people have been critical about my passion with regard to this issue. They say: Senator, you shouldn’t speak about it; at least the adoption credit is working for children from China, Honduras, and Guatemala. You know the desperate situation in those countries. Since this is the only form of financial

assistance for families who want to adopt these kids, if it expires, they will be left with nothing.

Yes, I want this tax credit to work when families choose to adopt internationally, when families choose to adopt a domestic healthy infant, and when they choose to adopt perhaps an older child, a sibling group, and give these kids who have already been let down once a chance to come into a family. I am here today because I want the tax credit to be available for all families regardless of what type of adoption they pursue. Mr. President, as I am sure you are aware, there are many different types of adoptions, each with different costs, different processes, and different children. All I ask, is that we have a tax code that recognizes and appreciates those differences.

I believe there is consensus. There is an easy and relatively inexpensive way to fix this problem once and for all. That is why I am taking this time now to bring it to the attention of those who have the power to fix it at this late date, and hopefully we can.

Some say we should wait until next year to fix it. If we can fix it now, why take another year out of the lives of some of these children? Why not help parents now?

I will make one final point. The Senator from Iowa may be interested to know this. Yesterday, as I was on the floor speaking about this issue, the New York Times ran a full-length story about the problems with our foster care system. For the first time in our Nation’s history, two girls in the foster care system and their attorneys successfully sued the Department of Social Services of Florida and received a judgment of \$4.4 million.

The case was brought by an attorney who believed that the children had been shortchanged. These two beautiful little girls had been abandoned by their mother. They were left in a Miami park or public place when they were 2 or 3 years old. Instead of determining whether these children could ever be reunited with their mother, father, or some relative to make them safe, the Department of Social Services put them in foster care. Those little girls spent the next 14 years of their lives going from home to home, with 30 different placements. They were sexually molested and physically abused.

The court rightfully said the State of Florida now owes these two little girls 4.4 million dollars. There is a happy ending. They have subsequently been adopted by a wonderful family.

I am here to say we had better fix this tax credit because if this case goes forward—and I think it will—the taxpayers of the United States are going to pick up a far greater expense than perhaps providing a few thousand dollars to families willing to adopt these children.

Even if it is not the money, it is the justice and morality of this Nation, which is the strongest nation in the world. We do not have our strength

represented by how high our stock market goes up. Our strength is represented by our willingness and ability to help kids and families, and if we cannot do this, then I do not know what we are doing here.

I yield back the remainder of my time. I thank Senator LOTT, Senator CRAIG, and Senator GRASSLEY for their great leadership in this area. I look forward to working with them on this project.

Mr. President, I ask unanimous consent to print the New York Times article in the RECORD.

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

[From the New York Times, Oct. 27 2000]

FOSTER-CHILD ADVOCATES GAIN ALLIES IN INJURY LAWYERS

STATES FACE THE DUAL THREAT OF CLASS ACTIONS AND HUGE INDIVIDUAL DAMAGE AWARDS

(By Nina Bernstein)

The girls were 2 and 4 when their mother abandoned them near a city park in Miami in 1986. Under federal law, the Florida Department of Children and Family Services was supposed to place them for adoption or return them home within 18 months.

Instead, over the next 14 years the sisters were shuttled through more than 30 foster homes and institutions, beaten, raped and repeatedly separated from each other while a stream of caseworkers overlooked such obvious evidence of abuse as the diagnosis of syphilis in the older girl when she was 9.

The sisters’ ordeal could have been just another horror story in a national litany of foster care abuses. But last year a Florida Circuit Court jury awarded them \$4.4 million in damages from the state.

The case laid the groundwork for a new strategy in which advocacy groups for children and personal injury lawyers, some fresh from winning billions of dollars in legal settlements with the tobacco companies, are using the threat of multimillion dollar damage awards to try to change the deeply troubled foster care system.

In the past, individual damage suits for injured foster children were typically settled behind the scenes for small amounts. And efforts to win systemic changes through court orders have often been frustrated by failures of enforcement.

But court rulings that make government agencies easier to sue and sizable jury awards in foster care cases like the one in Florida have encouraged advocates for foster children and personal injury lawyers to join forces over the past few months in two-track litigation. Their lawsuits ask the courts to change the system, while separately seeking damages on behalf of children already harmed.

“This is for change, and to get the attention of the powers that be—any money will go to the kids,” said Robert Montgomery, the lead counsel in the tobacco settlements in Florida and one of a dozen top trial lawyers who began working without pay on the foster care suits this summer.

The sisters’ case was filed by Karen Gievers, who has a lead role in both the lawsuits for damages and the class action seeking changes in the Florida system.

Across the country, a similar pincer approach is typified by Tim Farris, a Bellingham, Wash., trial lawyer who has brought damage suits in state courts for 13 children shuttled from foster home to foster home in a total of 208 placements. The California-based National Center for Youth Law,



a nonprofit children's advocacy group, recently joined his effort to leverage those cases into a multi-million-dollar overhaul of the state's child welfare system.

"In my own small-town way I said, 'Look, you can move these children as often as you wish, but if you do, you're going to have to pay for the damages you do to them.'" Mr. Farris said, "and it's going to be cheaper to treat them right."

Few suggest this kind of litigation is a shortcut either to riches or to an overhaul of the state programs that are trying to care for 600,000 children outside their homes. State agencies typically can only be sued for compensation, not punitive damages, and they can make it daunting in time and money to unearth confidential records needed to prove a case and collect. The \$4.4 million Florida verdict is on hold pending an appeal.

But at a time when child-friendly policies figure prominently in election campaigns, the political potency of such cases may outweigh the legal drawbacks, said John Coffee, a professor of law at Columbia University. "Plaintiffs' lawyers have learned that the class action can be very, very useful when the state agency has some vulnerability," he said.

The vulnerability of government agencies has grown considerably in some states. Jeff Freimund, as assistant attorney general for Washington, said courts there had rejected legislative caps on negligence awards, and government payouts in civil cases in general have quadrupled in six years, to \$38 million in the last three months alone.

"The courts have opened the door to litigation on child welfare activities," Mr. Freimund said. "They're very difficult cases to defend in front of juries because juries often have the benefit of 20-20 hindsight."

Some officials, including Kathleen A. Kearney, the secretary of the Florida Department of Children and Families, say such litigation unfairly detracts from continuing efforts to improve child welfare, diverting resources that legislatures, not courts, should control. But others, frustrated at the persistence of problems documented and denounced for 20 years, welcome the new strategy.

"Money talks, and money makes policy," said Jean Soliz, who headed Washington's Department of Social and Health Services for three years, until 1995. She recalled that state legislators made all the right speeches during her tenure, but put \$30 million into a new sport stadium rather than provide court advocates or mental health care for Washington's 11,000 foster children. Today, fewer than half have an advocate in court proceedings, and more than a third have been moved through three or more foster homes, studies show.

"The torts give you leverage to make them take it seriously; the torts don't fix anything," said Ms. Soliz, who now directs the spending of a tobacco tax earmarked for children in Nevada County, Calif. She emphasizes the importance of enlisting national advocacy groups that can draw on lessons from court consent decrees they have won in suits against child welfare systems in at least 20 states.

Bill Grimm, a lawyer with the National Center for Youth Law, said groups like his had become more open to alliances with personal injury lawyers because conventional strategies had run into obstacles. While Congress has enacted tougher foster care requirements—foster care time limits, for example, are now set at a year rather than 18 months—federal judges in some states have recently made it harder for children to seek enforcement of those laws in federal court. Their rulings hold that Congressional re-

quirements intended to protect foster children do not constitute rights.

We are at a bit of a crossroads," Mr. Grimm said.

Even in states already operating under sweeping settlements, damage suits are playing a more prominent role. In New York City, where an ambitious child welfare consent decree imposed a moratorium on new class-action lawsuits, the Administration for Children's Services has paid hundreds of thousands of dollars in settlements to fathers who were not notified that their children were in foster care. And city lawyers are negotiating to settle a multi-million-dollar lawsuit over a toddler who was beaten to death by foster parents with a known history of abuse.

But there are perils to trying to turn such cases into a broader crusade in the absence of national allies or deep pockets, said Lawrence Berlin, an Arizona lawyer who has won settlements averaging \$250,000 for a dozen children sexually abused in foster care. His motion to turn the cases of some children into a more powerful class action was denied in federal court after six years of litigation that consumed his practice, he said. The state rejected his offer to settle for systemic changes.

"I'm not saying children haven't been abused," said Tom Prose, an assistant Arizona attorney general in charge of liability cases, who emphasized that the current administration had made child protection a top priority. "The issue is, is it pervasive and are we ignoring it? And my answer to you is, in Arizona, it's neither."

In Florida, where the number of children in foster care has nearly doubled since 1998, to 15,000, the class-action suit contends that foster children are now in greater danger of emotional and physical injury from the state than from the families from which they were taken.

"We had a toddler in a foster home so overcrowded the kid spent the weekend strapped into a car seat," said Marcia Robinson Lowry, the director of Children Rights, a national advocacy organization based in New York, which recently joined the Florida class action.

Among the companion damage suits in Florida are some that highlight the harm flowing from one bad foster home, that of a couple in Hillsborough County. After the couple were arrested in May on 40 felony charges of child abuse and neglect, it emerged that the state had entrusted them with 28 foster children over four years, even as caseworkers recorded their abusive practices.

"My brother has severe problems because of what happened in that home," said Ashley Rhodes-Courter, now 14, who entered foster care at 3 because of her mother's drug problems, and endured 14 placements. She was 7 and her brother 4 during their year in the couple's home.

"He was abused," she said. "He had hot sauce put on his tongue; he was dunked in a bathtub until he was nearly drowned. It was very frightening to watch someone you love being mistreated and you being able to do nothing about it."

For Ashley, a resilient and academically gifted child, there was a happy ending. A family with the love, money and persistence to extract her from the system adopted her in 1998. But her brother, who entered foster care at birth, lives in a treatment center, still waiting for a family capable of coping with the damage he suffered. He is one of 22 plaintiffs in the class action.

Separately, he and Ashley are plaintiffs in damage suits brought or planned against the state on behalf of all the Hillsborough County couple's former foster children, including

the 23 that the state has refused to identify, and 8 the couple adopted with state subsidies who are now back in the foster care system.

Proponents of double-edged litigation say that even if institutional change remains elusive, at least financial help can be won for a few of the children the system has wronged—children like the two Florida sisters, now 17 and 18, who are both literate and both mothers.

"You all hurt me all my life," the older sister told officials in a deposition last year, declaring her determination to keep her own baby daughter out of foster care. "I hate every last one of you."

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

Mr. REID. Mr. President, parliamentary inquiry. If the bill has not come from the House by the time the Senator from Iowa completes his statement, I ask unanimous consent that the Senator from New York be recognized for 10 minutes. He has been waiting for most of the morning.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority has 5 minutes remaining.

Mr. GRASSLEY. Mr. President, I believe morning business is going to expire at 10:30. Do I need to ask unanimous consent to extend morning business?

The PRESIDING OFFICER. The situation is that the majority has an additional 5 minutes for morning business, after which the Senator from New York will be recognized for 10 minutes.

#### ADOPTION TAX CREDIT

Mr. GRASSLEY. Mr. President, I come to the floor today to discuss a critical issue: adoption of children with special needs. I appreciate the work of my Senate colleagues who cochair the Congressional Coalition on Adoption, Senators CRAIG and LANDRIEU. I thank them for their dedication in furthering adoption. Both have demonstrated their commitment to adoption through word and deed. I respect their efforts and look forward to working with them in the coming years to increase adoptions and to improve the lives of vulnerable children.

The adoption tax credit which passed in 1996 was a step in the right direction. It provided a 5-year credit for adoptions of nonspecial needs children. It provided a permanent credit for adoptions of children with special needs. I commend Senator CRAIG for his efforts to extend the provision relating to nonspecial needs adoptions. As Senator CRAIG mentioned on the floor earlier today, while extending the credit is another step in the right direction, we must not rest on our laurels. There is more to be done especially as it relates to adoption of special needs children. The cost of adoption varies widely. Private or international adoptions can cost as much as \$30,000 per child. In contrast, adoptions from foster care are often subsidized by the government.

Parents who choose to adopt a child from foster care or through a public



agency incur little, if any, expenses related directly to the adoption process. However, they incur a great deal of "incidental" expense related to adoption. The adoption tax credit is available only for "adoption related expenses" which include necessary adoption fees, court costs, and attorneys' fees. This limitation works directly to the disadvantage of families adopting children with special needs, because the credit does not recognize the overwhelming indirect expenses associated with adopting such a child. These expenses might include fitting the home with a ramp for a wheelchair bound child, to cite one example.

