

colleagues and with the public—even when they disagreed with him.

His patience and focus in the legislative realm were legendary. Sid Yates started what I believe an appropriate protocol in the House Subcommittee by affording every Tribal Leader wishing to come before the subcommittee the brief opportunity to describe the most pressing needs of his or her Tribe.

When I came to the House of Representatives in 1986, I became deeply involved in issues that affect my State of Colorado, natural resource issues and of course issues that affect American Indians. In pursuing and working on these matters, I worked with Sid Yates time and again and benefitted from that association both as a legislator and as a man.

Sid Yates also knew when generosity of spirit and patience were not the appropriate response. In the mid 1980's a series of newspaper articles appeared in the Arizona Republic that revealed a breathtaking level of corruption and waste in the Federal Bureau of Indian Affairs. Millions of dollars were being siphoned off or wasted and were not getting to the Indian beneficiaries as Congress intended.

As Chairman of the House Subcommittee on Interior Appropriations, Sid Yates took bold steps to ensure that this would not happen again and launched the Tribal Self Governance Demonstration Project. I am proud to say that in August the President signed legislation that I sponsored in the Senate to make permanent Self Governance in Health Care.

The auditorium in the U.S. Department of Interior was appropriately named the "Sid Yates Auditorium" and his name will carry with it the kind of dedication and honesty that was his hallmark.

It is customary and protocol to add the prefix "The Honorable" when talking of elected leaders and if there was ever a man who fulfilled that moniker it was the Honorable Sid Yates.

TAXPAYER PROTECTION AND CONTRACTOR INTEGRITY ACT

Mr. HARKIN. Mr. President, yesterday I introduced the Taxpayer Protection and Contractor Integrity Act. This legislation, which was introduced concurrently by Rep. PETER DEFAZIO in the House, is intended to crack down on fraud and abuse in government contracts. It would say to federal government contractors that have been convicted or had civil judgement rendered against them at least three times for procurement fraud and related offenses: you do not deserve further taxpayer support; you are suspended from new contracts for three years. Three strikes and you're out.

A recent report by the General Accounting Office on procurement fraud by the 100 largest Department of De-

fense contractors during the years 1995-1999 found: 8 criminal cases in which contractors pled guilty and paid fines totaling \$66 million, and 95 civil cases, including 94 settlements and one judgment, in which awards totaled \$368 million. The offenses included overcharging, kickbacks, defective products, procurement fraud, misuse/diversion of government furnished materials, cost/labor mischarging, and others. A number of companies, including some of the largest DOD contractors, had several criminal convictions or civil judgments for similar offenses over a few years. This clearly demonstrates a pattern of misconduct.

But the Department of Defense continued to conduct business with contractors even after these companies had committed multiple frauds against the government. Not one of the top military contractors guilty of procurement fraud was barred from future contracts. According to a recent Associated Press analysis, there are 1,020 contractors government-wide that were sued or prosecuted for fraud in the past five years. Of these, 737 remain eligible for future contracts.

It is disgraceful that the Pentagon and other agencies seem to hear and see no evil in the criminal fraud committed by contractors. Now it's up to Congress to step in and start cracking down on big contractors who have been swindling the federal government out of billions of dollars. I am hopeful that the bill we're introducing today will force all contractors to play by the rules and stop ripping off American taxpayers.

Under current law, a contracting officer is required to make a determination regarding the integrity and responsibility of a potential contractor prior to awarding a new contract. In making this determination, prior convictions can be taken into account, but even with several convictions an individual or company may still be granted a contract award.

The bill I introduced would require contractors to disclose the number of convictions or civil judgments, the nature of the offense, and whether any fines, penalties, or damages were assessed. Any contractor who has three or more convictions or civil judgments for fraud and similar offenses related to government contracts would be prohibited from receiving future contracts. Existing contracts would not be impacted. The prohibition on future contracts would last three years. If, during that period, the contractor demonstrates a satisfactory record of ethics and integrity by avoiding additional criminal convictions, the contractor may become eligible for future federal contracts. The bill also allows a waiver by the President in the interest of national security or to prevent serious injury to the government. Note that the bill does not prevent debar-

ment under current procedures for fewer than three violations or broader consideration of ethics under the proposed OMB regulations. But recognizing that some agencies will not use these discretionary procedures, the bill sets a firm limit.

The bill was crafted much like the Violent Crime Control and Law Enforcement Act of 1994, which made life in prison mandatory for criminals convicted of their third federal felony. That's why we sometimes call this the "Three strikes and you're out" bill. This bill, however, is much softer, as the suspension can be lifted after three years. We've made a commitment in this country to be tough on crime. That resolve should apply to federal contractors too. It is time to stop rewarding criminal contractors with American taxpayers' hard-earned dollars.

GAMBLING

Mr. BROWNBACK. Mr. President, I would like to make a few remarks today regarding the recent proposals put forth by the Nevada Gaming Commission yesterday that would place a \$550 cap on all legalized gambling on college sports and prohibits all gambling on high school and the Olympic sporting events. I believe that the proposed rule changes in Nevada are a significant first step in protecting our student athletes and the integrity of college sports.

The Chairman of the Nevada Gaming Commission stated yesterday that the changes proposed "will provide protection for Nevada athletes and for Nevada games. They will also protect athletes in the other 49 states. The proposals are intended to discourage illegal bookmakers and fixers from attempting to use Nevada's legal sports books as a place to place bets."

It is obvious from these proposals that the Nevada Gaming Commission knows that gambling has an unseemly influence on our colleges and universities. Ironically, while Nevada is the only state where legal gambling on collegiate and Olympic sporting events occurs, Nevada's own gaming regulations currently prohibit gambling on any of Nevada's teams because of the potential to jeopardize the integrity of those sporting events. The frequency of gambling scandals over the last decade is a clear indication that legal gambling on college sports stretches beyond the borders of Nevada, impacting the integrity of other state's sporting events.

While I am encouraged by the proposed rule changes from the Nevada Gaming Commission, I do not believe it goes far enough. I will continue to insist that the Senate take up and pass, The Amateur Sports Integrity Act, which is in response to a recommendation made by the National Gambling