

pending in the Senate Judiciary Committee as part of the unfinished business of this Congress.

Let me briefly summarize the parts of the Seniors Safety Act that the majority in the Congress has declined to consider. First, the Seniors Safety Act provides additional protections to nursing home residents. Nursing homes provide an important service for our seniors—indeed, more than 40 percent of Americans turning 65 this year will need nursing home care at some point in their lives. Many nursing homes do a wonderful job with a very difficult task—this legislation simply looks to protect seniors and their families by isolating the bad providers in operation. It does this by giving federal law enforcement the authority to investigate and prosecute operators of those nursing homes that engage in a pattern of health and safety violations. This authority is all the more important given the study prepared by the Department of Health and Human Services and reported this summer in the New York Times showing that 54 percent of American nursing homes fail to meet the Department's "proposed minimum standard" for patient care. The study also showed that 92 percent of nursing homes have less staff than necessary to provide optimal care.

Second, the Seniors Safety Act helps protect seniors from telemarket fraud, which costs billions of dollars every year. This legislation would give the Attorney General the authority to block or terminate telephone service where that service is being used to defraud seniors. If someone takes your money at gunpoint, the law says we can take away their gun. If someone uses their phone to take away your money, the law should allow us to protect other victims by taking their phone away. In addition, this proposal would establish a Better Business Bureau-style clearinghouse that would keep track of complaints made about telemarketing companies. With a simple phone call, seniors could find out whether the company trying to sell to them over the phone or over the Internet has been the subject of complaints or been convicted of fraud.

Third, the Seniors Safety Act punishes pension fraud. Seniors who have worked hard for years should not have to worry that their hard-earned retirement savings will not be there when they need them. The bill would create new criminal and civil penalties for those who defraud pension plans, and increase the penalties for bribery and graft in connection with employee benefit plans.

Finally, the Seniors Safety Act strengthens law enforcement's ability to fight health care fraud. A recent study by the National Institute for Justice reports that many health care fraud schemes "deliberately target vulnerable populations, such as the elder-

ly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement." This legislation gives law enforcement the additional investigatory tools it needs to uncover, investigate, and prosecute health care offenses in both criminal and civil proceedings. It also protects whistle-blowers who alert law enforcement officers to examples of health care fraud.

I commend Senators BAYH, GRAMS, and CLELAND for working to take steps to improve the safety and security of America's seniors. We have done the right thing in passing this bipartisan legislation and beginning the fight to lower the crime rate against seniors. I urge consideration of the Seniors Safety Act. It would provide a comprehensive approach toward giving law enforcement and older Americans the tools they need to prevent crime. ●

#### DEPARTMENT OF DEFENSE VACCINE ACQUISITION STRATEGY

Mr. HUTCHINSON. Mr. President, I rise today to notify my colleagues of my efforts to change the Department of Defense's vaccine acquisition strategy. You see, it is my belief that the BioPort/anthrax debacle provides lawmakers with an excellent case study, one which illustrates that the Department's present policy of relying on the private sector to provide vaccines critical to the protection of our men and women in uniform is fatally flawed and must be changed. There exists a growing consensus that the Department of Defense must shoulder the responsibility and begin to produce biological warfare vaccines for itself.

In the early 1990's, in the aftermath of the gulf war, recommendations were presented to senior Defense Department acquisition officials to fulfill the urgent demands of war-fighters to develop vaccines against biological agents. One of the principal recommendations was for the construction of a Government-owned, contractor-operated (GOCO) vaccine production facility. Detailed and thoughtful studies presented many merits to the GOCO approach. Without listing all of its merits, I will point out that the GOCO option would guarantee the country access to a vaccine supply immune from the foibles of a profit-driven pharmaceuticals industry.

For reasons that remain a mystery to this day, the Defense Department did not elect to pursue the safer, GOCO option. Rather, the Department chose to contract with a private-sector entity we now know as BioPort, for the vaccine against the biological agent anthrax.