When Congress passed the tax credit in 1996, it also directed the U.S. Department of the Treasury to issue a report on the effect of the credit. According to the Treasury report released this month, for tax year 1998, 77,000 adoptions were eligible for a tax credit—31,000 for special needs and 46,000 for non-special needs adoptions. However, of the 31,000 eligible special needs adoptions, only 4,700 received benefits from the tax credit. Compare that with 45,700 of the eligible 46,000 adoptions of non-special needs children that received benefits from the tax credit.

Let me put it another way. The Treasury Department reports 15 percent of eligible special needs adoptions received tax benefits compared with 99 percent of eligible non-special needs adoptions which received tax benefits for 1998. For those wondering why so few special needs adoptions benefited from the tax credit in 1998, here is one reason. Average expenses—allowed by current law—were reported for tax year 1998 as \$3,540 per special needs adoption and \$5,890 per nonspecial needs adoption. When you look at these expenses, it is clear that increasing the amount of the tax credit for special needs adoptions will have little to no impact on families seeking to adopt special needs children.

I view this as one of the flaws in current law that must be fixed. Let me be clear: I support the extension of the tax credit for non-special needs adoption. I also support taking a hard look at how the current tax credit impacts special needs adoptions. I urge my colleagues to consider the impact of the tax credit on families adapting special needs children. Again, I commend Senators CRAIG and LANDRIEU for their efforts on behalf of vulnerable children.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I would like to associate myself with the remarks of my friends from Iowa and Louisiana on this matter. The Finance Committee is very much concerned with and for this legislation. It will become law.

SENATOR ROBERT F. WAGNER

Mr. MOYNIHAN. Mr. President, I rise for the pleasant purpose of noting the

decision by the Committee on Rules to add two names to that very special group that is portrayed in our reception room—six of the most distinguished Senators in our history. We have now added two—or shortly will have done so—Senator Arthur Vandenberg of Michigan and Senator Robert F. Wagner of New York.

The story of Robert F. Wagner is a quintessential and essential one, describing the life of a poor immigrant child born on the east side of New York, who, by steady succession made his way to this Chamber. In the process, he changed the United States, recognizing, at long last, that we had become an urban Nation with needs, in legislative terms, that such a transformation requires.

The census of 1920 determined, for the first time, that the majority of Americans lived in urban areas—rather loosely defined, but still—and intensely so on the island of Manhattan. It may seem difficult to believe, but in 1910, the population of Manhattan was twice what it is today, and the conditions were difficult indeed.

Yet there was a degree of social order, a very powerful and progressive political organization, Tammany Hall, which dates from the Revolutionary War days. Aaron Burr was the head of Tammany at one point. And in the person of Charles Francis Murphy, it became unexpectedly, but unmistakably, the single most powerful source of progressive ideas for social legislation in our history—ideas that became law that changed lives.

Perhaps the critical event was the Triangle Shirtwaist Fire of 1911. In downtown Manhattan, there were women in a sweatshop, as we would call it. A fire broke out. The doors were locked. They were left to leap from eighth-story windows. And the city never got over it. Frances Perkins, having tea in Gramercy Park, five blocks away, never got over it. But it was Robert Wagner and Al Smith who did something about it.

They had gone to Albany under the auspices of their district leaders, big Tom Foley in the case of Al Smith, from the lower east side, and McCardle from the upper east side.

Smith became speaker of the assembly; Wagner, President pro tempore of the Senate.

They chaired together a commission on the Triangle Shirtwaist fire. They came out with legislation calling for safety and sanitary conditions, restricting child labor, limiting the hours of working women and protecting the activities of trade unions—events which never before appeared on the legislative calendar of any State legislature, much less the Congress. And they passed.

Smith went on to become Governor of New York and created, with his company, a legislative agenda which Franklin D. Roosevelt, who succeeded Smith as Governor, would take to Washington. We call it the New Deal.

Wagner had already arrived in Washington and was well positioned to take up his work, beginning with the National Industrial Recovery Act in 1933, and, in 1935, the defining Wagner Act, which is technically the National Labor Relations Act. It created the National Labor Relations Board and gave labor unions a right to exist and to be heard and not to be harassed.

He went on under President Truman. He allied himself with Robert Taft, and the first major housing legislation passed this body. Then health care was proposed by Wagner, with Truman's support. A half century has gone by, and we are still dealing with that issue. But it is well that we recognize the person—a person, not the only one—who singularly brought this matter to the nation's agenda.

I, as a New Yorker, am pleased, as all New Yorkers will be. I hope Senators will recognize that a just and honorable choice has been made. I am a member of the Rules Committee so it would not be appropriate to congratulate the Rules Committee, but I certainly thank the chairman and the ranking member, Senators MCCONNELL and DODD.

I see my friend from New Mexico is on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I don't know the parliamentary situation. I need 3 minutes.

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

THANKING SENATOR MOYNIHAN

Mr. DOMENICI. Senator MOYNIHAN, I was listening to your speech on the television set before I arrived on the floor. First, I thank you for what you said this morning. It is something we ought to hear, something that ought to be placed permanently in our RECORD. And that is what happened.

I personally want to say to you, over the years in my work as Budget Committee chairman and other legislation, I have found you to be a real friend. I think that is more important than talking about what you did here in terms of this Senator. I can remember, believe it or not, when we produced a most difficult budget, and it looked like a pretty good budget. I was wondering whether it would pass. I had the votes counted. All of a sudden, I won by one more vote than I thought. As he walked out, he put his hand on my shoulder and said: You did a great job. I voted for you.

Now, we have talked a lot about other things, including you have asked me regularly about my wonderful family and my beautiful wife Nancy. I thank you for that concern.

I guess in the remaining time I want to say to you, there are many ways to be a great Senator. Sometimes you become a great Senator because you get a lot of big headlines. Sometimes you become a great Senator when you promote yourself, which is permitted

around here, and there is nothing wrong with it. But I can say, I think you are a great Senator. I don't think you did either of those. I think you just worked. And when people had to hear something that was vitally important, that had some history to it, I don't think we have had anyone around here in my 28 years—maybe there are Senators who have been here longer who might have experienced it, but I don't think I have ever had a Senator who had so much impact because he knows a lot and he remembers history and he always calls matters to our attention when we ought to have them there. You have served on an important committee. Your knowledge of the world and trade and what it means to us in the world has been a tremendous asset for the Senate. I thank you for that.

I am certain that many are not going to have time to commend the distinguished Senator from New York because we are in some kind of a strange, 1-day-at-a-time funding resolution. We are just adding to the appropriations by 1 day at a time, which I have never heard of before. I have never had it happen to me in 28 years. I don't think it has happened. Nonetheless, we are here, and that is going to make it difficult for Senators to find the time that they want to commend you in this RECORD. But I am sure many Senators are thinking today that they would love to get down here and say thanks to you.

I thank Senator MOYNIHAN very much. I yield the floor.

Mr. MOYNIHAN. May I simply thank my revered friend. We have been together, even across the aisle, for a near quarter century. There is no one whose regard I greater value and whose remarks I could not be more moved by.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed 2 minutes to respond to the Senator from New Mexico and the Senator from New York.

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

Mr. REID. The Senator from Indiana, Mr. BAYH, and I were here as you were getting ready to speak. We talked, shared some of our thoughts about you. The Senator from Indiana and I agreed on everything, but the one thing that sticks out in my mind is we agreed that you have been a visionary. You have been able to look out and find out what is going to happen and try to alert us. Frankly, we haven't followed a lot of the vision that you have had as quickly as we should.

I always loved going to school from the time I was a little boy until the time I finished my professional schooling. But the one thing that always worried me was taking tests. So for me personally to be able to serve my entire time in the Senate on the same committee as you, during the short pe-

riod of time when you were chairman of the Environment and Public Works Committee, before you moved to chairman of the Finance Committee, that it has been like going to school.

In fact, in the back of the Chamber today, I recited to the Senator some of the things he taught me about transportation and some of the things that need to be done. The good part of being educated by Senator DANIEL PATRICK MOYNIHAN is that I haven't had to take any tests. As a result of that, I feel I am a much better Senator and certainly a much better person for having had the good fortune to serve in the Senate and on the Environment and Public Works Committee with someone who the history books will write was one of the great Senators to serve in the history of our Republic.

Mr. MOYNIHAN. I do so very much thank my friend. This is a very special moment for me.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

#### THE ECONOMY

Mr. DORGAN. Mr. President, I want to make a couple of comments expanding on some I made the other day on the economy and what is happening. The reason I want to do that is there is a lot of discussion these days about what is happening in this country. Some say, well, what has been done in 8 years?

That is a legitimate question. There is this old saying that bad news travels halfway around the world before good news gets its shoes on. Let's talk about good news for a moment. Maybe we can get that fully addressed about this economy and what is happening in this country.

I want to talk about what has happened in the past 8 years. In 1992, we had a \$290 billion Federal deficit that was growing by leaps and bounds. On this chart, these are the red ink numbers from 1985 forward. As you can see, there are massive quantities of deficits year by year. In 1992, it was \$290 billion alone. At this point, Congress developed a new economic program. President Clinton proposed to change the direction with a new program, and Congress adopted it by one vote in the House and one vote in the Senate. You can see what has happened to deficits since then. The deficits have been reduced and finally eliminated. We have turned it around and we now have budget surpluses. That is good news.

Mr. President, 22 million jobs have been created in the economy that has been growing during the past 8 years. That is an extraordinary number of jobs compared to what had been created in the previous 12 years.

This chart reflects what happened to the inflation rate. It has gone down, down, and stayed down, which is wonderful news for our country. We have the lowest poverty rate in two decades. What has happened in recent years? You can see what happened here from 1993 on down. On this chart, the Federal spending related to the gross domestic product is down to the lowest level since 1966—related to the GDP of this country. So we have a lot of good news.

Mr. REID. Will the Senator yield for a question?

Mr. DORGAN. Yes, I am happy to yield.

Mr. REID. Looking at where the chart is peaked up, who was President during that time?

Mr. DORGAN. The highest levels of spending relative to GDP occurred during the Reagan and Bush administrations. That had a lot to do with the size of the economy. As the economy has grown rather substantially, especially in the recent 8 years, what has happened is that Federal spending as a percentage of GDP actually decreased.

I think it is important to talk about what has happened in recent years because people raise the question of the tax burden for middle-income taxpayers. As the chart shows, \$39,000 is the average income. Federal income taxes, as a percentage, have actually decreased; the Federal income tax burden has decreased.

There are a couple of other things I want to mention about our economy. In the last 8 years, the \$290 billion deficit has gone, and now we have the biggest surplus in history. Eight years ago, economic growth averaged 2.8 percent for the previous decade. All of the leading economists in this country at that point said they expected we would have in the entire 1990s anemic, slow economic growth.

In fact, they were all wrong. We have had economic growth averaging 3.9 percent annually since 1993. Job growth: 22 million new jobs since January 1993.

The unemployment rate from 1981 to 1992 averaged 7.1 percent annually. Now it is at 4.1 percent—the lowest level in 30 years.

Home ownership fell from 1981 to 1992, but the growth was the highest in history in the last 9 years.

The Dow Jones was 3,300 in 1993, and it is now over 10,000.

The point is this: A lot of good things have happened in this country. Some say: Well, it is the rooster taking credit for the Sun coming up.

I don't know who is to share the credit here. It seems to me the country was headed in the wrong direction, and then President Clinton came to office and said: Let's change direction and plans. The planning proposed was not

very popular. It passed by only one vote in the House and one vote in the Senate, and it gave the American people confidence that Congress would make some tough decisions. It increased some taxes—not many but some.

It cut some spending, and we had a new plan—a new direction. The country moved in the new direction.

The American people had confidence that things were going to change. Our economy rests on a mattress of confidence. If people are confident about the future, they do things that manifest that confidence. They buy a house and they buy a car. They do the things that represent their confidence in the future. If they are not confident, they decide not to do those things, and the economy then contracts.

The point is that we have an economic plan in this country that has worked very well. The results are self-evident.

The question is: What is the plan for the future?

That is why we have this Congress. We have debates in Congress about what to do about the future.

Some say: Well, we expect 10 years of budget surpluses for the next 10 years. I don't know of a group of economists in this country that has been right for 5 years, let alone 10 years.

