

“(B) does not include a visit initiated by a prisoner—

“(i) pursuant to a staff referral; or  
“(ii) to obtain staff-approved follow-up treatment for a chronic condition;

On page 8, line 20, after “services” insert “, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment”.

On page 10, line 16, strike “2 years” and insert “1 year”.

On page 10, line 21, strike “24-month” and insert “12-month”.

On page 12, strike lines 6 through 9 and insert the following:

“(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

“(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment.”

Mr. LEAHY. I want to thank Senator JOHNSON for his leadership on this matter and for bringing this matter to my attention. Vermont does not have a copayment requirement for prisoners' health care so the problems that his Marshal had brought to his attention last year, were not matters that had arisen in Vermont.

I also want to thank those at the Department of Justice who have made suggestions to improve the proposals on this subject over the last couple of years. I am glad the I have been able to contribute constructively to that process of improvement over the past weeks and again today.

A most important part of this bill is its protection against prisoners being refused treatment based on an inability to pay. I am glad to see my suggestion that the protection of section 2(f) in this regard be included in section 3 of the bill, as well, be incorporated in the substitute amendment accepted by the Judiciary Committee and reported to the Senate. I thank the Department of Justice for having included this suggestion in its recent April 27 letter.

Today we make additional improvements to the bill to ensure that it can serve the purposes for which it is intended. In particular, I have suggested language to make clear that since the goal of the bill is to deter prisoners from seeking unnecessary health care, copayment requirements should not apply to prisoner health care visits initiated and approved by custodial staff, including staff referrals and staff-approved follow-up treatment for a chronic condition. In addition, the amendments I have suggested adds to those health care visits excluded from the copayment requirement visits for emergency services, perinatal care, diagnosis or treatment of contagious diseases, mental health care and substance abuse treatment. Like preventative care, all these types of health care for prisoners should be encouraged and not discouraged by a copayment requirement. It would be harmful to custodial staff and detrimental the long term interests of the public to create artificial barriers to these health care services.

Finally, I have suggested that we review this new program and its impact next year rather than delaying evaluation for the 2-year period initially provided by the bill. The bill constitutes a shift in federal corrections and custodial policy and it is appropriate that the impact of these changes be evaluated promptly and adjusted as need be.

I continue to be concerned that we are imposing an administrative burden on the Bureau of Prisons greatly in excess of any benefit the bill may achieve. I wonder about alternatives to cut down on unnecessary health care visits besides the imposition of fees, many of which may go uncollected. The contemplated \$5 a visit fee for prisoners compensated at a rate as low as 11 cents an hour seems excessive, but that is how the BOP wishes to proceed.

I also fear that the effort will lead to extensive litigation to sort out what it means and how it is implemented. As we impose duties and limitations on correctional authorities, that is one of the consequences of such duties.

I will be interested to see whether funds end up being received by victims of crime either with respect to restitution orders or by the Victims of Crime Fund through the elaborate mechanisms created by this legislation. I hope that victims will benefit from its enactment as opposed to experiencing another false promise. In this regard, I wonder why there is no benefit to victims from the fees collected from federal prisoners held in nonfederal institutions. If our policy is to benefit victims, the ownership of the facility ought not deter that policy. Surely the copayment fee is not designed as payment for the health care treatment itself or even payment for the administrative overhead of the system.

Despite my concerns, this bill does have the support of the BOP and U.S. Marshals Service. Just as I facilitated the bill being reported from this Committee, today I am acting to allow the Senate to pass an improved version of the bill.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, the bill read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

The bill was read the third time.

The bill (S. 704), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

#### REFERRAL OF S. 438

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 438, “To provide for the settlement of water rights claims of the Chippewa Cree Tribe of the Rocky

Boy's Reservation, and for other purposes,” that the measure be referred to the Committee on Indian Affairs and that at such time as the Committee on Indian Affairs reports the measure, it be referred to the Committee on Energy and Natural Resources for a period not to exceed 60 calendar days and that if the Committee on Energy and Natural Resources has not reported the measure prior to the expiration of the 60-calendar-day period, the Energy Committee be discharged from further consideration of the measure and that the measure then be placed on the calendar.

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

#### RECESS FILING

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees have from 11 a.m. until 1 p.m. on Wednesday, June 2, in order to file legislative matters.

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

#### SCHEDULE ANNOUNCEMENT

Mr. HUTCHINSON. Mr. President, for the information of all Senators, the Senate will begin the DOD appropriations bill on Monday, June 7, and hopefully will complete action on that bill by close of business on Tuesday, June 8. In addition, on Monday, it will be the leader's intention to move to proceed to S. 1138, the new compromised Y2K bill on Monday and file a cloture motion on the motion for a cloture vote on Wednesday, June 9.

Also, on Tuesday, June 8, it will be the leader's intention prior to the recess or adjournment that evening to move to proceed to the lockbox issue and file a cloture motion on that matter for a cloture vote on Thursday, June 10. Members who have an interest in the important Social Security savings bill should plan to participate in that debate Tuesday evening and Tuesday night.

Needless to say, when the Senate reconvenes following the Memorial Day recess, there will be a tremendous amount of legislation needing passage by the Senate. Therefore, the leader wishes all Members a safe and restful Memorial Day and looks forward to the cooperation of all Members when the Senate reconvenes.

#### ORDERS FOR MONDAY, JUNE 7, 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 noon on Monday, June 7. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time

for the two leaders be reserved for their use later in the day. I further ask unanimous consent that the Senate be in a period of morning business for 2 hours equally divided between the majority leader, or his designee, and the Democratic leader, or his designee.