Since embarking on this acquisition strategy, events have proceeded as many had feared they would; disastrously. Last summer, the Defense Department awarded the BioPort corporation extraordinary contract relief to a

previous contract for the production and vulnerable storage of the anthrax vaccine. The terms of the contract relief reduced the number of doses of vaccine to be produced by one-half, charged the U.S. taxpayer almost three times as much as was originally negotiated, and provided BioPort with an interest-free loan of almost \$20 million. BioPort officials have stated that even this may not constitute enough support. I question the fitness of whoever negotiated such a horrendous arrangement on behalf of the American taxpayer.

In July, because of BioPort's continuing troubles, the Department was forced to dramatically scale back the scope of Phase One of the immunization program because the rapid rate of vaccinations threatened to consume the last of the Department's stockpile of FDA approved vaccine. Now, only those personnel who are deployed to high-threat regions, such as the Persian Gulf and the Korean Peninsula, will receive vaccinations. As it appears increasingly apparent that neither additional lots of vaccine, nor the new production line in East Lansing, will receive FDA approval anytime soon even this dramatically reduced effort may completely exhaust the Department's supply of vaccine, leaving our troops vulnerable.

As the Department is preparing to transition into production of the first of more than a dozen new bio-war vaccines developed under the Joint Vaccine Acquisition Program, it was apparent to me that unless we wish to repeat the mistakes of the past, a new acquisition strategy is urgently needed.

My colleagues and I on the Senate Armed Service Committee are making efforts to prevent the Defense Department from continuing to pursue a flawed acquisition strategy. Through oversight hearings and legislative provisions within the national defense authorization bill, we are actively providing the Department with some much needed guidance.

On April 14, I chaired the second of three committee hearings on the topic of vaccine production. During that hearing, DOD personnel who had advocated the GOCO route in the early Nineties, and were overruled, were given the opportunity to testify. Their testimony is perhaps the most important the committee has received all year on this topic.

At a third committee hearing, conducted in July, the Department announced that it had published a solicitation for a second-source of the Anthrax vaccine. As the Department received only cursory inquiries from the pharmaceutical industry during the required thirty day period, this effort appears to have failed.

In response to the testimony received by the committee, I drafted section 221

of the Senate's fiscal year 2001 national defense authorization bill. Section 221 requires the Secretary of Defense to conduct a reevaluation of the present vaccine acquisition. The report will include an evaluation of the commercial sector to meet DOD's vaccine requirements and a design for a Government-owned, contractor-operated vaccine production facility.

Section 221 also notes that a significant body of work regarding this topic was assembled in the early 1990's including Project Badger, which recommended that a GOCO vaccine production facility be constructed at the Pine Bluff Arsenal in my home state of Arkansas.

I am pleased to report that the provision was retained in the conference report which the Congress voted to send to the President for his signature.

In addition to hearings and legislative provisions, I have begun a dialog with numerous personnel within the Office of the Secretary of Defense. I would be remiss if I did not mention the many productive conversations I have had with the Under Secretary of Defense, Rudy deLeon. Because Secretary deLeon is relatively new to his position and has little ownership over the flawed decisions of the past, he has been very willing to explore alternative acquisition strategies including the solution I favor: construction of a Government-owned, contractor-operated vaccine production facility. As evidence of his commitment to find a solution, vaccine production was the first topic discussed by the Defense Resources Board, which Secretary deLeon chairs, when it met to begin its preparation of the Defense budget submission for fiscal year 2001.

I have encouraged Secretary deLeon to include \$25 million in the fiscal year 2002 Defense budget submission for R&D, in addition to \$400 million in the next version of the Department's Fiscal Years Development Plan, to cover construction costs. To ensure that funding for this project does not come at the expense of other critically needed bio-defense programs, I will soon meet with the Director of OMB. I am hopeful that I can explore with Mr. Lew ways to increase the top-line of the Defense budget to cover the expense of this project.

For too long DOD has pursued a flawed acquisition strategy that is a disservice to both the American taxpayer and our men and women in uniform. The Department must be weaned from its dependence on the private sector for the provision of critical biological warfare vaccines.