We would be very wise in this country, in my judgment, to take the conservative course on the question of what we do in fiscal policy. Economists don't know what is going to happen in the next year or in 3, 5, or 10 years from now.

We ought to establish as a priority paying down the Federal debt first. If during tough times you run the Federal debt up, it seems to me that during good times you ought to pay down the Federal debt.

I inquire whether that is a continuing resolution. If it is, I will suspend.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

The PRESIDING OFFICER (Mr. ALLARD). The continuing resolution just arrived. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res 118) making further continuing appropriations for the Fiscal Year 2001, and for other purposes.

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

The PRESIDING OFFICER. The joint resolution having been considered read the third time, the question is, Shall the joint resolution pass?

Mr. LOTT. Mr. President, I ask for the yeas and nays on passage of the resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Colorado (Mr. CAMPBELL), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arizona (Mr. KYL), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Oklahoma (Mr. NICKLES), the Senator from Delaware (Mr. ROTH), the Senator from Alabama (Mr. SESSIONS), the Senator from Wyoming (Mr. THOMAS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. CRAPO), and the Senator from Washington (Mr. GORTON) are necessarily absent.

I further announce that if present and voting, the Senator from Montana (Mr. BURNS) and the Senator from North Carolina (Mr. HELMS) would each vote "aye."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAU), the Senator from Nevada (Mr. BRYAN), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. DURBIN) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 2, as follows:

[Rollcall Vote No. 291 Leg.]

#### YEAS—67

Abraham	Feingold	Moynihan
Akaka	Fitzgerald	Murkowski
Allard	Frist	Murray
Baucus	Graham	Reed
Bayh	Gramm	Reid
Bennett	Grassley	Robb
Biden	Gregg	Roberts
Bingaman	Hagel	Rockefeller
Brownback	Harkin	Santorum
Bunning	Hatch	Sarbanes
Byrd	Hutchinson	Schumer
Chafee, L.	Inouye	Shelby
Cleland	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Craig	Kerry	Specter
Daschle	Landrieu	Thompson
DeWine	Levin	Thurmond
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Dorgan	Mack	Wyden
Edwards	Mikulski	
Enzi	Miller	

#### NAYS—2

Leahy	Stevens
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#### NOT VOTING—31

Ashcroft	Gorton	Lugar
Bond	Grams	McCain
Boxer	Helms	McConnell
Breaux	Hollings	Nickles
Bryan	Hutchison	Roth
Burns	Inhofe	Sessions
Campbell	Jeffords	Thomas
Cochran	Kohl	Torricelli
Crapo	Kyl	Wellstone
Durbin	Lautenberg	
Feinstein	Lieberman	

The joint resolution (H. J. Res. 118) was passed.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### FIGHTING FOR FUNDAMENTAL FAIRNESS

Mr. REID. Mr. President, I rise today to attempt to put some transparency on what is going on around here.

This summer, the Republicans very successfully convinced the American people that their party was for estate tax relief and marriage penalty relief and that the Democrats were not. Well, my friends, that is simply not the case. The Democrats are for eliminating the estate tax for small businesses and family farms valued at \$8 million and for all other estates worth \$4 million. And, Mr. President, it is the Democratic plan for marriage penalty relief that completely eliminates the marriage penalty found in 65 provisions in the tax code.

So, isn't it a bit frightening that the Republicans have so successfully twisted the debate so as to mislead the American people into thinking that they are actually the party supportive of tax cuts. Reality is, however, that they are the party of political rhetoric and political maneuvering. If the Republicans really wanted to give the American people estate tax relief and marriage penalty relief, they could have—they had many, many opportunities for sending the President real relief. Instead of giving the American people empty rhetoric—we could be sitting here today with elimination of the estate tax and marriage penalty tax relief for virtually all Americans.

Now, why do I bring all this up. Because it is happening over and over again. The Republicans are misleading the American people on a host of critical pieces of legislation, including: patients bill of rights, prescription drug coverage, minimum wage increase, tax cuts, health insurance coverage and education.

Instead of actually providing the American people with real relief—this year—the Republicans prefer the politics.

I have heard from constituents who ask me—"If both Republicans and Democrats want patients bill of rights, then why can't the Republicans and Democrats just work together to get something done?" That is an excellent question. Why?

Why is it that we cannot just reach agreement? Is it that we are missing

some magical force here in Washington to bring bipartisanship to all? Unfortunately, the answer is that the Republicans want the rhetoric—and the Democrats want real reform. So, until the Republicans stop pandering and posturing and start sincerely and openly working together, there can be no agreements. You see, the Republicans have a more difficult time even working with each other—there is nothing partisan or bipartisan about that. Yet they have misled the American people to think that the Democrats—not the Republicans—are the ones holding up the works and refusing to work in a bipartisan manner. Mr. President, that is truly overstepping the bounds of the reality of what is going on up here.

Our efforts to fight for fundamental fairness in health, education and tax cuts, are being twisted into political pandering and posturing by the Republicans. But all we are doing is fighting for the fundamental fairness that the American people have fought for by working hard every day of their lives.

Let me illustrate this by highlighting the differences between the policies of the Republicans and the Democrats with respect to the bill that we have before us.

The Democrats are fighting to ensure that we do as much as possible to meet America's need for safe and modern schools.

Democrats solution—enact the bipartisan Rangel-Johnson proposal to finance \$25 billion in bonds to construct and modernize 6,000 schools.

Republican's bill—is thoroughly inadequate—it provides no guaranteed funding for urgent school repairs, provides only \$16 billion in bonds, and does not include the important Davis-Bacon provision to ensure that the construction workers who build and repair our nation's schools receive a fair wage for their work.

Result of their plan—the arbitrage provision encourages delay in urgently needed school construction and would disproportionately help wealthy school districts.

The Democrats are fighting to ensure that we promote bipartisanship in health care by coupling both the Republican and Democrat priorities on health care and long-term care.

Democrats solution—our FamilyCare proposal would expand coverage to 4 million uninsured parents at a cost of slightly over \$3,000 per person.

Republican's bill—provides additional coverage to one-seventh of the people at \$18,000 per person—that is one-seventh of the people at 6 times the cost. Their approach is inequitable, inefficient, and counterproductive to health care policy.

Result of their plan—completely ignores a proposal to cover millions of uninsured, working Americans and jeopardizes the insurance coverage of those individuals currently receiving employer-based coverage. In fact, on the Republican health deduction, the

Joint Tax Committee estimates that while over 26 million individuals would receive benefits under the proposal, only 1.6 million individuals would be newly insured as a result. In contrast, the Democrats in Congress and the Clinton-Gore Administration plan would expand coverage to 5 million uninsured Americans.

The Democrats are fighting to ensure that we help the families who care for our nation's elderly.

Democrats solution—accept the Republicans deduction for long-term care insurance in exchange for inclusion of a proposal to provide a \$3,000 tax credit for long-term care costs.

Republican's bill—provide a health care deduction for long-term care costs.

Result of their plan—they provide half of the benefits of the long-term care credit that the Democrats provide.

The Democrats are fighting to ensure that all Americans are insured.

Democrats solution—bipartisan policies for health insurance options for children with disabilities, legal immigrant pregnant women and children, and enrolling uninsured children in schools, needed payment increases to hospitals, academic health centers, home health agencies and other vulnerable providers.

Republican's bill—provides over one-third of the cost of their medicare bill to the HMOs.

Result of their plan—there is no accountability to prevent excessive payment increases to HMOs and failure to address the urgent health needs of seniors, people with disabilities, and children.

The Democrats are fighting to ensure that we encourage medical research and expand vaccine distribution to proactively approach medicine.

Democrats solution—a bipartisan tax credit for vaccine research and purchases for malaria, tuberculosis, HIV/AIDS and any infectious disease that causes over 1 million deaths annually.

Republican's bill—nothing.

Result of their plan—this is a failure to address a problem of serious ramifications. These diseases cause almost half of all deaths worldwide of people under age 45, killing over 8 million children each year and orphaning millions more.

The Democrats are fighting to ensure that low and middle income individuals save and invest for their future.

Democrats solution—provide savings incentives to low and middle income individuals through retirement savings accounts.

Republican's bill—they specifically dropped this provision from the bipartisan Senate Finance Committee bill.

Result of their plan—a failure to address the lack of pension coverage for 70 million people. I want to just add one point here. Every year, through tax incentives, private pensions cost the fisc \$76 billion. Yet 75 percent of American households in the 15 percent tax bracket—that means income of

about \$30,000—receive little or no tax incentive on their IRA or pension contribution.

The Democrats are fighting to ensure that we meet our current obligations before we promise new programs for distressed communities.

Democrats solution—fully fund the currently existing empowerment zones to spur economic development in distressed communities.

Republican's bill—create new renewal communities without meeting our promise to the existing empowerment zone communities.

Result of their plan—irresponsible pandering to wealthy business owners who will benefit from their new renewal communities at the expense of low and middle income entrepreneurs.

The Democrats are fighting to ensure that we don't turn our backs on those areas most in need.

Democrats solution—provide an economic activity credit to encourage business investment in jobs for the residents of Puerto Rico.

Republican's bill—they specifically rejected this provision.

Result of their plan—this equates to turning their backs on the hard working people of Puerto Rico. Even while at an historical low of about 10.1 percent, the unemployment rate in Puerto Rico continues to remain well above that of any state; the per capita income in Puerto Rico, which was \$9,908 in FY 1999, is less than half that of any state; and well over 50 percent of the labor force in Puerto Rico are within \$1.00 of the current minimum wage.

The Democrats are fighting to ensure that we encourage adoption of special needs children from foster care programs.

Democrats solution—change a few words in the current tax code to ensure that families who adopt children from foster care can benefit from the same tax credit which is available to parents who adopt international children.

Republican's bill—specifically ignored a more inclusive approach.

Result of their plan—the Republicans turned their backs on those children with the greatest needs.

Let's look at some of those who do benefit under the Republican plan for example—the Texas State Universities. Now, stay with me on this. The Republicans—well I should say only about 4 or 5 Republicans, in their closed door, secret meetings included a couple of interesting rifle shots in their tax bill. The one, interestingly enough, would provide a specific exception just for the Texas state universities, that would make their interest on bonds non-taxable. The American people are giving the Texas state universities a \$4 million gift—while our public elementary and high school students are learning in trailers.

The bottom line is that the Republicans want to help big business and the HMOs. The Democrats reject this approach. The Democrats are fighting for fundamental fairness for the American people—our children, our elderly,

and all individuals of every race, color, and creed.

Mr. HATCH. Mr. President I rise again today to urge President Clinton not to veto the Commerce, Justice, State appropriations bill that the Senate passed yesterday.

President Clinton has threatened a veto because we did not include his so-called Latino fairness act. But have included something much better—the Legal Immigration Family Equity Act, the LIFE Act. This act reunites families and restores due process to those who have played by the rules. Our proposal does not pit one nationality against another, nor does it pit one race against another. Our legislation provides relief to immigrants from all countries. A veto of CJS would be a blow against immigrant fairness.

But a veto would do far more than that. A veto would cut off funding for some of our most important programs.

CJS appropriations allocates: \$4.8 billion for the INS and an additional \$15.7 million for Border Patrol equipment upgrades, \$3.3 billion for the FBI, and \$221 million for training, equipment, and research and development programs to combat domestic terrorism, \$4.3 billion for the federal prison system; \$1.3 billion for the Drug Enforcement Administration; and \$288 million for the Violence Against Women Act program—legislation that I have strongly supported and that provides assistance to battered women and children.

Actions have consequences. If President Clinton vetoes this bill, he's putting the public's safety and well-being at risk both at home and abroad, and he's doing this all in an effort to play wedge politics. The President's veto threats ring especially hollow because this appropriations bill provides many proposals to help immigrants. The President himself has stated that he wants "to keep families together and to make our immigration policies more equitable." Well, this is exactly what the LIFE Act does.

So, please, I ask Mr. Clinton, sign CJS appropriations so we can keep all of these programs funded for the American people.

Mr. FRIST. Mr. President, I am pleased the Senate has passed, H.R. 2598, the Public Health Improvement Act of 2000, a bill which combines a number of critical bills improving the health of our citizens.

Title I of this measure contains a bill which passed the Senate Health, Education and Pensions Committee on June 14, 2000, the Public Health Threats and Emergencies Act of 2000. This important legislation, which I drafted with my colleague, Senator KENNEDY, is the culmination of three hearings and forums and a GAO report over the last two years which demonstrated the need to improve our public health infrastructure and address the growing threats of antimicrobial resistance and bioterrorism.

