

in particular, Agent Tim McCarthy, positioned his body to intercept a bullet intended for the President. If Agent McCarthy had been even a few feet farther from the President, history might have gone very differently.

For the Secret Service to maintain this sort of close, unremitting proximity to the President and other protectees, it must have their complete, unhesitating trust and confidence. Secret Service personnel must be able to remain at the President's side even during confidential and sensitive conversations, when they may overhear military secrets, diplomatic exchanges, and family and private matters. If our Presidents do not have complete trust in the Secret Service personnel who protect them, they could try to push away the Secret Service's "protective envelope" or undermine it to the point where it could no longer be fully effective.

This is more than a theoretical possibility. Consider what former President Bush wrote in April, 1998, after hearing of the independent counsel's efforts to compel Secret Service testimony:

The bottom line is I hope that [Secret Service] agents will be exempted from testifying before the Grand Jury. What's at stake here is the protection of the life of the President and his family and the confidence and trust that a President must have in the [Secret Service]. If a President feels that Secret Service agents can be called to testify about what they might have seen or heard then it is likely that the President will be uncomfortable having the agents near by. I allowed the agents to have proximity first because they had my full confidence and secondly because I knew them to be totally discreet and honorable. . . . I can assure you that had I felt they would be compelled to testify as to what they had seen or heard, no matter what the subject, I would not have felt comfortable having them close in. . . . I feel very strongly that the [Secret Service] agents should not be made to appear in court to discuss that which they might or might not have seen or heard. What's at stake here is the confidence of the President in the discretion of the [Secret Service]. If that confidence evaporates the agents, denied proximity, cannot properly protect the President.

As President Bush's letter makes plain, requiring Secret Service agents to betray the confidence of the people whose lives they protect could seriously jeopardize the ability of the Service to perform its crucial national security function.

The possibility that Secret Service personnel might be compelled to testify about their protectees could have a particularly devastating affect on the Service's ability to protect foreign dignitaries. The mere fact that this issue has surfaced is likely to make foreign governments less willing to accommodate Secret Service both with respect to the protection of the President and Vice President on foreign trips, and the protection of foreign heads of state traveling in the United States.

The security of our chief executive officers and visiting foreign heads of

state should be a matter that transcends all partisan politics and I regret that this legislation does not do more to help the Secret Service by providing a protective function privilege.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate recede from its amendments numbered 2 and 4 and agree to the House amendment to the Senate amendment numbered 5.

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

#### CHIMPANZEE HEALTH IMPROVEMENT, MAINTENANCE, AND PROTECTION ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3514 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3514) to amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I take this opportunity to clarify some issues related to the Chimpanzee Health Improvement, Maintenance and Protection Act by entering into a colloquy with my colleague from New Hampshire, Senator BOB SMITH. Senator SMITH, as my fellow prime sponsor of the Senate version of this legislation, S. 2725, I would first like to address the House amendment to the bill, which would allow for the possibility of temporarily removing certain chimpanzees from a sanctuary for medical research? Is it your understanding that the purpose of the CHIMP Act is still to provide a permanent lifetime sanctuary for chimpanzees who have been designated as no longer useful or needed in scientific research?

Mr. SMITH of New Hampshire. My colleague from Illinois is correct. The bill calls on the scientists themselves to make the determination that a chimpanzee is no longer useful for research and to formally release the chimpanzee to the sanctuary system for permanent cessation of scientific experimentation.

The amended version of the legislation allows one exception: In that rare, unforeseen circumstance, where a specific sanctuary chimpanzee may be required because a research protocol he endured in the past, combined with a technological advance that was not available or invented at the time he was released, could provide extremely useful information essential to address an important public health need, then that chimpanzee may be used in research if, and only if, the proposed re-

search involves minimal pain and distress to the chimpanzee, as well as to other chimps in the social group, as evaluated by the board of the sanctuary. Of course, if a chimpanzee currently in a lab setting meets the same criteria, then the bill requires that the sanctuary chimpanzee not be used.

Mr. DURBIN. The amended version also requires that the research can only be sought by an applicant who has not previously violated the Animal Welfare Act, does it not? And it requires that if a chimpanzee is ever to be removed from a sanctuary for research, the chimpanzee must be returned to the sanctuary immediately afterward and all expenses associated with the departure, such as travel and ongoing care, must be borne by the research applicant. The chimpanzee should spend as little time away from the sanctuary as possible.

Additionally, before any proposed research use can be approved, the Secretary of Health and Human Services must publish in the Federal Register the Secretary's findings on each of these criteria, including the board's evaluation regarding pain and distress, and seek public comment for at least 60 days.

Mr. SMITH of New Hampshire. The Senator is correct on each of those points, which will serve to further limit the possibility of sanctuary chimpanzees being recalled for research. It is my intention, and the intent of the amended legislation, that any such research would rarely, if ever, take place.

Mr. DURBIN. I agree with my colleague from New Hampshire that the research exception is intended only to be exercised, if at all, under truly extraordinary and rare circumstances. There have also been concerns expressed by some that the CHIMP Act is too expensive. I think it would be helpful for us to address those concerns for the record.

Mr. SMITH of New Hampshire. I agree, it would be good to set the record straight on this issue. The federal government now spends millions of dollars each year for the maintenance and care of chimpanzees who are no longer used in medical research, but are being warehoused in expensive taxpayer-funded laboratory cages. The CHIMP Act will actually save taxpayers money because the sanctuary setting is so much less expensive to build and operate than laboratory facilities.