#### FIREARM HOMICIDES

Mr. LEVIN. Mr. President, last week I submitted a list of some of the high profile shootings that took place over the past two years and the casualties

that occurred as a result. That list was long, far too long. The number of shootings, in schools and public places, have claimed the lives of too many Americans, especially our young people.

I believe all of us want to know why children in the United States seem more vulnerable to gun violence than children in other industrialized nations? Some would argue that it is because American children are watching movies and television programs that are disturbingly violent. Some say that our children are lacking in religious influences. Certainly, these may be factors, and we should do everything we can to steer our kids in the right direction, but if we are going to protect children's lives, we must first and foremost limit our children's access to guns.

I have repeatedly made the point that Canadian children, who play the same video games and watch the same movies are much safer than their American counterparts. The reason—Canadian laws successfully limit minors' access to firearms while American laws do not.

How else can one explain that during the year 1999 in Detroit, Michigan there were 337 homicides committed with firearms (Source: Michigan State Police). For the same year, in Windsor, Ontario, a city less than half a mile away from Detroit, there was just a single firearm homicide (Source: Windsor Police Services). In one year, 337 firearm homicides in Detroit versus one in Windsor, even though the children in these cities often listen to the same radio stations and watch the exact same television programs. That is a shocking statistic, one that should jolt this Congress to action. Unfortunately, to my great disappointment, this Congress will adjourn without doing a single thing to protect our children from gun violence in Detroit or anywhere else in America.

#### EXPLANATION OF ABSENCE

Mr. ROCKEFELLER. Mr. President, I was absent from the Senate on the morning of Friday, October 27, 2000, during the vote on the motion to proceed to consideration of the conference report accompanying H.R. 2415, which contains the pending bankruptcy reform legislation. I was unable to return to the Senate in time for this unscheduled vote due to a commitment Friday morning in Charleston, West Virginia. Had I been in attendance in the Senate during that vote, I would have voted to proceed to the bankruptcy legislation.

My vote would not have changed the outcome of the vote on the motion to proceed.

#### ADDITIONAL STATEMENTS

##### THELMA RIVERS CELEBRATES 115TH BIRTHDAY

• Mr. HOLLINGS. Mr. President, it is with great pleasure that I recognize South Carolina's Thelma Frazier Rivers who will celebrate her 115th birthday on Nov. 3. Mrs. Rivers was born in Darlington County in 1885 and now lives in nearby Timmonsville in Florence County. She and her late husband, Horace, had 22 children and many of them, as well as plenty of grandchildren and great-grandchildren, will help her celebrate this remarkable occasion. Throughout her life, Mrs. Rivers has enjoyed working in her yard and serving at her church, Bethlehem Baptist, in Timmonsville. She was blessed with a beautiful singing voice which she has passed down to her children and grandchildren. She also has a flair for any kind of handiwork, including quilting, and she still enjoys sewing. "Everyone in Timmonsville knows Thelma," one of her daughters explained, and rightly so; Mrs. Thelma Rivers is truly a treasure. My wife, Peatsy, and I wish her continued health and happiness and the most joyful of birthdays.●

##### TRIBUTE TO KENNERLY ELEMENTARY SCHOOL

• Mr. ASHCROFT. Mr. President, I rise today to congratulate Kennerly Elementary School, in St. Louis, MO. Kennerly is one of nine schools to be named recently to the 2000 National Schools of Character in recognition of its exemplary work to encourage the social, ethical and academic development of its students through character education.

Sponsored by the Character Education Partnership, National Schools of Character is an annual awards program recognizing K-12 schools and districts demonstrating outstanding character education initiatives and yielding positive results in student behavior, school environment, and academic performance. Kennerly exemplifies its school motto "Friends Learning Together" by involving students, teachers, parents, and the community. Included in Kennerly's character education programs are a Character Plus Team, a Character Club, and a Character Cabinet.

As a strong supporter of character education, I am pleased to see that Kennerly's Character Education program has produced great results, both in academics, and in the social climate of the school. Academic performance has increased, and discipline problems have decreased. I have fought to increase the amount of funding available for character education because schools like Kennerly have demonstrated that character education