The conclusion is clear: we need to improve our public health infrastruc-

ture to be able to respond in a timely and effective manner to these and other threats. For too long, we have not provided adequate funding to maintain and improve the core capacities of our nation's public health infrastructure. As the GAO report found, many State and local public health agencies lack even the basic equipment of a fax machine or answering machine to assist in their work and improve communications.

Besides improving our core public health capacity, this Act addresses two specific problems faced by the nation: antimicrobial resistance and bioterrorism.

The first, antimicrobial resistance is a growing public health problem. As a heart and lung transplant surgeon, I know all too well that the most common cause of death after the transplantation of a heart or lung is not rejection, but infection. One hundred percent of transplantation patients get infections following surgery. Infection is the most common complication following surgery, the leading cause for rehospitalization, and the most expensive aspect of treatment post-transplantation. Antibiotics are a mainstay of treatment, yet we are seeing increasingly resistant bacteria which are not killed by most first-line antimicrobials.

The second issue addressed by this act, bioterrorism, poses a significant threat to our country's strategic well-being. As a nation we are presently more vulnerable to bioweapons than other more traditional means of warfare. Bioweapons pose considerable challenges, different from those of standard terrorist devices, including chemical weapons.

The mere term "bioweapon" invokes visions of immense human pain and suffering and mass casualties. Pound for pound, ounce for ounce, bioagents represent one of the most lethal, but also covert, weapons of mass destruction known. Victims of a covert bioterrorist attack do not necessarily develop symptoms upon exposure to the bioagent as the onset may be delayed for days after the bioweapon is dispersed.

As a result, exposed individuals will likely show up in emergency rooms, physician offices, or clinics with non-descript symptoms or ones that mimic the common cold or flu. Physicians and other health care providers will likely not attribute these symptoms to a bioweapon. If the bioagent is communicable, such as small pox, many more people may be infected in the interim, including our health care workers. As Stephanie Bailey, the Director of Health for Metropolitan Nashville and Davidson County pointed out in our hearing on bioterrorism, "many localities are on their own for the first 24 to 48 hours after an attack before Federal assistance can arrive and be operational. This is the critical time for preventing mass casualties."

If experts are correct in their belief that a major bioterrorist attack is a

virtual certainty, then it is no longer a question of "if" but rather "when". In fact, my home town of Nashville last year joined an ever-increasing number of cities to receive and respond to a package suspected to contain anthrax. Thankfully, this was a hoax.

The Public Health Threats and Emergencies Act provides greater resources and coordination to improve our public health infrastructure and bolster our preparedness against antimicrobial resistance and bioterrorism.

To strengthen public health infrastructure's ability to fulfill its core functions and respond to emerging threats and emergencies, the bill authorizes the establishment of voluntary performance goals for public health systems, grants to public health agencies for assessments and core capacity building, and funding to rebuild and remodel the facilities of the Centers for Disease Control and Prevention, CDC.

To combat antimicrobial resistance, the bill authorizes a task force to coordinate Federal programs related to antimicrobial resistance and to improve public education on antimicrobial resistance; National Institutes of Health (NIH) research into new therapeutics against and improved diagnostics for resistant pathogens; and grants to detect, monitor, and combat antimicrobial resistance.

To prevent and respond to bioterrorism, the bill authorizes: two inter-departmental task forces to address the joint issues of research needs and the public health and medical consequences of bioterrorism; NIH and CDC research on the epidemiology of bioweapons and the development of new vaccines or therapeutics for bioweapons; and grants to improve the ability of public health agencies, hospitals, and health care facilities to detect, diagnose, and respond to bioterrorism.

We must act now to improve our basic capacities to address all public health threats, including antimicrobial resistance and bioterrorism. This legislation provides State and local public health agencies the necessary resources so that we better protect the health and well-being of our Nation's citizens.

The Public Health Improvement Act also improves our nation's medical research infrastructure through two bills that I co-authored: the Clinical Research Enhancement Act and the Twenty-First Century Research Laboratories Act.

As a physician, I am aware of the need to translate laboratory discoveries into advances in patient care, but I was troubled by numerous reports and analyses showing insufficient support for patient-oriented research in the United States. The "Clinical Research Enhancement Act," which I also drafted with Senator KENNEDY, addresses this issue by establishing intramural and extramural clinical research fellowship programs and a continuing

education clinical research training program at the NIH. In addition, the bill provides grants for the establishment of general clinical research centers, which provide the infrastructure for clinical research, including clinical training and career enhancement.

The "Twenty-First Century Research Laboratories Act," which I drafted with Senator HARKIN improves our research infrastructure that is central to our continued leadership in medical research. Unfortunately, many research facilities are outdated, and future increases in federal funding for the NIH must include support for the renovation and construction of extramural research facilities and the purchase of state-of-the-art laboratory instrumentation. To renovate biomedical and behavioral research facilities, the bill authorizes grants or contracts to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, including centers of excellence. In addition, it provides grants to public and non-profit private entities for the purchase of high-end, state-of-the-art laboratory instrumentation.

The "Public Health Improvement Act" also includes important public health bills such as the "Cardiac Arrest Survival Act," the "Rural Access to Emergency Devices Act," the "Lupus Research Act," the "Prostate Cancer Research and Protection Act," as well as important critical pieces of legislation improving organ donation and procurement.

The "Cardiac Arrest Survival Act," which Senator GORTON introduced, allows the Secretary of HHS to make recommendations with respect to placing automated external defibrillators, AEDs, in federal building and to expand liability protection to persons or organizations who use AEDs. The "Rural Access to Emergency Devices Act," which Senator COLLINS introduced would improve access to AEDs in small communities and rural areas to boost the survival rates of individuals in those communities who suffer cardiac arrest. In many small and rural communities limited budgets and the fact that so many rely on volunteer organizations for emergency services can make acquisition and appropriate training in the use of these life-saving devices problematic. This legislation is intended to increase access to AEDs and trained local responders for smaller towns and rural areas where those first on the scene may not be paramedics or others who would normally have AEDs. With more than 700 people dying of sudden cardiac arrest each day, up to 30 percent of which could be saved through immediate medical attention, including defibrillation and cardiopulmonary resuscitation, it is my hope this provision will lead to increased placement and use of this life saving equipment.

Senator BENNETT introduced the Lupus Research Act, to require the Di-

rector of the National Institute of Arthritis and Musculoskeletal and Skin Diseases to expand and intensify research and related activities of the Institute regarding lupus. Lupus is a disorder of the immune system that affects between 1,400,000 and 2,000,000 Americans. Many with the disease are either misdiagnosed or not diagnosed at all. Lupus is often life threatening and is nine times more likely to affect women than men. The symptoms of lupus make diagnosis difficult because they are sporadic and imitate the symptoms of many other illnesses. If diagnosed properly, the majority of lupus cases can be controlled with proper treatment. This measure will increase research into this disease so that it may be more effectively diagnosed and treated.

Title VI of the Public Health Improvement Act contains the Prostate Cancer Research and Protection Act, which I introduced last year. Each year an estimated 37,000 American men will die, and 179,300 will be diagnosed with prostate cancer, the second leading cause of cancer-related death in American men. Cancer of the prostate grows slowly, without symptoms, and thus is often undetected until it's in its most advanced and incurable stage. It is critical that men are aware of the risk of prostate cancer and take steps to ensure early detection. The "Prostate Cancer" bill expands the authority of the CDC to carry out activities related to prostate cancer screening and overall awareness and surveillance of the disease. The bill also extends the authority of the NIH to conduct basic and clinical research in combating prostate cancer.

Finally, I would like to talk about provisions of great personal significance to me relating to organ procurement and donation. Last year, more than 21,000 lives were saved through transplantation in the United States. However, the demand for transplants has more than tripled in the past ten years, and 16 people die each day before they can receive a transplant. As a transplant surgeon, I can't express enough to my colleagues and the nation how important organ donation is. That is why the "Public Health Improvement Act" includes a resolution recognizing the need for increased organ and tissue donation and the important role that families play in the process. The resolution designates November 23, 2000, Thanksgiving Day, as a day to "Give Thanks, Give Life" and to discuss organ and tissue donation with other family members. It encourages families to use the time of Thanksgiving, a time dedicated to spending time with one another, to discuss this critical life-saving issue among themselves so that they may make informed decisions should the occasion to donate arise. Thanksgiving is a time to reflect on our blessings, and it represents the perfect opportunity for family members to discuss this simple act that can give life to those most in need.

The bill also includes the "Organ Procurement Organization Certification Act," which was drafted by Senators COLLINS and DODD. Organ Procurement Organizations, OPOs, approach families regarding organ donation and arrange transportation of organs and transplant surgery logistics. They must currently be recertified every two years by the Health Care Financing Administration, HCFA, in order to qualify for Medicare reimbursement. This bill requires HCFA to change the standards for recertification to account for variation in the number of potential donors in a given state and extends the current certification cycle from two to four years.

Mr. President, I am pleased that the Senate has passed this bill, which represents the work of many Senators which I have mentioned in my remarks. I am thankful to all my colleagues for their support and willingness to help improve the public health of this nation. I would especially like to thank Senators JEFFORDS and KENNEDY and Representatives Tom BLILEY, MICHAEL BILIRAKIS, JOHN DINGELL and SHERROD BROWN, and their excellent staffs for all the hard work and dedication that has gone into negotiating this package of bills. I would also like to thank Mr. Bill Baird and Ms. Daphne Edwards of the Office of Senate Legislative Counsel, for their tireless work and great expertise in drafting this bill. I would like to thank my Staff Director of the Public Health Subcommittee, Anne Phelps, and my Health Advisors Dave Larson and Mary Sumpter Johnson for their work in making this bill possible. Finally, I would like to thank the many groups who have worked on the various provisions in this bill for their support, and I look forward to enactment of this bill this year.

Mr. President, I ask unanimous consent to place in the record a summary of the Public Health Improvement Act and letters of support for the Public Health Threats and Emergencies Act, which is incorporated in the Public Health Improvement Act.

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

THE PUBLIC HEALTH IMPROVEMENT ACT OF  
2000

TITLE I—EMERGING THREATS TO PUBLIC HEALTH

Most Americans live longer, healthier lives today than ever before. However, the nation also faces grave new threats that, if unmet, will imperil the extraordinary medical progress made in recent decades. These emerging threats include new or resurgent infectious diseases, dangerous microbes resistant to antibiotics, and bioterrorist attacks. The provision under this Title strengthens the nation's capacity to detect and respond to these serious public health threats by:

Improving the capacity of national, state, and local public health agencies to detect and respond effectively to infectious disease outbreaks and other public health emergencies;

Enhancing the nation's ability to detect and control the spread of disease-causing microbes that are resistant to antibiotics; and

Upgrading the nation's preparedness for the public health and medical consequences of bioterrorist attacks.

*Improving the Capacity of Public Health Agencies to Combat Disease Emergencies*

Drug resistant diseases such as malaria and tuberculosis continue to claim millions of lives across the world and will pose an increasing danger to this country in years to come. The recent outbreak of West Nile Fever in the Northeast is an ominous warning of emerging infectious diseases. New plagues like Ebola virus pose new threats to population around the world, including the United States.

To respond effectively to these growing threats, we must strengthen the capacity of our public health agencies to detect, diagnose, and contain infectious disease outbreaks. Many of these agencies lack the basic computer equipment to share data electronically on disease outbreaks and cannot perform simple lab tests to diagnose infections. Most agencies don't have a complete assessment of their current capacities and needs. To meet these challenges, Title I establishes grant programs to allow state and local public health agencies to:

Assess their current capacities and identify their areas of greatest need.

Upgrade the ability of public health labs to identify disease-causing microbes.

Improve and expand electronic communication networks.

Develop plans to respond to public health emergencies.

Train public health personnel.

*Revitalizing Centers for Disease Control and Prevention*

The mission of the federal Centers for Disease Control and Prevention (CDC) is to prevent and control disease, injury, and disability. However, most of CDC's laboratory facilities are in a state of disrepair and require immediate modernization. If nothing is done, these facilities may be severely outmatched by undiscovered biological threats encountered in the future. To better defend against and combat the public health threats of the 21st century, this bill authorizes funding to CDC for construction and renovation of facilities.

*Combating Antimicrobial Resistance*

The widespread use of antibiotics beginning in the 1940's provided—for the first time in history—effective treatments for infectious diseases. These miracle drugs have saved countless lives, but today they are increasingly prescribed or used inappropriately. Antibiotics that once had the power to cure dangerous infections are now often useless, because microbes have become resistant to all but the newest and most expensive drugs. Some "superbugs" are impervious to any current pharmaceutical treatment.