The Congressional Budget Office prepared a cost estimate for S. 2725, the legislation that you and I introduced in June. H.R. 3514, the House counterpart that is now pending in the Senate, is identical to S. 2725 in terms of the cost issues. The CBO concluded that "the cost of caring for a chimpanzee in an external sanctuary would be less expensive on a per capita basis than if

the government continued to house the animals in federally owned and operated facilities. Therefore, the government would realize a savings in the care and maintenance of the chimpanzees after 2002." CBO estimated the annual savings after initial sanctuary construction costs to be an average of \$4 million per year after 2002.

It costs \$8–\$15 per day per animal to care for chimpanzees in a sanctuary, where they live in groups in a naturalized setting. That is compared to the \$20–\$30 per day per animal that the federal government is now spending to maintain the chimpanzees in laboratory cages.

Even in terms of sanctuary start-up costs, taxpayers will benefit because sanctuaries are two to three times less costly to build than laboratory facilities for chimpanzees. While the federal government is now squandering very high-priced laboratory space warehousing surplus chimpanzees, the CHIMP Act will allow this space to be utilized for animals in research, reducing the need to fund new laboratory construction.

Mr. DURBIN. In addition, the CHIMP Act caps overall multi-year federal expenditures related to building and operating the sanctuary system at \$30 million, compared to the \$7 million spent now each year by the federal government for the care of chimpanzees in laboratories, as estimated by the CBO.

And this legislation creates a public-private partnership, to generate non-federal dollars that will help pay for the care of these chimpanzees. Right now, their care is financed strictly through taxpayer dollars. Under the bill, the private sector will cover 10 percent of the start-up costs and 25 percent of the operating costs of the sanctuary system.

Mr. SMITH of New Hampshire. I thank my colleague from Illinois for raising those points. I'd also like to address one other issue that may be on the minds of some of our colleagues. That is the question of euthanasia. Fiscal conservatives may question why we should worry at all about the long-term care of chimpanzees no longer used in medical research. The answer is: it's basically a cost of doing business. If the federal government wants to keep using chimpanzees for medical research, it has to assume the responsibility for their care after the research is done. This isn't just my opinion, as someone who cares about animals. It was the conclusion of the National Research Council, an esteemed body under the National Academy of Sciences, which was asked by NIH to investigate the problem of chimpanzees no longer used for biomedical research.

The NRC conducted a thorough three-year study and issued a report in 1997—Chimpanzees in Research: Strategies for Their Ethical Care, Management, and Use—which recommended

sanctuaries as an "integral component of the strategic plan to achieve the best and most cost-effective solutions to the current dilemma." The NRC report clearly rejects the option of euthanizing surplus chimpanzees, based on views strongly conveyed to the NRC by members of the scientific community as well as the public. "Many members of the public and the scientific community have called for continuing support for chimpanzees in an acceptable environment, rather than euthanizing them, even when they are no longer wanted for breeding or research. The committee fully recognizes the financial implication of this position in regard to lifetime funding for all animals and for additional space and facilities for an aging population." The report cites the close similarities between chimpanzees and humans, noting that "[t]here are practical as well as theoretical reasons to reject euthanasia as a general policy. Some of the best and most caring members of the support staff, such as veterinarians and technicians would, for personal and emotional reasons, find it impossible to function effectively in an atmosphere in which euthanasia is a general policy, and might resign. A facility that adopted such a policy could expect to lose some of its best employees." In other words, because chimpanzees and humans are so similar, those who work directly in chimpanzee research would find it untenable to continue using these animals if they were to be killed at the conclusion of the research.

Mr. DURBIN. Therefore, if the Federal government is to keep using chimpanzees to advance human health research goals, long-term care of the animals is a pre-requisite. This legislation will help ensure that the Federal government fulfills that responsibility in a more cost-effective and humane way than is currently done. I thank Senator SMITH for the opportunity to work together to enact this fiscally sound legislation that will better serve the taxpayers as well as the animals.

Mr. SMITH of New Hampshire. I thank Senator DURBIN and the rest of our colleagues for helping to get this legislation enacted before Congress adjourns. It is time to improve the lot of these animals and do right by taxpayers at the same time.

Mr. ENZI. Mr. President, I would like to ask the prime sponsor of the CHIMP Act if it is his intention that the federal share of funding for establishing and operating the national chimpanzee sanctuary system is to come out of NIH's budget?

Mr. SMITH of New Hampshire. Yes, it is my intention and the intent of the legislation that these funds will be drawn from the budget for the National Institutes of Health.

Mr. ENZI. So this legislation will not require additional funding over and above the NIH's annual appropriation?

Mr. SMITH of New Hampshire. That is correct.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3514) was read the third time and passed.

#### PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON ACT OF 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4493 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4493) to establish grants for drug treatment alternatives to prison programs administered by State or local prosecutors.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4361

Mr. GRASSLEY. Mr. President, it is my understanding that Senator HATCH has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. HATCH, proposes an amendment numbered 4361.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GRASSLEY. Mr. President, I ask unanimous consent the amendment be agreed to.

The amendment (No. 4361) was agreed to.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4493), as amended, was read the third time and passed.

#### ENHANCED FEDERAL SECURITY ACT OF 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4827 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4827) to amend title 18 United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of