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

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that at 2 p.m. on Monday, the Senate begin consideration of S. 1122, the Department of Defense appropriations bill.

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

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#### PROGRAM

Mr. HUTCHINSON. Mr. President, for the information of all Senators, the Senate will be in a period of morning business from 12 noon until 2 p.m. on Monday. Following morning business, the Senate will begin consideration of the Department of Defense appropriations bill, with the expectation of completing the bill early in the week. Therefore, Senators should be prepared to offer amendments to the bill as early as possible next week.

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#### ORDER FOR ADJOURNMENT

Mr. HUTCHINSON. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the provisions of S. Con. Res. 35, following the remarks of Senator LANDRIEU.

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

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#### DOD AUTHORIZATION

Ms. LANDRIEU. Mr. President, I rise after this very long but, I think, good debate on the defense authorization bill to thank the distinguished chairman of our committee, the Senator from Virginia, and our ranking member, the Senator from Michigan, for their hard work on this bill. I have to add all the staff that worked very hard too.

It is a huge authorization, as you know, Mr. President. It represents 16 percent of the total expenditures of our Government, for the Department of Defense. We fund and try to prepare for the finest military and strongest military operations in the world; over a million men and women—1.4 million active-duty men and women. This bill has provided, because of the hard work on both sides of the aisle, some significant and much-needed increases to support our men and women, to help our forces be even more ready, more professional, better trained and better prepared for all the new threats that we face in the world today.

So I thank them for their work, and acknowledge that in this bill that received an overwhelming vote, we had one of the largest increases of expenditures for the readiness of those active

forces, pay provisions to help make the salaries more competitive with the booming economy we are currently enjoying here in the United States.

Thanks to the leadership of our great colleague from Georgia, Senator CLELAND, we were able to add some additional funding for GI benefit expansions, the first in over two generations, so the men and women in our armed services can share those benefits with their spouses and their children, improving educational opportunities across the board.

There are many other provisions funding the increase in technology, the first downpayment on our missile defense system, which has come a little bit too late for some and right on time for others. I think it is the right step for our Nation.

I join my colleagues in thanking the leadership that has brought this bill to final passage today. There is more work to be done. There were some disappointments, obviously some shortcomings, but no piece of legislation is perfect. We will have opportunities to work in the future, as this Congress progresses.

Because the floor was so busy earlier today I waited until now to take this opportunity, but I did not want this day to end without noting the historic event that took place today with the indictment of Yugoslavian President Milosevic by the International War Crime Tribunal. As was recorded earlier, Justice Louise Arbour announced that he and his four deputies and military leaders have in fact been indicted for the atrocities they have committed. This body passed almost unanimously—it was unanimously for those present—a resolution earlier this week, urging the Tribunal to act, saying the United States will put up what resources are necessary to make sure justice is done; that not only can war criminals be identified, but cases can be built in the proper and legal way so they can be successfully prosecuted for what has occurred.

I was particularly moved by an article I plan to pass around to the Members of the Senate and to send to family and supporters around the Nation, written by Carol Williams of the Los Angeles Times. That reported in horrific detail some of the crimes being committed against the Kosovars. What was particularly troubling in this article was her focus on the systematic use of rape as a weapon of war.

She recounted in great detail the experiences of a group of young women, young girls—very young, 12, 13, 14 and 15—who had been violated over and over again; sometimes, as she outlined in this article, within hearing distance—but not sight or comfort—of parents. In this particular part of the world, though, what makes this doubly horrific and horrifying and tough is that victims of rape often accuse themselves, as if they themselves committed the crime. There is shame that is brought, in this particular culture,

to them and to their families. So after having barely lived, surviving this ordeal, they are then turned away, in many instances, from their fathers, their mothers, their brothers, their sisters.

So there is a tremendous injustice that is occurring. Many of the women in the Senate talked at great length today about this and were joined by our colleagues in various meetings throughout the day.

I just want to say, as we break for this Memorial Day, that while we may take a few days of rest from our work, as one Senator, I am prepared to come back and daily, weekly, monthly and for years if necessary, continue to come to this floor and talk about war crimes and justice and holding people accountable. Had we done a better job of this in Bosnia, I think we could have perhaps prevented the atrocities we are seeing in Kosovo today.

I hope the international community in every way—whether it is a large country or small country, and the people in the United States—will let their elected officials know we want these war criminals prosecuted, we want justice brought to these families, and we want the resources and the comfort and counseling available to these young women—women of all ages—who have lived through the horror and the terror of what has been wrought in that part of the world.

Thank God we live in this country. It is not perfect, terrible things have happened, but I can say on the eve of this Memorial Day recess how proud I am and mindful and grateful of the great sacrifice that has been made by men and women in uniform who have given their lives so that we, in this country, can live in relative peace and prosperity without fear of being pulled from our homes at night, having our homes burned and our family members violated or executed.

We have gone through periods of history of which we are not proud. But I am proud of the work this Congress does in putting forth legislation and finances to support efforts that are so important, like the one in which we are engaged. We will not stop until we have a military victory. We will not stop until the diplomatic means have been accomplished. We will not stop until we have been able to help the Kosovars move back into their nation and help this part of Europe join the mainstream of Europe so they can live in peace, prosperity, and democracy and, finally, until justice is done to the women, children, and families who have been so barbarically handled in the last several months.

Again, I thank the leadership for their good work on this legislation. I thank the Chair.

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ADJOURNMENT UNTIL MONDAY,  
JUNE 7, 1999

The PRESIDING OFFICER. Under the previous order, the Senate stands