Resistance to antibiotics takes a heavy toll on patients across the nation. The World Health Organization (WHO) estimates that 14,000 Americans per year, or one American every 38 minutes, die from drug-resistant infections. The financial burden of antibiotic resistance is also staggering. WHO estimates that the United States spends \$10 billion a year treating antibiotic-resistant infections—and this burden will grow heavier as more and more microbes become resistant. To meet the grave and growing problem of antimicrobial resistance, the provisions under Title I:

Directs HHS to conduct a nationwide campaign to educate patients and doctors about the appropriate use of antibiotics;

Authorizes HHS initiatives to monitor and contain the spread of resistant microbes;

Authorizes grants for public health agencies to combat antimicrobial resistance;

Establishes demonstration grants for hospitals and clinics to promote the judicious use of antibiotics and to control the spread of resistant infections.

*Protecting the Public Health Against Bioterrorist Attacks*

The Office of Emergency Preparedness estimates that 40 million Americans could die if a terrorist released smallpox into the population. An Anthrax attack could kill 10 million people. The nation must be prepared to resist these threats as vigorously if they were an invading army. To enhance the ability of the nation's public health agencies to respond to acts of bioterrorism against the civilian population, the provisions under Title I:

Establishes grants to train health care professional in recognizing and treating illnesses caused by such attacks;

Improves coordination among federal agencies to develop public health countermeasures against bioterrorism, such as stockpiles of necessary drugs; and

Reauthorizes an existing provision that allows the Secretary of HHS to protect the public health in the event of a bioterrorist attack or other disease emergency.

**TITLE II—CLINICAL RESEARCH ENHANCEMENT**

Clinical research is needed to translate the discoveries made in the laboratory into advances in patient care. Numerous reports and analyses have proven that there is insufficient support for patient-oriented research in the United States. Title II will address these issues by:

Establishing intramural and extramural clinical research fellowship programs and a continuing education clinical research training program at NIH.

Providing statutory authority to the Director of the National Center for Research Resources to award grants for the establishment of general clinical research centers. These centers provide the infrastructure for clinical research, including clinical training and career enhancement. The activities of the GCRCs will be expanded through the increased use of telecommunications and telemedicine.

Establishing the Mentored Patient-Oriented Research Career Development Awards. These grants support clinical investigators in the early phases of their independent careers by providing salary and other support for a period of supervised study.

Establishing the Mid-Career Investigator Awards in Patient-Oriented Research. These grants provide support for mid-career level clinicians to allow them protected time to devote to clinical research and to act as mentors for beginning clinical investigators.

Establishing the Graduate Training in Patient-Oriented Research Awards. These two-year grants provide stipend, tuition, and institutional support for individuals in advanced degree programs in clinical research.

Creating a clinical research educational loan repayment program to encourage recruitment of new clinical investigators.

**TITLE III—RESEARCH LABORATORY INFRASTRUCTURE**

The National Institutes of Health (NIH) is the principal source of federal funding for medical research at research institutions in the United States. The infrastructure of our research institutions is central to our continued leadership in medical research, but many research facilities are outdated and inadequate. Future increases in federal funding for the NIH must include increased support for the renovation and construction of extramural research facilities and the purchase of state-of-the-art laboratory instrumentation.

To renovate biomedical and behavioral research facilities, Title III authorizes the Di-

rector of the National Center for Research Resources (NCRR) at the NIH may make grants or contracts to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, including centers of excellence. In addition, the provision under this Title would also provide grants to public and non-profit private entities for the purchase of high-end, state-of-the-art laboratory instrumentation.

**TITLE IV—CARDIAC ARREST SURVIVAL**

More than 700 people die each day from sudden cardiac arrest, but immediate medical attention could save up to 30 percent of these victims through immediate medical response, including defibrillation and cardiopulmonary resuscitation. Title VI will increase public awareness about automated external defibrillators and encourage their use.

**Part A—Recommendations for Federal Buildings**

*Placement of AEDs in Federal Buildings*

The Secretary of HHS shall make recommendations with respect to placing automated external defibrillators (AEDs) in federal buildings that include procedures for:

Implementing appropriate nationally recognized training courses in performing CPR and in using AEDs;

Proper maintenance and testing of the devices, according to manufacturer guidelines;

Ensuring direct involvement of a licensed medical professional and coordination with EMS in the oversight of training and notification when the devices are used; and

Ensuring that the local EMS agent is notified regarding the location and type of device.

*Extending Good Samaritan Protections*

This legislation establishes Good Samaritan protection for any person who provides emergency medical care through the use of an AED unless the person engages in willful or wanton misconduct, gross negligence, reckless misconduct or a conscious, flagrant indifference to the rights or safety of the victim. This legislation does not supersede any existing or future law of any state.

Organizations that purchase for defibrillators are extended the same Good Samaritan protection unless they are grossly negligent or engaged in willful or wanton misconduct, if (1) they have notified local emergency personnel regarding the placement of the device; (2) the AED is properly maintained and tested in accordance with the manufacturer's guidelines; and (3) employees of the acquirer who are expected users received proper training.

**Part B—Rural Access to Emergency Devices**

This legislation is intended to improve access to automated external defibrillators (AEDs) in small communities and rural areas to boost the survival rates of individuals in those communities who suffer cardiac arrest. In many small and rural communities limited budgets and the fact that so many rely on volunteer organizations for emergency services can make acquisition and appropriate training in the use of these life-saving devices problematic. This legislation is intended to increase access to AEDs and trained local responders for smaller towns and rural areas where those first on the scene may not be paramedics or others who would normally have AEDs.

Under this legislation, the Secretary of HHS, acting through the Rural Health Outreach Office of the Health Resources and Services Administration (HRSA), shall award grants to community partnerships consisting of local emergency responders, police and fire departments, hospitals and



other community organizations to enable them to purchase AEDs and to provide defibrillator and basic life support training through the American Heart Association, the American Red Cross, or other national recognized training courses. The bill authorizes \$25 million a year over three years for this purpose.

#### TITLE V—LUPUS RESEARCH AND CARE

Lupus is a disorder of the immune system that affects between 1,400,000 and 2,000,000 Americans and many more with the disease are either misdiagnosed or not diagnosed at all. Lupus is often life threatening and is nine times more likely to affect women than men. The symptoms of lupus make diagnosis difficult because they are sporadic and imitate the symptoms of many other illnesses. If diagnosed properly, the majority of lupus cases can be controlled with proper treatment.

Provisions under this Title would require the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases to expand and intensify research and related activities of the Institute regarding lupus. Requires the Director to coordinate such activities with similar activities conducted by other national research institutes and agencies of NIH; and conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus, including research to determine the reasons underlying the elevated prevalence of the disease among African-American and other women. The provisions also creates grants for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with lupus and their families.

#### TITLE VI—PROSTATE CANCER RESEARCH AND PREVENTION

This year 37,000 American men will die, and 179,300 will be diagnosed with prostate cancer, the second leading cause of cancer-related death in American men. Cancer of the prostate grows slowly, without symptoms, and thus is often undetected until its most advanced and incurable stage. It is critical that men are aware of the risk of prostate cancer and to take steps to ensure early detection.

The provisions under this Title expands the authority of the Centers for Disease Control and Prevention (CDC) to carry out activities related to prostate cancer screening and overall awareness and surveillance of the disease. The bill also extends the authority of the National Institutes of Health to conduct basic and clinical research in combating prostate cancer.

#### TITLE VII—ORGAN PROCUREMENT AND DONATION

Last year, there were almost 22,000 transplants, nearly double the roughly 13,000 transplants performed ten years ago. Unfortunately, the demand for transplants has more than tripled in the past ten years from 19,095 in 1989 to 72,255 in 1999.

Last year, 6,125 patients were removed from the OPTN waiting list due to death, an increase of over 350% in the last ten years. Moreover, since 1988, 38,574 patients have died before they could receive a transplant, and the yearly figures only continue to increase. OPOs are organizations that approach families regarding organ donation and arrange transportation of organs and transplant surgery logistics. (OPOs are not responsible for the allocation of organs.) Each state has one or two OPOs that cover non-overlapping geographic regions. Currently, OPOs must be recertified every two years by the Health Care Financing Administration (HCFA) in order to qualify for Medicare reimbursement. Because Medicare funds make up a large percentage of OPO budgets,

decertification essentially shuts down an OPO.

Requires HCFA to change the standards for recertification to account for variation in the number of potential donors in a given state, extends the current certification cycle from two to four years, ensures rights of OPOs, and reinstates certification for all OPOs who were decertified in April.

The bill also recognizes the need for increased organ and tissue donation and the important role that families play in the process—noting that designation as an organ donor on a driver's license or similar instrument does not ensure donation. The provision designates Thanksgiving as a day to "Give Thanks, Give Life", and encourages families to use the time of Thanksgiving to discuss organ and tissue donation to foster informed decisions among family members if the occasion to donate arises.

#### TITLE VIII—ALZHEIMER'S CLINICAL RESEARCH AND TRAINING

To address the devastating disease of Alzheimer's, the provisions under this Title would authorize NIH to establish a program to enhance clinical research relating to the treatment of individuals with Alzheimer's disease. The provisions would also provide support to clinicians for research, study, and practice at centers of excellence in Alzheimer's disease research and treatment.

#### TITLE IX—SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING

In an effort to develop treatment for sexually transmitted diseases, the provisions under this Title would authorize NIH to establish a program to enhance clinical research relating to the treatment and care of individuals with sexually transmitted diseases. The provisions would also provide support to promising clinicians for research, study, and practice at centers of excellence in sexually transmitted disease research and treatment.

#### TITLE X—MISCELLANEOUS PROVISIONS

Technical amendment to the Children's Health Act of 2000 which corrects an inaccurate citation to a provision in the Code of Federal Regulations.

SEPTEMBER 21, 2000.

Re The Public Health Threats and Emergencies Act

U.S. SENATE,  
Washington, DC.

DEAR SENATOR: Senators Bill Frist and Ted Kennedy have joined in introducing a bipartisan bill that addresses a pressing issue in public health. The organizations below join in urging you to cosponsor S. 2731, "The Public Health Threats and Emergencies Act," and to support its prompt passage.

Our nation faces grave new health threats in the 21st century. New or resurgent infectious diseases, such as West Nile virus, hantavirus, and Lyme disease, are on the upswing, and the globalization of our economy makes the importation of threatening new microorganisms highly likely. An increasing number of microbes that cause serious disease have developed resistance to existing antibiotics, so that formerly treatable infections, such as staphylococcus and tuberculosis, may rapidly become incurable. In addition, our national security is directly threatened by biological weapons, such as smallpox and anthrax, which could devastate large populations if used for terrorism and mass destruction.

Our public health system, a collaboration among federal, state and local governments, who must work closely with private medical providers, bears the awesome responsibility for protecting the population from these serious threats. However, the public health

system is not uniformly well prepared to detect disease outbreaks rapidly or respond to them effectively. Preparing our nation to address these threats requires revitalizing public health agencies with trained personnel, up-to-date equipment and technology, and development of new systems to monitor and respond to disease.

The Public Health Threats and Emergencies Act authorizes steps that are widely agreed to be essential to preparing for new public health threats. It enjoys bipartisan support in both the Senate and the House and the endorsement of leading experts in public health and bioterrorism. Please cosponsor S. 2731 and enable the public health system to respond effectively to deadly public health threats before they strike on a widespread basis.

Sincerely,

American College of Preventive Medicine, American Lung Association, American Public Health Association, American Society for Microbiology, American Thoracic Society, Association of American Medical Colleges, Association for Professionals in Infection Control and Epidemiology, Association of Public Health Laboratories, Association of Schools of Public Health, Association of State and Territorial Health Officials, Council of State and Territorial Epidemiologists, Food and Environment Program, Union of Concerned Scientists, Infectious Disease Society of America, National Association of Counties, National Association of County and City Health Officials, National Association of Local Boards of Health, National Association for Public Health Statistics and Information Systems, National Environmental Health Association, Partnership for Prevention, Physicians for Social Responsibility, Research! America.

ASSOCIATION OF  
AMERICAN MEDICAL COLLEGES,  
Washington, DC, September 19, 2000.

Hon. BILL FRIST,  
U.S. Senate, Washington, DC.

DEAR SENATOR FRIST: The Association of American Medical Colleges strongly supports the Public Health Threats and Emergencies Act of 2000, S. 2731. The AAMC represents the nation's 125 allopathic medical schools, nearly 400 major teaching hospitals and health care systems, more than 87,000 faculty in 91 professional and scientific societies, and the nation's 67,000 medical students and 102,000 residents.

This legislation is needed to strengthen the nation's public health infrastructure and improve our preparedness at a time when we are confronted by significant threats to the health of the American people: new and re-emerging infectious diseases; increasing antimicrobial resistance, and the growing menace of bioterrorism. We must take steps now to restore and strengthen the capacity of our public health system, which has been eroded by inadequate funding. This legislation will provide the resources to revitalize our ability to respond to these public health emergencies with trained personnel, state-of-the-art equipment and technology, and the development of new systems to monitor and combat these deadly diseases. The bill also authorizes needed funding to rebuild and remodel the facilities of the Centers for Disease Control and Prevention. In addition, this bill will coordinate federal research and education efforts, and provide grants to improve the capacity of institutions to detect and respond to antimicrobial resistance and bioterrorism.

We commend you and Senator Kennedy for your leadership in sponsoring this legislation

that addresses a critical set of issues affecting the health and safety of the American people, and urge the Senate to pass S. 2731 before the end of the current session.

Sincerely,

JORDAN J. COHEN, M.D.

NATIONAL ASSOCIATION OF  
COUNTY AND CITY HEALTH OFFICIALS,  
Washington, DC, July 13, 2000.

Senator BILL FRIST,

Subcommittee on Public Health, Health, Education, Labor, and Pensions, Committee, U.S. Senate, Washington, DC.

DEAR SENATOR FRIST: The National Association of County and City Health Officials (NACCHO) is very pleased to support S. 2731, the "Public Health Threats and Emergencies Act" that you have introduced. This groundbreaking proposal provides a vigorous and rational approach to improve our nation's public health system and its preparedness to meet the public health threats of the 21st century. You are doing a great service by recognizing that strengthening the underlying infrastructure of public health is essential to protecting the health of all Americans.

NACCHO is the organization representing the almost 3000 local public health agencies—in cities, counties and towns—that serve on the front lines in protecting and promoting the nation's health. We are extraordinarily grateful for your keen understanding of public health threats and your commitment to addressing them skillfully and constructively. NACCHO looks forward to working with you to ensure that the promise of your legislation is fulfilled. Thank you for your continuing foresight and leadership.

Sincerely,

STEPHANIE B.C. BAILEY, MD, MSHSA,  
President, NACCHO and Director of Health.

ASSOCIATION OF PUBLIC LABORATORIES,  
Washington, DC, August 3, 2000.

Re "Public Health Threats and Emergencies Act", S. 2731

Hon. WILLIAM H. FRIST,  
U.S. Senate, Senate Dirksen Office Building,  
Washington, DC.

Hon. EDWARD M. KENNEDY,  
U.S. Senate, Senate Russell Office Building,  
Washington, DC.

DEAR SENATORS FRIST AND KENNEDY: The Association of Public Health Laboratories (APHL) supports S. 2731 introduced June 14, 2000 to amend Title III of the Public Health Services Act for enhancing the Nation's capacity to address public health threats and emergencies. APHL is a professional association organized to promote the role and contributions of public health laboratories in support of the public health objectives of disease prevention and health promotion.

Public health laboratories represent a first line of defense in the rapid recognition and prevention of the spread of communicable diseases. These public health laboratories provide essential services for disease surveillance and prevention as well as identification of new and re-emerging infectious disease agents that threaten the public's health and welfare. Besides the 56 State and Territorial Public Health Laboratories, and the Federal (CDC) laboratories, nearly 1,000 local health departments also provide some level of direct public health laboratory services.

All sectors of the public health infrastructure (disease control and prevention, maternal and child health, environmental health, epidemiology, emergency preparedness and response) are critically linked to the local, state and federal public health laboratory "system". These public health laboratories provide early warning signals of health risks,

compile data to solve outbreak investigations, and identify causes of disease to aid in treatment and prevention. This leadership, through science and through service, promotes health and quality of life by preventing and controlling disease, birth defects, disability and death resulting from interactions between people and their environment. Clearly, the nation's public health laboratories play a vital role in disease prevention programs and are central to the national public health infrastructure. The loss of these laboratories, or the diminishment of their abilities, will surely create a serious public health crisis.

As new public health challenges arise, the effectiveness of the national public health system's response will depend on the efficacy of public health laboratories. It is evident that the advent of new or re-emerging diseases and outbreaks (including West Nile Fever Virus, Hantavirus infection, HIV/AIDS, Legionellosis, Lyme Disease, antimicrobial-resistant communicable disease agents, genetic disorders, *E. coli* O157:H7 infections, environmental exposures and potential bioterrorism activities) presents a tremendous challenge to the public health system, and particularly to public health laboratories. Facing these challenges will require critical development or enhancement of the functions, responsibilities, staffing and capability of these laboratories.

The public health laboratory must maintain expertise and flexibility to investigate disease outbreaks; conduct special disease surveillance activities; determine immunity levels for a variety of vaccine preventable diseases; and to provide laboratory support as part of the state's disaster preparedness plan for response to emergencies. This includes ensuring that a well trained and equipped cadre of personnel are available to quickly respond to public health emergencies and on-going laboratory surveillance activities at the local, state and federal levels.

APHL also supports the revitalization of laboratories within the Centers for Disease Control and Prevention (CDC) as an important component of this bill as these laboratories have been, and will remain, a critical partner with state and local laboratories in disease prevention and diagnosis.

We applaud the proactive stance taken through this bill to evaluate and enhance the public health laboratories infrastructure to protect the health and welfare of our nation's population and look forward to working with you on this effort. Please feel free to contact APHL's executive director, Scott J. Becker, at 202-822-5227 as needed.

Sincerely,

RONALD L. CADA, DrPH,  
President, APHL.

NATIONAL FOUNDATION FOR  
INFECTIOUS DISEASES,  
Bethesda, MD, August 2, 2000.

Hon. WILLIAM FRIST,  
U.S. Senate, Dirksen Building,  
Washington, DC.

DEAR SENATOR FRIST: The National Foundation for Infectious Diseases (NFID) is a national, not-for-profit organization whose mission is professional and public education about, and support of research into the causes, treatments, and prevention of infectious diseases. I am writing on behalf of the NFID Board of Directors and Board of Trustees to endorse S. 2731, the Public Health Threats and Emergencies Act of 2000. This bill, introduced by you and Senator Kennedy, seeks to strengthen the public health infrastructure in the United States by improving surveillance, recognition, treatment, control, and prevention of infectious diseases. The bill specifically, and importantly,

singles out antimicrobial resistance and bioterrorist threats, and outlines programs to address these growing public health concerns.

As you are aware, infectious diseases now are the third most common cause of death in the United States. National and global infectious diseases threats continually emerge, highlighted most recently by the epidemic of West Nile Virus in New York City last summer. However, one need look no farther than the devastating human immunodeficiency virus pandemic to recognize the vulnerability of human populations to emergent microbial pathogens. The alarming rise in antimicrobial resistance and the possibility of bioterrorist attacks upon the civilian population have increasingly captured the attention of public health officials, clinicians, legislative officials, and the general public.

It is within the context of these concerns that the NFID wholeheartedly supports the efforts taken by you and Senator Kennedy. Building the capacity to respond to natural and intentional infectious diseases threats will require substantial funding and your commitment to increase the needed support is to be lauded.

The NFID is pleased to work with you to accomplish your goals and would be happy to continue to be involved as S. 2731 moves forward. If I can be of assistance in the future, please do not hesitate to call me at (301) 656-0003 X 13 or fax at (301) 907-0878.

Sincerely yours,

WILLIAM J. MARTONE, M.D.,  
Senior Executive Director.

AMERICAN SOCIETY FOR MICROBIOLOGY,  
Washington, DC, July 5, 2000.

Hon. WILLIAM FRIST,  
U.S. Senate, Dirksen Building,  
Washington, DC.

DEAR SENATOR FRIST: The American Society for Microbiology (ASM), which represents over 42,000 microbiologists and infectious disease experts, is writing to endorse S. 2731, the Public Health Threats and Emergencies Act of 2000.

The ASM applauds the initiative which you and Senator Kennedy have taken to respond to emerging public health threats, particularly the alarming trend toward antimicrobial resistance among pathogenic microorganisms. Your commitment to significantly strengthening the public health system to respond to the potential threat of bioterrorism is very reassuring for the country and the microbiological community. The Society especially commends your efforts in drafting legislation to increase needed support for the public health needs of the nation. Public Health Agency plans to address antimicrobial resistance and improve the public health infrastructure urgently require additional funding to be successful.

The ASM is pleased to work with you towards achieving this goal. The ASM would like to continue to be involved in the process as S. 2731 moves forward. Please do not hesitate to call on the ASM at anytime. We stand ready to be of assistance to you and your staff.

Sincerely,

GAIL H. CASSELL, Ph.D.,  
Chair, Public and Scientific Affairs Board.

AMERICAN SOCIETY OF TROPICAL  
MEDICINE AND HYGIENE,  
Boston, MA, August 8, 2000.

Hon. WILLIAM FRIST,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR FRIST: The American Society of Tropical Medicine and Hygiene commends you and your colleague Senator Edward Kennedy for introducing S. 2731, "The Public Health Threats and Emergencies Act

of 2000," legislation that will bolster the public health infrastructure and the national response to new and re-emerging health threats.

The American Society of Tropical Medicine and Hygiene is a professional society of 3,500 researchers and practitioners dedicated to the prevention and treatment of infectious and tropical infectious diseases. The collective expertise of the Society is in the areas of basic molecular science, medicine, vector control, epidemiology, and public health.

The Society believes a strong federal commitment to domestic and international research, prevention and treatment activities targeted towards infectious and tropical infectious disease, whether naturally occurring or resulting from a deliberate terrorist act, is absolutely critical to protecting our nation's health and national security interests. S. 2731 represents an important step in protecting the public from the most serious health and security threats of the 21st Century—infectious disease, antimicrobial resistance, and bioterrorism—by providing resources and the leadership mechanism across federal agencies to launch a comprehensive, coordinated attack against these killers.

The American Society of Tropical Medicine and Hygiene strongly supports S. 2731 and looks forward to working with you to advance this initiative and pursue additional prevention strategies to control these health threats from exacting a greater burden on domestic and global health.

Thank you for your ongoing efforts to address these critical public health issues.

Sincerely,

DYANN F. WIRTH, Ph.D.,  
*Past President.*

SMITHKLINE BEECHAM,  
*Philadelphia, PA, June 20, 2000.*

Hon. WILLIAM FRIST,  
*U.S. Senate,  
Washington, DC.*  
Hon. EDWARD M. KENNEDY,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATORS FRIST AND KENNEDY: I am writing on behalf of SmithKline Beecham to commend you upon introduction of your legislation, "The Public Health Threats and Emergencies Act", designed to address the threat of antibiotic resistance, public health emergencies and bioterrorist attacks. As emphasized this week in a new report by the World Health Organization, resistance to antibiotics is increasing rapidly, threatening to recreate the preantibiotic era when bacterial infections killed and maimed routinely.

While antibiotics are a crucial tool to fighting disease, it is important that they be prescribed judiciously. To this end, SmithKline Beecham has worked in partnership with medical and public health organizations, such as the U.S. Centers for Disease Control and Prevention, in an effort to ensure that antibiotics are prescribed appropriately, and that attention is paid to prescribing antibiotics that are most effective against the most prevalent disease-causing bacteria. We note that your bill furthers this type of activity by encouraging federal agencies and professional organizations and societies to develop and implement educational programs fostering public awareness of the threat of resistance and the prudent use of antibiotics.

America must do its part to help preserve the effectiveness of our current pharmaceutical arsenal against infection and our country must quickly develop an effective strategy against this growing public health threat. The Public Health Threats and Emergencies Act is a major step toward accom-

plishing this important goal. For our part, SmithKline Beecham is committed to investing heavily in state of the art approaches to new antibiotic discovery in order to have the best possible chance of combating antibiotic resistance. We feel that more needs to be done to foster research and development of new lines of defense against resistance microbes.

We look forward to working with you on this important issue. I thank you for the opportunity to comment on your bill, and applaud you for your initiative.

Sincerely,

JEAN-PIERRE GARNIER, Ph.D.  
*Chief Executive Officer.*

Mr. KENNEDY. Mr. President, the Public Health Improvement Act of 2000 will bring far-reaching benefits to the health of millions of Americans. I commend my colleagues, Senator JIM JEFFORDS and Senator BILL FRIST, for their leadership in bringing this important measure to the Senate floor today. The leadership of our colleagues in the House was also essential in developing this groundbreaking bill, and I thank Representatives TOM BLILEY, JOHN DINGELL, MICHAEL BILIRAKIS, and SHERROD BROWN for their dedication and skillful work in bringing this legislation forward.

The Act will help the nation meet many of the health challenges we face at the beginning of the 21st century. Few of these are more grave than the ominous threat of attack with a biological weapon. Like the lethal mushroom cloud of a nuclear bomb, a haze of anthrax spores released by a terrorist over one of our major cities could bring death and disease to millions of Americans. Chilling revelations from the former Soviet Union and other nations have revealed extensive and sophisticated programs to use deadly microbes as weapons of mass destruction. Just this week, we heard alarming news from Uganda about the deadly outbreak of Ebola fever. Yet viruses like Ebola were a subject of research in bio-weapons programs whose aim was to make these viruses even deadlier and more contagious.

Senator FRIST and I have held numerous hearings in the Public Health Subcommittee on these public health threats. Witness after witness testified that the best way to defend the nation against these deadly biological weapons threats is to strengthen the ability of public health agencies to respond at the local, state and national levels. Given the importance of these agencies in safeguarding the health of the nation, we were appalled to hear that many public health agencies are underfunded, ill-equipped and poorly prepared to respond to these modern disease threats. In this electronic era, when we can send an e-mail message from Cape Town to Cape Cod in the blink of an eye, our nation's public health agencies often lack equipment as basic as a fax machine. At a time when scientists have deciphered the entire DNA sequence of the human genetic code, many of the nation's public health laboratories cannot conduct simple genetic tests to identify deadly

microbes rapidly and accurately. Yet, in a disease emergency, swift action can keep a local outbreak from becoming a national epidemic. A few lost hours can mean thousands more lost lives.

To counter the threat of infectious disease outbreaks—whether naturally occurring or resulting from bioterrorist attacks—we must strengthen our public health defenses. Expert testimony provided to our committee showed how much work needs to be done. We must begin by defining and assessing the capacities that public health agencies need to fight infectious diseases. Our bill authorizes grants to these agencies to enable them to assess their ability to respond effectively to infectious disease threats.

Once assessments have been completed, state and local public health agencies will become eligible to receive grants to strengthen their capacity to fight infectious disease threats. While only a few states that have already completed capacity assessments will be eligible for these grants in the first year of this program, more and more states will become eligible in the years to come.

Strengthening the nation's public health agencies will also assist in countering the threats posed by microbes that have become resistant to antibiotics. Not long ago, doctors were confident that most microbes could be easily treated with antibiotics. In recent years, however, this confidence has been shaken by the rise of deadly infections that cannot be cured by antibiotics. The World Health Organization estimates that 14,000 Americans die every year from drug-resistant infections, and that fighting these infections costs the United States \$10 billion per year. These figures are distressing, and they are sure to become even more alarming in the future, as the number of resistant infections increases.

We must clearly do more to halt that upward spiral. If we act now to contain the spread of antibiotic resistance, we can buy enough time for new antibiotics to be developed that provide additional defenses against microbes that are becoming increasingly resistant to the current generation of drugs. This legislation supports efforts to use existing drugs more carefully, monitor drug-resistant infections more diligently, and conduct research to find the next generation of antimicrobial treatments.

The existing interagency task force on antimicrobial resistance has made a good start in tackling these problems. This group has carefully brought together federal agencies with special responsibilities in areas related to antimicrobial resistance, and has sought the advice of experts in formulating its Action Plan. Our legislation provides statutory authorization for this task force to continue its essential work. The activities already underway or planned by the task force will do much

to invigorate federal efforts to fight antimicrobial resistance, and our committee will watch carefully to make sure that these promising plans are translated into effective action.

The Food and Drug Administration has a special responsibility to protect the public from the growing threat of drug-resistant microbes in our nation's food supply. Numerous scientific studies have provided compelling evidence that there is a link between the overuse of antibiotics in food animals and the alarming increase in drug-resistant microbes found in meat and poultry. The FDA deserves credit for carefully gathering information about the risk of using antibiotics in food animals. The agency now has an opportunity to act decisively on this information, by setting regulatory thresholds for the presence of drug-resistant microbes in food at levels which will protect the public health. Both consumers and producers will benefit if the nation can be assured that its food supply is safe and uncontaminated. I am sure that many members of our committee and our colleagues in Congress will pay close attention to the decisions that the FDA makes on this important issue in the months to come.

Countering emerging public health threats is only one part of this important legislation. The Act also includes important provisions to strengthen clinical research. These provisions, which the Senate approved last November as the Clinical Research Enhancement Act, will begin to reverse the alarming decline in the number of health professionals who conduct research directly related to the needs of patients. These provisions will also provide clinical researchers with the facilities they need to conduct their important work.

Numerous expert reports and analyses have proven that support for patient-oriented research is inadequate in the United States. Too often, talented health professionals are deterred from careers in clinical research because of inadequate grant funding or the extreme financial pressure of high educational debt. In addition, there are too few clinical research centers which conduct high quality patient-oriented research. The Act addresses these deficiencies by authorizing grants for clinical researchers throughout their careers, by providing relief from the education debt burden that keeps many health professionals from pursuing careers in clinical research, and by authorizing grants to establish general clinical research centers.

This legislation is not intended to single out any individual area of medical research for special study or emphasis. Instead, it provides broad support for clinical research so that clinical researchers can pursue whichever avenues of medical research have the greatest medical need or offer the most promising opportunities. In introducing and passing this legislation, it is our strong view that awards under

the Act should be granted to investigators who show the greatest promise and who are conducting research of the greatest scientific or health value, regardless of the specific diseases or conditions they may be studying.

The Clinical Research Enhancement Act will bear fruit now and in the coming years as new medical advances move more rapidly from the laboratory of the researcher to the bedside of the patient. The skill and dedication of the nation's clinical researchers deserve this support, and it is long overdue.

The Act will also revitalize the nation's biomedical research facilities. Continued progress in medicine depends on modern and well-maintained research facilities—yet the nation's basic biomedical research facilities are in an alarming state of disrepair. To restore and rebuild the nation's biomedical research infrastructure, the Act incorporates the provisions originally passed in the Senate last year as the Twenty-First Century Research Laboratories Act. I commend Senator HARKIN for his leadership on these needed provisions. I also commend our colleague, Representative MICHAEL BILIRAKIS, for introducing and championing this legislation in the House.

Earlier this year, the National Science Foundation conducted a comprehensive study of the nation's research facilities. The shocking facts uncovered by the analysis demonstrate the need for this important legislation. Over 60 percent of the universities and research institutions studied by the NSF had inadequate laboratory space in the biomedical sciences. The NSF found that 5 percent of the laboratory space at the nation's research institutions is in such poor condition that it needs immediate replacement. An additional 18 percent—or 4.6 million square feet of lab space—needs major repairs and renovations. Funding for such construction has not kept pace with the significant budget increases provided to the NIH in recent years. As a result, 54 percent of all research institutions have had to defer needed construction for research and development due to insufficient funding, resulting in a backlog of more than \$2.1 billion in deferred construction.

Funding from state, local and institutional sources can meet a significant proportion of this shortfall. But federal resources are needed too, to revitalize the nation's biomedical research laboratories. Under this legislation, NIH will be authorized to provide merit-based grants for construction or revitalization of essential laboratory facilities.

The Act also authorizes grants to institutions to purchase the sophisticated scientific instruments that are increasingly required to conduct top quality biomedical research. As scientists learn more and more about the fundamental processes of life, advances in research rely increasingly on complex and expensive scientific instruments. In a matter of moments, an ad-

vanced DNA sequencer can find out vital information about the genes that affect health and disease. New microscopes and imaging devices can provide snapshots inside the body or within a single cell.

The Federation of American Societies for Experimental Biology recently released a detailed survey about the needs of the nation's biomedical research institutions for scientific equipment. Over 80 percent of NIH grant recipients believed that shared scientific equipment and core facilities are essential to their research—but more than half felt that NIH's grant support is inadequate for purchases of this needed equipment. Future progress in medicine will increasingly depend on sophisticated and expensive equipment. Congress has a responsibility to accelerate this progress by providing adequate federal support for equipment.

The Act also includes the House-passed Lupus Research and Care Amendments of 2000. These provisions authorize new resources for lupus research and new programs for treating this cruel disease. Lupus disproportionately affects women, and it affects African-American women in particular. Patients with lupus suffer a debilitating variety of symptoms that include inflammation of the joints, kidney failure, painful skin rashes, neurological impairments and many other painful conditions. While lupus is rarely fatal, it can often result in a lifetime of pain or disability for persons with the disease. There is no known cure for lupus, but the Act will advance our understanding of this disease, and provide assistance to persons who suffer from its consequences.

The Act will also improve the treatment and detection of prostate cancer, by incorporating the provisions of the Prostate Cancer Research and Prevention Act that was passed by the Senate last November. Too often, men with prostate cancer go untreated because they fail to take advantage of screening procedures that detect the early symptoms of this deadly disease. Early detection is the key to surviving prostate cancer, and these provisions will assist the efforts of the Department of Health and Human Services to promote widespread screening for this disease.

The Act also reflects the nation's commitment to improving the treatment and understanding of Alzheimer's disease and sexually transmitted diseases, by authorizing fellowships for clinical scientists conducting research in these areas. Large numbers of Americans today have friends or relatives who suffer from the terrifying loss of mental abilities brought on by Alzheimer's disease. We have made a significant investment in basic research, and we must ensure that the new treatments produced by research are brought rapidly to patients suffering from this disease. I commend my colleague from Massachusetts, Representative ED MARKEY, for introducing the Alzheimer's Clinical Research and

Training Awards Act of 2000, which has been incorporated into this Act. This measure authorizes clinical research awards to health professionals for research, study and practice at centers of excellence for Alzheimer's disease research and treatment. The Act includes a similar provision to increase support for health professionals engaged in clinical research on sexually transmitted diseases, which will improve the understanding and treatment of these disorders.

Taken together, the provisions of the Public Health Improvement Act of 2000 will improve the lives of millions of Americans and help safeguard the nation's health in the years ahead. This significant legislation will help revitalize the capacity of the nation's public health agencies to respond effectively to public health emergencies, such as infectious disease outbreaks or bioterrorist attacks. It will help bridge the gap between discoveries made in the laboratory and improvements in patient care by providing new support for talented health professional to pursue careers in patient-oriented clinical research. This legislation will help rebuild the nation's laboratory infrastructure, which is in an alarming state of decay and disrepair. The Act also gives new emphasis to research into the causes and treatment of lupus, prostate cancer, Alzheimer's disease and sexually transmitted diseases. The Public Health Improvement Act of 2000 can help lay a firm foundation for more effective public health in a wide variety of areas, and I urge my colleagues to approve this much needed legislation.

#### AMENDING SECTION 319

Mr. FRIST. Mr. President, the Public Health Improvement Act of 2000 incorporates provisions that I originally introduced with my colleague, Senator KENNEDY, as the Public Health Threats and Emergencies Act. The Act reauthorizes and amends Section 319 of the Public Health Service Act. This Section reauthorizes the "Public Health Emergency Fund," from which the Secretary of Health and Human Services may expend funds in the event of a public health emergency. The Public Health Emergency Fund is a separate and distinct fund from the existing Public Health and Social Services Emergency Fund, which is now used to fund other programs within the Department of Health and Human Services. It is our intent that the provisions of Section 319 of the Public Health Service Act apply to the Public Health Emergency Fund, and not to the Public Health and Social Services Emergency Fund.

Since public health emergencies may present unanticipated costs, the sponsors of the Act did not specify a dollar amount in authorizing appropriations for the Public Health Emergency Fund. However, we believe that a fund should exist from which expenditures can be made in the event of a public health emergency and appropriations made

accordingly, so that monies need not be diverted from existing programs when emergencies arise, as is often now the case.

Mr. KENNEDY. I thank my colleague, Senator FRIST, for his thoughtful remarks regarding the Public Health Threats and Emergencies Act, and I agree with them strongly.

#### WEAPONS OF MASS DESTRUCTION

• Mr. SESSIONS. Mr. President, I would like to engage the distinguished Senator from Tennessee in a brief colloquy to clarify language in the Public Health Improvement Act of 2000 as it pertains to public health countermeasures to a bio-terrorist attack.

I commend my colleague for bringing such an important measure to the Senate floor. His legislation addresses several weaknesses that persist today in the pre-crisis and consequence management phases of an attack by a terrorist using a weapon of mass destruction, WMD. Since the end of the cold war, our nation has strived to address how we might cope with an event the likes of which we have never seen on our soil; an event that could easily produce thousands of civilian casualties. To this end the government has taken some steps to train responders, provide them needed equipment, and in rare cases created exercises to test systems and response capabilities. The nation is making strides, and government is spending billions on all sorts of related programs. Yet, I think we remain adrift and ill-prepared to address both the cause and effect of a WMD event, particularly one involving a biological weapon.

American's Public Health system is second to none. It has the inherent capacity to thoroughly plan, properly train, and expertly execute tasks associated with a crisis. My colleague's experience in the field of medicine takes the need for planning and training for a bio-terrorist event to the next level by requiring the establishment of two interagency working groups. Each is designed to bring the expertise resident in the government today forward in a constructive manner which will allow agencies to set in motion processes that will result in increased planning, preparedness and most importantly response.

One of the failures of WMD programs found elsewhere in the nation and elsewhere in the government is the unnecessary proliferation of new bureaucracies created to manage new programs, grants, and training programs at the expense of producing qualified graduates. Therefore, I believe in this instance that it is extremely important to use existing Public Health Service training facilities, particularly those with WMD training programs in place whenever practical to respond to the training needs of medical professionals outlined in this legislation. Does the Senator from Tennessee agree that these PHS facilities, which already have the infrastructure in place to implement weapons of mass destruction

training and related activities, should be considered as an eligible applicant of any grants or new training initiatives initiated by the Secretary?

Mr. FRIST. The Senator from Alabama is correct. Using current facilities and training programs would provide our health care professionals the most efficient way of training as many medical personnel as possible in the shortest amount of time.

Mr. SESSIONS. Mr. President, I would like to thank my colleague for his hard work on this issue. I, too, look forward to working with my friend from Tennessee and other colleagues on this important issues. •

#### UPCOMING ELECTION AND THE FEDERAL COURTS

Mr. LEAHY. Mr. President, it is not often that the President of the United States, the editorial board of the Washington Times, People for the American Way and Gary Bauer all agree. They all do about the importance of the upcoming election to the rights of Americans in the decades ahead because of its impact on the third branch of the Federal Government, our federal judiciary.

This first national election of this new century will give the American people a choice—a clear choice for President and for Congress. Also at stake is the third branch of our Federal Government, the judiciary. It is this branch of government, headed by the Supreme Court, that is the guardian of our rights under the Constitution.

The next President is likely to nominate not only the next Justice on the United States Supreme Court, but possibly as many as four of the nine members of the Supreme Court over the course of his term. The next Senate will be called upon to vote to confirm or reject the President's nominations to the Supreme Court and the federal courts throughout the country.

These are the judges who can give meaning to the Bill of Rights in cases they decide every day or who can take away our rights and the authority of our elected representatives and impose their own narrow view of our Constitution. The rights of free speech, to practice any religion or no religion as we choose, the right to be treated equally by the government, the right to privacy and a woman's right to choose are fundamental rights that require constant vigilance and protection. This new century will pose challenges to our fundamental rights. Will we have a President and a Senate who will combine to provide judges to protect those rights, or ideologues who will erode them?

Nothing is more sharply at stake this November than the future of our constitutional rights.

Five-to-four—five-to-four is how closely the Supreme Court is now dividing on fundamental issues. One or two votes on the Supreme Court can, for the next half century, tip the balance away from the right to choose,

away from rights of privacy, away from equal rights and toward government establishment of religion and government orthodoxy over free expression. One or two votes could make it much harder to protect the environment or pass meaningful campaign finance reform.

This last year by a five-to-four majority the Supreme Court held that a rape victim can bring no claim in federal court and that Congress was wrong to provide that remedy in the Violence Against Women Act. By five-to-four majorities the Supreme Court held that state employees have no rights to be paid for overtime work and have no protection from age discrimination, in spite of the laws passed by Congress. What will this mean for other laws prohibiting discrimination in the workplace, regulating wages and hours and health and providing safety standards for working Americans? And by a mere five-to-four vote, the Supreme Court decided that a Nebraska law imposed an undue burden on a woman's right to choose when it sought to prohibit medical procedures by vague language and without regard to the health of the woman.

I am confident that AL GORE and JOE LIEBERMAN will nominate women and men who understand the proper role of judges as protectors of our rights and the proper limits on judicial power. On Tuesday evening the President of the United States spoke about the importance of the election to the Supreme Court, to the federal courts generally, to our rights and to the distribution of power in our country. The President noted that "the American people will make a decision in this election which will shape the Supreme Court and the other federal courts, and the range of liberty and privacy, and the range of acceptable national action for years to come" and that "whether we have a new form of ultra-conservative judicial activism that rejects the government's authority to protect the rights of our citizens and interests of our citizens" is at stake in the November election. As the President explained:

Now we're just a vote or two away from reversing *Roe v. Wade* in the United States Supreme Court, and I think it's inevitable that the next President will have two appointments to the Supreme Court, could be more. Beyond that, as I intimated in my opening remarks, there has already been a majority in this Court for restricting the ability of Congress, even a bipartisan majority in Congress, to get the states to help implement public interest legislation that protects people.

There is much at stake in the next election and in the appointment of our Supreme Court Justices and other federal judges. In June, the People for the American Way Foundation published an extensive report called "Courting Disaster: How a Scalia-Thomas Supreme Court Would Endanger Our Rights and Freedoms" that considered the future makeup of the Supreme Court and its likely effects on our fundamental rights. In his message accom-

panying that report, Ralph Neas observed:

The United States Supreme Court is just one or two new Justices away from curtailing or abolishing fundamental rights that millions of Americans take for granted.

The Washington Times lead editorial on Thursday noted pointedly:

Before the Supreme Court could overturn *Roe vs. Wade*, it would take the appointment of two pro-life justices to replace two pro-choice jurists—and their successful confirmation in what would undoubtedly be among the most explosive battles in U.S. Senate history.

Mr. Bauer made much the same point in a recent appearance on NBC's Today Show, in which he said: "I think if Governor Bush gets to put a couple of justices on the court, we will be more likely to protect our unborn children under the Constitution."

The Republican party platform talks of ideological litmus tests for judges and the end of a woman's right to choose. The Republican candidate for President says that his models for judicial nominees are the most conservative current Justices, Antonin Scalia and Clarence Thomas. If they formed the majority in the years ahead, our rights would be greatly diminished, protections approved by Congress would be routinely invalidated and our Constitution would be harshly reinterpreted.

While the other party's platform is filled with calls for rewriting the Constitution, we Democrats seek to preserve the Constitution and protect our fundamental rights as the guaranties of our freedoms. While the Republican Senate has delayed and dissembled over judicial nominations during the last six years—to the point that the Chief Justice of the United States chastised them for refusing to vote up or down—Vice President GORE, Senator DASCHLE and I have pressed for action on outstanding judicial nominees, including historic levels of women and minorities.

While Republican Senators all voted lockstep against the confirmation of the first African-American Justice on the Missouri Supreme Court to become a federal judge, Democrats voted for Ronnie White of Missouri, for Richard Paez and Marsha Berzon of California, for Sonia Sotomayor of New York, for Julio Fuentes of New Jersey, and for Barbara Lynn and Hilda Tagle of Texas.

While the Republican leadership of the Congress sought to intimidate federal judges, Vice President GORE and Democrats have been working for fair up or down votes on the nominations of qualified women and minorities such as Enrique Moreno of Texas, Judge James Wynn of North Carolina, Roger Gregory of Virginia, Judge Helene White and Kathleen McCree Lewis of Michigan, Judge Legrome Davis of Philadelphia, Dolly Gee of California, and Rhonda Fields of the District of Columbia.

While the Republican candidate for President made a fine statement in

which he called for votes on judicial nominations within 60 days, he has not prevailed upon the Senate Republican majority to treat nominees fairly now. Instead of 60 days, we see Judge Helene White's nomination to the Sixth Circuit pending more than 1400 days; Elena Kagan, U.S. Court of Appeals for the District of Columbia, pending 500 days; Judge James Wynn, U.S. Court of Appeals for the Fourth Circuit, pending more than 440 days; Kathleen McCree Lewis, U.S. Court of Appeals for the Sixth Circuit, pending more than 400 days; Enrique Moreno, U.S. Court of Appeals for the Fifth Circuit, pending more than 400 days; Bonnie Campbell, U.S. Court of Appeals for the Eighth Circuit, pending more than 240 days; Roger Gregory, U.S. Court of Appeals for the Fourth Circuit, pending more than 115 days; Lynette Norton, U.S. District Court for the Western District of Pennsylvania, pending more than 1300 days; Judge Legrome Davis, U.S. District Court for the Eastern District of Pennsylvania, pending more than 800 days; Patricia Coan, U.S. District Court for the District of Colorado, pending more than 500 days; Dolly Gee, U.S. District Court for the Central District of California, pending more than 500 days; Rhonda Fields, U.S. District Court for the District of Columbia, pending more than 350 days; Linda Rieggle, U.S. District Court for the District of Nevada, pending more than 180 days; Ricardo Morado, U.S. District Court for the Southern District of Texas, pending more than 165 days. The Senate is adjourning leaving 33 judicial nominees whose nominations have been pending without Senate action for more than 60 days.

And while the Republican majority in the Senate refused for over three years to vote up or down on the confirmation of Bill Lann Lee to head the Civil Rights Division, this outstanding American continued to do his job on behalf of all Americans. With Vice President Gore's support, this Senate slight has finally been made right by the recess appointment of the first Asian-Pacific American to lead the Civil Rights Division.

The election next month presents a clear choice. The choice the American people make will determine what kind of judges sit on the Supreme Court and on federal courts all across the country. Those elected by the American people in November will select the judicial guardians of our liberties and the enforcers of our constitutional protections next year and in the decades to come. The future for our children and grandchildren hangs in the balance. I am proud that to support AL GORE and JOE LIEBERMAN. They will nominate judges who understand the Constitution and the Bill of Rights.

#### MESSAGES FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks,

announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 118. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILLS SIGNED

At 11:25 a.m., a message from the House of Representatives, delivered by Mr. Sullivan, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 614. An act to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. 835. An act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1586. An act to reduce the fractionated ownership of Indian Lands, and for other purposes.

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado.

H.R. 2780. An act to authorize the Attorney General to provide grants for organizations to find missing adults.

H.R. 2884. An act to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 4404. An act to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

H.R. 4957. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

H.R. 5083. An act to extend the authority of the Los Angeles Unified School District to use certain park lands in the city of South

Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

H.R. 5157. An act to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau.

H.R. 5314. An act to amend title 10, United States Code, to facilitate the adoption of retired military dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

H.R. 5331. An act to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

H.J. Res. 118. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

ORDERS FOR SUNDAY, OCTOBER  
29, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 4 p.m. on Sunday, October 29. I further ask unanimous consent that on Sunday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for morning business until 6:45 p.m., with Senators speaking for up to 10 minutes each, with the time equally divided in the usual form.

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

ORDERS FOR MONDAY, OCTOBER  
30, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business on Sunday, it stand in recess until 5 p.m. on Monday, October 30; that following the routine convening requests, there be 2 hours for debate on the continuing resolution to be equally divided in the usual form.

I further ask unanimous consent that a vote occur on the passage of the continuing resolution, if the resolution contains funding for 1 day, if received from the House, at 7 p.m. on Monday, and that paragraph 4 of rule XII be waived. Finally, I ask unanimous consent that the vote scheduled to occur at 7 p.m. on Sunday now begin at 6:45 p.m., assuming the papers have been received from the House of Representatives.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

I have no objection.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, we will convene at 4 p.m. on Sunday with up to 2 hours 45 minutes equally divided for morning business. Under the previous order, there will be a vote occurring on the continuing resolution at 6:45 p.m., assuming the papers have been received from the House, and earlier, if possible, or a little later, if it is necessary. But I believe around 6:45 we will be able to vote.

On Monday, the Senate will convene at 5 p.m. with 2 hours for debate on the continuing resolution. A vote on the continuing resolution will occur at approximately 7 p.m. on Monday, again assuming the papers have been received from the House.

RECESS UNTIL 4 P.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 11:34 a.m., recessed until Sunday, October 29, 2000, at 4 p.m.